

REPRESENTATION OF GENDER VIOLENCE IN APPEAL PROCEEDINGS IN SPAIN: A CORPUS PRAGMATICS ANALYSIS

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Abstract

Violence against women is a gruesome problem in our society. In 2021 alone, there were around 170,000 complaints of gender-based violence in Spain, and this number has been steadily increasing since 2009, when the first data was collected. Complaints of gender-based violence in Spain are handled and decided by exclusive, specialised or compatible courts; if convicted, the perpetrators can then appeal to higher courts. Given the performative nature of language (Austin, 1962; Searle, 1969), it is of the utmost importance to analyse the language used in court by judges and lawyers to refer to violence against women, as this influences the mainstream social perception by facilitating a construal of gender violence. The ways in which language and violence are intertwined have long been studied from various perspectives (Derrida, 2001; Fairclough, 1989; Foucault, 1980). Other authors have explored how language can inflict (and therefore provoke) violence in various forms (van Dijk, 1995; Silva, 2017a, 2017b). In this paper, we examine the representation of gender-based violence in legal language in Spain. We address the language used to refer to violence in the texts analysed; the portrayal in court judgements of participants in acts of gender-based violence; and the resulting social representation of violence, victims and aggressors. We also examine the representation of women from a constructionist perspective (Butler, 1992; 1997; 2004), using corpus pragmatics (Romero-Trillo, 2008) to analyse lexical items and expressions in 20 court judgments in the context of gender-based violence. The results indicate some bias in the representation of violence, aggressors and victims in court judgments.


Keywords: gender-based violence; legal language; Spain; representation of women; pragmatics.

REPRESENTACIÓ DE LA VIOLÈNCIA DE GÈNERE EN ELS PROCESSOS DE RECURS A ESPANYA: ANÀLISI DE LA PRAGMÀTICA DE CORPUS

Resum

La violència contra les dones és un problema truculent de la nostra societat. Només el 2021, a Espanya es van presentar aproximadament 170.000 denúncies per violència de gènere i aquesta xifra no ha deixat d'augmentar des del 2009, any en què es van recollir les primeres dades. Les denúncies per violència de gènere a Espanya són ateses i resoltes per tribunals exclusius, especialitzats o compatibles; en cas que siguin condemnats, els culpables poden presentar recursos a tribunals superiors. Atès el caràcter performatiu del llenguatge (Austin, 1962; Searle, 1969), és de summa importància analitzar el llenguatge que jutges i advocats fan servir als tribunals per referir-se a la violència contra les dones, ja que aquest influeix sobre la percepció social general perquè facilita una interpretació de la violència de gènere. Les maneres en què el llenguatge i la violència estan interconnectats s'han estudiat durant molt temps des de diferents perspectives (Derrida, 2001; Fairclough, 1989; Foucault, 1980). Altres autors han explorat com el llenguatge pot infligir (i, per tant, provocar) violència en formes diverses (van Dijk, 1995; Silva, 2017a, 2017b). En aquest article, examinem la representació de la violència de gènere en el llenguatge jurídic a Espanya. Examinem el llenguatge utilitzat per referir-se a la violència en els textos analitzats; la descripció que es fa a les resolucions judicials dels participants en actes de violència de gènere, i la consegüent representació social de la violència, les víctimes i els agressors. També examinem la representació de les dones des d'una perspectiva construccionista (Butler, 1992, 1997, 2004), fent servir la pragmàtica de corpus (Romero-Trillo, 2008) per analitzar elements lèxics i expressions de vint resolucions judicials en el context de la violència de gènere. Els resultats indiquen un cert biaix en la representació de la violència, els agressors i les víctimes a les resolucions judicials.

Paraules clau: violència de gènere; llenguatge jurídic; Espanya; representació de les dones; pragmàtica.

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1 Introduction

Although nowadays society can be said to have made progress in some areas related to gender equality, violence against women is undoubtedly still a critical problem. Following the adoption of Organic Law 1/2004, of 28 December, on safeguarding against gender-based violence, cases of violence against women in Spain have received special attention from both the courts and the media. Although awareness of the problem has increased, it remains difficult for women to go to court and testify under such circumstances. Even when they win their cases, women find it difficult to recover from the abuse, especially when the violence is perpetrated in the domestic sphere. Even when they win their cases, women find it difficult to recover from the abuse and to express their feelings, especially when the violence was perpetrated in the domestic sphere and they find it difficult to express their feelings (Mestre-Mestre, 2016). Controversial court decisions related to gender-based violence are occasionally published in the media because of the judgements and the way victims are treated in court. Issues arising from such court decisions lead to heated debates and polemics. In such cases, even parts of the court decisions are made public, reaching the general public and influencing the perception of such cases in society, as the higher institutions of the State (in this case the higher courts) publish their views on the matter.

In Spain, 106 exclusive, 351 compatible, and 32 specialised criminal courts deal with complaints of violence against women. These courts are empowered to investigate other crimes committed by the current or former spouse or cohabitant, as well as crimes against minors for whom the perpetrator has custody or care. In 2021 alone, these courts received approximately 170,000 complaints. Offenders convicted of these crimes can appeal to higher courts to reduce, revoke or repeal their sentence. Only about a quarter of Spanish judges have received training on gender-related and violence issues.

