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# LEARNING LEGAL LANGUAGE THROUGH HUMOUR: I WISH YOU A (REASONABLY) MERRY CHRISTMAS, AND A HAPPY NEW YEAR (TWELVE (12) MONTHS FROM THE DATE HEREOF)

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## Introduction

Using a humour-based approach to language learning is a well-documented area of research (Powell & Anderson 1985, Wagner & Urios-Aparisi 2011), but less so in the context of languages for specific purposes (LSP). In this chapter we seek to narrow this gap through an exploratory experiment carried out as part of on-going research on humour and law. We look at the possibilities offered by humour in teaching legal English, either in itself or as the foundation of legal translation courses. After a general overview of the role of humour as a means of introducing specialised terminology and content-specific knowledge and the potential problems entailed by the use of humour in English for Specific Purposes (ESP) teaching contexts, we review the specific case of humour in law and legal language. We then present classroom-based research regarding a number of activities aimed at creating awareness of the relationship between humour and law, as well as

potential negative or passive responses to humour-based language strategies aimed at learning legal language through a metalinguistic approach.

### **Humour and ESP: A way to approach specialised domains**

The response to the question as to whether humour is an effective teaching tool in the ESP classroom should, in principle, be in the affirmative. Different authors have pointed out the numerous and varied arguments in favour of its use, such as the fact that humour holds learners' attention, contributes to creating a positive environment, encourages student involvement, and fosters an image of the teacher as a communicator. To this may be added Powell and Anderson's all-important finding that humour in the classroom helps learners to understand and remember what they are learning (1985, 80). Additionally, and on another plane, teachers may need to consider adopting humour in the classroom since empirical studies carried out in tertiary education contexts show that the question of humour plays an important role in conditioning student course evaluations (Bryant et al. 1980; Wanzer & Frymier 1999).

Humour presents certain advantages in the specific context of LSP teaching, notably with regard to the ever-present, all-pervading question of subject domain proficiency: in the ESP classroom, the teacher is, generally speaking, not a specialist in the learner's specialism (whether business, medicine or law) and humour can be a way to lessen the burden of disciplinary inadequacy which ESP teachers often face. This may, likewise, apply to the learners as well, either because they are in the initial stages of their learning process (i.e. in the first years of their university degrees), or even because, in certain cases, they will never be "specialists" as is the case of legal English for linguists or translators, one of the categories analysed in this chapter. In such contexts, the complexity of the specialism and resulting sense of inadequacy may be allayed by the use of humour (Deneire 1995; Wagner & Urios-Aparisi 2011).

Humour may also be a way of diminishing apprehension related to certain specialisms which, due to their very nature, are linked to the learners' innermost fears, such as medicine and law. These are subject domains which concern the life, ruin or death of human beings, where miscommunication can result in loss of assets or freedom. Additionally, the general perception of the "seriousness" of law and medicine is enhanced among learners by teaching approaches which emphasise the disastrous consequences a single

mistake may entail. While we would not argue with this, such images of doom are rarely conducive to learners developing a positive impression about areas they mostly ignore. On the contrary, we believe that the same reasons that lead to the very existence of jokes about law and medicine – to quote scientist Neil Bohrs, “Some subjects are so serious that one can only joke about them”; cited in Pais 2000, 24) – might be used to broach such areas and the specific language appertaining to them.

### **Reservations about the use of humour (and how to offset them)**

In view of the apparent agreement about the benefits of humour in teaching, the question arises as to why it is not more frequently resorted to. According to Morrison (2008, 72), teachers are affected by a sort of “humourphobia”, a fear of using humour in the classroom due to factors such as lack of time, appearing non-professional, losing control of the class, a feeling of inadequacy, or even fear of administrative reprisals for using humour in classroom settings. Such fears are probably an instance of the “humour paradox”, which the same author describes as placing “a high value on humour”, while at the same time harbouring reservations that prevent us from “initiating and sustaining humor practice” (73). In this respect, even learners, while generally supportive of humour, recognise that excessive use may lead to saturation and lack of motivation (Gonulal 2018, 156).

Using humour undoubtedly entails risk and almost invariably, even scholars writing about the positive aspects of humour warn of the potential pitfalls involved (see, for instance, Lovorn & Holaway 2015). This, however, is probably an extension of what happens in real life: as a taboo-breaker and an anti-system form of discourse, humour often has uneasy relations with the powers that be. In the past, in spite of their official role, jesters or “licensed fools” were banished, flogged or hanged when their jokes were not to the taste of their masters (Otto 2007, 133ff). In modern times, civil or criminal actions have been brought against comedians for defamation (Atkinson 1992; Glasberg 1989), or glorification of terrorism, and the courts, including the European Court of Human Rights (*Leroy v France*), have ruled that states may impose restrictions on what is acceptable as humour in order to protect those aggrieved. At both ends of the ideological spectrum, there are considerations of political correctness and good taste: humour is not necessarily “polite”, and dealing with taboo topics, such as bodily functions, sex, gender or race may easily offend. As pointed out by Ridanpää (2020, 298ff), even at the height of the pandemic and its heavy

death toll, Covid-19 attracted humour. Such reasons help to explain why some teachers would prefer to play it safe by eschewing humour in the classroom.

