

Beyond Words: Breaking the Boundaries of Legal Language

Natalie Ohana*

Abstract

This is the transcript of a Tedx talk given at Goodenough College, London on 21 May 2016. The author describes an art and dialogue workshop she conducted with artist Dr Sue Challis at a women's refuge in London run by Solace Women's Aid. The art works produced by women residing in the refuge concerning encounters with the legal system prompted reflections on the limits of language – especially legal language – as a tool to convey painful and traumatic experiences, and the value of combining language and art as a more effective means for expression and communication. A video of the talk is available at <https://m.youtube.com/watch?v=-Ydrf7DljfQ>.

The experience of encountering the legal system in times of life crises

When I was in the third year of my PhD I designed a public engagement project aimed at revealing how people who go through legal proceedings in difficult life situations experience the legal system. I wanted to focus on that experience, to show its meaning for people, to reveal its multiple layers depth and intensity.

I decided to integrate between art and language as a means of expression with which to understand that experience. That decision is what I will focus on in my talk today.

I collaborated with Dr Sue Challis who is an artist with experience in working with communities to create art works that express social or political messages. I also collaborated with Solace UK, an organization that operates refuges for women fleeing domestic violence in England.

* British Academy Postdoctoral Fellow, Law School, University of Exeter, UK. Email natalya.oe@gmail.com

This special collaboration resulted in a three-day art and dialogue workshop that Sue and I conducted in a refuge for women in London, run by Solace, in which 8 women who resided in the refuge participated. All of the 8 women who participated encountered the legal system in different legal proceedings connected to their having to leave their home because of domestic violence.

We divided the workshop to three encounters with the legal system, each explored on a separate day. The first day was dedicated to contacting the police in light of domestic violence. In the second day we looked into the experience of being represented by a lawyer and in the third day we explored the situation of being in a courtroom.

Bridging over communication barriers

What was behind the idea of integrating art as a means with which to understand that experience? Why was it necessary to question the use of language as the sole means of communication?

I started realizing the power of art as a means of expression before moving to London for my PhD studies, when I was a lawyer of a refuge for women fleeing domestic violence in Jerusalem for 6 years. I represented the women who resided in the refuge in legal proceedings related to them having to move from their homes to a refuge because of their partner's violence. These were very meaningful years in my life. One of the special parts of working in the refuge was to be part of a multi disciplinary team, which included social workers, psychologists and art therapists. The studio of the art therapist was just beside my office. I used to visit the studio many times and look at the art works created by the women who had no prior experience in art. It was then that I realized the power of art in both expressing and communicating intense messages and painful experiences. The works conveyed a depth of pain that I thought language alone could never convey.

The realization of the power of art was the first foundation of the workshop. The other was the understanding that in the specific context of the workshop language is

particularly not a sufficient tool with which to express and articulate the experience of encountering the legal system, and that is because of two reasons.

The first is that encountering the legal system in times of trauma is an emotionally charged and difficult experience. Language is not a sufficient tool with which to express painful and especially traumatic experiences. Sometimes there are not enough words to articulate pain to one's self, let alone to another. Trauma Studies, the body of knowledge that investigates all types of emotional trauma, revealed that many parts of the traumatic experience and its meaning to the person who went through it cannot be expressed through the sole use of words.¹

The second reason is the awareness that the limits of language are even more far reaching when it comes to the legal language. In my practice as a lawyer and in my work as a researcher I became very aware of the separateness caused by legal language – of the gap it creates between speakers and non-speakers – and of the sense of alienation that people who do not speak that language feel whenever they try to articulate their experiences for legal purposes.

I was therefore thinking of a method that would bridge over these limitations, a method that would enable women to express and communicate their experiences without feeling a sense of alienation or lack of entitlement to do so.

I will share with you now several art works created in the workshop, which convey different messages on the encounters with the legal system.

¹ Key texts in trauma studies include D LaCapra, *Writing History, Writing Trauma* (Johns Hopkins University Press 2001); S Felman, *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Harvard University Press 2002); C Caruth, *Unclaimed Experience: Trauma, Narrative and History* (Johns Hopkins University Press 2010).

Legal Translation

Large-scale imprint of a legal statement, collage, chalk pastels on card.



J created this wall sized image to convey her critical message about legal proceedings. J had to leave her home with her 2 year old son because of her partner's violence against her and move to a refuge. J chose to express her critique through recreating the statement written on her behalf by her lawyer and submitted to court. The statement is cut and main words from it are covered. The statement communicates the message that through the legal language and legal proceedings what J experienced as the harm of the violent relationship was covered and lost.

Legal Alienation: Mask of a solicitor

Chalk pastels on card.



R created this mask to represent her lawyer in child protection proceedings. The proceedings were initiated against her by the welfare services that claimed her children should be removed from her custody. The image represents a message that was conveyed by several women in the workshop on the sense of gap or distance felt not only when being represented by a lawyer but also when going through legal proceedings in general.

The art sessions were followed by group discussions or dialogues, and this integration between art *and* language, art *and* discussion proved to be the most effective means for expression and communication.

When I Contacted the Police

Large-scale imprint of the body, chalk pastels on card.



A created this large imprint of the body to convey the experience of encountering the police. A called the police for protection from her partner's violence for herself and her two-year old son; she was seven months pregnant at the time.

This image can convey different messages to different people. When I look at it I do not only see something, I can sense A's broken reality and intense pain. It triggers in me an emotional reaction. An understanding created through an image and an emotional reaction is one that can remain registered in our mind for a long time.

I realized something important during the workshop: that I had to be outside of my own comfort zone in order to enable a free and deep communication. Communicating through art and language meant that I abandoned the language advantage I had as a legal language speaker. Only once every one in the workshop felt they communicate from an uncharted territory, including me, was this deeper level of communication enabled.

Beyond legal context

What can we take from the workshop? On the particular legal context, the workshop created a platform for possible legal change: it conveyed the message that people who experienced legal proceedings should participate in shaping the legal system and it produced important understandings on the question whether legal proceedings are adapted to people in difficult life situations.

However, there is something to take from the workshop that goes beyond the legal context. Art is perceived today as a tool for either artists or therapists. However, the workshop revealed its relevance beyond these two areas –it showed the crucial role art could hold for the purpose of communicating and understanding realities.

What is compromised when we limit our methods of communication to language alone? What can be gained by communicating through language together with visual art, music, drama, and movement?

The workshop is mainly an example of the possibilities that can be opened once we become aware of unequal language advantages and we break the conventional means of communication. Abandoning language as the sole communication tool was the

central element responsible for bridging over barriers and enabling deeper and more subtle meanings to be revealed.