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Image analysis as a visualization tool – Translating contracts into comics

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Abstract:*This chapter discusses the production process of a comic contract and presents one possible image analysis method that can be used to examine the illustrations of a comic contract. As our empirical data, we employ a comic contract produced in the Finnish social welfare context. The contract in question deals with arrangements made in cases of problematic divorces if children need to be exchanged from one parent to another in supervised settings. Building on theoretical foundations adopted from translation research as well as multimodal and image analysis, we describe the production process of the comic contract – conceptualized as a so-called intersemiotic translation process – and analyze its illustrations in accordance to the principles of the metafunction analysis framework. We aim to shed light on how such analysis could help ensure that the illustrations used in the comic contract – and, subsequently, the contract itself – would be as clear and unambiguous as possible.*

Keywords Comic contracts, Intersemiotic translation, Metafunction analysis, Visualization, Accessibility, Social Welfare Law

<a>1 Introduction

The issue of accessibility has recently become an important parameter in societal life and this has led experts in various fields to seek alternatives for procedures that cause comprehension difficulties for some members of society. One of these difficulties is related to language, or more precisely, to written texts, since institutional communication in modern societies is primarily based on written language. ost contracts are based on legal language, which is complex because of its lexical, semantic and syntactic restrictions, for example. [1] The complexity of legal language stems from the need for accuracy. Yet, an accurate but obscure legal document does not provide justice. Legal language may be difficult to comprehend for layperson in general, but particularly those who are in a vulnerable position due to, for instance, illiteracy, lack of proficiency in the language of the written document, young age or cognitive disabilities have difficulties to understand the contents of legal documents.

The obscurity of legal language has caused some experts to seek alternatives for it in the field of contract design.[2] Visualization offers one such option. In this chapter, we examine how

[1] John Lehrberger, 'Sublanguage Analysis' in Ralph Grishman and Richard Kittredge (eds), *Analyzing Language in Restricted Domains: Sublanguage Description and Processing* (Lawrence Erlbaum Associates 1986) 22.
[2] Helena Haapio, Daniela Alina Plewe and Robert de Rooy, 'Next generation deal design: Comics and visual platforms for contracting' in Erich Schweighofer, Franz Kummer and Walter Hoetzerdorfer (eds), *Networks. Proceedings of the 19th International Legal Informatics Symposiom IRIS 2016* (ÖCG 2016); Helena Haapio,

social welfare documents can be translated into comic-style documents in a way that ensures that the documents are as unambiguous as possible. In our research, we call these comic-style documents *comic contracts*. The term was originally coined by Robert de Rooy and originally it referred to comic-style employment contracts. In our research, we use the term to refer to contracts that are presented in the form of comics, and discuss the possibilities of comic contract communication in the context of Finnish social welfare. To our best knowledge, the use of comic contracts in social welfare communication has not been studied prior to our research, even though – at least in the Finnish context – a large portion of the customers of social welfare services have (cognitive and linguistic) difficulties in comprehending complex language such as legal texts.[3]

In this chapter, we examine how social welfare documents could be made more accessible by means of visualization. We introduce the process of converting a written-form contract into a comic contract. The document in question is a fictional yet realistic contract for *supervised exchange*, signed between divorced parents and municipalities in situations when the children need to exchange from one parent to another in a supervised situation. The comic contract is produced by our interdisciplinary research group, with researchers from fields of research that have traditionally not had much interaction: social work research, legal research and translation studies.

The theoretical framework of the research is constructed at the interface of translation theory and a theory of image analysis. We set out to combine the concept of *intersemiotic translation* and an image analysis framework, namely *metafunction analysis*, to reflect on how a written-form document can be visualized, how information changes when it is translated from a verbal into a visual form, and how image analysis can assist the creators of comic contracts in making conscious, informed visualization decisions and subsequently produce better, clearer, more unambiguous documents for the purposes of social welfare services. We embed our discussion in the social and legal context in which the contract is created.

The chapter is structured as follows. Section 2 introduces our theoretical framework: the theories of intersemiotic translation, comics, multimodality and image analysis that we build our reflection on. Section 3 discusses social and legal context in which the examined document is used and produced. Section 4 describes the production process of our data, the comic contract, employing the concepts of *deconstruction* and *reconstruction*. Section 5 presents the metafunction analysis of our data as well as our reflection on the potential of the particular analysis framework as a tool for the purposes of comic contract production and analysis. Finally, section 6 presents our concluding remarks and reflection.