Another serious concern linked to the use of humour is that, more often than not, it plays on stereotypes, thus enhancing the risk that people are often disposed to believe that jokes, however stereotypical, still contain “valid cultural information” (Deneire 1995, 288). This is invariably the case of ethnic/nationality humour, which tends to create ready-made views of groups (see, for instance, Weaver 2011). More important from the point of view of LSP teaching, this also applies to the professions, which are often ridden with clichés in popular culture and fiction. Similarly, jokes based on stereotypes have preyed on various trades and professions; probably the most common jokes are those about politicians – a universally distrusted profession – already present in ancient Greek comedy (Storey 1998). It comes as no surprise to see that some of the jokes told about politicians are transposed to lawyers (another ill-perceived profession), as we see by comparing a joke about politicians with one of the jokes in our sample:

Three men were arguing about which represented the oldest profession. The first stated that the first act involving man was a surgical act--the carving of a rib out of Adam to create Eve. Therefore, as a surgeon, he represented the oldest profession. The second claimed that before this act could have taken place, someone needed to bring order out of chaos. Since this is an engineering job, he claimed that as an engineer he was a representative of the oldest profession. The third smiled at the other two and said, “Gentlemen, I am a politician--and where do you think the chaos came from in the first place?” (Preston 1975, 234)

A physician, an engineer, and an attorney were discussing who among them belonged to the oldest of the three professions represented. The physician said, “Remember, on the sixth day God took a rib from Adam and fashioned Eve, making him the first surgeon. Therefore, medicine is the oldest profession.” The engineer replied, “But, before that, God created the heavens and earth from chaos and confusion, and thus he was the first engineer. Therefore, engineering is an older profession than medicine.” Then, the lawyer spoke up. “Yes,” he said, “But who do you think created all of the chaos and confusion?”

There are also jokes based on clichés about many other professions. Doctors, for instance, are sometimes described as cynical or venal (Maurin et al. 2014), accountants are allegedly dull and boring (Miley & Read 2012),

bankers are money-hungry, and real estate agents and car salesmen are inveterate fraudsters (Davies 2011). Not all stereotypes come from outside the professions: there are frequent examples of intra-professional targeting where some subgroups prey on others: for instance, studies on doctor jokes told by doctors themselves show that anaesthetists are portrayed as lazy coffee-drinkers, surgeons as tyrannical, and psychiatrists as mentally deranged (Maurin et al. 2014).

As said earlier, humour based on gender stereotypes is particularly questionable. In addition to the damaging effects of gender-based humour (see, for instance, Hemmasi et al. 1994), there is the fact that tolerance for this type of humour is clearly decreasing among Western societies. An important point that teachers need to bear in mind in connection with humour based on gender stereotypes is that reactions do not arise only with regard to learners' gender, but also with their ideological stance (Sev'er & Ungar 1997), which might not be apparent at first sight. In this context, the age divide between the teacher and the learners is usually a relevant factor (as noted, for instance, by Berk 2002, 12), since gender jokes that were perfectly normal and acceptable when the teacher was a student are highly unlikely to be so anymore (for rape jokes, see Lockyer & Savigny 2019).

Regarding the use of humour in L2 language learning, another limitation which has been aptly pointed out in the literature is the intercultural component. Humour is usually developed by native speakers, and therefore its reception and enjoyment by L2 speakers is conditioned by humour competence in the second language, a competence which is simultaneously linguistic, social and cultural (Bell 2007, 28). However, as pointed out by the same author (2010), irritation and misunderstanding, while possible, are not as frequent as may have been expected, and accommodation may occur, something also found in previous studies (Davies 2003).

## **Law and humour**

The relationship between law and humour can be a surprising one: within the profession, humour is not particularly favoured, least of all in legal training (Offer et al. 2017, 253). Indeed, there have been instances of judges ordered off cases because of their failed attempts at being funny, such as the unfortunate suggestion that an Arab defendant might depart on a flying carpet (BBC News 2007). This does not mean that legal professionals do not use humour: they certainly do, like many other professions (Schmitt

2002, 99), if only to psychologically survive the stress of their daily tasks (Seto 2012, 2).

Nevertheless, what is particularly striking, at least as seen from other countries, is the number of jokes in the United States about lawyers, especially towards the end of the 20th century. For instance, given the bad reputation of real estate agents and car salespeople (who have inherited the bad name of horse-traders from the past), people from other countries might not understand the sub-text of these two-liners:

Q: Why did God invent lawyers?

A: So that real estate agents would have someone to look down on.

Q: What are lawyers good for?

A: They make used car salesmen look good.

Some scholars have attempted to explain why, in spite of the wide-reaching influence of US culture, legal humour has not been “exported”, like other types of jokes or cultural images. Davies (2008, 327) hypothesizes that this is due to the fact that lawyers are “commonplace” in many countries, whereas in the USA the legal system is entrusted with finding the solution to problems that, in other countries “are the business of politicians, welfare agencies, the ombudsman, and arbitrators”. This may indeed be said about societal issues like abortion, same-sex marriage, etc., which have eventually come to be determined in the USA by the Supreme Court and not by legislators, as is the case in other countries. However, this runs counter to the fact that most, if not all the jokes, do not target Supreme Court Justices but everyday lawyers handling divorces, theft, forgery, etc. One explanation may lie with the fact that the USA is seen as probably the most litigious nation on earth, a concept which is not necessarily supported by evidence (at least, not of the type available to the general public), but widely accepted because of folklore and media dissemination (Galanter 2005, 5). What is certainly true is that the negative image of the US lawyer has been incessantly projected for years and is now an integral part of the global perception of American legal culture. Interestingly though, it is closely linked to its American sources and does not seem to have led to similar humour in other countries. In the teaching context of English for Legal Purposes, this culture-specific aspect of lawyer jokes regarding American lawyers makes it necessary to situate the phenomenon as a culture-specific aspect of the US legal system and so endeavour to contain the tendency for learners to over-generalise to other – including their own – legal cultures as well (see Isani 2011).

