

Article

Public Discourse on Criminal Responsibility and Its Impact on Political-Legal Decisions: Analysing the (Re-)Appropriation of the Language of Law in the Sarah Halimi Case

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Abstract: This applied linguistics study on the lay discourse about legal language analyses online public reactions to a court decision in the Sarah Halimi case, a French Jewish woman killed by her neighbour in Paris in 2017. This study draws on discourse analysis with a focus on semantics analysis and dialogism theory to delve into how legal discourse is disseminated in forums and undergoes semantic redefinition through users' language practices of legal notion in their own discourses. Thus, the aim of this study is not to develop linguistics theories but to use linguistics to explore the relationship between (1) the public representation and perception of this murder case in three forums and (2) the politico-legal response to decisions about a lack of criminal responsibility. The latter remains a sensitive topic in several countries, and several criminal justice reforms are revised or implemented with close observation of public reaction. This analysis highlights the linguistic markers revealing emotional discourse and a polymorphous expression of a lack of confidence in the justice system and legal actors, emphasising issues in comprehending justice and the work of psychiatrists and highlighting a gap between expectations and the actual delivery of justice. This study also shows that the linguistic strategies of non-experts are similar to those of legal experts.

Keywords: applied linguistics; language and law; criminal responsibility; penal populism; lay discourse; online discourses; semantics; dialogism



Citation: Makouar, Nadia. 2024. Public Discourse on Criminal Responsibility and Its Impact on Political-Legal Decisions: Analysing the (Re-)Appropriation of the Language of Law in the Sarah Halimi Case. *Languages* 9: 313. <https://doi.org/10.3390/languages9100313>

Academic Editor:
Jeanine Treffers-Daller

Received: 8 December 2023
Revised: 22 July 2024
Accepted: 12 September 2024
Published: 27 September 2024



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1. Introduction

The circulation of legal discourse online has been the subject of extensive research, with many studies examining these interactions and identifying a range of linguistic strategies. However, most studies in this field have focused on the communication of legal experts to non-specialists seeking legal advice or explanations (Diani 2023; Anesa 2016; Turnbull 2018a, 2018b). To illustrate this, Diani (2023) analysed the dissemination of knowledge in English and Italian forums, with a particular focus on the utilisation of explanatory structures, including denominations, definitions, descriptions, reformulations, paraphrases, exemplifications and generalisations. In another study, Diani (2022) explored the discourse on blogs specialising in law and the comments on posts. From a methodological point of view, the study involved two key approaches: (1) contrastive and qualitative analysis to compare posts and comments and (2) a qualitative study of a “dialogic action game”, which they defined as “looking at blog posts and comments in terms of their speech acts and their initiative and reactive function” (Diani 2022, p. 11).

In the context of research analysing discourse in online forums with non-expert users, Demonceaux (2022) undertook an analysis of the dynamics of digital exchanges around the topic of homeopathy. The author identified a trend towards a “horizontalisation of discourse”, which enables non-experts to share their experiences with controversial subjects. They can engage in a more egalitarian or symmetrical mode of communication. The author additionally observed that “health discussion forums [. . .] reflect a less vertical vision of health, opposing ‘the normativity of medical discourse, where knowledge is transmitted

unilaterally from health professionals and medicines to the general public” (Démonceaux 2022, online).

To the best of our knowledge, no studies have explored the linguistic and communication strategies of non-experts when speaking about legal notions yet. This paper attempts to contribute to the existing political science and law literature on penal populism by analysing the linguistic strategies deployed by non-experts in a non-expert online forum. The following was mentioned by Pratt (2007, p. 12):

“Penal populism speaks to the way in which criminals and prisoners are thought to have been favoured at the expense of crime victims in particular and the law-abiding public in general. It feeds on expressions of anger, disenchantment and disillusionment with the criminal justice establishment. It holds this responsible for what seems to have been the insidious inversion of commonsensical priorities: protecting the well-being and security of law-abiding ‘ordinary people’, punishing those whose crimes jeopardize this.”

Consequently, emotions predominate over reason, as penal populism depends on and fosters a fear of crime, portraying it as an escalating threat to society, faults the justice system and its purported ineffectiveness and advocates for more severe punishments and stringent measures against those who commit crimes (Boda et al. 2015). Thus, penal populism raises questions about the intelligibility of the legal system. In a study investigating media and sentencing within the French context, Philippe and Ouss (2016, online) conducted research on the influence of French media, specifically examining how television broadcasts of criminal justice events affect sentencing. The study showed that the duration of sentences extends by three months when the verdict is delivered subsequent to crime coverage. The lengthening of sentences is linked to the media’s attention to the crime rather than the crime itself, and this impact diminishes rapidly. In this study, they demonstrated the impact of news content on criminal justice decisions. Their findings revealed that sentences in jury trials tend to be extended when there is increased coverage of crimes, while they tend to be shortened after the reporting of judicial errors. It is noteworthy that only media coverage related to crime and criminal justice, as opposed to coverage of other distressing subjects, exerts an influence on sentences. Additionally, their research showed that the timing of media coverage is crucial, with sentences being affected only by the reporting of crimes on the day immediately preceding sentencing rather than on other days. In contrast, they observed no discernible effect of media coverage on the sentencing decisions made by professional judges. This highlights the pivotal influence wielded by the media on laypeople’s court decisions. Moreover, it underscores the susceptibility of lay jurors to such influence.

The decision to focus on non-specialist forums was made to gain insight into the circulation of legal concepts related to lack of criminal responsibility within this particular discursive space and to examine the ways in which they are received and discussed on these forums.

The discourse of non-experts is observed in two types of forums: general discussion in a video games forum with a high level of popularity among a young community (Gauducheau and Michel 2023; Durand 2017) and others which are more focused on politics or debates.

