

RESEMIOTISING TEXT MEANINGS

The UK Law Commission and the summary of consultation paper on surrogacy

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Abstract – Modern legislative drafting theory urges legislative drafters in common law jurisdictions to bare the text from preliminary provisions and to start as early as possible with the regulatory message that the government is trying to convey to citizens. In line with the present legislation needs, the UK Law Commission Annual Report 2018-2019 states that “We have a statutory duty to promote the reform of the law and continue to work hard in this area”, alongside the production of graphics, infographics, images and pictures “to explain in plain English each new law reform project”. In this paper, O’Halloran *et al.*’s 2016 concept of intersemiotic translation, which takes place within and across the semiotic products or artefacts resulting from resemiotisation processes (Iedema 2003), provides the theoretical basis for the research conducted on the UK Summary of Consultation Paper “Building Families Through Surrogacy. A New Law” (2018-2019). From the analysis of the semiotic resources deployed in the Summary, it is possible to see how they function as system of meanings (i.e. experiential, logical, interpersonal and textual) and are processed at various levels (Halliday 1978, 2013; Halliday, Hasan 1985; Halliday, Matthiessen 2014). As the analysis shows, the Law Commission of England and Wales and the Scottish Law Commission develop an innovative cultural/informative communication to propose a law reform project, and deploy different semiotic resources to construct a layman’s experience of the world, and the interpersonal relations, through a resemiotisation process.

Keywords: resemiotisation; text meanings; metafunctions; images; UK law reform.

1. Introduction

Legislative expressions are often criticised for missing the focus of the policy concepts that they wish to communicate. The ‘language of the law’ has been increasingly challenged and this questioning has been progressively encouraged by the consumer movement, otherwise called Plain English Movement, of the latter decades of the 20th century (Barnes 2006; Butt 2013; Williams 2004). In order to make legislative expressions clear, precise, unambiguous, on the one hand, and all-inclusive on the other, one of the most demanding challenges in the construction of legislative discourse is the nature and extent of specification of legal scope in the expression of legislative intentions (Bhatia 2004; Gibbons 1994). When preparing a text, legislative drafting theory urges modern legislative drafters in common law jurisdictions to start as early as possible with the regulatory message that the government is trying to convey to citizens (Stefanou, Xanthaki 2008; Xanthaki 2014). This is even truer for the UK Law Commission whose aim is to seek the public’s views on the issues most in need of reform and to improve the understanding and access to the law. Investigating the contemporary communication and the law, Kress observes:

there are many theories of what communication ought to be and how it might work. And then there is *power*. [...] Writing has traditionally been used to do certain communicational things

– *regulations* and *instructions* being just two. Then, there is officialdom. Bureaucracy assumes that as long something has been announced in writing it has been communicated and the rest will look after itself; or else it can be left to the law, where the excuse ‘but nobody could have read it in that time’ doesn’t count” [...]. However, simple points often have profound consequences for learning, for knowing and shaping information and knowledge, for attending to and communicating about the world and our place in it (2010, p. 5).

By tradition, legislative documents have shown a distinct preference for monomodality. Official documents, regulations, and the like, have conventionally come without illustration, and had graphically uniform, dense pages of print. Monomodality has always been an unquestioned assumption, with no deliberateness about choosing the modes for representation, and the framing for that representation (Du Gay 1996). In the legal domain, language has been the only means for the representation and communication of ‘rights and duties’, with a special attention to the lexical, syntactic, and textual resources: how they are used and organised in specific contexts (treaties, contracts, wills, norms, etc.), viz. the ‘legal style’. Yet, the monomodality dominance has recently begun to reverse (Boje 2001) within common law jurisdictions. Given the range of semiotic resources at disposal, multimodality is gradually moving into the centre of practical legislative communicative action, challenging its readers to consider the varied forms of meaning-making that extend beyond language and enhance the semiotic process (Kress, van Leeuwen 2001, 2006; LeVine, Scollon 2004).

In this paper the analysis focuses on the communicative strategies adopted by the UK Law Commission in the *Summary of Consultation Paper* “Building Families Through Surrogacy. A New Law”¹ to convey policy concepts as clearly, precisely, and unambiguously as possible by means of a variety of semiotic resources. To examine the selected linguistic data, first, I drew upon the *Critical Discourse Analysis* (CDA) approach to discourse (Fairclough 1992, 2001, 2013), analyzing micro-textual elements on specific patterns of use, such as those from the area of semantics (Davidson, Harman 2012; Facchinetti *et al.* 2012), or appraisal (Hunston, Thompson 2003). Then, the representation of legal concepts in the Summary of Consultation Paper discloses a trend towards an appreciation of meaning-making that falls under Iedema’s (2003, p. 33) consideration about ‘the multi-semiotic complexity of a construct or a practice’,

the re-visiting and blurring of the traditional boundaries between and roles allocated to language, image, page layout, document design, and so on. This blurring of boundaries among the different semiotic dimensions of representation has been linked, on the one hand, to changes in our ‘semiotic landscape’, and, on the other hand, to analysts’ realization that our human predisposition towards multimodal meaning making, and our own multi-semiotic development or ontogenesis, requires attention to more than one semiotic than just language-in-use.

From the investigation of the semiotic resources deployed in the Summary of Consultation Paper (hereafter, *the Summary*), it is possible to appreciate how they function as system of meanings (Halliday 2013; Halliday, Matthiessen 2014), and are processed at the level of meaning, context of situation (register), and context of culture (genres).

The paper is divided into 5 sections. After a brief introduction in Section 1, Section 2 deals with the topic providing definitions of resemiotisation, outlining some trends in semiotic and multimodal research, and suggesting interesting features of intersemiotic translation. Sections 3 provides context about the UK Law Commission and its work.

¹ The principal objective of the Law Commission of England and Wales and the Scottish Law Commission is to promote the reform of the law by reviewing areas of the law, and making recommendations for change.

Section 4 delves into the analysis of *the Summary*, focusing on the linguistic and discursive levels first (Subsection 4.1), and then moves to the socio-semiotic level (Subsections 4.2 and 4.3). Section 5 summarises the findings and presents some final remarks for future research.

2. Defining resemitisation

Introduced in the field of social semiotics (Hodge, Kress 1998; Kress 2009), the term ‘resemitisation’ was first used by Iedema (2003) in his seminal work “Multimodality, resemitisation: extending the analysis of discourse as multi-semiotic practice”. With the aim of providing a complementary perspective to that of multimodality, he believes that resemitisation offers the analytical tools to trace how semiotics are translated one into another as the social process develops, as well as why certain semiotics, rather than others, are organised to do certain things at certain times. Semiotic resources are defined as having a meaning that is captured in terms of interconnected systems of meanings. By focusing on the unfolding and rearticulation of meaning across modes and modalities, and from some groups of people to others (Iedema, 2003; Scollon, Scollon 2004; Scollon 2008), resemitisation emphasises the need for a socio-cultural and historical investigation of the complex phenomena that constitute and surround the meaning-making processes (Debray 2000). This approach, O’Halloran and Smith (2011, p. 3) observe,

acknowledges that most, if not all studies, no matter how focused on an issue of general relevance or a specific domain of application, contribute both to the development of our understanding of multimodality in general as well as to the application of that understanding to the study of specific domains of multimodality.