## **Methodology**

Our approach to the use of legal humour as an ELP pedagogic tool consisted in three steps. The first step consisted in gathering the raw material from a variety of sources and selecting those considered appropriate for use as teaching material, a process which involved testing some of the jokes on the learners. The second step was providing learners with the necessary knowledge to “understand” the jokes in terms of background knowledge. In the third step, exercises were developed and tested with the learners in order to assess their effectiveness and reception. This was done with two groups of learners: those enrolled in a Legal English module in a post-graduate masters’ course in English and Spanish for Specific Purposes (23 students), and those taking a legal translation module in a post-graduate masters’ course in Institutional Translation (35 students). In order to encourage participation and anonymity, all activities and surveys were carried out online. Regarding gender, most of the students were female; as for nationality, the participants in the Legal English course had a variety of nationalities (8 Chinese, 8 Spanish, 1 Italian, 1 Ukrainian, 3 Russian, 2 Algerian). In the legal translation course, all the participants were Spanish with the exception of 3 from South American countries (Peru, Argentina, Colombia), and two from European countries (Italy and Lithuania). None of the overseas students had previously been exposed to the Spanish educational system. Finally, it is important to underline here that this course – and therefore, the experiment itself – was carried out entirely online in the context of the first Covid-19 lockdown and the transformation of in-person classes into remote learning, a fact that may not have been without influencing some elements of the experiment.

### **First step: Selecting the pedagogic materials**

In view of the potential difficulties highlighted in the literature regarding the use of humour in the language classroom, a number of preliminary surveys were conducted with the learners in order to select and/or adapt (when possible) the learning materials. The participants were presented with a collection of 213 jokes, previously compiled by the author from online sources in the framework of a research project (Campos 2016). Although detailed studies have been carried out on the complex reasons underlying failed humour (e.g. Bell & Attardo 2010, 43), for the purpose of the survey

we focused on two simple aspects relative to the perception of humour for the selection/elimination criteria, namely whether:

- (a) the learner understood the situation in the joke beyond mere linguistic issues, i.e. the presence of cultural components hampering the learner's ability to perceive cause-effect relationships in the situations described. For this reason, three jokes were found impractical, due to references which were too specific (e.g. Chelsea Clinton, the state of New Jersey) or puns which were found to be obscure to the learners (e.g. "crabs" also meaning public lice);
- (b) the learner found it "funny"; in other words, even if the situation was understood both linguistically and culturally, but the learners found nothing amusing about it (due to the situation not being humorous, or to potential "bad taste", for example), the joke was not retained. This led to the elimination of fifty-two jokes from the original sample, including all those on the "death wish" or "lawyers deserve to die" trope, and those including explicit coarse language (some examples are commented on below).

Since the purpose had more to do with developing cultural awareness and perceptions of, or attitudes towards, humour, in this preparatory part of the research, no difference was made between respondents in terms of previous knowledge of legal language, once it had been ascertained that they had had no exposure to humour in legal language learning. And indeed, no differences were found in the responses in terms of previous knowledge, as will be seen. The results did, however, take into consideration gender and nationality of origin since the perception and understanding of humour are influenced by such variables. In terms of responses, in order to allow for maximum participation with no conditions, learners were allowed to reserve their comments for the jokes they preferred, with no prerequisite requiring them to answer all questions or comment on all jokes for the responses to be valid. As such, all the learners participated to some extent.

As regards understanding the jokes, the survey was not only about "getting the point in the punchline", but about any detail that might make it difficult to follow the story. The learners were asked closed questions (e.g. "Is there anything in this story that you don't understand?"), but also allowed to make open comments in a text box. The results often revealed a cultural deficit which hampered understanding. This was, for instance, the case of jokes based on lawyers being considered liars and said to lie whenever they



opened their mouths (some responses wondered “do lawyers lie all the time?”):

Q: How can you tell when a lawyer is lying?

A: His lips are moving.

In this respect, and in keeping with Edward T. Hall’s seminal theory of high-context (implicit) and low-context (explicit) communication (1959), one pertinent finding was that, the longer the joke, the easier it was to understand: concise two-liners were found to be challenging because of the density and degree of background knowledge required, whereas slightly longer jokes – often mini-narratives – were more easily understood. For instance, participants seemed to have fewer problems with the following longer variant of the “lying lawyer” theme, as it reads like a story:

A lawyer is sitting at the desk in his new office. He hears someone coming to the door. To impress his first potential client, he picks up the phone as the door opens and says, “I demand one million and not a penny less.”

As he hangs up, the man now standing in his office says, “I’m here to hook up your phone.”

The learners understood the gist (“Lawyers cannot help lying”), although approximately one-third did not understand why it focused on lawyers; for instance, some European students, in whose countries lawyers are a respected profession, wondered why this specifically applied to lawyers (e.g. “why lawyers and not politicians?”). The same occurred with the so-called “death wish” jokes (Galanter 2005, 210-230)

Q: Where can you find a good lawyer?

A: In the cemetery.

Q: How do you stop a lawyer from drowning?

A: Shoot him before he hits the water.