<a>2 Translating and analysing modes

In this section, we introduce theoretical insights from the field of Translation Studies, multimodality theories and image analysis. We employ translation theory – in particular, the concept of *intersemiotic translation* – to model the process of transformation that information goes through when a written contract is converted into a comic-form. We introduce insights from multimodality theories to reflect on how comics construct meaning for their readers, and finally, we present a theory of image analysis, which we use to analyse the images of our research data in the following subsections.

Daniela Alina Plewe and Robert de Rooy, 'Contract Continuum: From Text to Images, Comics and Code' in Erich Schweighofer and others (eds), *Trends and Communities of Legal Informatics. Proceedings of the 20th International Legal Informatics Symposium IRIS 2017* (ÖCG 2017).

[3] Laura Kalliomaa-Puha, Anne Ketola and Eliisa Pitkäsalo, 'Sarjakuva, sosiaalihuolto ja saavutettavuus – pilottitutkimuksen tuloksia' ('Comics, Social Welfare and Accessibility – Results from a Pilot Study') in Meri Lindeman and others (eds), *Kieli, hyvinvointi ja sosiaalinen osallisuus* (*Language, Wellbeing and Social Participation*) (Vastapaino, forthcoming).

<b>2.1 Intersemiotic translation

Translation theory, in general, examines how messages are conveyed from one language to another, how the messages inevitably change in this process due to the differences between languages, and how the interpretation of translated messages may differ from that of the original. The *languages* examined in such analysis are typically two (or more) distinct, verbally transmitted languages (such as English and German), but this does not always need to be the case: Linguist Roman Jakobson defines three types of translation in his translation typology: interlingual, intralingual and intersemiotic translation[4]. Interlingual translation refers to translation as it is typically understood: conveying the verbal contents of a text written in one language to another language. Intralingual translation is the *rewording* of a text into a different form by means of the same language, hence the prefice *intra* (conversion happening *within* one particular language). A good example of this is *simplified language* or *easy language*, which refers to modifying the content, vocabulary and structure of a text so that it is easier to understand for readers who typically have difficulties with reading or understanding a text, such as readers of low literacy levels or readers with cognitive difficulties. Finally, intersemiotic translation, or 'transmutation' as Jakobson refers to it, concerns transferring a message in one sign system to a message in another sign system; for instance, converting a verbal message into a visual message.

The conversion of a legal document into a visual format can be categorized as intersemiotic translation because, according to Jakobson's definition, there are at least two sign systems involved. Verbal signs are translated into the signs of visual art when a written document is transformed into a comics-style format. Comics also incorporate other sign systems, such as references to gestures and body language. These references are merged in images and they are part of the meaning-making process together with other visual elements, such as colours, chiaroscuro (the treatment of light and shade in a drawing) and perspective. However, one part of the conversion process can be classified as intralingual translation, because comic contracts inevitably also contain written language in the form of headings and pieces of verbal information. Yet, as an entity, the written contract undergoes an intersemiotic translation process where a verbally formulated contract is simultaneously translated into images and words.

Such an intersemiotic translation, inevitably, changes the message in one way or another. Images are holistic by nature, while verbal systems function in a linear order. The elements merged in images are simultaneously perceptible, while the words and sentences in the verbal language appear sequentially.[5] Thus, the conversion process between image and word entails deconstructing the original entity and restructuring it in the form of a chain of expressions when it is a verbal format, or in a holistic ensemble when it is an image. This elicits the argument that the selection process in the translated and deleted parts of the source text is far more apparent in intersemiotic translation than in interlingual translation, as Mikkonen[6] proposes.

There is always a degree of loss and gain in translation: some aspects of the source text cannot be transferred over to the target text[7] – generally speaking due to the differences in the ways languages construct the world, but in the case of our discussion, the differences in the

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[4] Roman Jakobson, 'On Linguistic Aspects of Translation' in Reuben Brower (ed), *On Translation* (Harvard University Press 1959) 233.

[5] Tiina Tuominen and others, 'Katsaus multimodaalisuuteen käännöstieteessä' ('Reviewing Multimodality in Translation Studies') in Eliisa Pitkäsalo and Nina Isolahti (eds), *Kääntäminen, tulkkaus ja multimodaalisuus. Menetelmiä monimuotoisten viestien tutkimukseen* (*Translation, Interpreting and Multimodality. Methods for the Study of Multimodal Messages*) Tampere Studies in Language, Translation and Literature, Series 3 (University of Tampere 2016) 16, <http://urn.fi/URN:ISBN:978-952-03-0113-2> accessed 11 October 2020.