Investigating resemitisation and social media, Leppänen *et al.* (2014) observe that resemitisation creates a dialectical and dynamic tension between the patterns, or Bourdieu’s ‘scheme transfer’ (1984, 1990), drawn from previous contexts and the new forms and meanings that resemitisation gives rise to. However, as Lemke warns (1998), the process of ‘making phenomena more legible’ might restraint the way people recognise them within the parameters of the mediational system deployed, with a potential drawback of distorting the phenomena themselves. Indeed, different semiotic modes involve potentials and limitations when it comes to the different kinds of meanings that can be made with them (Aguiar, Queiroz 2009; Jones 2015; Kress 2010; Raczynski, Di Clemente 1999). It might be possible, for instance, to resemitise a table of numbers, a written narrative, an image or photograph; yet, each of these different forms of semiosis will bring different ways of knowing about and understanding that table of numbers, written narrative, image or photograph in different ways (Jones 2013). Resemiotisation, therefore, makes possible the process of translating whatever has been extracted from the actual experience into different forms of semiosis (i.e., words, figures, numbers, graphs, etc.) in order to render it meaningful. This tendency towards a ‘reification of knowledge’, Jones (2020, p. 209) writes, helps communication “to take on a more and more solid material existence”. For instance, studies in healthcare prevention campaign (Pickering *et al.* 2016; Raczynski, Di Clemente 1999) have shown that presenting health information by means of different modes and/or different contexts, makes available ‘new practices of reading bodies’ (Jones 2013) and helps people to think and act differently about their health condition.

Given the increasing production of different forms of multimodal texts in digital environment, semiotic resources, such as language and image resources, frequently

coexist, cooperate, and get translated (Kourdis 2015, p. 311). The continuous translation of signs into other signs as social processes unfold (Iedema 2003; Kourdis, Yoka 2014), makes the basis of a cultural communication that O'Halloran *et al.* (2016) describes as 'intersemiotic translation', de facto broadening Jakobson's definition (1959) to include translations across non-linguistic semiotic resources:

The assumption so far appears to be that intersemiotic translation involves translation between texts, taking meanings from one text and transposing them as accurately as possible into another text. While this is probably the most important aspect of intersemiotic translation for professional translators, there is also the phenomenon of intersemiotic translation within a text to consider. That is, in the same text meanings encoded by one semiotic resource are often re-encoded, or resemiotised, through another semiotic resource: for example, information in a graph could be re-expressed in language or a photograph could be resemiotised as an infographic. Phenomena such as these are important for people designing and creating these texts and for the people who read and view them (O'Halloran *et al.* 2016, p. 203).

O'Halloran *et al.*'s (2016) concept of intersemiotic translation, which takes place within and across the semiotic products or artefacts resulting from resemiotisation processes (Iedema 2003), offers a theoretical framework for the analysis of multimodal texts. The Halliday's (1978) Systemic Functional Theory provides the essential tools for demonstrating how intersemiotic translation operates in the text analysed and the semantic expansion that eventually occurs (i.e., meaning-change across the semiotic resources that are different in their nature). The approach to multimodal analysis is based on a theory of meaning in which semiotic resources are hypothesised as interconnected systems that together create and shape communication (Halliday, Hasan 1985, 1989). Based on Halliday's theory, these systems of meanings are organised according to 'metafunctions' that the resources have in practical contexts: (i) the *experiential* and *logical meanings* structure the experience of the world by the content component of language (mainly in terms of participating entities, processes and circumstances); (ii) the *interpersonal meaning* constructs social relations using language to act (i.e., asking questions, giving information, etc.), and/or express subjective judgments and opinions; (iii) the *textual meaning* transposes experiential, logical, and interpersonal meanings into messages (i.e., texts are created by indicating topic and relevance in the language used) (Halliday, Matthiessen 2014; Martin, Rose 2007; O'Toole 2011). Eventually, "multimodal semiosis results in an expanded meaning potential derived from the integration of different metafunctional capabilities" where "intersemiotic translations permit semantic expansions which extend beyond those possible with one resource alone" (O'Halloran *et al.*'s 2016, p. 205).

The analysis of the meanings that arise in *the Summary* with the linguistic text, infographics, images, and pictures, draws on insights from the systemic functional approach to multimodal discourse analysis, particularly the models of O'Halloran's *et al.* (2016), to further explore the intersemiotic translation between language and images (Lim 2004; Martin 1992; Martinec 1998; O'Halloran 2008; Royce 2007). Within this context, the resemiotisation process (Iedema 2003) is explored using the concepts of metafunctionally organised systems of *meaning*, *context of situation (register)*, and *context of culture (genres)*. As we will see in Section 4, the text and image systems are organised according to discourse semantics and lexico-grammar for language (Halliday, Matthiessen 2014; Martin, Rose 2007), whereas photographs and figure systems are organised for image (Kress, van Leeuwen 2006; O'Toole 2011), as shown in Table 1 below.²

² Adapted from O'Halloran *et al.*'s (2016) 'Text and image systems'. The systems are organised according to different ranks of constituency for each resource. For example, the text and image systems are organised

<i>experiential meaning</i>		
	Rank	System
LANGUAGE	text and discourse semantics *****	ideation / taxonomic relations *****
	clause lexico-grammar	processes / participant roles /circumstance
	Rank	System
IMAGE	work *****	narrative theme/ setting *****
	episode *****	processes/participant roles *****
	Figure	posture /dress
<i>interpersonal meaning</i>		
	Rank	System
LANGUAGE	text and discourse semantics *****	exchange structure / speech function *****
	clause lexico-grammar	mood / declarative or interrogative
	Rank	System
IMAGE	work *****	angle; camera distance / lighting *****
	episode *****	proportion in relation to the whole image / focus / perspective *****
	Figure	gaze-visual address
<i>textual meaning</i>		
	Rank	System
LANGUAGE	text and discourse semantics *****	reference / retrieval *****
	clause lexico-grammar	information focus
	Rank	System
IMAGE	work *****	compositional vectors / framing *****
	episode *****	relative placement of episode *****
	Figure	relative placement of the figure within the episode

Table 1
Text and image systems – experiential, interpersonal, and textual meanings.

Despite a general growing awareness of how different semiotic resources coexist and interact in an increasing number of fields, the amount of research carried out by discursal and social semiotic scholars on multimodality in legal language is currently minor. To the best of my knowledge, only a few studies yield valuable insight into forensic linguistics (Conley *et al.* 2019; Matoesian, Gilbert 2018; Yuan 2018), institutional discourse (Zollo

according to discourse semantics and lexico-grammar for language; and work, episode and figure for image.

2014), or legal discourse performed by web-mediated technologies in professional contexts of communication (Tessuto *et al.* 2020). This study attempts to address this gap looking at the linguistic/discoursal and visual resources used in legislative language to inform the public on the issues most in need of reform, and improve the understanding and access to the law.

3. Law Commission

Created by the Law Commissions Act 1965 for the purpose of reforming the law, the Law Commission of England and Wales and the Scottish Law Commission (hereafter Law Commission) is a statutory independent body within the UK institutional framework.³ Its principal objectives are to promote the reform of the law by reviewing areas of the law, making recommendations for change, and ensure that the law is as fair, modern, simple, and cost-effective as possible. A typical law reform project follows five stages:⁴

1. initiation - Law Commission decides on the remit of the project, in conjunction with the relevant Government department;
2. pre-consultation – Law Commission conducts a study of the area of law and identifies potential weaknesses. At this stage interest groups and specialists in the area may be approached to produce preliminary scoping and issues papers;
3. consultation – Law Commission issues a consultation paper that sets out in detail the existing law and its flaws, giving the arguments for and against the possible solutions;
4. policy development – Law Commission analyses the responses to the consultation, which will help the Commission develop and improve its thinking. At this stage further issues papers and consult on some or all of the draft Bill may be produced;
5. reporting – Law Commission submits a report to the relevant Government department, giving the final recommendations and the reasons the Law Commission is making them.