Almost half of the respondents were surprised at the sheer number of jokes justifying violence towards/death of lawyers. The question led to interesting results when, in a comparative perspective, the survey enquired about the existence of similar jokes in the participants’ countries of origin. The purpose was to probe cultural asymmetries with a view to a subsequent project related to this line of enquiry. In the case of the “death wish” joke, a Russian participant and seven Spanish participants mentioned having heard this joke, but aimed at other nationalities (on the difference between

the lawyer and the racist versions of this joke with black/Jewish people, see Billig 2005, 33-34):

Q. What do you call 500 lawyers at the bottom of the ocean?

A. A good start.

Moving on to a more taboo area of humour, the second set of questions had to do with the related perceptions of being funny and being appropriate. In other words, if the learners did understand the joke, did they find it “funny” or “in bad taste”? A typical example is to be found in the two-liners below related to homosexuality. In the first case, only a handful of respondents understood it (the expression “do dick” was an obstacle for 80% of them) and many of them found it in bad taste, sexist and homophobic. On the other hand, absolutely all the participants understood the second joke and all found it unacceptable for the same reasons. In this context, it is worth mentioning that the comments did not object to the use of the taboo word or to the negative image of lawyers, but to the fact of targeting lesbians and being “disgustingly graphical”, as one respondent summarised:

Q. What do you get when you put 50 lawyers in a room with 50 lesbians?

A. One hundred people who don't do dick.

Q: What did the Lawyer say to the lesbian?

A: One slip of the tongue and you will be in s\*\*t!

Surprisingly enough, given the volatile #MeToo ethos of our times, although the perception of “bad taste” and “political correctness” was manifest with regard to homophobia, jokes based on sexual stereotypes and the perception of women as objects were seldom perceived as objectionable:

Two lawyers are walking down the street, when a beautiful woman walks by.

“Boy, I'd like to screw her,” says one lawyer.

“I agree,” says the other.

“But out of what?”

In the case of this joke, few participants realised that jokes, like most instances of popular culture, assume that, when unmarked, lawyers are presumed to be male (if they are female, they would be referred to as “women lawyers”), and no mention was made of the objectification of the female passer-by when seen as a potential client.

From the open comments section in the questionnaire, it was seen that some of the perceptions telescoped in that jokes in bad taste were simply considered “not funny”. With other samples, learners acknowledged that the joke was funny, and provoked some type of laughter, but since it was in dubious taste, they were hesitant about resorting to such jokes themselves. A number of responses mentioned such problems (e.g. “Yes, I understand it, but I would not tell this joke in public” or “You cannot tell this joke anymore”).

Nonetheless, it is difficult to gauge learners’ true feelings since it was not clear whether lack of explicit objection to some of the jokes did not mask unexpressed negative attitudes by the learners, a result which could only have an adverse impact on the learning experience. In fact, some authors have expressed concerns that even apparent amusement by some learners may simply be a manifestation of Grice’s Cooperation Principle or arise from a desire to “jump on the bandwagon”, and that in reality, the learners may not have found the situation funny or even understood the point of the joke (Victoria 2019, 194).

From the results obtained from this preliminary phase, it became obvious that, for reasons of practicality, not all types of jokes were conducive to the context of the study. However, this does not signify that all potentially dubious jokes should be automatically excluded since even jokes considered “in bad taste” possess great potential in detecting cultural differences, or as part of activities aimed at raising gender awareness and avoiding discrimination in language. In spite of this, for our purposes here, the decision was to focus on the lawyer joke/stereotype per se without any added dimension, such as gender or racial bias.

## **Second step: Setting the specialised cultural context**

In view of the responses that indicated learners had failed to understand a joke due to a lack of cultural background, it was felt that greater input regarding background content to reduce the cultural deficit was required. Even if it is undeniable that, while many types of American humour (e.g. doctor jokes) translate well into other countries and cultures, the genre has not been all that widely imitated elsewhere, confirming Wulf (2010, 159) when he writes, “one must know who and what in a culture is lampooned and how”. In this respect, it was important to avoid being caught up in

stereotypes, and to focus on providing unbiased information on the perception of lawyers in English-speaking countries, notably in America.

Given the highly offensive nature of certain lawyer jokes, another important point was to relativise the fact that the violence reflected in these jokes was humour and did not depict reality, and that, contrary to forms of racist humour or hate speech, it did not translate into any form of actual violence against lawyers. In spite of Bar Associations demanding that such jokes and negative comments be classified as hate crimes (Torres 1993), as Davies (2008, 385) underlines, lawyers' offices are not burnt down, lawyers are not shot or abused in the streets.

More importantly regarding the English for Legal Purposes (ELP) context, lawyer jokes provide an ideal opportunity for explaining some of the highly specific features of the US legal system, such as the no-win-no-fee system, the concept of punitive damages or the role of juries in civil cases, elements which are almost non-existent (e.g. civil juries) or even explicitly forbidden (e.g. no win, no fee actions) in non-common law jurisdictions.

In addition to input relative to professional culture, linguistic components of humour were also worked on. For instance, learners were helped to find the "point" of the joke, usually masked by ambiguity, figurative language, puns or other elements. The following exercise, for example, was developed, adapting and slightly modifying an activity suggested by Wulf (2010, 166ff):

1. Half the learners are asked to leave the classroom and carry out some other task (this can be adapted to online learning with the "breakout" rooms available in some videoconferencing platforms).
2. The teacher tells the learners the following joke:

Two lawyers went into a diner and ordered two drinks.  
Then they produced sandwiches from their briefcases and started to eat. The owner became quite concerned and marched over and told them, "You can't eat your own sandwiches in here!"  
The attorneys looked at each other, shrugged their shoulders and then exchanged sandwiches.
3. A discussion ensues regarding the point of the joke, and how the incongruity is linguistically hinged on a single word from general English, the "masking" device being the use of "own", meant as a general rule, which the lawyers flouted by exchanging sandwiches,

whereby they were no longer eating *their own*, but *somebody else's* food.