[6] Kai Mikkonen, 'The Paradox of Intersemiotic Translation and the Comic Book: Examples from Enki Bilal's Nikopol Trilogy' (2006) 22(2) Word and Image 101.

[7] Susan Bassnett, *Translation Studies* (Routledge 1991) 30.

ways meaning making resources or modes convey meaning. When intersemiotically translating legal texts, this brings about the danger of leaving out meanings that are crucial.[8]

Comics combine images and written texts, and therefore the production of comic contracts requires basic skills and knowledge of visual language and jurisprudence. This usually results in visual artists and lawyers – and, in our case, experts of social welfare – working together. They combine their skills because visual artists know the conventions of the visual language of comics and are able to interpret the culture-bound elements of the visual contents, whereas lawyers are familiar with the juridical context and are capable of ensuring that the document is legally valid. In our case, the experts of social welfare are needed to ensure that the comic-style document includes details referring to the real situations, which the client meet in practice.

<b>2.2 Communication via comics

There are several different definitions of comics instead of a single, comprehensive one. The comics researcher Scott McCloud summarises the characteristics of comics as follows: "[Comics are] juxtaposed pictorial and other images in deliberate sequence, intended to convey information and/or to produce an aesthetic response in the viewer."[9] Yet this argument only emphasises the visual mode of the comics and excludes, or at least places less importance on, the verbal mode. This aspect should be acknowledged in studies concerning this "bilingual" multimodal artwork. Kaindl broadens the definition by stating: "Comics involve linguistic, typographic and pictorial signs and combinations of signs as well as a number of specific components such as speech-bubbles, speed lines, onomatopoeia, etc, which serve particular functions. The form and use of these elements are subject to culture-specific conventions."[10] Even this definition appears to be insufficient when attempting to cover the entire spectrum of comics. In his definition, Eisner incorporates narrative characteristics: "[Comics constitute] means of creative expression, a distinct discipline, an art and literary form that deal with the arrangement of pictures or images and words to narrate a story or dramatic idea."[11] Eisner's definition completes the previous ones, and when we combine all of them, we acquire excellent tools for encompassing different genres of comics.

Comics are often defined as a single genre, but to be precise, comics do not form a genre per se, but instead, different fictional and non-fictional genres use the visual language of comics. Fictional comics can therefore be divided into subcategories such as horror, superhero, war, and erotic comics.[12] Non-fictional texts can also be divided into subcategories such as journalism, autobiography, and educational or instructional comics, which include technical communication (instructions presented in the style of comics), educational materials, health-related communication and recently legal documents and contracts as well.[13] Comics can also

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[8] See also Olimpia G Loddo 'Intersemiotic Legal Translation. How to Visualize a Legal Text?' in Irena Fiket, Saša Hrnjez and Davide Scalmani (eds), *Culture in Traduzione: Un Paradigma per L'Europa* (*Cultures in Translation: A Paradigm for Europe*) (Mimesis Edizioni 2018) 79.

[9] Scott McCloud, *Understanding Comics. Invisible Art* (HarperCollins 1994) 9.

[10] Klaus Kaindl, 'Thump, Whizz, Poom: A Framework for the Study of Comics under Translation' (1999) 11(2) Target 264.

[11] Will Eisner, *Comics and Sequential Art* (Poorhouse Press 1985) 5.

[12] Frank Bramlett, Roy T Cook and Aaron Meskin (eds), *Routledge Companion to Comics* (Routledge 2016); Riitta Oittinen and Eliisa Pitkäsalo, 'Creating Characters in Visual Narration: Comics and Picturebooks in the Hands of the Translator' in Hanne Juntunen, Kirsi Sandberg and Kübra Kocabaş (eds), *Search of Meaning. Language; Literary, Linguistic, and Translational Approaches to Communication* (University of Tampere 2018) 103, <http://urn.fi/URN:ISBN:978-952-03-0919-0> accessed 11 October 2020.