This article conducts a semantic analysis of forum discussions related to the Sarah Halimi case. Its objective is to explore how the public engages with legal language in their own discourses in online forums, particularly in the aftermath of the controversial decision in the case. This study intends to apply linguistics to analyse the relationship between public representation and perception of murder cases and politico-legal responses regarding diminished responsibility. The latter remains a sensitive topic in several countries, and a number of criminal justice reforms are revised or implemented with close observation of public reactions and perceptions of justice (Noyon et al. 2020).

2. Context

Sarah Halimi was a French Jewish woman killed by her neighbour, Kobili Traoré (K.T.), in Paris in April 2017. The psychiatric assessments concluded that the murderer committed the crime during an “acute delirious puff” against a background of heavy cannabis consumption. His defence argued that he was suffering from a drug-induced psychotic episode at the time of the murder. According to expert reports, Kobili Traoré was suffering from an acute delirium linked to heavy cannabis consumption. Psychiatric assessments led the examining magistrate’s chamber to conclude that he had lost his discretion. The expert reports and counter-expertise clashed, creating a controversial situation in public opinion and among certain politicians in 2019.

The Court of Cassation (the highest court in the French judiciary system), while confirming the antisemitic nature of the crime, maintained the lack of criminal responsibility of the murderer. This decision sparked strong reactions in France and worldwide during the next few weeks and significant engagement on social media. Faced with these reactions, the public prosecutor (Magistrate François Molins) admitted that “the emotion aroused by this decision probably reveals that the current law is not appropriate”.

On the side of legal professionals, there has been a call for elucidation of the legal framework regarding criminal liability in the event of the voluntary consumption of psychoactive substances. This has led to a suggestion that the parliament should address the ambiguity of the law. At the same time, following these claims, both from public opinion and from legal professionals, the Minister of Justice announced in April 2021 a draft law on lack of criminal responsibility. This bill aims to “fill” a “legal vacuum,” which sparked debates within the legal sphere¹.

Public opinion played a significant role in the political and judicial consequences of this case. The issue of a lack of criminal responsibility generated a sense of injustice within public sentiment. On the legal side, concerns arose regarding disruptions to the judicial system, prompting the prosecutor to emphasise the importance of maintaining strict independence. Additionally, it was stressed that any changes to the law should be approached with caution and not implemented “in a hurry and in the heat of the moment”². However, public opinion is explicitly considered in political-legal texts. In fact, on 26 May 2021, the Conseil d’état (the highest administrative court) considered the draft law limiting lack of criminal responsibility. Within this text, public opinion is recognised as one of the aspects addressed in the bill and explicitly acknowledged by the Council of State³:

“[...] However, [the Conseil d’état] stresses that the exception introduced by the draft law, which is intended to respond to the emotion aroused in public opinion by tragic events, is more than limited in scope, as the conditions for exclusion from lack of criminal responsibility appear to be very theoretical and proof of the intentional element extremely difficult to provide in practice. [...] Some of the provisions of the bill—those relating to lack of criminal responsibility or the creation of a new offence to punish certain acts of violence committed against members of the gendarmerie and police officers in particular—were decided by the government following events that aroused great emotion in public opinion.” (Conseil d’état, *Avis consultatif* 2021)

These discourses surrounding the two court decisions in 2019 and 2021 show the extent to which the case has aroused much emotion, many reactions and the need to explain and change the law.

2.1. Judicial Chronology of the Case

In December 2019, K. T. was declared not criminally responsible. This decision provoked strong reactions because many believed that antisemitic motives played a significant role in the crime. The case was then referred to the Court of Cassation to push for a trial in a criminal court.

In April 2021, the Court of Cassation validated the previous decisions and considered that the provisions of the current law “do not distinguish based on the origin of the mental disorder that led to the abolition of this discernment [...]”⁴. Thus, the court confirmed the declaration of lack of criminal responsibility and upheld the antisemitic nature of the crime. K. T. was hospitalised in a psychiatric unit.

2.2. Criminal Responsibility and Public Opinion

According to [Fovet et al. \(2022\)](#), criminal responsibility “has been a core principle of French criminal law since the early nineteenth century”. This notion stands as a pivotal concept within the criminal sanctions applied to individuals diagnosed with mental health disorders.

A few political and legal figures made metatextual comments in the media following this court decision. Political reactions about “voluntary intoxication” came from all sides, but they also came from politicians, including President Macron.

In April 2021, after the court confirmed the lack of criminal responsibility of K.T., E. Macron commented on the decision:

*In my opinion, deciding to take drugs and then becoming “mad” should not remove your criminal responsibility. I would like the Minister of Justice to propose a change in the law as soon as possible.*⁵ (E. Macron, *Le Figaro*, April 2021)

From the same perspective, and at the same time, the Minister of Justice, Eric Dupont-Moretti, initiated proposals to fill a legal vacuum regarding this decision.

Macron’s statement, along with that of Justice Minister Eric Dupont-Moretti, showed the impact of public opinion on political decisions.

From the legal side, Prosecutor Molins, who had previously expressed concerns alongside the court president, Chantal Arens, regarding politicians’ comments on the 2019 Court of Appeal decision in an official statement⁶, asserted that justice has fulfilled its role. The legal proceedings have acknowledged the commission of an antisemitic crime, but on the grounds of lack of criminal responsibility, this does not grant the court the authority to prosecute K.T.

2.3. “Legal Vacuum” and Law Changes

As specified above, a few days after the decision, the president announced that he wanted a law ruling out lack of criminal responsibility on the grounds of psychic or neuropsychic disorders in cases of drug use. The political leaders in France have considered that the law should be changed for several points. The law proposed in an accelerated procedure in 2021 and voted on in January 2022 limits lack of criminal responsibility in cases of mental disorders resulting from voluntary intoxication with psychoactive substances. It includes the following measures ([Clément 2022](#)):

- Exclusion of lack of criminal responsibility in the case of voluntary intoxication;
- Exclusion of reduced criminal liability in cases of voluntary intoxication;
- Creation of voluntary intoxication offences.