4. This is, in turn, linked up to aspects of American legal socio-professional culture, i.e. that American lawyers have a reputation for being greedy, money-minded and generally unethical – while at the same time underlining the antithetical aspect of the joke since lawyers' fees in the USA – another controversial aspect specific to American legal culture – can certainly run to buying more than a sandwich.
5. The final stage consists of dialogic oral interaction between learners who were away or in a separate virtual room rejoining the group to pair up with learners involved in the discussion, whose role it is now to recount the joke and furnish the necessary explanations according to the questions of their interlocutors.

### **Third step: Examples of how to use humour in the ELP classroom**

In order to explore the potential of humour in the acquisition of legal English, three types of language-based teaching materials were selected: (a) legal jokes (as discussed above); (b) legal stories and anecdotes; (c) legislation of an unusual nature. All the materials were obtained from online sources (in the case of legal stories, permission was sought and granted from the websites). As will be seen, some of the exercises adapt easily to self-correction on online platforms, or may even be used as the basis for gamification activities. In addition to objectives related to acquisition of specialised language and culture, given the advanced level of the learners (postgraduate), a focus on interactive spoken skills through oral presentation of jokes was feasible.

In order to promote learner satisfaction and adapt to previous knowledge, all exercises were prepared with two student profiles in mind, all of them at postgraduate level: on the one hand, advanced learners in terms of language proficiency (B2/C1 and above in the European Reference Framework), but with no previous experience of legal English or law and, on the other hand, learners who, in addition to their advanced language skills, also had some previous knowledge of legal language acquired through legal translation.

As mentioned earlier, these activities were mostly carried out online due to constraints imposed by the Covid-19 pandemic. Given the online nature of the teaching context, it was felt that these activities were better suited to

asynchronous learning, so that learners could work at their own pace. In general, we also believe that these activities, with some exceptions, would be suitable for blended learning, which coincides with other experiences of humour in ESP (Furzspaniak & Surdik 2015).

Care was taken to begin with a number of simple “warming-up” exercises which also serve to build up confidence. One was based on a simple matching exercise, where learners were required to pair up the questions and responses in two-liners. In this case, since sufficient groundwork had been established regarding language and stereotypes, no effort was made at selecting jokes which did not negatively characterise lawyers (but sexist, racist and “death wish” jokes were left out):

Match the questions to the answers in these two-line jokes:

- |   |   |
|---|---|
| a) Do you know how copper wire was invented?                    | 1) Wings.   |
| b) How do you get a group of lawyers to smile for a picture?    | 2) Two lawyers fighting over a penny.                                   |
| c) What do lawyers do after they die?                           | 3) Accountants know they're boring.                                     |
| d) What do you get when you cross a librarian with a lawyer?    | 4) An offer you can't understand.                                       |
| e) What is the difference between a lawyer and a vulture?       | 5) A boxing referee doesn't get paid more for a longer fight.           |
| f) What's the difference between a lawyer and a boxing referee? | 6) From chasing parked ambulances.                                      |
| g) What's the difference between an accountant and a lawyer?    | 7) They lie still.  |
| h) Why is it that many lawyers have broken noses?               | 8) All the information you need, but you can't understand a word of it. |
| i) What do you get when you cross the Godfather with a lawyer?  | 9) Just say “Fees!”   |

Following the warming-up phase, the learners were presented with an exercise which called for a higher degree of interpretative skills (the correct answers are shown in italics):

Decide which of the jokes corresponds to each of the above stereotypes about lawyers:

1. Lawyers are money-hungry (*a, b, f*)
2. Lawyers are liars (*c*)
3. Lawyers speak an unintelligible language (*d, g*)

4. Lawyers prey on people's disgrace and suffering (*e, h*)

In addition to jokes, another humour-based teaching material used concerned authentic but incongruous legal texts. In introductory units aimed at familiarising learners with the characteristics of legal language, the traditional text samples selected (e.g. statutes, contracts) included authentic documents imposing unusual rules and restrictions, such as the following 1970 ordinance from the Municipal Code of Chesapeake, Virginia, where the humour lies in the incongruity of the heavy-handed legalese used with regard to what is, essentially, a traditional children's Halloween custom aimed at collecting sweets:

Sec. 46-8. - Trick or treat activities.

a) If any person over the age of 14 years shall engage in the activity commonly known as "trick or treat" or any other activity of similar character or nature under any name whatsoever, he or she shall be guilty of a Class 4 misdemeanor. Nothing herein shall be construed as prohibiting any parent, guardian, or other responsible person, having lawfully in his or her custody a child 14 years old or younger, from accompanying said child.

(b) If any person shall engage in the activity commonly known as "trick or treat" or any other activity of similar character or nature under any name whatsoever after 8:00 p.m., he or she shall be guilty of a Class 4 misdemeanor.