In this paper, we examine the ways in which violence, violent acts, aggressors and victims are represented in legal texts, particularly in gender-based violence (GBV) judgements, thereby illustrating how GBV is perceived in the legal environment, how this affects social perceptions, and the resulting impact on the social imaginary. To this end, through the following research questions related to the use of language in court judgments, we aim to determine, in particular, (1) how women victims of gender-based violence are portrayed in legal texts; (2) how men convicted of gender-based violence are portrayed in legal texts; (3) the image projected of the violence itself in court judgments; and (4) the representation of men and women proposed to the social imaginary through these legal texts.

The objectives of the study were to identify the ways in which different forms of violence are represented in the texts analysed; identify the ways in which acts of violence are characterised, focusing on the circumstances described; examine the representation of those involved, the aggressors and the victims; and analyse the resulting representation transferred to the social imaginary.

It should be noted that the analysis carried out is linguistic and not legal in nature. It is therefore based on the choice of words and expressions collected in the writings and not on the particular legal strategies that may have supported them.

In terms of structure, this brief introduction is followed by a look at the theoretical background of the study, which is based on four pillars: pragmatics, the relationship between language and violence, the representation of violence, and legal language used in Spain. There follows an explanation of the materials and methodology used in the research, including a description of the corpus and the analyses carried out; the quantitative and qualitative findings of these analyses are listed in the results section. A discussion and the conclusions of the study are presented in the final section.

2 Theoretical background

2.1 Pragmatics

The discipline of pragmatics enables language to be examined from the perspective of its use rather than that of either the ruling standard, syntax or semantics, all of which are concerned with structures and meaning. In a departure from traditional structuralist models, pragmatics was initially focused on functions and the idea that

language is primarily communication; it has since evolved to include linguistic conventions, multiculturalism and politeness. Indeed, early pragmatics focused on the meaning and conditions of use of different speech acts, drawing on Searle's theory of speech acts (1969, 1985), which allowed for the interpretation of a sentence in a given context; Austin's speech act theory (1962), which introduced the idea of performative language; and Grice's (1975, 1989) theory of conversational logic, which presented the now well-known conversational maxims and implicatures.

Halliday (1984) stressed the social aspect of language as crucial, while other linguists, such as Widdowson (1979), pointed to communication processes and functions as the very essence of language, introducing the actual speaker into the picture with terms such as "speaker meaning", "contextual meaning", "invisible meaning" or "language use" identifying the process whereby decisions are made at different levels and moments of speaking (Verschueren, 1999, p. 70): "to understand the meaningful functioning of language as a dynamic process operating on context-structure relationships at various levels of salience". In this regard, authors such as Mey and Talbot (1988), Escandell (1996) and Bardovi-Harlig (1996) agree that communication is based on previous experiences common to both speaker and hearer.

In Sperber and Wilson's relevance theory (Sperber & Wilson, 1986, 1995, 1998, 2002; Wilson & Sperber, 1981, 1992, 1993, 2002), the authors emphasise that communication is not simply about "packaging" thoughts into words for the hearer to "unpack", but that utterances must make a connection with the hearer in order to capture their attention and have a cognitive effect or contextual implication, distinguishing between implications that the hearer believes were intended (i.e., implicatures), and those that arise from the utterance itself (i.e., contextual implications) (Sperber & Wilson, 1995, pp. 255–279; Carston, 1988).

Thus it can be seen that the discipline of pragmatics focuses on the meaning that language acquires through its use, and on the differences between the official meaning of a word or phrase and the actual meaning intended by the speaker. Ultimately, the meaning perceived by the listener is derived from what the speaker actually says. Hence, for a correct interpretation of the research presented in this paper, several aspects must be emphasised. First, language is not a static space in which words have fixed meanings that are codified and decodified. On the contrary, language evolves and flows as communication develops in different contexts. Second, the words employed by the speaker are always the result of a specific choice. Third, meaning is negotiated between the speaker and the hearer, taking into account their shared experiences, as cognitive processes enable the interpretation of messages or the derivation of implications. Finally, realities can be created through communication, given the performative capacity of language to complete an action by the mere mention of it.

The corpus pragmatics approach used in this study allows for an in-depth analysis of large amounts of data with a sensitive pragmatic eye: "corpus linguistics and pragmatics are two versions of the same linguistic phenomenon: the mechanics and its interpretation" (Romero-Trillo, 2008, pp. 5–6), as explained in the methodology section.

2.2 Language and violence

The literature on the relationship between language and violence is quite extensive, with disciplinary approaches ranging from philosophy (Derrida, 2001; Liebsch, 2013), through politics (Fairclough, 1989; Foucault, 1980), to sociology (Dey, 2006, 2010; Jones et al., 2009). One such non-linguistic approach is Caldeira (2000), who looks at language and violence from an anthropological and ethnographic perspective and proposes the term "talk crime" to refer to the narration of violence that simultaneously reinforces and refutes it. As new forms of communication develop, new practices of violence spread in different fields and at different levels. This is particularly true of the dissemination of violent language through computer-mediated communication (CMC) and social media, as numerous studies have described, in the fields of politics (Breeze, 2020; Ekman, 2019), racism (van Dijk, 2000; Fairclough, 2003), or misogyny (Blake et al., 2021; Centola, 2010; Fan et al., 2016), for example. Due to its immediacy and global reach, violence in CMC spreads like wildfire and contaminates other environments, even when it originates in offline environments.