For example, for the measure related to the exclusion of reduced criminal liability in cases of voluntary intoxication, the change occurs in the second paragraph of article 122-1 of the Criminal Code. It “reduces the penalty incurred by a person whose discernment or control of his or her actions has been impaired, but not abolished, by a psychic or neuropsychic disorder”. [Clément \(2022\)](#) noted that the new article (122-1-2) of the same code will similarly exclude from this reduced penalty anyone who voluntarily, illicitly or manifestly excessively consumes psychoactive substances.

3. Theoretical Framework and Data

3.1. Research Questions and Data

Research questions have arisen to understand the discourse developed between media discourse (referenced in the forum posts) and that of court decisions. The current project

involves comprehending how the discourse from the latter, identified as a specialised form of communication, is reformulated or used in the discussions of internet users who lack legal expertise.

Thus, the research questions are the following: (1) How do users on forums comment on this case? (2) What are the perceptions of various actors, including lawyers, judges and experts? (3) How do they repurpose legal language in their discussions? How can this analysis help with understanding non-expert discourses, their skepticism and the lack of intelligibility?

The legal and political context following this highly controversial decision led me to question the public discourse. I chose to analyse the discourse of internet users on three forums which dealt with the case extensively in 2019 and 2021. The aim was to investigate the lay discourse of the language of law, especially the processes of reformulating decisions and legal facts, and analyse the development of opinions about what should have been decided. Without claiming to be exhaustive or representative of online discourse on this issue, I chose three forums (Accessed on June 2023).

Jeux-videos is a website originally dedicated to video games, but it has broadened its focus to include debates on politics and discussions of everyday problems (Lamy 2017). Regarding *Forum-Actualite*, this is a discussion forum open to “debates on politics and sport”. As for *the Forum Politique*, it is presented as “a French-speaking forum dealing with political and social issues in general. Its aim is to enable contributors to discuss all the subjects indicated by the forum’s sub-headings, to exchange information, and to compare ideas” (forum-politique.fr). The corpus consists of 707 posts (see Table 1). All posts have been translated by the author of this paper from French to English. The original posts are available in the Appendix A.

Table 1. Forums’ corpora.

Forums	Posts	Dates
Jeux-videos (JV1)	34	December 2019
Jeux-videos (JV2)	233	April 2021
Forum-actualité (FA)	173	June 2017–May 2021
Forum-politique (FP)	267	December 2019–April 2023

3.2. Theoretical Framework and Methods

This study draws on discourse analysis with a focus on semantics analysis and dialogism theory to delve into how legal discourse is disseminated in forums and undergoes semantic redefinition through users’ language practices of legal notion in their own discourses. The objective of this applied linguistics study is to comprehend the circulation of legal discourse on forums and how the semantic reinterpretation of legal terms by internet users unfolds. Additionally, this study seeks to identify this phenomenon by examining the conditions of intertextuality, specifically the reuse of discourses in different spaces. Indeed, according to Garric and Longhi (2013, p. 65):

“Discourses do not belong to delimited zones of practice. Situated in interdiscourse, considered a dynamic and conflictual space of circulation, they are traversed and invested by social objects that take on meaning in the plurality of interpretative paths in which the subject participates by assuming different successive sociodiscursive roles.”

Thus, the circulation of discourses has an impact on the characteristics they take on according to the modes of transmission. According to Longhi and Sarfati (2007), these “can also give rise to argumentative manipulations”, and a “discourse can subvert the characteristics of another type of discourse in order to take advantage of its specific characteristics” (Garric and Longhi 2013).

According to [Rastier \(2011\)](#), the semantic interpretation of words is only possible because the terms are adjacent to each other. This means that the same term, however specific, can have a different meaning when present in the text of a different genre. Rastier also argued that any text placed in a corpus receives semantic determinations and can potentially modify the meaning of each of the texts which comprise it.

The interaction between discursive universes involves semantic redefinition phenomena due to the conditions under which the meanings of terms are interpreted. Depending on the textual genre and social practices, the conditions of interpretation are reconfigured, particularly in terms of enunciative foci. According to [Rastier \(2017\)](#), this is related to the fact that the norms of discourse, genre, and style are anchored in social practices. Also, these norms “bear witness to the impact of social practices on the texts they govern” ([Rastier 2017](#), p. 12).

In the example of our data, we assumed that legal citations or terms, as soon as they were transposed into forum posts, received other semantic determinations. This means that a legal term A will have semantic features specific to the legal genre text in which it is expressed. If this term A is transposed by a quote, such as in a forum post, then it is likely to receive different semantic features and therefore have a different meaning due to the context of the utterance.

In interpretive semantics, the *sème* (or *semantic feature*) is the smallest unit of meaning. Two types of *semes* are identified: inherent *semes* and afferent contextual *semes*. [Rastier and Riemer \(2015, p. 494\)](#) defined an “inherent *sème*” as an attribute having a typical value. On the other hand, an “afferent contextual *sème*” is one that is activated by the linguistic context. The meaning of a word can be “perceived” with interpretative operations such as activation, inhibition or propagation ([Rastier and Riemer 2015, p. 495](#)).

The notion of dialogism is the second aspect which completes the theoretical framework on which this study is based. The concept of dialogism finds its origins in the scholarly contributions of the *cercle de Bakhtine*. According to [Brès \(2017\)](#), “dialogism thus consists in the orientation of any discourse (whatever its format: speech, press article, political discourse, scientific article, literary text, etc.) towards other discourses in the form of an internal dialogue with them.” This perspective of dialogism makes it possible to take account of the multiple voices which an utterance may contain by considering the point of view of the enunciator and the different speakers who are quoted or taken up in the forums. This perspective on dialogism, particularly the interdiscursive dialogism aspect, is significant in understanding the dynamics of discourse and communication.