(Code 1970, § 17-13.1; Ord. of 10-26-70; Ord. No. 19-O-038, 3-12-19)

This fragment was used in two ways depending on the learners' knowledge of legal English. Non-proficient learners were asked to identify typical traits of legal language (such as the use of *shall* for obligation, complex adverbs such as *herein*, or binomials, *similar character or nature*). With more advanced learners, as those in postgraduate courses in legal translation, specific exercises were proposed, also focusing on the same items:

1. Define the word "misdemeanor" and check if it is also used in other English-speaking contexts (e.g. England) or in international contexts (such as the European Union).
2. Are the accompanying parents also considered to have committed a misdemeanor? If so, specify where the rule says so.
3. Find out why such a rule exists, and if there are plans to repeal it.

A similar exercise, also for advanced learners, was based on a parody of the language of contracts:

One day in Contract Law class, Professor Jepson asked one of his better students, “Now if you were to give someone an orange, how would you go about it?”

The student replied, “Here’s an orange.”

The professor was livid. “No! No! Think like a lawyer!”

The student then recited, “Okay, I’d tell him, ‘I hereby give and convey to you all and singular, my estate and interests, rights, claim, title, claim and advantages of and in, said orange, together with all its rind, juice, pulp, and seeds, and all rights and advantages with full power to bite, cut, freeze and otherwise eat, the same, or give the same away with and without the pulp, juice, rind and seeds, anything hereinbefore or hereinafter or in any deed, or deeds, instruments of whatever nature or kind whatsoever to the contrary in anywise notwithstanding’...”

This passage lends itself to two types of exercises, both focusing on form as the main point of the joke. For less advanced learners, a simpler range of tasks was proposed, such as underlining complex prepositional compounds (*hereinbefore*, *hereinafter*), binomials (*give and convey*), and questions asked on specific items drawing attention to form (“Why was the professor ‘livid’?”, or “Why does the student ‘recite’ and not ‘say’?”). With advanced learners already familiar with Plain English strategies targeting legalese, specific language simplification exercises were suggested, especially considering communication for users with limited legal language competence (either because of lack of specialisation or insufficient foreign language proficiency):

Redraft the student’s final answer (“I hereby...”) in Plain English. When doing so, try to avoid:

1. Complex prepositional compounds (consider eliminating or rephrasing)
2. Excessively long sentences and multiple levels of subordination.
3. Binomials, if not strictly necessary.

Likewise, a lawyer version parody of the well-known lightbulb joke (“How many x does it take to change a lightbulb?”) presents interesting potential for work focusing on legal terminology:

Whereas the party of the first part, also known as “Lawyer,” and the party of the second part, also known as “Light Bulb,” do hereby and forthwith agree to a transaction wherein the party of the second part (Light Bulb) shall be removed from the current position as a result of failure to perform previously agreed upon duties, i.e. the lighting, elucidation, and otherwise illumination of the area ranging from the front (north) door, through the entryway, terminating at an area just inside the primary living area,



demarcated by the beginning of the carpet, any spillover illumination being at the option of the party of the second part (Light Bulb) and not required by the aforementioned agreement between the parties.

One of the follow-up activities proposed targeted acquisition of specialised terms (answers in italics):

**Find words in the text corresponding to the following definitions:**

\_\_\_\_\_ : each of the individuals or legal persons involved in a contract (*party*)

\_\_\_\_\_ : mentioned earlier in this text (*aforementioned*)

\_\_\_\_\_ : omission of somebody's duties in a contract (*failure to perform*)

\_\_\_\_\_ : immediately (*forthwith*)

\_\_\_\_\_ : an occasion where something is bought or sold (*transaction*)

A task which the learners reported they found particularly enjoyable related to what Turley (2005) calls “legal myths”, i.e. statutes which are commonly believed to exist or cases which reportedly did take place, but actually never did. This is a frequent occurrence with online fake stories about apparently ludicrous laws applying to situations purported to be illegal, and often features in legal humour. For this purpose, a simple true or false activity was designed in which learners were required to examine ludicrous alleged statutory restrictions or famous cases and then required to decide whether they were true or not, followed up by an online check to verify their impression (and in so doing, invest in further reading):

(T/F) A fisherman sued the world's churches because the destruction of his boat was considered by insurers “an Act of God”. (*false*)

(T/F) A journalist was convicted in a defamation case in Hungary because he used the word “shit” to describe a Hungarian wine (*true*)

(T/F) A man injured himself while using his own lawn mower in order to clip a hedge, and then won half a million dollars in a suit against the lawn mower manufacturer. (*false*)

(T/F) A woman sued McDonalds because they served their coffee too hot, and she suffered third degree burns. (*true*)

(T/F) An inmate in a prison in the USA sued the Department of Corrections because he stated that he was a vampire, and he was prevented from drinking blood. (*true*)

(T/F) In Britain it is an offence against the Queen to put a stamp upside down. (*false*)

(T/F) In a court case in Nebraska, the plaintiff asked the court to issue a permanent injunction to prevent God from allowing hurricanes, tornadoes and similar disasters to happen. (*true*)

(T/F) There is an EU regulation specifying the curvature of bananas for them to be fit for human consumption. (*true*)

(T/F) In Colorado it is legal to modify the weather, but a permit must be obtained (*true*)

(T/F) In England it is illegal to be drunk in a pub. (*true*)

(T/F) It is legal in Britain for a pregnant woman to relieve herself anywhere she likes, including in a policeman's helmet. (*false*)

Shifting the focus to the area of criminal procedure, and with the aim to familiarise learners with specialised terms, an initial exercise consisted in asking learners to identify the terms related to criminal law in the following joke:

A lawyer defending a man accused of burglary tried this creative defense: "My client merely inserted his arm into the window and removed a few trifling articles.