[13] Helena Haapio, Daniela Alina Plewe and Robert de Rooy, 'Contract Continuum: From Text to Images, Comics and Code' ((n 1); Rob Waller, Helena Haapio and Stefania Passera 'Contract Simplification: The Why and the How' *Contracting Excellence Journal* (24 July 2017) <http://journal.iaccm.com/contracting-excellence-journal/author/rob-waller-helena-haapio-stefania-passera> accessed 11 October 2020; Han Yu, *Other Kind of Funnies: Comics in Technical Communication* (Baywood 2015).

be categorised according to their publication formats, which include comic strips, comic magazines and graphic novels.[14]

Although various genres of comics differ from each other in style, structure and function, it is undeniable that comics are multimodal entities with certain similarities in their appearance. Some researchers consider the usual characteristics of comics a type of grammar of the visual language of comics. These characteristics include the sequential form and the size as well as the layout of the panels, the form of the speech bubbles and the use of various effects. These details connect different types of comics to each other, but they cannot quite formulate a grammar in the linguistic sense, as comics are not considered a language from the perspective of linguistics.

Visual artists assume an essential role in creating the narration in comics, because they need to determine the most important turning points, moments, or actions that will be depicted in the panels. The artists select the order of panels and this is definitive to the narrative structure because the panels create transitions in the narration. The structure of comics therefore depends on the genre, and especially on the visual style of the artist.

<b>2.3 Multimodality and image analysis

Multimodality refers to a combination of verbal, visual and aural messages. Different definitions have been suggested for multimodality and one example is Kaindl's definition that describes a multimodal text as a message where the meaning is created by the interaction of several modes, such as the verbal language, image, voice and music.[15] However, the present chapter investigates multimodality from the perspective of the collaboration between the verbal and the visual modes, and by adopting Kress and van Leeuwen's theory of how images are interpreted.

Comics are generally created by two types of meaning-making systems. These systems are verbal and visual modes. Thus, meanings are presented through the visual language of comics that blends the verbal and visual contents into one entity. Cohn describes the inseparability of the verbal and visual language of comics as follows: "Just as people gesture while they talk, in actual usage, visual language most often occurs in conjunction with written language in the creation of meaning."[16] This means that to comprehend the story, the reader of a multimodal text such as a comic should master not only the language of the written text but also the basics of the visual language.

Comics consist of consecutive panels that can include images of characters, various effects, pictorial symbols and possibly written text that are added to the panels in various ways, and the panels can therefore be examined as images. The model by Kress and van Leeuwen offers basic tools to examine images.[17] Their visual grammar is set within the framework of social semiotics and has adopted the theoretical notion of metafunction from systemic functional linguistics (SFL). SFL names three metafunctions: the *ideational*, the interpersonal and the textual (which is often referred to as the *compositional* in the context of images).

In Kress and van Leeuwen's model, the ideational metafunction presents the participants and their relations as well as the events. The main participants are referred to as *Actors,* who are usually the most salient participants, and *Goals,* who are the object or aim of the action. The saliency of the participants can be verified in terms of their size, colour saturation or sharpness of focus. The interpersonal metafunction is connected to the imagined relations between these

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[14] Federico Zanettin, 'Comics in Translation: An Overview' in Federico Zanettin (ed), *Comics in Translation* (St Jerome 2008) 5-6.

[15] Klaus Kaindl, 'Multimodality in the Translation of Humour in Comics' in Eija Ventola, Cassily Charles and Martin Kaltenbacher (eds), *Perspectives on Multimodality* (John Benjamins 2004) 173.

[16] Neil Cohn, 'In Defense of a "Grammar" in the Visual Language of Comics' (2018) 127 Journal of Pragmatics 13 <https://doi.org/10.1016/j.pragma.2018.01.002> accessed 11 October 2020.

[17] Günther Kress and Theo van Leeuwen, *Reading Images* (2nd edn, Routledge2006).

participants represented in the image and the interactive participants who are producers and viewers (readers) of the images. According to this model, the nature of the interaction between the participants can be observed on three levels. Firstly, participants can establish relations with other participants with their gaze if their lines of sight meet. Secondly, producers can convey social distance when they select the size of frame. If the participant is portrayed as being far away in the picture, the suggested relation between the participants becomes impersonal. Thirdly, *perspective* is connected to the sensation of the power: a participant depicted from a low angle appears imposing and powerful, while depicting a participant at eye-level invites the viewer to look at the participant as an equal partner.[18] The compositional metafunction is usually understood as a set of compositional arrangements that carries meanings. In addition to composition, other tools for creating meaning include the colours, the size of the participants, their placement in the picture and the sharpness of focus.[19]

Kress and van Leeuwen's visual grammar provides readers of comics with tools to help them understand the meanings contained in the panels, but the layout of the pages guides the readers in their reading process. Thus, readers need to possess knowledge of the visual language of comics, which includes the meanings of the size and form of panels and speech bubbles, as well as the meanings of various effects, symbols and lettering, but they must also be aware of the reading direction. In fact, the readers complete the story by filling in the missing parts between the panels with their knowledge of the world and their expectations.[20] Consequently, it is fair to say that the readers complete the story with the help of the verbal and visual information presented to them in the panels.