Theoretical research on penal populism is also one of the foundations of this study. In that perspective, if penal populism is associated with disinformation and conspiracy theories, then the challenge of this analysis in legal linguistics is also to identify the discursive mechanisms revealing mistrust of institutions, including conspiracy discourse in relation to the political and legal systems. Many research studies have demonstrated that discussion forums provide a conducive environment for the belief, emergence and dissemination of conspiracy theories and disinformation ([Shahsavari et al. 2020](#); [Allington et al. 2021](#)). It is also a space where individuals discuss the credibility of conspiracy theories on online forums ([Bangerter et al. 2020](#)). Also, according to [Douglas et al. \(2019\)](#), some conspiracy theories can satisfy important social psychological motives. These motivations can be epistemic (e.g., the desire for understanding, accuracy and subjective certainty), existential (e.g., the desire for control and security) and social (e.g., the desire to maintain a positive image of the self or group). The objective is to highlight through discourse analysis the issue of the intelligibility of the legal and legislative systems and to understand the discursive strategies used by internet users to explain, understand or express their approval or disapproval of legal decisions. This holds significant importance for legal linguistics insofar as linguistic analysis may reveal a semantic discontinuity and a missing interpretative link between media discourse, which is a primary source for the public in the forums I analysed, and the legal discourse in court decisions.

The discussions on online forums involve participants from diverse social backgrounds, exhibiting a wide range of expertise and knowledge levels, and researchers in linguistics, including socio-terminologists, encourage adopting a scalar approach rather than a binary one when examining discourse, moving away from a strict division between specialised and lay discourse (Gaudin 2003; Vicari 2018).

Analysing public debates helps to reveal linguistic strategies which evoke emotional responses and support for punitive measures. Hence, describing and identifying the way certain terms and phrases relate to a penal populism narrative and how it influences legislative and legal discourses and practices is crucial for legal linguistics. In sum, this study seeks to identify the discursive and metadiscursive mechanisms of penal populism in lay discussions within online forums, specifically focusing on how individuals express their views on legal discourse by using it. The objective is to examine patterns in the way internet users perceive judicial and political institutions, as well as legal concepts like “lack of criminal responsibility”, through linguistic and semantic analysis.

Based on this theoretical framework, the analysis method consisted of identifying recurring themes running through the three forums. To accomplish this, I followed the following steps:

- (1) First, observe the way in which topics are created and initiated. The objective is to understand the motivations of these posts.
- (2) Then, identify the cooccurrences of “Sarah Halimi”, “Kobili Traoré” and “justice”, “penal responsibility” or “irresponsibility” to understand how these legal notions are reformulated, defined and qualified.
- (3) Finally, identify the cooccurrences of the various legal actors to comprehend the perceptions of the legal and political actors.

4. Findings

What was noticed quite immediately was that topics were mostly initiated by a reference to a media article. The internet user opens the forum topic by providing key information and making a comment. The sequence of interactions is based on the title or content of the article and the legal nature of the case.

4.1. Initiating Topics with Media Articles Related to the Court Decision

In the three subjects initiated in December 2019 and April 2021, the dates on which the courts handed down their judgements, forum users began by publishing the headline and the link to the article in all of the topics selected for the analysis. On an interdiscursive level, legal discourse is transposed first into media discourse and then into forums. In December 2019, the Court of Appeal confirmed K.T.’s lack of criminal responsibility and his hospitalisation in a psychiatric unit. After the civil parties appealed to the Court of Cassation, the latter confirmed the previous decisions in April 2021:

- (1) *The murder of Sarah Halimi*

“We have just created the Sarah Halimi jurisprudence in our country, meaning that anyone who suffers a delirious episode because they have taken an illegal substance that is dangerous to their health will be exonerated from criminal liability”, he warned. [link to a media article] (FP, 19 December 2019)

In example (1), the commenter used a quote from the family’s lawyer (Mr. Szpiner), which they highlighted in the body of the topic as an authoritative argument to emphasise the indignation it aroused by using the term “jurisprudence”. This term’s use underlines the unprecedented and exceptional nature of the decision which was handed down. It is mainly this discourse which internet users understand and use to initiate debate.

In example (2), the user repeats the first sentences of the article. In example (3), the user explains his understanding of the article:

- (2) *Sarah Halimi’s murderer won’t be judged.*

On Thursday, Kobili Traoré was declared not criminally responsible at the time of the events in 2017. On Thursday, December 19, the Paris Court of Appeal ruled that Sarah Halimi's murderer was not criminally responsible for the events of 2017, as reported by Le Figaro. [...] [link to a media article] (JV1, 19 December 2019)

(3) *No trial for SARAH HALIMI: Justice has decided*

No trial for Sarah Halimi, killed by Kobili Traoré who is considered not criminally responsible. The judges applied the law. Simply. [link to a media article] (JV2, 15 April 2021)

The identification of dialogical phenomena and the circulation of media discourse within forums is crucial because the media serve as the primary information source and hold authoritative sway in forums, initiating the debate. This underscores the significant impact of the media and their discourse on internet users.

4.2. Discussing Laws and Legislative Texts

4.2.1. Discussing Lack of Criminal Responsibility and the Judge's Decision

It is noticeable that in some posts, users defended the judge's position and tried to explain the points made in the article. This is the case in example (4) below:

(4) *"The judge cannot distinguish what the legislator has chosen not to distinguish."*

In other words, it is the legislature's fault for having framed the criminal law in question too narrowly, and the judges are therefore inviting the legislature to adopt a new law along these lines.