Since 1965, every three or four years the Law Commission has set out the areas it intends to work on for the next few years. In July 2016, the 13th Programme of Law Reform consultation was launched to seek the public’s views on the issues most in need of reform. The consultation received the largest ever volume of responses with over 1,300 submissions covering 220 different topics. From those suggestions, in December 2017, the Law Commission chose 14 topics for the new Programme. All have an acknowledgement from Government that there is a serious intention to reform the law in the relevant area, and ‘surrogacy’ is among the projects proposed. According to the Law Commission, ‘surrogacy’ is the practice of a woman (referred to as the “surrogate”) becoming pregnant with a child that may, or may not, be genetically related to her, carrying the child, and giving birth to the child for another family (referred to as the “intended parents”). As indicated in The 13th Programme of Law Reform webpage, the current project status is still ‘ongoing’.⁵

As officially stated in the Law Commission Annual Reports 2016-2017, and restated verbatim in the following two Annual Reports (2017-2018 and 2018-2019), the

³ The Law Commission is headed by five Commissioners all of whom are appointed by the Lord Chancellor. <https://www.lawcom.gov.uk/about/who-we-are/> (27.09.2020).

⁴ <https://www.lawcom.gov.uk/> (27.09.2020).

⁵ <https://www.lawcom.gov.uk/> (27.09.2020).

Law Commission has ‘a statutory duty to promote the reform of the law and continue to work hard in this area, alongside the production of graphics, infographics, images, and pictures with the specific aim “to explain in plain English each new law reform project”.⁶ Patently, the intention of the Law Commissioners is to use clear, precise, and unambiguous expressions on the one hand, and all-inclusive on the other, with the aim to convey messages that can be easily understood by laymen. To reach this goal, namely, explaining and popularising its content, consulting the public and engaging their participation, the Law Commission officially states the intention to resort to other semiotic resources in an attempt to shorten the distance traditionally existing between legislative bodies and citizens.

4. Analysis

4.1. *The Summary: a linguistic analysis*

The UK Consultation Papers (hereafter CPs) are designed to lead the public debate that will inform later policy decisions. In some areas provisional proposals are made suggesting how Law Commission thinks the law should be reformed and asking consultees whether they agree. Recognising the fact that the ‘CP on Building Families Through Surrogacy. A New Law’ might be lengthy and in some places unavoidably technical, and aiming at a paper that might be as accessible as possible for all readers, regardless of their background, previous knowledge, or experience of surrogacy, Law Commission has published an “Easy-Read version of this Consultation Paper, containing a summary of its key proposals”.⁷ The resulting text has a total amount of 7,757 tokens, against the total amount of 108,500 tokens of the CP to which *The Summary* refers to.

In terms of internal structure, being the Law Commission’s aim to write a summary that is brief (relative to the size and scope of the CP being summarised), and presents a succinct, clear, and accurate synopsis of the major points of the CP in a format that it is easier to read than the language used in the latter, *the Summary* does not present sections numbered consecutively, but provides a bookmark or menu entry, as a shortcut to a previously viewed location, and organised into seventeen units or paragraphs. Namely,

- “This Consultation” presents a set of questions and provides the corresponding answers;
- “This Summary” gives an outline of *the Summary*;
- “Responding to our Consultation” provides the websites and email address for the public consultation;
- “Introduction” and “An overview of our reforms” set out a brief account of the current law on surrogacy and the related problems, before explaining the provisional proposals the Law Commission recommends;
- “The current law of surrogacy” recalls the most important pieces of legislation relating to surrogacy;
- “The problems with the current law” accounts for the major problems related to the current legislation on surrogacy;

⁶ <https://www.lawcom.gov.uk/document/annual-reports/> (27.09.2020).

⁷ <https://www.lawcom.gov.uk/> (27.09.2020).

- “A new pathway to legal parenthood” and the “Genetic link” present and describe the different approach to the current route of obtaining a parental order;
- “Regulation of surrogacy arrangements” proposes the creation of ‘regulated surrogacy organisations to monitor compliance with the requirements of the new pathway’;
- “The parental order route to legal parenthood” and the “Reform applying to both the new pathway and the parental order route” provide an overview of the parental order route and the application of the proposed reforms;
- “Access to information about surrogacy arrangements” establishes the right of a child born through surrogacy to access full information about how they were conceived and born, and the proposal for the creation of a national register of surrogacy;
- “Payments to the surrogate by the intended parents” deals with the payments made by the intended parents to the surrogate acknowledging that ‘people have strongly held and opposing views on this issue’;
- “International surrogacy arrangements” indicates the three key areas for international surrogacy arrangements (i.e. nationality, immigration, legal parenthood);
- “Other issues” simply makes a reference to Chapter 17 of the CP about a discussion of other areas of the law and policy interacting with surrogacy, whereas “Conclusion” provides the relevant institutional websites.

With the overt intention to shorten the distance existing between legislative bodies and citizens and provide an ‘easy-read version of CP’, *the Summary* presents a ‘conversionalised’ (Fairclough 1992) institutional discourse, where the distinction between ordinary conversation and formality does not exist since both spheres colonize each other (Zollo 2014). This is particularly evident from the very first paragraph (“This Consultation”) of *the Summary* presenting six questions - *What are we doing?*, *What is it about?*, *Why are we consulting?*, *Who do we want to hear from?*, *What is the deadline?*, *What happens next?* - placed to organise information and draw the reader into the topic. Each of these questions is followed by an answer to explain what the Commission does and what *the Summary* has been set forth (Figure 1).

Who are we?	The Law Commission of England and Wales and the Scottish Law Commission are independent bodies established by statute to make recommendations to government to reform the law in England and Wales, and in Scotland.
What are we doing?	Conducting a public consultation on our provisional proposals to reform the law governing surrogacy.
What is it about?	Surrogacy – where a woman becomes pregnant and gives birth to a child for another family.
Why are we consulting?	We are seeking views on our provisional proposals and asking questions. Your views will be carefully considered when we decide on our final recommendations.
Who do we want to hear from?	We are keen to receive comments from as many stakeholders as possible – including those who have been, are, or may be involved in surrogacy arrangements – whether they agree or disagree with our provisional proposals.
What is the deadline?	The consultation closes on 27 September 2019.
What happens next?	After reviewing all responses, we will decide on our final recommendations for law reform, which we will publish in a report, accompanied by a draft bill (legislation) in 2021.

Figure 1
This Consultation.

Noticeably, the use of direct questions is a linguistic strategy to make the reader immediately understand what the content of *the Summary* is about, and knows the institutional bodies officially taking part in it.

In terms of *experiential and logical meanings*, the paragraphs ‘This Summary’ and ‘Introduction’ set the tone and the register of the document, structuring the experience of the world by the content component of language (i.e. participating entities, processes, and circumstances):

- (1) *This Summary does not summarise all of the provisional proposals and questions set out in our detailed Consultation Paper. Instead, it explains what the project is about, provides some context, and then highlights key issues discussed in the Consultation Paper. This Summary only provides an overview of those key issues* (2018-19, p. 2) (My italics).
- (2) *The surrogacy reform project is being undertaken jointly by the Law Commission of England and Wales, and the Scottish Law Commission. Work began in May 2018 and we expect to publish the report, containing recommendations for reform of the law, in 2021. We anticipate that this will be accompanied by draft legislation that will set out the new law governing surrogacy arrangements in the UK”* (2018-19, p. 3).