<a>3 Social and legal context

In the following we present the legal and social context of the object of translation, the contract for supervised exchange. It is signed between separated/divorced parents and a Visitation and Exchange Centre when supervision is needed to oversee a child's security while a child is transferred from one parent to another. As all contracts, it is concluded in a specific context, which has its effects on the translation process and, finally, on the usability of the contract. In these contexts, the primary readers of the comic contract in question are laypeople – the parents and perhaps also their children – in addition to professional readers, the representatives of the Visitation and Exchange Centre. However, even these professional readers are seldom lawyers, but social workers.

In the Finnish judicial system, the parents are free to make mutual agreements on child's custody, living arrangements, visitation rights and maintenance.[21] However, in divorce situations such mutual understanding is not always easy to achieve and usually parents want to execute a contract on custody, visitation rights and maintenance of children. If the parents wish – and most parents do – a special social worker of the municipality called a *child welfare officer* has the right to confirm the parents' agreement, provided that it is considered to serve the best interests of the child. After the confirmation, the agreement is enforceable just as a court's decision. If the parents cannot agree on a child's matters, they can bring the case to the district court and the court makes the decision or confirms the agreement made in in-court mediation.

As provided in the UN Convention on the Rights of the Child (CRC) as well as in the Finnish legislation, it is a child's right to have his/her best interest taken into account as a

[18] ibid 114, 118, 124, 140.
[19] ibid 177.
[20] Federico Zanettin, 'Comics in Translation: An Overview' in Federico Zanettin (ed) *Comics in Translation* (n 14) 13; Scott McCloud, *Understanding Comics. Invisible Art* (n 9) 68; Riitta Oittinen and Eliisa Pitkäsalo, 'Creating Characters in Visual Narration: Comics and Picturebooks in the Hands of the Translator' (n 12) 101.
[21] Act on Child Custody and Right of Access (Laki lapsen huollosta ja tapaamisoikeudesta, 361/1983) and Act on Child Maintenance (Laki lapsen elatuksesta 704/1975). Unofficial translations of Finnish acts and degrees can be found at the database Finlex, www.finlex.fi.

primary consideration.[22] Since it is the duty of the official authority to guarantee that right, the best interest of the child principle enables and obliges the authorities to interfere the autonomy of parents if a child's best interest is at stake.[23] Therefore, the freedom of contract can be restricted when agreements on children are assessed.

As a part of the agreement or judgment on child's visitation rights, the parents can agree, or the court may order, that the exchange of the child from one parent to another needs to take place as a supervised exchange. It means that the child transfers from one parent to another under controlled settings. The parents usually do not meet each other, but a supervisor receives the child from one parent and escorts the child to the other parent. This kind of arrangement is usually viewed as a temporal and transitional phase, giving support and enabling the child–parent contact in a conflicted situation.[24]

To cater for the safety of the child and to support the families as part of fulfilling the child's best interest, the municipalities are obliged to guarantee the visitation and exchange service for its inhabitants.[25] There are special Visitation and Exchange Centers – usually home-like furnished premises with professional staff – where supervised exchanges can be executed and where children can also meet their non-custodial parent in supervised or supported settings, in cases that often involve serious allegations of domestic violence, child maltreatment, substance abuse or other safety concerns. At first, the parents make their mutual agreement concerning the supervised exchange and ask the child welfare officer to confirm it to make it enforceable. Alternatively, the court orders that exchanges should be executed as supervised. After that, the parents make a contract with The Visitation and Exchange Center to get the service and to commit to the rules that apply in the center.

In our study, the contract translated to comics was based on a written-form contract between parents as clients and the municipality of X, The unit for family law services as the service provider for supervised exchanges. The contract is relatively simple. It recognizes the parties, the grounds or reason for supervised exchange, the location of the Visitation and Exchange Center, the points of time for exchanges, the rights and duties of the parties as well as other possible conditions.