In this regard, Silva (2017a, p. 2) explains how the use of violent language transcends language and affects society, pointing out that "attempting to understand violence and how it relates to language may provide us

with some important resources for comprehending the complex entanglements between violence, signification and social life". He also posits two hypotheses related to Austin's philosophy of language, based on the belief that talking about crime is performative. In other words, he claims that language not only represents violence, but itself condones violence, and concurs with Bourdieu's idea that linguistic (symbolic) violence is an invisible form of violence that is not recognised as such (Bourdieu, 1977). This gives force to the idea that the use of the term "symbolic" for linguistic violence is misleading, as it suggests a divergence from "real" violence, that is, violence that is physically exercised or involves the use of weapons (Bourdieu, 2000).

Violent language is used in the performance of social acts ranging from "acts of deceit, perjury, threatening, menacing, intimidation, harassment, derogation, humiliation and a host of other ways to attack, hurt, demean, cheat or destroy others" (van Dijk, 1995, p. 307). In this context, Silva (2017b) explores the manner in which violent discourse is construed as the only possible representation of certain subjects, and the capacity of words to harm people and construct a social being for them.

Butler (1997) agrees with the idea that language itself generates violence. Indeed, she emphasises that the suffering caused by acts of violence consists in a temporary inability to find one's place in the world, to know where one belongs, which occurs at the moment of the harm itself:

To be addressed injuriously is (...) to suffer the disorientation of one's situation as the effect of such speech. (...) precisely the volatility of one's "place" within the community of speakers; one can be "put in one's place" by such speech, but such a place may be no place. (Butler, 1997, p. 4)

Choice of language is never neutral, and the presumption to identify an unbiased or unmarked form of language is just another pattern of social domination (Coates & Wade, 2007). In this sense, Gonzalez Salgado (2011, 2015) points to legal problems arising from the language chosen in certain cases. To counter this, in some cases negative terms that evoke such notions have been used to empower oppressed groups. These reclaimed terms, known as "slurs", are based on race, gender, sexuality, etc. (Popa-Wyatt, 2020) and take on new meaning when used for a different purpose, highlighting the potential of language to transform a previously created reality.

Because language can be employed to alter a given reality or perception, and because its use is not unintentional, discourse can be used to conceal violence by paraphrasing, obfuscating and masking acts of violence rather than naming them. Coates and Wade (2007) describe violence in terms of interaction because violence is social but also one-sided: it is intentional and evokes resistance. In terms of social discourse, these authors point to the misrepresentation that occurs in cases of asymmetrical power relations and the lack of impartiality in describing violence, or what they call the four discursive operations:

Language can be used to conceal violence, obscure and mitigate offenders' responsibility, suppress victims' resistance, and blame and pathologize victims. Alternatively, language can be used to expose violence, clarify offenders' responsibility, elucidate and honor victims' resistance, and contest the blaming and pathologizing of victims. (Coates & Wade, 2007, p. 513)

2.3 Representation of women

The portrayal of women throughout history has been the subject of much concern and discussion in recent decades. It is a theme that continues to be studied from different angles in order to uncover misrepresentation, underrepresentation and distortion, with some authors arguing that the body has a political, socially constructed meaning (Butler, 1992; Piscitelli, 2002; Plaza Pinto, 2007).

As part of this challenging of the perception of women's bodies throughout history, social constructionism questioned whether the body had a non-social origin and rejected notions about the condition and social status of bodies. Much of feminist thought can be located here. Even the so-called "essentialist feminists", who emphasised the claimed biological unity of the body as the reason for women's oppression, also discussed the social conditions of oppression and thus emphasised its political, i.e., socially constructed, meaning (Piscitelli, 2002, in Plaza Pinto, 2007). In this regard, ontological constructionism argues that the body does not exist unless it is invented for its control, which concerns the notion that language creates or contributes to the creation of realities. Indeed, Butler (1992, p. 21) states that:

If the body signified as prior to signification is an effect of signification, then the mimetic or representational status of language, which claims that signs follow bodies as their necessary mirrors, is not mimetic at all; on the contrary, it is productive, constitutive, one might even argue *performative* (...).

Later approaches, such as historical and discursive constructionism, discussed the implications of this representation and how the body is produced differently at particular times under interwoven discursive regimes.

Misrepresentations, distortions and the perversion of the image of women are not unintentional and have been documented in almost all disciplines: in the film industry (Carroll, 1990; Collins, 2011; Yang et al., 2020), in the media in general (Tuchman, 1978, 1979; Global Media Monitoring Project, 2010; van Dijk, 2008), in textbooks (Mills, 1994; Chiponda & Wassermann, 2011), in business (Heilman, 2001; Power et al., 2020; Achtenagen & Welter, 2011), in social media (Power et al., 2017; Powell & Henry, 2017), and in politics (Heimer, 2007; van Dijk, 2008), to name but a few.

2.4 Legal language in Spain

In pronouncing judgement, judges decide on the law, declare rights and establish procedures for complying with their decisions. This is performative language, what Austin (1962) called “doing things with words”. In appeals in cassation proceedings, lawyers and prosecutors defend their cases and present the facts in a plausible way. In the Spanish tradition, when judges pass judgement, they must first give a “neutral” account of the relevant facts in the context of the legal discussion and then pass judgement. This is crucial to the present study, which focuses on how these facts are presented in court.