His arm is not himself, and I fail to see how you can punish the whole individual for an offense committed by his limb."

"Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses."

The defendant smiled. With his lawyer's assistance he detached his artificial limb, laid it on the bench, and walked out.

This exercise created the occasion for discussion on the difference between criminal and civil procedure, arising from some learners' failure to identify "defendant" as a key term in criminal law. In the same specialised terminology context, the joke also provided the opportunity to elaborate on the referential differences between everyday and legal vocabulary: for "bench" and "assistance", used here in their ordinary register, and not the specialised context relating to "panel of judges" or "help provided by a lawyer in legal proceedings", as opposed to "defense" used here in its specialised sense ("specific reason(s) why a charge should not be allowed").

In a similar vein, another confidence-building fill-in-the-gaps exercise targeting the vocabulary of criminal procedure was proposed based on the following text lampooning lawyers' lengthy interventions (the answers are shown after each gap):

**Complete the joke below using the words given.**

*bailiff, courtroom, defendant, foreman, hearing, empanel,  
trial, verdict*

A judge in a semi-small city was \_\_\_\_\_ [*hearing*] a drunk-driving case and the \_\_\_\_\_ [*defendant*], who had both a record and a reputation for driving under the influence, demanded a jury \_\_\_\_\_ [*trial*]. It was nearly 4 p.m. and getting a jury would take time, so the judge called a recess and went out in the hall looking to \_\_\_\_\_ [*empanel*] anyone available for jury duty. He found a dozen lawyers in the main lobby and told them that they were a jury.

The lawyers thought this would be a novel experience and so followed the judge back to the \_\_\_\_\_ [*courtroom*]. The trial was over in about 10 minutes and it was very clear that the defendant was guilty. The jury went into the jury-room, the judge started getting ready to go home, and everyone waited.

After nearly three hours, the judge was totally out of patience and sent the \_\_\_\_\_ [*bailiff*] into the jury-room to see what was holding up the verdict. When the bailiff returned, the judge said, "Well have they got a \_\_\_\_\_ [*verdict*] yet?"

The bailiff shook his head and said, "Verdict? Hell, they're still doing nominating speeches for the \_\_\_\_\_ [*foreman*]'s position!"

Using an onomasiological approach (proceeding from the concept to the term), a cloze-type exercise pertaining to the terminology of criminal procedure was devised from the following joke in which the words were to be inferred from the definitions:

**Complete the joke below by inserting words corresponding to the definitions:**

The defendant was on trial for \_\_\_\_ (1) \_\_\_\_\_. There was strong \_\_\_\_ (2) \_\_\_\_\_ indicating guilt, but there was no corpse. In the defense's closing statement the lawyer, knowing that his client would probably be convicted, resorted to a trick.

"Ladies and gentlemen of the \_\_\_\_ (3) \_\_\_\_\_, I have a surprise for you all," the lawyer said as he looked at his watch. "Within one minute, the person presumed dead in this case will walk into this courtroom." He looked toward the courtroom door. The jurors, somewhat stunned, all looked on eagerly. A minute passed. Nothing happened.

Finally the lawyer said, "Actually, I made up the previous statement. But, you all looked on with anticipation. I therefore put to you that you have a \_\_\_\_ (4) \_\_\_\_\_, in this case, as to whether anyone was killed and insist that you return a \_\_\_\_ (5) \_\_\_\_\_ of not guilty."

The jury, clearly confused, retired to deliberate. A few minutes later, the jury returned and pronounced a verdict of guilty.

"But how?" inquired the lawyer later. "You must have had some doubt. I saw all of you stare at the door."

The jury \_\_\_\_ (6) \_\_\_\_\_ replied, "Oh, we looked, but ... you \_\_\_\_ (7) \_\_\_\_\_ didn't!!

- (1) \_\_\_\_\_: intentionally killing a person (*murder*)
- (2) \_\_\_\_\_: anything admitted by a court of law in order to establish the truth in a case (*evidence*)
- (3) \_\_\_\_\_: group of persons assembled to give their verdict according to the evidence (*jury*)
- (4) \_\_\_\_\_: (two words) standard of proof required in criminal cases two words (*reasonable doubt*)
- (5) \_\_\_\_\_: decision by a jury in a criminal case (*verdict*)
- (6) \_\_\_\_\_: member of a jury in charge of acting as spokesperson (*foreman/forewoman/foreperson*)
- (7) \_\_\_\_\_: person using the services of a lawyer (*client*)

As professional/future legal translators were also part of the experiment, a more specialised activity was designed in which deliberate mistakes were inserted based on negative transfer and/or false friends from legal Spanish (the wrong words are shown here in bold type, but no clues were given in the actual practice):

Carlson was charged with **robbing** a Mercedes Benz, and after a long **judgment**, the jury **absolved** him. Later that day Carlson came back to the judge who had presided at the **audience**. “Your honor,” he said, “I wanna get out a warrant for that dirty lawyer of mine.” “Why?” asked the judge. “He won your **absolution**. What do you want to have him **detained** for?” “Well, your honor,” replied Carlson, “I didn’t have the money to pay his **minutes**, so he went and took the car I stole.”  
 [the correct words are “*stealing*”, “*judgment*”, “*acquitted*”, “*hearing*”, “*acquittal*”, “*detained*”, and “*fee*”]