As the readers need to feel the information being given is relevant, some linguistic strategies are used in *the Summary* to attract their attention. In this case, the analysis reveals an interesting number of occurrences of *we/our/us*. This may be due to the intention of the discourse producers to provide a clear reference to the Law Commissions or the UK institutional organizations themselves:

- (3) *Our* focus in the project is therefore on improving how surrogacy operates. *We* believe that while society and attitudes have evolved, the law has not done so sufficiently (2018-19, p. 4).
- (4) *We* also believe that *our* proposals reflect the autonomy of women who have told *us* that the existing law does not reflect what they want to happen when they agree to become a surrogate (2018-19, p.12).

In particular, the use of inclusive *we* (121 occurrences), *our* (36 occurrences) and *us* (3 occurrences) pronouns helps to discursively construct an intimate tone between *the Summary* producers and the target-readers (Wales 2008; Fairclough 2013), and similarly the target-readers to feel part of a universal community (Hunston, Thompson 2003; Ott, Walter 2000).

On the other hand, the use of the personal pronoun *you* (6 occurrences) and the possessive adjective *your* (3 occurrences), even though present in a fewer number when compared with the first-person plural pronoun/adjective, is a strategic technique to create an equal and sympathetic relationship with the target readers (Fairclough 2001):

- (5) [...] *you* are encouraged to read our full Consultation Paper, or the relevant parts of it. *You* do not have to respond to all the questions in our Consultation (2018-19, p. 2).
- (6) *Your* views will be carefully considered when we decide on our final recommendations (2018-19, p. 2).
- (7) [...] helping *your* child understand the circumstances of their birth (2018-19, p. 4).

The pronoun *you* represents the key discursive technique used to create what Fairclough (2001) defines a ‘synthetic personalization,’ referring to the manipulation of interpersonal meanings and forms for intentional and strategic purposes. This strategy helps to locate a target-reader’s identity as participant in the institutional discourse and encourages them to take a participative role in the reform of the current law of surrogacy.

Overall, sentences are usually short and technical jargon is rarely used. Active voice is the norm (“Our focus in the project *is* therefore...,” “The new pathway to parenthood *takes* a different approach ...,” “Our project *does not seek*...”), with very few instances of passive voice (“IVF *will be used* to conceive the child”) and serves to discouragely construct a set of responsibilities for readers as active participants, who are presented with possible scenarios and actions to think about and act upon individually:

- (8) We *hope* that our Consultation Paper *inspires* open debate and *encourages* consultees to make known their views, whether or not they *agree* with our proposals (2018-19, p. 12).

The passive voice, when used, creates a distance from the action presenting a logical explanation and making the statements less threatening:

- (9) The parental order requires the consent of the surrogate, and the law says that her consent *can* only validly *be given* once that period of time *has passed* (2018-19, p. 5)
 (10) Although *it is difficult to be sure*, *it appears* that international surrogacy arrangements may account for up to half of surrogacy arrangements entered into by UK-based intended parents (2018-19, p. 19)

Modals, such as *should* (37 occurrences), *can* (16 occurrences), *could* (11 occurrences), *may* (10 occurrences), *might* (1 occurrence), accommodate general epistemic statement about what is ‘advisable’, ‘possible’ or ‘probable’:

- (11) We propose that the new pathway *should* only be suitable for surrogacy arrangements in which all the elements of the process take place in the United Kingdom (we refer to these as “domestic” arrangements). Where intended parents seek to become the legal parents of children born as a result of international surrogacy arrangements, we consider that they *should* have to seek a parental order after the child’s birth (2018-19, p. 9).
 (12) The court *may* then be asked to decide the separate question of with whom the child *should* live (2018-19, p.13).

Here, a variety of elements are shown as ‘possible’ or ‘probable’ in the new route for intended parents to gain legal parenthood, conveying the Law Commission’s representation of reality in authority-marking scheme, and eventually reinforced by the expressions *we propose* (32 occurrences), *we think* (6 occurrences), *we believe* (5 occurrences).

Interestingly enough, *must* (6 occurrences) substitutes *shall* (0 occurrences) in its mandatory function (“In order for the court to make a parental order, certain requirements *must* be met”), or to impose a legal obligation on the reader (“the law states that intended parents *must* apply for a parental order within six months of the birth of the child”). This is perfectly in line with the modal revolution in legal writing and the growing tendency of ‘shall-free legislation’ (Garzone 2013, p. 69) embraced by the Plain English Movement (Williams 2006), and clearly stated in the “UK Office of Parliamentary Counsel (OPC) Drafting Guidance 2011”.⁸

The micro-linguistic data examined from CDA perspectives have shown the most relevant elements (i.e., pronouns, adjectives, active/passive voice, questions, modal verbs,

⁸ Paragraphs 2.1(17) “OPC policy is to minimise the use of the legislative ‘shall’”, and 2.1.(18) “There are various alternatives to ‘shall’ which can be used, depending on context: - “must” in the context of obligations (although ‘is to be’ and ‘it is the duty of’ may also be appropriate alternatives in certain contexts)” at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61010/Office_of_the_Parliamentary_Counsel_revised_guidance_16_12_11.pdf (27.09.2020).

etc.) that shape aspects of knowledge and relationships in the language and discourse of legislative bodies deployed in *the Summary*. Linguistic data, such as pronouns *we* and *you* co-occurring with other grammatically structured features of the texts, reveal a specific interest to construct direct concern and contact with the UK citizens, who are encouraged to take an active role in reforming the law governing surrogacy. In order to make the original text (i.e., the “CP on Building Families Through Surrogacy. A New Law”) more comprehensible and palatable to the addressees, the original source has been shortened, conversationalised (Fairclough 1992), and eventually implemented with different semiotic modes (Adolphs, Knight 2020; Bateman 2014; Kress, van Leeuwen 2006) as we will see in Subsections 4.2 and 4.3.

4.2. Resemioting text meanings and infographics

At this point, the analysis has concentrated on the meanings that arise from the resemitotising process between linguistic text, infographics, diagrams, and photographs present in *the Summary*.

Figure 2 shows an infographic from page 4 of *the Summary* and placed in the ‘Introduction’ paragraph. The infographic exemplifies the resemitotisation between language and graphics. The focus of the discussion is directed towards resemitotisation through the textual and experiential metafunctions. The infographic consists of a table with two columns and five rows. The columns, which represent the time span in legislation (1985 the left column – 2019 the right column), are concerned with the significant advances in society, attitudes, and the law that have been issued in the field of surrogacy. The parts are separated from each other by a straight blank space vertically down the centre. Despite being separated, they are also unified compositionally by having much the same general layout of prominent, stylised images that use the same colours and basic shapes supporting text. The position of the images suggests a reading/viewing path, functioning as the topic for their respective parts. The accompanying text presents new information related to its topic. Each image resemitotises some of the information in the written text, reinforcing and highlighting its function as salient new information.