According to Tomás Ríos (2005), Spanish legal language is characterised by the use of (a) noun phrases as opposed to verb phrases, (b) abstract nouns, (c) precise and exhaustive language that leaves little room for interpretation, (d) gerunds, (e) other impersonal forms of verbs (e.g., infinitive, participle), (f) passive and impersonal phrases with the reflexive pronoun *se*, and (g) periphrases. Another important aspect is the use of general words with specific meanings.

Legal language does not facilitate understanding and even flouts several of Grice’s maxims: the maxim of quantity, since it provides far more information than is necessary; the maxim of quality, which compels us to state only true facts; and the maxim of manner, which requires that communication be clear, concise and as orderly as possible to avoid ambiguity and obscurity. In fact, legal language is generally considered complicated, unclear and arduous to understand. Some of the main difficulties identified are the excessive use of long sentences (with the stringing together of gerunds) and restrictive clauses, as well as an excess of polysemy and stereotyped or formulaic expressions (Alcaraz Varó, 2005; González Salgado, 2009). González Salgado (2009) also mentions careless writing, with spelling and punctuation errors, confusing or ambiguous texts, over-specialised terminology, or pretentious writing that provides more information than necessary.

González Salgado (2009, 2015) refers to several “linguistic mechanisms” that make legal texts difficult to understand, such as (1) the use of prepositional phrases instead of prepositions, (2) the misuse of unnecessary abbreviations, or (3) the preference for long words or verbal periphrases. The author also cites the use of redundant masculine and feminine references in texts as an obstructive factor, and highlights the generic use of “he”, although this has long been controversial. As an alternative, he suggests a consistent use of gender specification, which would only need to be used occasionally in most texts. In this vein, Monzó-Nebot (2021) points to a gender bias in legal language by prescribing the “neutral” use of the masculine form.

Following Alcaraz Varó (2005), we emphasise that the analysis conducted in this study is linguistic as opposed to legal. The terms are read and interpreted from a linguistic rather than a legal perspective and therefore our analysis considers the literal meaning and representation of the terms, not their legal value.

3 Materials and method

The groundwork of the present study was to identify representations of GBV in legal language and, in particular, in court judgments in Spain. The aim of the research was to investigate how violence is directly addressed, as well as examine in detail how individual acts of GBV and, subsequently, the persons involved

in these acts are represented. To this end, a corpus of court judgments was collected and analysed from a corpus pragmatics perspective, using corpus-based and corpus-driven analyses (Tognini-Bonelli, 2001) with both quantitative and qualitative approaches.

3.1 Corpus

In this study, a corpus of 20 court judgments handed down between 2013 and 2021 was compiled for a pragmatics analysis. The judgements were cassation appeals against judgements on gender-based violence in Spanish courts. A cassation appeal is an extraordinary request against a judicial decision; a convicted person may petition the Supreme Court or the High Courts to review the application of the law previously decided by the lower courts. The [vLex](#) platform was used to obtain the texts. The platform claims to offer the largest collection of Spanish legal documents and offers an extensive collection of case law, legislation and other legal content.

A total of 235,822 tokens were retrieved, of which 206,026 were words and 4,337 were sentences. Several tools were used to process and analyse the data: first, the [NRC Word-Emotion Association Lexicon](#), which helps identify emotions in large corpora; and second, two software applications for text analysis: [AntConc 3.5.9](#) and [Sketch Engine 2.36.5](#).

The examples in the paper are copied exactly from the corpus as written in the cassation complaint, without grammar or spelling corrections, to show the exact word choice in the legal texts analysed.

3.2 Analyses

Complementary corpus-driven and corpus-based analyses were conducted to identify the main features of the corpus related to GBV at the lexical level by analysing the word choice of judges and lawyers in their speeches as well as recurring syntactic structures in the texts.

3.2.1 Corpus-driven analysis

A corpus-driven analysis was conducted using Sketch Engine to identify the adjectives with the highest frequency in the corpus. The NRC Emotion Lexicon (Emolex) was then used to identify terms associated with positive or negative sentiments and emotions, and determine the degree of likelihood that these terms relate to one of the eight emotions included in the database. In our case, we identified only the negative adjectives most frequently used in this context. The adjectives that emerged from this analysis that directly relate to our area of interest are listed in Table 1.

Table 1

Negative adjectives with more than ten occurrences

High-frequency adj. (741>35)	Occurrences	Medium-frequency adj. (28>17)	Occurrences	Low-frequency adj. (10>17)	Occurrences
sexual	215	agresivo	27	punitivo	14
grave	154	mental	26	irracional	13
habitual	154	moral	26	machista	13
leve	151	injusto	25	espurio	13
probatorio	131	acusatorio	25	depresivo	12
violento	79	carnal	25	amenazante	11
criminal	75	lesivo	19	alevoso	11
delictivo	66	alcohólicas	18	incriminatorio	10
psíquica, psíquico	58	defensivo	18	ilegal	10
inferior	55	intencional	17	impugnativo	10
indebido	42			incapaz	10

Source: Own elaboration.