In making customary, business contracts, there is a mutual goal and, at least in the beginning, cooperation and amiable relationships between the contracting parties. Conversely, the contracts for supervised exchange are used in a conflicted situation, where the parents often refuse to see each other. Sometimes they may themselves recognize that their behavior and fighting make the exchange situations painful and stressful for their children. Also, the court may consider that supervised exchanges better guarantee children's safety and wellbeing as the professionally monitored situation remains more neutral and peaceful. Sometimes only one parent insists on supervised exchanges and the other parent must comply with that in order to get the visitation happen. In any case, the supervised exchange is a strong measure of control, unnaturally different from what we expect from family life. The conflict-laden situation can produce contract users who may be reluctant and suspicious of any contract terms and formulations. This sets challenges for the intersemiotic translation.

The contract for supervised exchange may lack common intention shared with the parties. Another element of a contract, genuine consent, may also be absent. In addition to control, an

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[22] Convention on the Rights of the Child (CRC) <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, Constitution of Finland (Suomen perustuslaki 731/1999), ss 19.3 and 22; Child Welfare Act (CWA, Lastensuojelulaki 417/2007), s 4.

[23] CRC art 3, Child Welfare Act, s 4.

[24] Rachel Birnbaum and Stephanie Chipeur, 'Supervised Visitation in Custody and Access Disputes: Finding Legal Solutions for Complex Family Problems' (2010) 29 Canadian Family Law Quarterly 79; Nicholas Bala, Michael Saini and Sarah Spitz, 'Supervised Access as a Stepping Stone Rather Than a Destination: A Qualitative Review of Ontario Services & Policies for Assisting Families Transitioning from Supervised Access' (2016) Queen's Law Research Paper Series 085 December 2016.
<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2887653> accessed 28 September 2020.

[25] Social Welfare Act (Sosiaalihuoltolaki 1301/2014), s 27.

element of force exists. If the parent wants to see her/his child, she or he must agree on the terms given and no freedom of contract is present. This kind of terms can be described as standard terms. Such standard terms are not unknown in business contracts – for example insurance contracts or construction contracts – either. Standard terms make the translation easier (one need not to worry about drawing many, individual and alternative terms)[26] but they also might add on the force-element of the contracts and boost the conflict. Yet, the contract as a shared script[27] or as a framework[28] of parental collaboration[29] would be necessary in order to ensure the wellbeing of the child.

The minimum demand for a shared script is that all parties understand its terms. It has been found that it is profitable in many ways to strive for an understandable and accessible contract.[30] In private law settings, it is a question of profit, while in the administrative law setting, it is the duty of the authorities to make sure that the people involved understand what they are committing to. This is stipulated, for example, in the Administration Act or the Act on the Status and Rights of Social Welfare Clients.[31]

<a>4 Description of the creating the data: Deconstruction and reconstruction

In this section, we introduce how the contract was translated into comic-style format in its social and legal contexts and how it is possible to convert a legally binding contract to be acceptable in those contexts. We examine the stages of the intersemiotic translation process by reflecting on how the concepts of *deconstruction* and *reconstruction* appear in our work. We regard the concepts as follows. Deconstruction refers to *atomizing* the source text: scrutinizing how the information unfolds, selecting the most important sections and negotiating the possibilities it offers for visual representation. Reconstruction refers to drawing and visual lay-out design, in other words, the creation of information within the visual mode.

In the case of the comic contract that constitutes the data of the present chapter, the deconstruction phase was a team effort: the initial decisions regarding the selection of information were negotiated between three researchers. One of the researchers, who also works as an illustrator, then conducted the reconstruction phase, meaning the illustration work. The process unfolded in an iterative manner: after initial negotiations within the team, a first draft of the illustrations was created, which was then taken up for discussion and modified two times. In other words, the reconstruction of information was embedded in the deconstruction frame during the entire process: decisions as to what would be drawn and how was informed by negotiation between various people, including the illustrator. It is our understanding that team-work type of negotiation preceding the illustration process of a comic contract is a typical way

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[26] As former Chief Justice of the High Court of Australia Robert French AC commenting on the difficulty of negotiating changes in the contract terms – it is hard to imagine a counterparty "drawing pictures on the spot to suggest variation of terms". In Aaron Coonrey and Coral Yopp, 'Visual Contracts and Pitfalls of Employment Agreements' International Law Office Newletter (27 June 2018) <https://www.internationallawoffice.com/Newsletters/Employment-Immigration/Australia/Lander-Rogers/Visual-contracts-and-pitfalls-of-employment-agreements> accessed 11 October 2020; See also Michael D Murray, 'Cartoon Contracts and the Proactive Visualization of Law' (draft).