"The judge is the moth of the law," said Montesquieu, and we have a perfect illustration of that with this ruling. (JV2, 15 April 2021)

This example shows the epistemic stance of the forum user, who reformulated the comments for a less specialised audience. As stated by Hyland (2007, pp. 268–69), "Reformulation is a discourse function whereby the second unit is a restatement or elaboration of the first in different words, to present it from a different point of view and to reinforce the message." The user posted part of the article on the role of the judge and legislation (quotations markers) and put himself in a position to explain to future respondents how the judicial process and legal decisions work, opening their remarks with the meta-discursive marker "in other words" and adding a philosophical reference to support their argument.

The discussion then turned to the legitimacy and responsibility of taking drugs. In example (5), the author of the post insists on the voluntary nature of taking drugs. In their view, there is no reason to remove responsibility from the murderer:

(5) *you take drugs with KNOWINGLY, the famous abolished discernment, whereas he follows a religious logic in his crime, we are more on a total disinhibition than an abolishment of the discernment (JV2, 15 April 2021)*

In this example, the user sought to change the wording by using "disinhibition". In the same sentence, the adjective "famous" is used to express irony regarding the legal notion and opposes it with religious logic, being associated with a supposed planned crime. This reasoning allows them to assert that the murderer is responsible for his crime and that drug used allowed him to disinhibit himself. Thus, the semantic of responsibility is activated.

4.2.2. Analogy with Alcohol Consumption

Several posts in the four subcorpora referred to alcohol consumption. Forum users used this to understand and express their views on the reasoning of the courts and the law regarding lack of criminal responsibility.

In example (6), the user argues that alcohol was considered a mitigating circumstance. According to their understanding, the use of drugs is also a mitigating circumstance here, just as the use of alcohol should become an aggravating circumstance:

- (6) *It reminds me that drinking and driving used to be an extenuating circumstance when you had a serious accident, then it became an aggravating circumstance, and everyone thought it was crazy when they found out. [. . .] (JV1, 20 December 2019)*
- (7) *(ba) no, you take drugs knowingly, so you're responsible for what you do under the influence. As far as I know, when you do something stupid and drunk, we punish you anyway. (hein) (JV2, 15 April 2021)*

In this example, the users mentioned shared knowledge about alcohol being an aggravating circumstance. “It reminds me” and “as far as I know” introduce this shared knowledge. In example (7), the use of “ba” and “hein”, which are locutions referring to something obvious and commonly known, implies the epistemic stance of the user.

4.2.3. Imaginary Scenarios

In example (8), the user imagines an expeditious and lenient trial for the defendant, who had “8.6 g of alcohol and six joints in his brain”. The defendant was therefore “acquitted”. The author sums up their point of view with this imaginary trial, and the analogy here shows the simplification of the author’s argument regarding K.T.’s lack of criminal responsibility. Even if it is inaccurate to say that K.T. had been acquitted, what is being pointed out here is that the decision is considered to be lenient towards the use of substances which lead to serious offences:

- (8) *-You are accused of killing twelve pedestrians by running them over with your car. How do you plead?
-I had 8.6 grams in my blood and six joints in my brain, your honour.
-Acquitted (JV2, 15 April 2021)*

They contrast the seriousness of the circumstances (“8.6 g in my blood and six joints in my brain”; “traffic offender kills”) with the supposed leniency of the sentence handed down to the perpetrator (“Acquitted”; “claim they are not responsible”; “trick is done”):

- (9) *Tomorrow, when a traffic offender kills one person or multiple people and is driving under the influence of drugs or alcohol, they will be able to claim that they are not responsible because they were not themselves’ at the time of the accident and were driving unconsciously. That’s it, the trick is done, and already the ‘justice system’ is decriminalising drug use by deeming that the person who has taken drugs is not responsible, either for their consumption or for what they do afterwards! (FP, 19 December 2019)*

These scenarios were used by the forum users to express their disagreement with the decision. This strategy was also used in lay-legal interaction with a different goal. The work of [Diani \(2023, p. 305\)](#) defines, “Scenario, which consists in illustrating possible or hypothetical situations, more complex events, or reactions, and taking into consideration a broader context, to refer to the specific situation”.

The user in example (9) comments about the decriminalisation (*décriminalisation*) of drug use in relation to lack of criminal responsibility. In law, decriminalisation “means that the legislator passes a law stating that an illegal act will no longer be an offence in the future. In other words, prohibited behavior is transformed into permitted behavior⁷”. By using the term “decriminalise”, the user extrapolates the decision of the Cour de Cassation, claiming that it is a question of decriminalising drug use. This argument assigns the semantic features of laxism and permissive to the term “justice”.

4.2.4. Irony and Conspiracy

There are several posts with ironic content in the JV1 and JV2 forums. Irony is an argumentative process and “can be considered a pivotal strategy, positioned somewhere between discourse destruction and refutation. Irony ridicules a speech that pretends to be dominant or hegemonic, by implicitly referring to some contextually available irrefutable rebutting evidence” ([Plantin 2021](#), online).

In examples (10) and (11), the authors use irony to simplify the facts and disapprove of the decision. This is even more obvious in example (12), stating “breaking the law [...] nullifies the crime”, which serves to emphasise the paradox of the decision:

- (10) *So he had the right to murder her after taking pot (JV2, 15 April 2021)*
Answer to (10)
- (11) *yes, breaking the law by taking drugs and then killing someone under the influence of said drugs cancels out the crime (JV2, 15 April 2021)*

Conspiracy theories also featured prominently in the four subcorpora. The examples below show that the author thinks that K.T. is being favoured because he is Muslim. Also, in comment (12), the user uses “you-know-who” for designation but without naming who or what is involved, though this was possibly understood by other users. This is also a strategy to prevent the message from being deleted by moderators:

- (12) *There’s been a lot of this “criminally irresponsible” stuff lately. It’s the new term for you-know-who (JV1, 19 December 2019)*
- (13) *What’s becoming very alarming in France is that more and more criminals are being judged irresponsible—all they have to do is shout “allah what’s-his-name” and that’s it, you’re mentally deficient (which, in a way, is not wrong) (FA, 20 December 2019)*
- (14) *[...] The same firm that defended the leftist Cedric Herou, who smuggled illegal immigrants in defiance of the law [...] Politicized justice system. Progressive, pro-immigration, left-wing lawyer (obviously) [...] (FA, 19 April 2021)*

In example (13), there is a similar allusion to the fact that clemency is granted to Muslims. According to the user, “they have to shout “Allah whatever” and that’s it, you’re mentally deficient”. In example (14), the user comments that lawyers are manipulated, and everything is then allowed, evoking the idea of laxism.