3.2.2 Corpus-based analyses

Subsequently, we analysed various components of the texts to obtain a clear picture of the words used in the judgments and the representation of the persons involved in the GBV acts. For this purpose, we selected three lexical sets for analysis from both quantitative and qualitative perspectives. First, we examined the portrayal in the texts of the persons involved in the acts of violence. Dichotomic terms used to identify man and woman (*hombre, mujer*), husband and wife (*esposo, esposa*), or victim and perpetrator (*víctima, agresor*), which play a role in the passages described in the judgments as evidence, were analysed. Second, we looked at the way the violence and aggression were represented, both lexically and syntactically. In doing so, we examined two different aspects: concrete acts of violence against women, and descriptions of wounds inflicted on the victims of violence against women. Finally, we examined direct mention of women in the texts by identifying bigrams formed with *la* + noun, as well as examining the way in which these women were addressed, as shown in Table 2.

Table 2

Lexical sets analysed

Persons involved	Violence and aggression	Women
esposo, esposa/marido, mujer	injuries	bigrams
víctima, agresor	acts of GBV	proper names
	verbal aggression	use of pronouns
	active/passive	

Source: Own elaboration.

4 Results

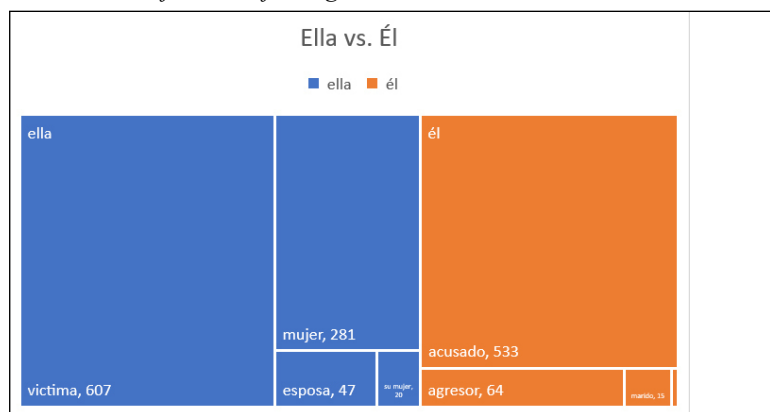
Our successive analyses produced the results presented below in relation to perpetrators and victims of violence against women, following the structure of analysis described above. The results are divided into sections and include both quantitative and qualitative analyses where available.

4.1 Population/persons involved

The first issue to be examined was the use of terms in connection with the persons involved in the acts of violence described in the judgments. It should be emphasised that pronouns are not included in this account. Graph 1 shows both the number of occurrences and the specific terms used for *ella* (she) and *él* (he). The total of the terms used to refer to women (*víctima, mujer, [su] mujer, esposa*) gives a figure of 955 occurrences. It can be observed that women are frequently referred to as *víctima* (in almost 40% of occurrences). In contrast, the number of occurrences referring to men (*acusado, agresor, marido, esposo*) involved in the described actions is around 600.

Graph 1

Occurrences of terms referring to women and men



Source: Own elaboration.

Graph 2 illustrates the most commonly used terms for offenders in the judgments and intends to give a clear picture of the way in which men who appeal and seek review of their convictions are represented in court. It becomes clear that *agresor* (offender, attacker), only used in 10% of cases, is not the preferred term in this context, while *acusado* (defendant) is used in 87% of all cases.

Graph 2

Most common terms used to refer to offenders



Source: Own elaboration.

4.1.1 Agresor vs. víctima

It is not only the number of occurrences that is unbalanced. The treatment of the persons involved in the acts of violence is also asymmetrical, as the qualitative analysis shows. From the perspective of the qualitative analysis, the particular use of passive and active voices can be seen. Here are some examples where, in line with findings from the extensive previous literature (Henley et al., 1995; Frazer & Miller, 2009; Skinner & Pludwin, 2013; Fannes & Claeys, 2023), the passive voice is used to obscure the subject of the acts committed. The examples also show a number of cases in which the image of the women involved is exactly the opposite of the truth, with the women depicted as alleged victims and false complainants.

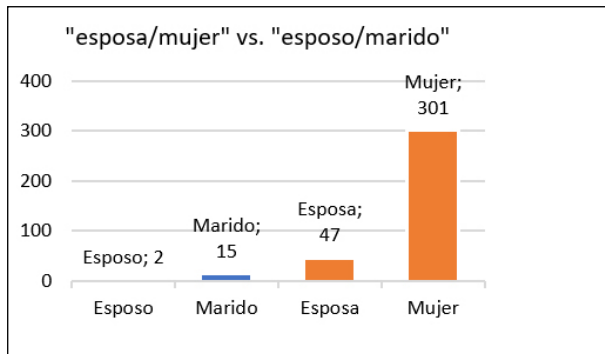
- [Example 1]: un mal estado personal **cuando recibe del agresor** los dos bofetones en la cara, [SENT14]
- [Example 2]: la **presión psicológica que se ejerce por el agresor** para que la víctima no denuncie, como en [SENT16]
- [Example 3]: **presión que se ejerce por el entorno** del agresor para que no denuncie se convierten en una [SENT16]
- [Example 4]: inmersa en **condición de víctima** en otro proceso judicial por un **presunto** delito [SENT02]
- [Example 5]: delito contra la libertad sexual, del que habria sido víctima cuando tenía 13 o 14 años, [SENT02]
- [Example 6]: Las manifestaciones vertidas por la víctima-denunciante en el acto de la vista **no sean ciertas**, es que además [SENT03]

4.1.2 Esposa vs. esposo, mujer vs. marido

Finally, a similar study of the terms *esposa/esposo*, *mujer/marido* permits the observation of significant differences in the use of *esposa* (female spouse), with 47 occurrences, or *mujer*, with 301 occurrences (of which 20 are “*su*” [“his”] *mujer*) on the one hand; and *esposo* (male spouse), with two occurrences, or *marido*, with 15 occurrences, on the other, as can be seen in Graph 3.