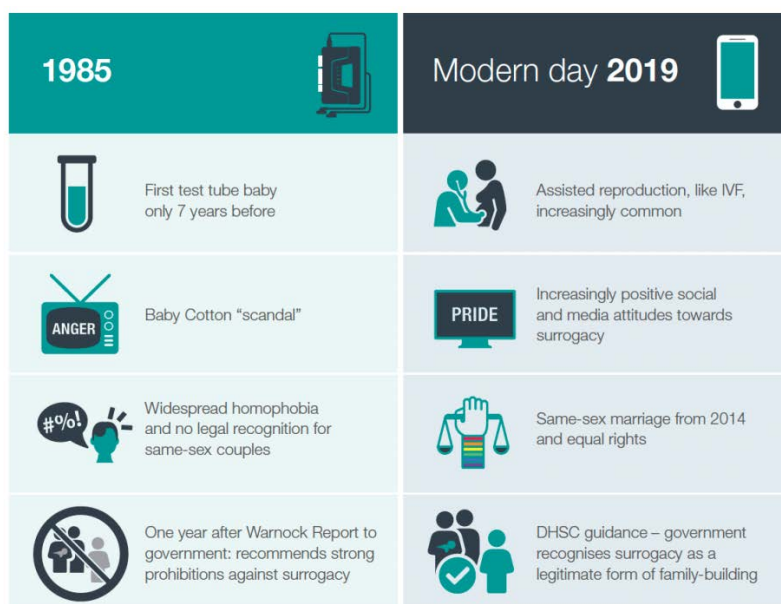


Figure 2
Introduction.

Some of the features noted in the textual organisation of the infographic are also echoed in its ideational organisation. Notably, participants in the main processes in the language of the infographic are also encoded in the images. For example, in the right column, the text lists *assisted reproduction*, *legitimate form of family-building*, *media attitudes*, and *equal rights* among the progress occurred in the UK society and legislation. The progress also shares taxonomic lexical relations as co-hyponyms and hyponyms of ‘reform’. Three areas where progress has been made (*legitimate form of family-building*, *media attitudes* and *equal rights*) are resemiotised as stylised, but quite congruent, images (see Figure 2). In this way, entities in the linguistic text are intersemiotically translated into visual processes with human participants as well as a relational process with a material object (a TV set and the scale). This intersemiosis creates a visual connection from the abstract entities in the images and written text to the concrete material world of human life that is visually depicted in order to explain how the changes in the surrogacy reform can be identified. However, the analysis reveals that some parts of the written text in the infographic (Figure 2) are not sufficiently clear and one needs to get back to the corresponding CP in order to understand and contextualise the meaning. This is the case of the expressions *Baby Cotton ‘scandal’* and *Warnock Report* in the left column, third and fourth rows respectively. The CP mentions the *Baby Cotton ‘scandal’* and the *Warnock Report* in the “The Historical Development of Surrogacy” paragraph

- (13) the most famous surrogacy case in the UK also occurred in 1985, when the Baby Cotton case hit the headlines. This case involved a surrogate, Kim Cotton, who was paid £6,500 to carry a child for an anonymous couple from the USA. This arrangement attracted enormous publicity, and provoked great controversy at the time (CP, 1.11).

Then, the CP acknowledges that the *Warnock Report*

- (14) recommended, therefore, that the creation or operation of commercial and non-profit surrogacy agencies should be criminally prohibited. They also recommended that all parties in a surrogacy arrangement be criminally sanctioned, other than the surrogate and the intended parents (in order for the child to avoid what they called the “taint of criminality”) (CP, 1.16).

Without this important information on the historical development of surrogacy in the UK, the flow of information in the infographic is impaired by the written text, both in the infographic and the linguistic text accompanying the “Introduction” and not explaining the meaning of the expressions *Baby Cotton ‘scandal’*” and *Warnock Report*.

Other three infographics considered in the analysis are placed in “An overview of our reforms” and “Access to information about surrogacy arrangements” paragraphs of *the Summary*, where the Law Commission accounts for: (i) the important changes that have occurred in the scope of who can obtain a parental order (Figure 3); (ii) the requirements for a parental order, i.e. a legal mechanism to transfer legal parenthood to the intended parents and to extinguish the surrogate’s legal parenthood⁹ (Figure 4); and (iii) the Law Commission’s proposals relating to the ability of a child born through surrogacy to access full information about how they were conceived and born (Figure 5).

⁹ As explained in *the Summary*, since 1994, there has existed a legal mechanism to transfer legal parenthood called a parental order. Currently, the rules governing parental orders are set out in sections 54 and 54A of the Human Fertilisation and Embryology Act 2008. As well as transferring legal parenthood, a parental order also provides the intended parents with parental responsibility (in England and Wales) or parental responsibilities and parental rights (in Scotland).

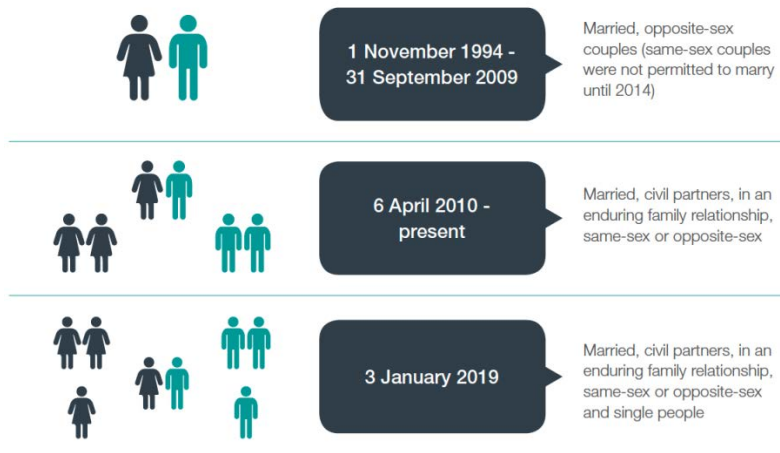


Figure 3
An overview of our reforms.

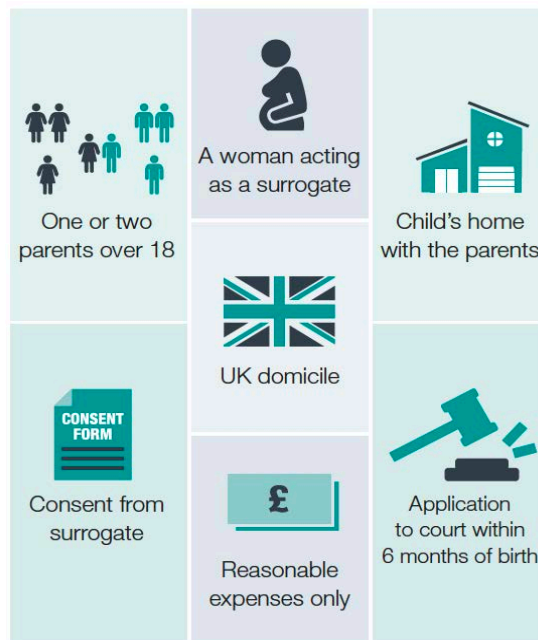


Figure 4
The current law of surrogacy.