And, as a final example of classroom activity based on law-related humorous documents, the following dense legal text was proposed for more advanced level learners as a reading comprehension exercise based on an authentic but absurd case where an attempt was made to bring a civil action against none other than Satan Himself (*Mayo v Satan*, 54 F.R.D. 282):

**Read the following text. Then answer the questions below.**

Plaintiff, alleging jurisdiction under 18 U.S.C. § 241, 28 U.S.C. § 1343, and 42 U.S.C. § 1983 prays for leave to file a complaint for violation of his civil rights in forma pauperis. He alleges that Satan has on numerous occasions caused plaintiff misery and unwarranted threats, against the will of plaintiff, that Satan has placed deliberate obstacles in his path and has caused plaintiff’s downfall. Plaintiff alleges that by reason of these acts Satan has deprived him of his constitutional rights. We feel that the application to file and proceed in forma pauperis must be denied. Even if plaintiff’s complaint

reveals a prima facie recital of the infringement of the civil rights of a citizen of the United States, the Court has serious doubts that the complaint reveals a cause of action upon which relief can be granted by the court. We question whether plaintiff may obtain personal jurisdiction over the defendant in this judicial district. The complaint contains no allegation of residence in this district. While the official reports disclose no case where this defendant has appeared as defendant there is an unofficial account of a trial in New Hampshire where this defendant filed an action of mortgage foreclosure as plaintiff. The defendant in that action was represented by the preeminent advocate of that day, and raised the defense that the plaintiff was a foreign prince with no standing to sue in an American Court.

**Now, answer the following questions**

1. Who is the defendant in this case?
2. Is this a civil or a criminal case?
3. State the cause of action, specifying which law has been violated.
4. Why is the court's jurisdiction in doubt?
5. Has this defendant been involved in any previous proceedings? What was the outcome?

## **Concluding remarks**

Law is ideal for humour: it is about the unknown and the fact that the human mind seeks to protect itself from the unknown – such as death, imprisonment, heaven and hell – by resorting to humour as a means to pierce the veil of dark mystery. In the same vein, law is also an obscure phenomenon, not only concerning its outcome, but also with regard to its very language, which is beyond the ken of the common person.

The experience of using a humour-based approach in teaching legal language and culture to non-specialists has shown that humour can be an effective way to overcome, or at least to diminish, a number of problems specific to this particular subject-domain. Learners with no previous knowledge of law were introduced to the topic in a stress-free approach, moving from the anecdotal to the general, in a process which enabled them to acquire language skills, but also domain-specific knowledge. This proved to be effective in that most of them had little knowledge of law-related topics even in their own cultures, law being usually absent from all secondary school curricula. Additionally, legal language trainers, who, despite their informed knowledge of the topic, are not legal experts, may find that the confidence-boosting, stress-reducing, and motivating effects of

humour observed in learners (Berk & Nanda 1998) apply to them as well, thus making humour mutually beneficial to learners and instructors.

Another important asset regarding the use of humour as a teaching support is that it provokes curiosity, a healthy motivational factor which often leads to generating spontaneous learning opportunities beyond classroom settings, as pointed out by Dörnyei, a specialist in motivation studies in second language learning, who claims that enjoyment helps to inspire “lifelong commitment to the subject matter” (2007, 720). Seen in this light, introducing humour in the learning process may trigger a quantitative “multiplier effect” in terms of time of exposure in that learners find another attractive side to a topic and are motivated to engage in further individual exploration, especially in the new environments provided by Internet and social media. Humour as an incentive to pursue the subject through informal non-institutional acquisition is a particularly relevant construct in contexts where legal language modules are a mere “taster” designed only to initiate learners into the mysteries of legal English.

The results presented in this chapter are the preliminary phases of research on the use of humour in ELP contexts. Their three-fold purpose was to (a) compile a body of law-related humorous texts (ranging from lawyer jokes to incongruous authentic documents and in between), (b) transform these texts into appropriate teaching supports targeting clearly identifiable pedagogic objectives related to the specialised language and culture of common law and (c) to test their feasibility by using them with learners. In this respect, it must be acknowledged that the undertaking was greatly facilitated by two factors. The first is undoubtedly the remarkable abundance of material available in the field of law and humour. Though other disciplines such as maths or geography or economics do have their humorous sides documented, they are not so plentifully represented or so easily available. The second factor which undoubtedly contributed to the positive reception of the humour-based approach to ELP was the fact that this experiment took place in the very peculiar context of the first-ever global lockdown and remote teaching. Although learners were not explicitly questioned on this point, it stands to reason that online lessons based on humour would raise more interest than dry as dust legal texts would have.

The overall positive reaction from learners to classes based on humour opens up further avenues of enquiry. One of the first steps we envisage is to extend the study to a slightly different profile of learners, that of practising legal professionals (judges and lawyers, essentially) enrolled in ELP

courses. To what extent would they appreciate humour which systematically disparages the very profession they are so proud to belong to? In a similar perspective, we would like to expand this research to other disciplines, notably that of medicine and its characteristic “gallows humour” to determine how medical students react to life-threatening facts and concepts transformed into macabre trivia under the guise of “coping humour”.

The results presented here derive from a relatively small-scale experiment based essentially on a qualitative approach. By expanding the research to include other ELP teachers in national and European contexts, we would like to increase the data obtained for a qualitative/quantitative method of analysis (through online questionnaires and interviews) to determine and define more precisely the added-value of introducing a humour-based approach in ELP classes.

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