Graph 3

Occurrences of marido/esposo vs. mujer/esposa



Source: Own elaboration.

The qualitative analysis allows us to examine in depth some cases where there is a clear preference for one of the terms in the lexical pair over the other. Examples 1–3 below indicate the constant reference to the term *esposa* (female spouse). The use of *esposa* over *esposo* (male spouse) in the examples determines a bond between the woman and the man, but not vice versa, as the husband is referred to as the *acusado* (the accused), or by his name, as *Raúl*. The choice of certain syntactic constructions also draws the reader’s attention, as can be seen in Example 9, where the act of getting married is one-directional.

[Example 7]: la conducta de la **esposa**, precavida, en evitacion de altercados, dado el caracter del acusado, no otorgaba justificacion a una reaccion desorbitada o fuera de lo comun [SENT07].

[Example 8]: preguntado en varias ocasiones **Raul a su esposa** donde había estado, le dijo que se sentara [SENT18]

[Example 9]: el acusado contrajera matrimonio con **su esposa** [SENT17]

4.2 Violence and aggression

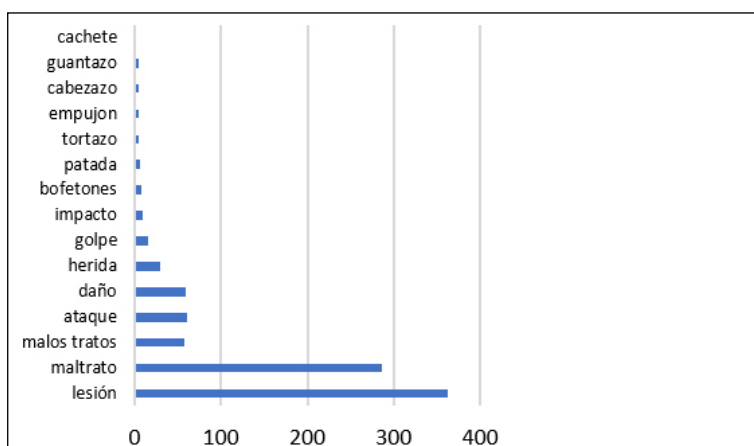
This section illustrates the most common terms used to identify specific acts of aggression, either by directly referring to the injuries and violence inflicted on women by the perpetrators (Graph 4), referring to acts of sexual violence (Graph 5), explaining verbal aggression (Graph 6), or reproducing insults (Graph 7).

4.2.1 Injuries

The texts describe the women’s wounds and the nature of the physical attacks to which they were subjected in some detail. The most frequently used terms to describe the blows and injuries suffered by the women after the violent acts are shown in Graph 4.

Graph 4

Injuries and acts of violence against women



Source: Own elaboration.

Expressions referring to violence range from a generic *lesión* (injury) or *maltrato* (abuse) to a more specific *golpe* (blow), *hematoma* (haematoma) or *patada* (kick). We have not included other contexts in which violence is described through the indirect rendering of threats and co-active actions in this graph, such as the use of the word *cuchillo* (knife) (42 times) or *sangre* (blood) (11 times) to describe the specific scenarios surrounding the GBV. The following qualitative analysis illustrates the exact expressions used in each context. The lexis used to describe injuries can be extremely crude, as examples 10–13 show.

[Example 10]: el recurrente dio un guantazo en la boca a su hija menor Berta, **sin lastimarla** [SENT04]

[Example 11]: en el lado cervical derecho con **cuatro hematomas redondeados**, rojizos y nitidos de similar tamaño [SENT16].

[Example 12]: Como consecuencia de la agresión, Sagarrio sufrió **heridas consistentes** en contusión en **labio superior y eritema** supraclavícula, [SENT18]

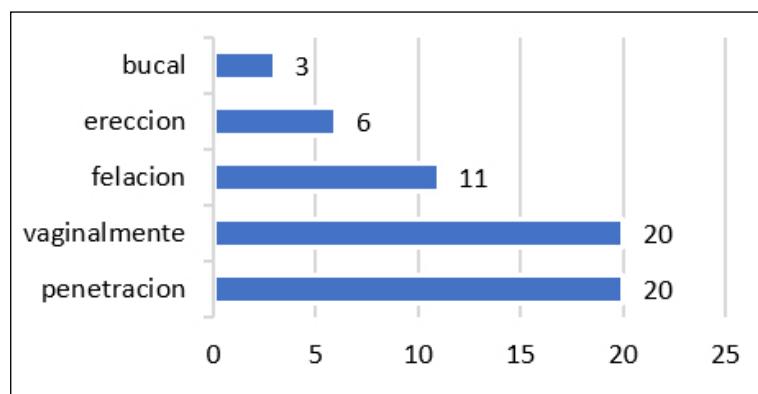
[Example 13]: En estas condiciones de agresividad y con un cuchillo en la mano el agresor, asestandole nada menos que **ocho puñaladas a la víctima**, cinco de ellas en la cabeza, [SENT20]

4.2.2 Acts of sexual GBV

Graph 5 shows the terms used to describe the acts of sexual violence against women as portrayed in the judgments. The most frequently used terms are *penetrar vaginalmente* (vaginal penetration) and *penetración*. The term *violación* (rape) is not used once in any of the 20 judgements to refer to specific acts of sexual violence. The term appears 53 times, but only to explain what is considered *violación* (rape) in the current legislation and whether or not it was traditionally deemed possible for rape to take place within a marriage. In only four cases is reference made to *violencia sexual* (sexual violence).