These elements come close to conspiracy theories about immigration and the complicity of the left (Makouar 2022) because of Kobili Traoré’s foreign background and the anti-Semitic motive.

4.3. Discourse on the Perception of Justice and Psychiatric Experts

The perception of justice is an element which runs through our four subcorpora. The justice system and those involved in it are sometimes viewed negatively. In example (15), psychiatrists are described as “sick” and unprofessional because they base their decisions on their “thoughts” and not on facts:

- (15) *Justice in France is becoming increasingly ridiculous. Well, there are sick people called psychiatrists who spout off their ‘analyses’ based on what they think they know and the judges who go along with it. (FP, 19 December 2019)*

In example (16), the user has a similar opinion, saying that too much confidence is placed in psychiatric assessments and implicitly comparing psychiatric hospitals and prisons. However, some comments put these opinions into perspective (17). The user explains that the French justice system is poor in law and financially (“It applies badly voted laws”) and does what it can with the resources at hand:

- (16) *That’s the truth, unfortunately. In my opinion, too much importance has been given to psychiatric assessments. The guy will probably spend the rest of his life in a psych ward, but it’s still a bit disgusting (JV2, 15 April 2021)*
- (17) *The French justice system does its job as best it can.*
It applies badly voted laws, being the poorest justice system in Europe (JV1).

4.4. Discussing the Perception of Psychiatric Hospitals and Prison Environments

As previously mentioned, the notion of incarceration is strongly associated with the idea of justice. Without incarceration in prison, even if the murderer must undergo several years of psychiatric care, prison remains the only solution which ensures a sense of security

and justice. This narrative suggests that psychiatric hospitals are places of “leisure”. This can be observed in example (18), where it is associated with “Club Med⁸”:

(18) *You’ve watched too much “One Flew Over the Cuckoo’s Nest”, and the drug overdoses and lobotomies are over. The psych ward has become a branch of Club Med. (FP, 19 December 2019)*

Thus, the semantic features of pleasure and wellness are propagated to prison, suggesting there are comfortable places and activating a resentment of injustice. The comments also suggest that confinement and punishment should be definitive, with no way back. This can be observed in example (19), where the internet user associates bad psychiatric assessments with a “tragedy” which happened before and argues that security for the society depends on the lifelong incarceration of K.T.:

(19) *What you don’t want to understand is that there are already precedents for releases validated by psychiatrists that have led to real tragedy, so in truth, we’re mainly worried about the omnipotence of psychiatrists over this kind of decision. If I’m guaranteed that his condition is not compatible with life in society and that he’s therefore locked up for life despite a possible recovery, then I’m all for it. (JV2, 15 April 2021)*

(20) *He will not be incarcerated but will be interned in a unit for dangerous patients for life and put on heavy treatment with no contact with normal individuals. Personally, I would prefer prison or death... (FA, 20 December 2019)*

Also, some users tempered this narrative on punishment and tried to explain what happens when people are interned in psychiatric wards (20).

5. Discussion and Conclusions

Drawing on the theoretical framework of dialogism and interpretative semantics, this qualitative analysis of the corpus has highlighted the ways non-expert discourse attempts to understand, explain and refute the decision rendered, being directly linked to the question of lack of criminal responsibility. The linguistic mechanisms revealed that internet users have employed various strategies to express their opinions. Some of them are similar to explanatory structures used by legal experts in forums dedicated to legal advice, such as reformulation, denomination and scenarios (Anesa 2016; Diani 2023). This study also revealed that forum initiators primarily rely on media texts to open discussions, engaging in a dialogical process. The media served as a key information source within the forums analysed in this paper.

Research showed that court rulings frequently draw substantial media attention and are subject to diverse interpretations by internet users. In criminal cases, as exemplified by Salas (2021, online), public sentiment can be shaped by a punitive inclination, especially when mass media intensifies public anger while still maintaining an attachment to a humane approach to penalties. The confluence of a criminal news event, political discourse, mass media coverage and the absence of alternative perspectives tends to foster a punitive reaction. For Salas, this is where misinformation and the dissemination of preconceived notions find fertile ground, such as in claims that the death penalty can effectively reduce crime. This is what we observed in the corpus, in addition to the use of conspiratorial discourse. Thus, the impact of the media and a limited comprehension of the justice system by laypeople contribute to the emergence of penal populism. This phenomenon is marked by a discourse of mistrust of the justice and political systems, as well as the propagation of conspiracy theories suggesting that criminals receive special treatment to the detriment of victims.

Salas (2021, online) discussed a duality of media and legal scenes as well as a narrative war which intensifies, especially with the development and virality of social media. The topic and comments take on dimensions of controversial discourse and conspiracy. Indeed, a significant portion of the comments opposed the court’s decision, using irony and reformulation, reusing discourses of legal professionals or politicians to change denomination and employing conspiracy discourses, imaginary scenarios or analogies to convey their understanding and refute the court’s arguments. Discussions on forums revealed a lack of

confidence in the justice system, highlighting a gap between expectations and the actual delivery of justice. Internet users emphasised issues in comprehending justice and the work of psychiatrists.