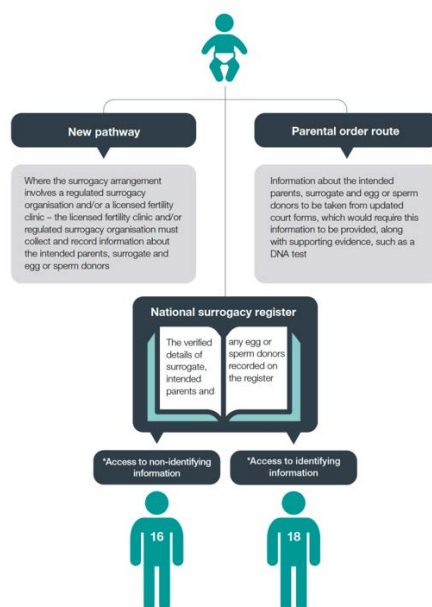


Figure 5
Access to information about surrogacy arrangements.

As can be observed in Figures 3, 4, and 5, the text would still make sense without the images, but its message would be much more abstract without the accompanying images. The pictures in the graphics are highly stylised to the bare minimum required to be unambiguous for the purpose of providing information to the reader.

The fifth infographic (Figure 6) present in the Summary in “A new pathway to legal parenthood” paragraph looks slightly different from all of the other ones previously analysed.

The resemiotisation here has the effect of highlighting the significant role of Law Commission in creating and supporting a new route through which the intended parents become the legal parents of the child born of the surrogacy arrangement. As the analysis shows, the infographic resemiotises language and graphics, with the linguistic text and the graphics appearing simultaneously as one multimodal text. The focus of the discussion is directed towards resemiotisation through the textual and experiential metafunctions. In this case, the infographic illustrates a journey through the world of legal parenthood as periods/phases differentiated by the background colour (i.e., *Pre-conception* in light grey, *Pregnancy* in light baby-blue, and *Post-birth* in light green), along a lane with lots of road bends. Readers explore this fictional world along a path that weaves between lands of topics highlighted with images, street signs and written text. Each topic is indicated by the traffic signs, seemingly indicating ‘no vehicles’,¹⁰ that serve to signpost the sites/stages which the intended parents have to cover in order to reach the final destination, i.e. the *registration of intended parents as legal parents*. Directional cues function as visual indicators guiding readers’ eyes towards specific parts of the infographic. For instance, the size of the lane enlarging towards the bottom of the infographics not only gives some perspective to the image itself, but also indicates which information should be read first (from the top to the bottom).

¹⁰ Within the UK, signs with red circles are mostly prohibitive.

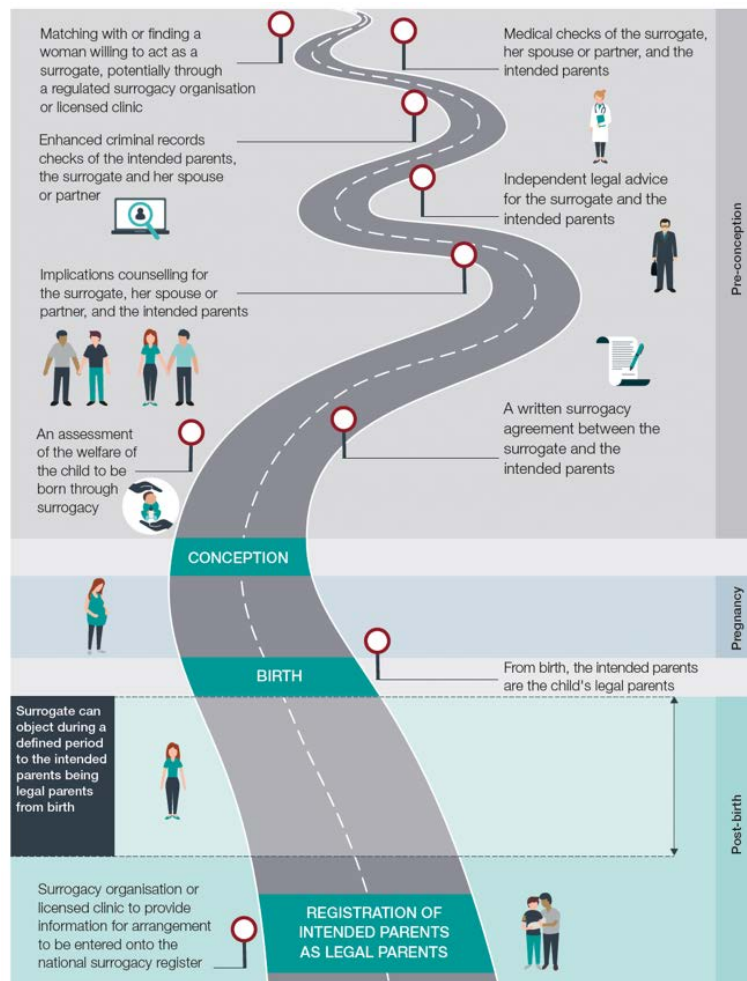


Figure 6
A new pathway to legal parenthood.

The second half of the lane is horizontally separated by three green colored pavements highlighting the end of each ‘new pathway’s phase’ towards the final destination, i.e. ‘the legal parenthood’, and visually recognisable by *Conception*, *Birth*, and *Registration of Intended Parents as Legal Parents* as headings. These headings are thematic and serve as the topic for their respective parts. Despite being separated, they are unified compositionally by having much the same general layout of a bold, large heading placed vertically to the right of the page, smaller supporting text and stylised images that use the same colours and basic shapes. Textually, the position of the ‘traffic signs – no vehicles’ suggest a reading/viewing path based on written English and images. The accompanying text presents new information and each image resemitotises some of the information in the written text, reinforcing and highlighting its function as salient new information.

Some of the features noted in the textual organisation of the infographic (Figure 6) are also echoed in its ideational organisation. In terms of the resemitotisation of experiential and interpersonal meaning, the gender and profession of the participants are expressed in terms of stylised images and the corresponding clothing. For example, in the top right part, the text lists *medical checks*, *legal advice* and *written surrogacy* among the child’s welfare safeguards before the child is conceived. These safeguards are resemitotised as stylised, but quite congruent images (see Figure 6). In this way, entities in the linguistic text (i.e. *medical checks*, *legal advice*, and *written surrogacy*) are

intersemiotically translated into human participants in a stylised dress (the female doctor and the male legal representative) as well as a relational process with a material object (a written agreement). This intersemiosis creates a visual connection from the entities in the headings and written text to the concrete material world of human life which is visually depicted in order to explain the child's welfare safeguards before the conception.

The other parts in the larger infographic also resemiotise linguistic participants as visual processes and participants. This creates a logico-semantic relationship where the meaning of the images depends on language: that is, the written text in the infographic is necessary to interpret the images. This is the case of the new pathway's last phase (i.e., the *Post-birth*), where the female image on the right side of the lane makes sense because of the written text in the black box next to her, which catches the attention of the viewer to the surrogate's right to object during a defined period to the intended parents being legal parents from birth.

4.3. Resemiotising different media

The photographs and linguistic text displayed in *the Summary* realise experiential, interpersonal and textual choices, where the choices are made from different systems. The results of these choices, when combined, realise meanings which are different from those realised by each semiotic resource. This is the case of the front-page of *the Summary* that shows a large scale lower half-length photo of a seemingly newborn baby having his/her tiny feet in a prominent place, with someone's hand placed securely under baby's bottom. The name of the two Commissions, and each relevant logo, are placed on the top of the front-page (i.e., *Law Commission's* on the top-left corner, and the *Scottish Law Commission's* on the top-right corner), whereas the name/topic of *the Summary* - "Building Families through Surrogacy: a New Law. Summary of Consultation Paper" - is placed on the bottom of the page as shown below (Figure 7).