Graph 5

Acts of sexual violence



Source: Own elaboration.

Thereafter, Examples 14–17 illustrate some of the contexts in which these terms are used. In some of these, the reader is struck by an entirely neutral or even gentle description of utterly violent acts, as though these were everyday actions (*le propuso, olfatearla* [he proposed, to sniff her]).

[Example 14]: **penetrado vaginalmente** con su pene y sin preservativo, al tiempo que le agarraba [SENT 16]

[Example 15]: le obligaba a practicarle una felacion. Como no conseguia la ereccion, le propuso, **le propuso** [SENT03]

[Example 16]: encerrarla en la cocina para **olfatearla** y comprobar si tenia **marcas** en la cara **que reflejaran relaciones** con otro hombres, y amedrentandola [SENT04]

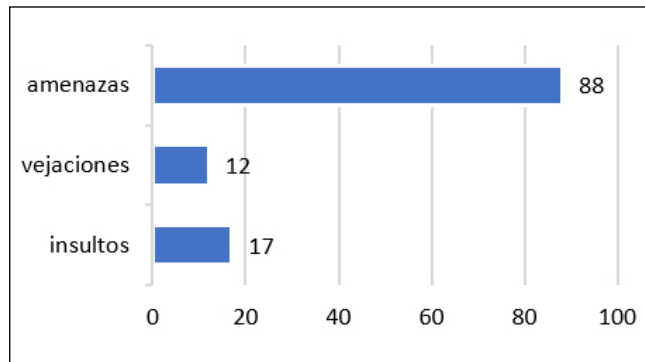
[Example 17]: Tal modo de proceder determino a Ana a someterse a la voluntad de su marido, que **excitado, consiguio penetrarla** [SENT02]

4.2.3 Verbal aggressions

Apart from the descriptions of specific sexual acts of GBV, in which the women are physically or sexually harmed, different types of verbal aggressions inflicted on the women by the offenders appear in the corpus analysed. In particular, these aggressions are referred to as *amenazas* (threats), *vejaciones* (humiliations), and *insultos* (insults). These are shown in Graph 6.

Graph 6

Verbal aggressions



Source: Own elaboration.

The judgments do not stop at stating that the women were threatened or insulted. Instead, they realistically reflect acts of verbal GBV against women. This goes so far that, in 50% of the decisions analysed (10 texts), the specific insults women received during the assaults are reproduced verbatim. This is the case with *puta* (whore) in 10 texts, *guarra* (slut) in 2, and *zorra* (bitch) in a further 3. In legal texts, according to Spanish tradition, as explained in the introductory section, judges must state the facts they are judging before pronouncing sentence. Examples 18–19 illustrate the extent to which this is observed.

[Example 18]: Como “puta, guarra, con quien has follado hoy, puta con quien has estado”, mala madre, zorra.
Concretamente [SENT 05]

[Example 19]: con expresiones y frases como “puta, guarra, hija de puta, no vales nada”, [SENT 20]

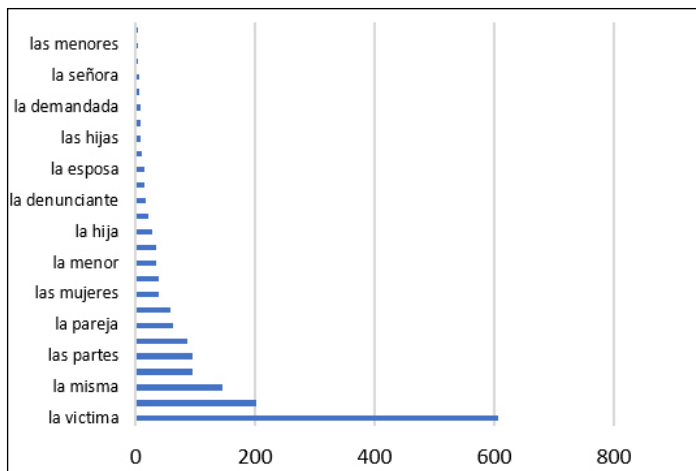
4.3 How women are addressed in court

This segment illustrates two aspects of how women are addressed in these legal texts, in order to exemplify how these women’s bodies are perceived and depicted. Apart from the lexical items identified and described above, women are always addressed by their first names in the texts, establishing an awkward familiarity (Eufrasia, Elisa, Penelope, Miriam, etc.), or by a noun phrase. The most common noun phrases are displayed in Graph 7: *la(s) menor(es)* (the minor[s]), *la denunciante* (the plaintiff), *la(s) hija(s)*, (the daughter[s]), *la esposa* (the female spouse or wife), *la madre* (the mother), *la pareja* (the companion), *las partes* (the parties), *la(s) víctima(s)* (the victim[s]). *The victim* is, by far, the most commonly used bigram to refer to women.