What is particularly intriguing is the issue of the connection between the legal decision and the concept of “doing justice”. There appeared to be a notable disparity between the expectations of public opinion and the perception of achieving justice for the victim. For many internet users, imprisonment was seen as the sole means to fulfill this objective. Justice was often conflated with punishment, prompting questions about the actual efficacy of imposed sentences.

As Pratt (2007, p. 173) pointed out, emotions and feelings of insecurity often take over when a criminal case breaks in the media. This ties in with Salas’s (2021, online) analysis of public reaction and its relationship with the media. This issue is highly topical. Recently, in France, a criminal case (Affaire Lola) was widely reported in the media, which led the Minister of Justice Dupond-Moretti to intervene publicly. He voiced strong criticism of media coverage regarding this case on a French TV show (*Touche Pas à Mon Poste*, presented by Cyril Hanouna) and highlighted the temporal disconnect between the media and the justice system, saying that “[t]here is no room for populism when dealing with a tragedy like this [...] We must respect the rules that have taken thousands of years to develop”⁹. Thus, the issue of penal populism is becoming increasingly important, and we can assume that there is a significant degree of radicalism in the discourse on the punishment to be meted out.

By using semantics and dialogical theories, this study explored the political, legal, legislative and public opinion contexts of controversial court decisions. It is a first step towards a broader understanding of lay discourse, its engagement with public opinion and the role and influence which such discourse might play in the political and legal contexts. This study highlighted the linguistic features of lay discourse, demonstrating how the combination of linguistic approaches can identify the characteristics of non-expert discourse on the one hand and enhance the intelligibility of legal systems and discourse on the other. In other words, the applied approach and methods of linguistics could contribute to the development of more comprehensible discourse and provide key information for non-experts to understand legal issues and discourse.

The results may have several implications: pedagogical (law students), institutional or in the media (legal fact-checking). Salas (2021, online) argued that greater familiarity with the criminal justice system tends to correlate with reduced punitive attitudes among individuals. Furthermore, a deeper understanding of case particulars often leads views on punitiveness to align more closely with legal assessments. Through semantic analysis, the study identified discursive mechanisms associated with the difficulties in understanding legal language, the simplification of the legal system and its discourse and the sentiments of injustice linked to the concept of lack of criminal responsibility. Regarding this legal notion and its cooccurrences, the translation of the posts from French to English was not easy to achieve, especially for the term “irresponsabilité pénale”, translated to “lack of criminal responsibility”. Also, terms such as “jurisprudence” or “decriminalizing” were not easy to translate because of the differences of jurisdiction in different countries. The work in progress involves collecting media articles, tweets and forum posts during court rulings, aiming to identify phenomena of the circulation of legal texts or concepts to better understand the issues of the shared meaning of legal discourses when they circulate in other spheres and discursive genres. Methodologically, corpus linguistics can be employed to unveil perceptions of the justice system by analysing cooccurrences and understanding the extent to which discourse may be polarised for an issue.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: No new data were created or analyzed in this study. Data sharing is not applicable to this article.

Conflicts of Interest: The author declares no conflict of interest.

Appendix A. Original Comments in French (without Emojis)

(1) Meurtre de Sarah Halimi

“On vient de créer dans notre pays une jurisprudence Sarah Halimi, c’est à dire que toute personne qui sera atteinte d’une bouffée délirante parce qu’elle aura pris une substance illicite et dangereuse pour la santé se verra exonérée de responsabilité pénale”, a-t-il mis en garde.

<https://www.bfmtv.com/police-justice/meurtre-de-sarah-halimi-pas-de-proces-pour-le-suspect-juge-penalement-irresponsable-1827329.html> (FP, posted on 19 December 2019)

(2) Le meurtrier de Sarah Halimi ne sera pas jugé

Kobili Traoré a été déclaré, ce jeudi, pénalement irresponsable au moment des faits, en 2017. Ce jeudi 19 décembre, la cour d’appel de Paris a jugé que le meurtrier de Sarah Halimi était pénalement irresponsable des faits, en 2017, rapporte notamment Le Figaro. [...]

<https://www.valeursactuelles.com/faits-divers/le-meurtrier-de-sarah-halimi-ne-sera-pas-juge> (JV1, posted on 19 December 2019)

(3) Pas de PROCÈS pour Sarah HALIMI: la JUSTICE a TRANCHÉ –

Pas de procès pour Sarah Halimi tué par Kobili Traoré considéré comme irresponsable pénalement. Les juges ont appliqué le droit. Tout simplement.

https://www.lemonde.fr/societe/article/2021/04/14/mort-de-sarah-halimi-la-cour-de-cassation-confirme-l-irresponsabilite-de-son-meurtrier-qui-ne-sera-pas-juge_6076764_3224.html (JV2, posted on 15 April 2021)

(4) “Le juge ne peut distinguer là où le législateur a choisi de ne pas distinguer”.

Sous-entendu, c’est de la faute du pouvoir législatif d’avoir enfermé le texte pénal en question trop restrictivement et les juges invite donc ce dernier a adopté une nouvelle loi en ce sens.

Le juge est la bouche de la Loi disait Montesquieu et l’on a une illustration parfaite avec cet arrêt.

(5) tu consommes de la drogue en CONNAISSANCE DE CAUSE, le fameux discernement aboli alors qu’il suit une logique religieuse dans son crime on est plus sur une désinhibition totale qu’un abolissement du discernement (JV2, posted on 15 April 2021).

(6) Ça me fait penser qu’avant l’alcool au volant était une circonstance atténuante quand on avait un grave accident, puis c’est devenu une circonstance aggravante, and tout le monde trouve ça dingue quand il l’apprenne Là c’est pareil pour ce meurtre, sauf que y’a que la justice qui trouve ça normal de dédouané un meurtrier drogué au moment des faits, peut être qu’un jours la loi sera inversé comme pour l’alcool au volant (JV1, posted on 20 December 2019).