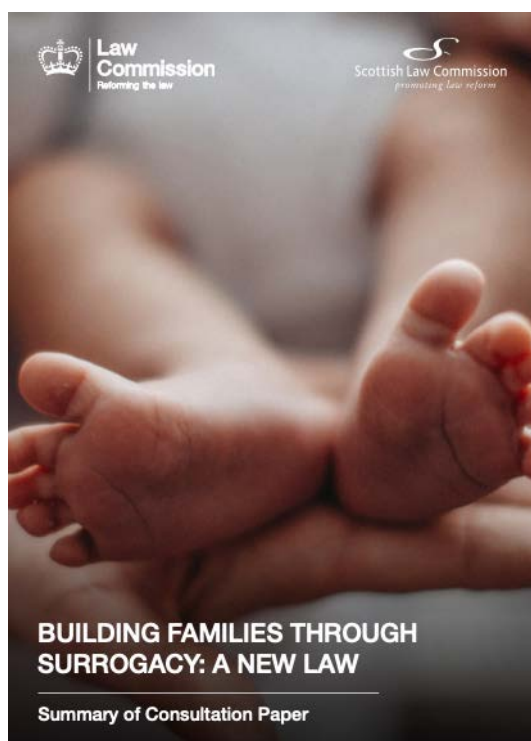


Figure 7
The Summary front page.

In terms of experiential content, the age of the central character of ‘surrogacy’, i.e. ‘a child for a new family’, is clear since the baby is shown as he/she appeared in real life. Compositionally, the tiny baby’s feet are placed in the centre, whereas part of the adult’s hand is on the background, with no information for the gender of the baby, nor the adult holding him/her. The foregrounding emphasises the relative larger size of the baby. Interpersonally, there is a clear intention to direct the gaze-visual address towards the social relations involved in surrogacy, viz., ‘the law governing surrogacy and a child for another family’. Whether the photograph is viewed after reading *the Summary*, or *the Summary* is read after viewing the photograph, the meanings which can be made from each, both individually and together, are different from the meanings which are made by each resource in isolation. This transference of meaning is also multi-directional, and each time a reader moves from image to text or the other way around, something new emerges that changes how both are perceived. Throughout *the Summary*, information flows from the beginning to the end of the text in waves of different scales (Martin, Rose 2007), and the position of that information tells the reader whether or not it is prominent as thematic or new information. In the photograph all the information is presented simultaneously and different resources such as *foregrounding*, *parallelism* and *relative position* and *proportion* in the work as a whole are used to identify points of prominence (Kress, van Leeuwen 2006; O’Toole 2011).

In the case of the photograph showing the globe (Figure 8) and placed in the “International Surrogacy arrangements” paragraph, textual meaning is organised differently in the linguistic text and in the photograph.



Figure 8
International surrogacy arrangements.

From the photograph alone, a viewer cannot tell how international surrogacy works and international issues are dealt with. In the linguistic text, discourse semantic resources of reference and retrieval (*the UK*, *immigration*, *international arrangements*) are deployed to establish the three key areas for the international surrogacy arrangements. Indicated by name, International Surrogacy Arrangements are identified as ‘Nationality Law’, ‘Immigration Law’, and ‘Legal Parenthood’. In the photograph the viewer cannot identify them visually. By combining information in the text (*we wish to consider these arrangements in our paper while acknowledging that there are limits to what the reform of national law can do to address an international issue*) and the photograph, the reader can

identify the key role of Law Commission in international surrogacy and reinforce its prominence.

The same conclusions can be drawn analysing the semiotic resource deployed in the “Payments to the Surrogate by the Intended Parents” paragraph. In addition to the photograph reported below (Figure 9), the Law Commission attempts to resemiotise the text meaning with an infographic (Figure 10).



Figure 9
Payments to the surrogate by the intended parents.

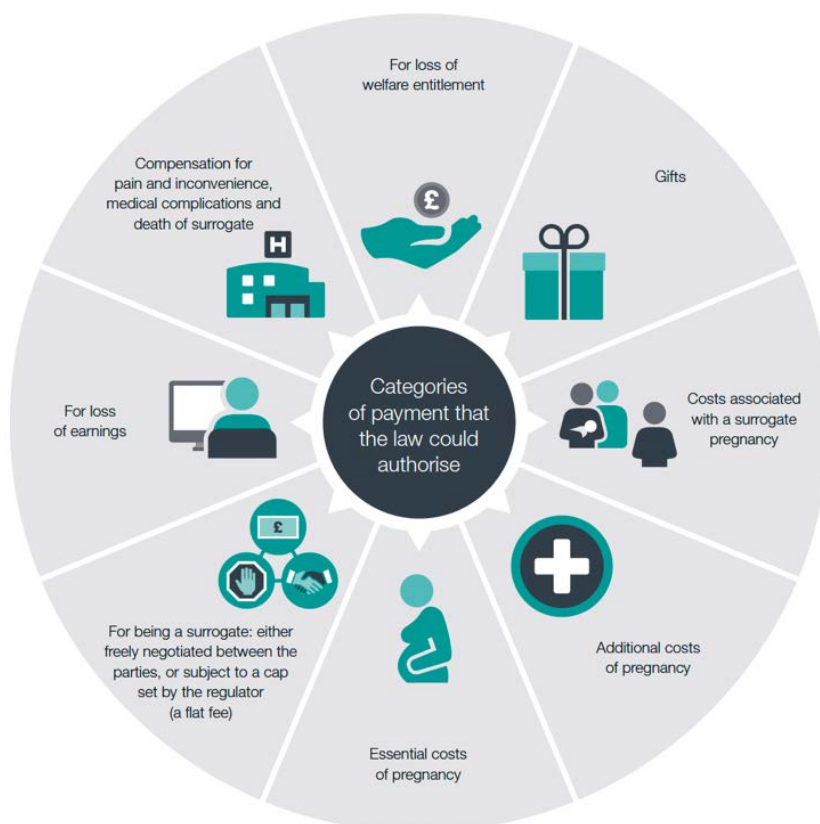


Figure 10
Categories of payments.

Compositionally the figures in the photograph and in the infographic are not similar. The photograph has been cropped to show just the central coins and banknotes in the UK currency. The eight-part infographic is circular and shows the ‘Categories of payment’. The semiotic resources appear simultaneously on this paragraph as one multimodal text. The infographic exemplifies the resemiotisation between language, graphics, and the photograph through the textual and experiential metafunctions. In the infographic, the compositional choices guide the viewer to see the internal part, outlined in the black background with white color letters (*Categories of payment that the law could authorize*) as the focus of the readers’ attention (Figure 10), and the specific categories of payment which depart from. Even though the specific categories of payments are not the most prominent message in the photograph (Figure 9), payments are made thematically prominent in the written part of “Payments to the Surrogate by the Intended Parents” paragraph where they are identified as *reasonable expenses, to pay a woman for the service of acting as a surrogate, possible payments, limitations on payments, to enforce payments that are due*. Then, the infographic (Figure 10) provides the necessary information about the different categories of payments authorised by law, namely, *For loss of welfare entitlement, Gifts, Costs associated with a surrogate pregnancy, Additional costs of pregnancy, Essential costs of pregnancy, For being a surrogate: either freely negotiated between the parties, or subject to a cap set by the regulator (a flat fee), For loss of earnings, Compensation for pain and inconvenience, medical complications and death of surrogate*. By combining information provided in the linguistic text in the “Payments to the surrogate by the intended parents” paragraph, the photograph (Figure 9), and the infographic (Figure 10), the reader identifies ‘the possible payments that could be made into different categories’.