4.3.1 Noun phrases

Graph 7

References to women



Source: Own elaboration.

4.3.2 Pronouns

The qualitative analyses identified interesting features related to the way in which possessive pronouns are used to refer to the persons involved in the acts described. As in the case of *esposa*, the choice of pronouns is often used to establish one-directional relationships and family relationships that do not seem to be reciprocal for all the parties involved. This can be seen in Examples 20–22.

[Example 20]: **Sonia y sus hijas** las cuales atemorizadas por **su marido y padre**, de tal forma que la **esposa** le planteo al procesado en varias ocasiones su voluntad de separarse [SENT10].

[Example 21]: amedrentando a **su mujer** con hacerle daño a **las niñas** [SENT10]

[Example 22]: a **golpear a su mujer** con tal instrumento a la vez que [SENT10]

5 Discussion and conclusions

The results of the successive analyses described in this paper offer answers to the research questions that underpin the study. First, regarding the role of language in creating the social imaginary around the violence in the texts, following Silva (2017b), the results show that the language in this corpus endorses violence, especially in the reconstruction of events that precedes the judgement. It is clear that the violence in the texts is described in extremely crude language. This is evident in the explicit reconstruction of violent acts, which are described in minute detail, with crass descriptions, including a graphic representation of wounds inflicted and received and a coarse description of injuries inflicted on the bodies of the victims, as if these had nothing to do with the women themselves. Not only does this treatment trivialise the violence itself, it also forces the women to relive their experiences.

As for the specific choice of words used in the texts to describe those involved in the acts being judged, women are consistently referred to as victims, while men are “addressed, not as aggressors, but rather as “the accused”. The unequal use of the lexical pairs female spouse/male spouse and husband/wife is also evident throughout the corpus. It must be borne in mind that the texts analysed are cassation appeals, which indicates that these men have previously been convicted for these actions.

Another substantial aspect presented in the paper is the choice of words used in the texts to reproduce verbal aggression. Almost all the texts include numerous expletives, which reproduce the words uttered by the accused during these acts in the utmost detail. It is known that the uttering of insults is a performative act.

Therefore, by reproducing this verbal aggression, women who have suffered acts of GBV are returned to a non-place time and again (Butler, 1997).

Regarding the degree of respect used in these texts, as other authors have noted in the literature on the misrepresentation of women, abused women are addressed in the corpus by their first names, creating an apparent familiarity between them and the judges and lawyers participating in the sessions. There is no formal or semi-formal address accorded to the parties involved, whether men or women, in acts of gender-based violence. Women are systematically referred to as “victims” and ascribed a highly passive role in the actions described. In the entire corpus, there are only 16 occurrences of the word *resistencia* (resistance).

The relationship between women and their attackers is usually described as one in which a marital bond or sense of belonging is implied through the use of possessive pronouns. However, this only seems to apply to the woman in the relationship. In numerous instances, the woman is described as *su esposa* (his spouse/wife), or *su mujer* (his wife), but not the other way around; there are only three occurrences of *su marido* (her husband). Nor is there indication of reciprocal belonging when the legal texts refer to the children of both spouses, or the children of the couple; the children are usually described as belonging to the woman, not to the man.

The choice of words by judges and lawyers to describe acts of violence cannot be considered neutral. Quite the reverse, in some cases the acts or pain inflicted on women by men in the texts under study are linguistically trivialised or even described as if there were no sign of violence, as indicated in the examples above: *la voluntad de su marido que, excitado, consiguió penetrarla* (the will of her husband who, aroused, succeeded in penetrating her), for example (Example 17). It is also noteworthy that the word *violación* (rape) is never mentioned in the descriptions of acts of sexual violence.

Acts of GBV committed by men are often described in the passive or impersonal tense (examples 1–6). This is consistent with the findings of previous studies (Henley et al., 1995; Frazer & Miller, 2009; Skinner & Pludwin, 2013; Fannes & Claeys, 2023), indicating a generalised trivialisation of sexual assault narratives across contexts, as well as a certain degree of tolerance to sexual aggression, disregarding the dignity and equality of women. What is more, considering Coates and Wade (2007, p. 513), it appears that language in this corpus serves to conceal violence, obscure and diminish perpetrator responsibility, suppress victim resistance, and blame and pathologise victims, rather than expose violence, clarify perpetrator responsibility, illustrate and acknowledge victim resistance, and deny victim blaming and pathologising.

Hence, bias has been found in the description of violent acts against women in legal texts and in the portrayal of the men and women involved in them: the attackers are represented as the accused, the women as the victims, with scant mention of resistance on the part of the women found in the corpus. The language used in appeals and decisions needs to be reconsidered, as it is the basis of the social imaginary. Moreover, our understanding of what we know from past experiences (Mey & Talbot, 1988; Escandell, 1996; Bardovi-Harlig, 1996) and what we believe to be the speaker’s intentions (relevance theory) help us to understand the messages we receive. In the case of authorities (the judges in this case), these messages are particularly critical, as they have greater influence over people’s views. By reducing these women to the category of victims and denying their resistance to aggression, society perceives them only as victims, since the words used assign them a social being (Silva, 2017b) that is a non-place in the community of speakers.

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