(7) ba non tu consommes de la drogue en connaissance de cause tu es donc responsable des actes que tu commets sous l’influence de la drogue. quand tu fais des connerie complètement bourré a ce que je sache on te punit quand meme hein (JV2, posted on 15 April 2021).

(8) Vous êtes accusés d’avoir tués douze piétons en les écrasant avec votre voiture, que plaidez-vous ?

J’avais 8.6 grammes dans le sang et six joints dans le cerveau, votre honneur
Acquitté

(9) [...] Demain, lorsqu’un criminel de la route aura tué une ou plusieurs personnes, and qu’il avait pris le volant drogué ou alcoolisé, il pourra prétendre ne pas être respon-

- sable car il n'était pas "lui même" au moment des faits et qu'il avait pris le volant inconsciemment. Voilà, le tour est fait, déjà la "justice" dépénalise la consommation de drogue en estimant que celui qui en a consommé n'est pas responsable, ni de sa consommation ni de ce qu'il fait après !
- (10) Donc il avait le droit de l'assassiner après avoir consommé du shit (JV2, posted on 15 April 2021).
 - (11) oui enfreindre la loi en consommant de la drogue puis tuer quelqu'un sous l'influence de ladite drogue annule le crime (JV2, posted on 15 April 2021).
 - (12) ça commence à faire beaucoup ces derniers temps ces "pénalement irresponsable". C'est le nouveau terme pour vous savez qui ? (JV1, posted on 19 December 2019)
 - (13) ce qui devient très alarmant en France c'est que de plus en plus de criminels sont jugés irresponsables ils suffit qu'ils gueulent allah machin et ça y est ,tu es déficient mental (ce qui ,quelque part n'est pas faux) (FA, posted on 20 December 2019).
 - (14) Le même cabinet qui a défendu le gauchiste Cedric Herou, passeur de clandestins, au mépris de la loi (mais c'est GI qui a été dans le collimateur parce que ces jeunes voulaient faire respecter la loi). Justice pourave politisée. Avocat progressiste, pro immigration, de gauche (évidemment, sinon).
 - (15) La justice en France devient de plus en plus ridicule. Bon, il y a les malades appelés psychiatres qui débitent leurs "analyses" sur fondement de leur pensée de savoir et des juges qui marchent dans la combine. [. . .] (FP, posted on 19 December 2019).
 - (16) Exact c'est malheureusement la vérité, on a donné trop d'importance aux expertises psychiatriques à mon avis. Après le type passera sûrement sa vie en hôpital psy mais bon c'est quand même un peu dégoûtant (JV2, posted on 15 April 2021).
 - (17) La justice française fait son travail comme elle le peut. Elle applique des lois mal votées, en étant la justice la plus pauvre d'Europe (JV1, posted on 20 December 2019).
 - (18) Toi t'as trop regardé "vol au dessus d'un nid de coucou", les surdoses de came et les lobotomies c'est fini. L'asile de dingue c'est devenu une succursale du Club Med (FP, posted on 19 December 2019).
 - (19) [..] Ce que tu veut pas comprendre c'est que y'a déjà des précédents de libération validé par des psychiatres qui on mené à de véritables drame donc en vérité on s'inquiète surtout de la toute puissance de psy sur ce genre de décisions. . .moi si on me garantit que son état est pas compatible avec la vie en société et que du coup on l'interne à vie malgré une possible guérison alors je veut bien. [. . .] (1) (JV2, posted on 15 April 2021).
 - (20) Il ne sera pas incarcéré mais sera interné en unité de patients dangereux a vie, mis sous traitement lourd sans contact avec des individus normaux. personnellement, je préférerais la prison ou la mort... (FA, posted on 20 December 2019).

French-to-English translations in this article are by the author of this paper.

Notes

- ¹ «Responsabilité pénale: l'ordre des avocats du barreau de paris s'oppose à un projet de loi fourre-tout, bâti dans la précipitation», 20 October 2021, Available online: <https://www.avocatparis.org/actualites/responsabilite-penale-lordre-des-avocats-du-barreau-de-paris-soppose-un-projet-de-loi>, (accessed on 10 July 2024).
- ² See https://www.lemonde.fr/societe/article/2021/04/24/francois-molins-rien-ne-permet-d-affirmer-que-la-justice-serait-laxiste_6077883_3224.html, (accessed on 10 July 2024).
- ³ See <https://www.conseil-etat.fr/avis-consultatifs/derniers-avis-rendus/au-gouvernement/avis-sur-un-projet-de-loi-relatif-a-la-responsabilite-penale-et-a-la-securite-interieure>, (accessed on 10 July 2024).
- ⁴ See <https://www.village-justice.com/articles/affaire-halimi-traore-pas-distinction-possible-selon-origine-trouble-psychique,38890.html>, (accessed on 10 July 2024).
- ⁵ See <https://www.europe1.fr/politique/pas-de-proces-pour-laffaire-sarah-halimi-macron-dit-souhaiter-un-changement-de-loi-4039480>, (accessed on 10 July 2024).
- ⁶ "The President of the Court of Cassation and the Prosecutor General of the Court of Cassation recall that the independence of the judiciary system, of which the President of the Republic is the guarantor, is an essential condition for the functioning of

democracy. The magistrates of the Court of Cassation must be able to examine the appeals brought before them calmly and independently.” (Communiqué de la Cour de cassation, 27 January 2020).

- ⁷ See <https://www.lessurligneurs.eu/depenalisation-decriminalisation-penalisation-etc-explications>, (accessed on 10 July 2024).
- ⁸ Club Med is a French travel and tourism operator, specialising in the provision of all-inclusive holidays.
- ⁹ See, https://www.lemonde.fr/societe/article/2023/01/23/face-a-la-montee-du-populisme-judiciaire-le-monde-de-la-justice-inquiet_6158965_3224.html, (accessed on 10 July 2024).

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