The last photograph present in *the Summary* is placed before the “Conclusion”, in the “Other Issues” paragraph (Figure 11). The photograph shows two men, with one of the two holding a baby. As the photograph depicts the episode in a single instance of time, it is relatively simple to track the possible identity of the participants. By combining information in the linguistic text, photograph, and infographics the reader can infer that the two men are a same-sex couple, and they have obtained a legal parenthood. The infographics depicting same-sex couples are shown in Figures 3, 4, and 6.



Figure 11
Other Issues.

Comparing the photograph and the infographics, the experiential content is similar in terms of the gender, not in the age balance. In the photograph the gender and relative ages of the participants are clear, because they are shown as they appeared in real life. This

option is not available to the designer of the infographic so other options are chosen such as stylised dress, a man's head yelling, and a scale (see Figures 3, 4, and 6). Interpersonally, at the rank of discourse semantics, linguistic text:

(15) Surrogacy is a way in which people who are unable to carry a baby themselves, can build a family.

The intended parents who enter into surrogacy arrangements belong to one of two groups:

- opposite-sex couples, or single women, who experience infertility;
- or *same-sex male couples* or single men, who by reason of their gender, cannot become pregnant (2018-19, p. 3)

(16) Widespread homophobia and no legal recognition for *same-sex couples* (2018-19, p. 4)

(17) Same-sex marriage from 2014 and equal rights (2018-19, p. 4)

and infographics (Figures 3, 4, and 6) functions to present information to the reader.

Then, the only graph present in the “Introduction” of *the Summary* (Figure 12) depicts the number of children involved in parental order proceedings in England and Wales.

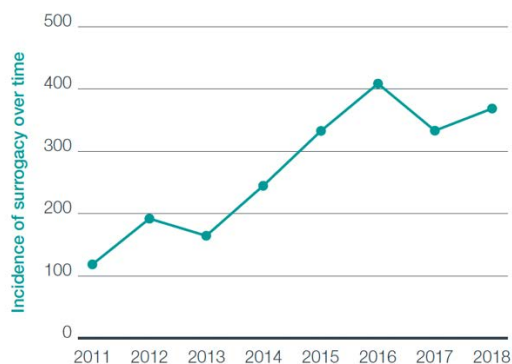


Figure 12

Number of children involved in parental order proceedings in England and Wales.

While the mathematical graph is contextualised by the surrounding language, as displayed in Figure 12 above, the focus of the analysis here is the intersemiotic translation that takes place across mathematical relations (i.e. the reported number of cases per year) and the visual representations of this numerical data. As O'Halloran (2005) observes, mathematics draws upon the three semiotic resources that work closely together to bridge textual representations (i.e. language and mathematical symbolism) on the one hand, and visual representations (i.e. graphs and diagrams) on the other, with a specific focus on experiential and logical meanings. In this case, each semiotic resource has its own purpose: language contextualises the mathematics results:

- (18) Whilst the exact numbers of surrogate births per year is uncertain, they certainly represent a tiny fraction of the total number of live births in the UK each year. Yet, the number of surrogate births continues to grow, and the impact that the law has on all those affected is substantial (2018-19, p. 3),

while images represent the mathematical relations where the elements are viewed in relation to the whole. The analysis demonstrates that these three semiotic resources have systems of meaning that are designed to achieve this goal, while integrating so that it is possible to move between each resource with relative ease (O'Halloran *et al.* 2015). In this case, the intersemiotic translations across text, image and symbolism makes the meaning potential of three different resources accessible and create semantic expansions which extend beyond those possible for each resource (O'Halloran 2005).

Experientially, the photographs, infographics, and linguistic text complement and reinforce each other. In terms of the linguistic text, grammatically *the Summary* is in declarative mood, the default mood choice for the speech function of giving information. In terms of the register variable of tenor, the linguistic text establishes the Law Commission status because the “Law Commission of England and Wales and the Scottish Law Commission” are defined as independent bodies and work as bodies established by statute to make recommendations to government to reform the law in England and Wales, and in Scotland. This status is reinforced in the infographics (Figures 3 and 6) where ‘the law’ is the focus of the gaze vectors of all the other participants. At the rank of genre, while the text is an official document, its generic structure is that of a narrative (e.g. Eggins 2004). Photographs are primarily experiential, and present two stages of that narrative (the orientation and the complication): the orientation, a newborn baby hold by someone’s hand and the same-sex couple with a surrogate baby (Figures 7 and 11), and the complication, the payments to the surrogate by the intended parents and international surrogacy arrangements (Figure 8). The rest of the narrative is carried by the linguistic text. The language in each paragraph is encoded in clause complexes and conjunctively related clause complexes. What happens at the rank of episode in the photograph integrates more or less with what happens in clause complexes and in larger pieces of text.

5. Conclusions

Intersemiotic translation represents the center of cultural communication through which thought and reality are structured using a variety of semiotic resources, and reveals different dimensions with regard to the different metafunctions and meanings that are subsequently created (O’Halloran, Lim-Fei 2014). The present study has attempted to demonstrate how different semiotic resources have been chosen to realise meanings in the UK Summary of Consultation Paper “Building Families Through Surrogacy. A New Law”.

From CDA perspectives, the micro-linguistic data examined have shown the most relevant elements (i.e., questions, pronouns, adjectives, active/passive voice, modal verbs, etc.) that shape aspects of knowledge and relationships in the language and discourse of legislative bodies deployed via an ‘easy-read version of CP’. Linguistic data, such as short-length sentences, the avoidance of technical jargon, pronouns *we* and *you* co-occurring with other grammatically structured features of the texts, reveal a specific interest to construct direct concern and contact with target-readers, who feel part of a universal community and are encouraged to become active agents in the process to reform the law of surrogacy.

Some of the features noted in the textual organisation of the infographic are also echoed in its ideational organisation. As the analysis reveals, the choices from textual and visual resources combine to both identify the role of the Law Commission and the other participants (i.e., intended parents, the surrogate baby, the surrogate mother, doctors, legal assistants, etc.) in the law of surrogacy, reinforce their prominence, and create a visual connection from the entities in the headings and written text to the concrete material world of human life. In the linguistic processes participants can only engage in one process per clause, unfold one at a time and one per clause as the text develops. The main difference between the visual action and linguistic action is that in photographs, infographics, and graphs, participants can be engaged in multiple processes simultaneously, although the images are viewed in particular ways, given the compositional and interpersonal choices.

In this regard, a key function of language is to clearly order happenings in *the Summary* as a logically connected series of actions/activities, as shown in Subsections 4.2 and 4.3.

The results of the analysis show that the principle of metafunctions can be applied to sets of choices from different semiotic systems to understand how and to what extent they realise complementary and compounding meanings. As in the case of the combination of visuals and linguistic text, one set of semiotic resources reinforce metafunctionally aligned set of different semiotic resources, resulting in semantic expansions which extend beyond those possible with either language or image alone. Overall, the combinations of choices across metafunctions and across language and photographs build and reinforce the position of Law Commission and, by extension the UK legislative bodies, as the central participant in *the Summary*. Future research might consider the impact of next Law Commission's 'easy-Read version of Consultation Papers' on the law-reform process and their interaction with the target-readers, for instance, the effect of multi-semiotic communication at the level of readability and comprehensibility of legislative discourse by the target-readers.

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