[27] Vaula Haavisto 'Contracting in Networks' in Peter Wahlgren (ed), *A Proactive Approach* (Scandinavian Studies in Law, vol 49, 2006).

[28] See International Association for Contract & Commercial Management (IACCM). The Purpose of a Contract. An IACCM Research Report (2017)). A contract for supervised exchange could also cater for other purposes of a contract such as support for (business) administrative arrangement; governance and performance management; an effective communication tool; and provide operational guidance.

[29] Vaula Haavisto 'Contracting in Networks' (n 27).

[30] Gerlinde Berger-Walliser, Robert C Bird and Helena Haapio, 'Promoting Business Success Through Contract Visualization' (2011) 17 Journal of Law, Business & Ethics 55, 58; Soile Pohjonen 'Proactive Contracting: In Contracts Between Businesses' (2006) 12 IUS Gentium 148-49.

[31] Administration Act (Hallintolaki 434/2003), s 7, 9 and Act on the Status and Rights of Social Welfare Clients (Laki sosiaalihuollon asiakkaan asemasta ja oikeuksista, 812/2000), s 5.

of working, even though this has not been commented on in previous literature regarding comic contracts.

Intersemiotic translation radically transforms the source material, for instance, a contract. The starting point in this transformation process is a piece of information (verbal text) that is structured in a sequential and linear manner, and the task of the illustrator is to convert this into information that follows the principles of spatial arrangement, that is perceived immediately and offers very limited means to convey temporality. It goes without saying that the two modes, words and images, cannot express "the same thing". The verbal source material offers an infinite number of choices for illustration and therefore, when going from deconstruction to reconstruction, the selection – inclusion and omission – of information is highly apparent.[32]

The deconstruction phase, as we understand it, includes coming up with the basic structure and contents of the comic contract. This includes various things. In the first place, it involves a negotiation of how the structure of the information overall needs to be changed in order for the contents of the contract to naturally unfold in the form of a comic. For the comic to make sense, its structure needs to resemble a *narrative*. Verbal language has its own means to refer forward and backward, but visual language is generally grounded in a particular moment, and the order of the comic panels needs to follow this logic. In the second place, the deconstruction phase involves selecting which people and objects (or, in Kress and van Leeuwen's terms, which *participants*) are included in the visual version of the contract.

In the third place, deconstruction involves selecting one frozen moment in time that will end up representing various moments. For instance, the data includes the phrase "The children spend every other weekend with their mother". The seemingly simple phrase can be visually represented in countless different scenes. One may depict the mother picking the children up for the weekend, the mother returning the children to their father after the weekend, or any imagined moment and scene during the weekend, with the children spending time with their mother: going for a walk in the park, having dinner or going to bed at night. The options for envisioning possible scenes are endless.

After a particular scene has been selected, another phase of decision making – reconstruction – commences. The illustrator has virtually limitless possibilities of drawing the same scene. What do the participants look like (age, size, race, general appearance)? How do they interact with each other? Is there eye contact between the participants (if so, what is it like – intense, blank, affectionate)? How are the surroundings depicted? What do we see in the background? When only a fragment of possible interpretations can be included in the image, the illustrator will always (either consciously or not) prioritize certain things over others. Every time something is chosen for illustration over something else, an evaluative standpoint is taken. Every single one of these decisions matters: in a comic contract that determines a person's rights, the visual comes to represent reality. It emphasizes certain aspects and downplays others. The visual solutions can be highly emotionally charged (for instance, do the children look equally happy when depicted with both parents?) and therefore even change how a contract party feels about the contents of the contract itself. In the case of the comic contract discussed in this chapter, the visual solutions employed could affect how well the parents signing the contract commit to the processes and procedures it outlines.

<a>5 Image analysis: metafunctions and interpretations

In this section, we analyse the images of the research data – the comic version of a contract for supervised exchanges – with the help of Kress and van Leeuwen's grammar of images, introduced above in subsection 2.3. In particular, we reflect on the idea of images fulfilling

[32] See also Eliisa Pitkäsalo, 'Traduction Intersémiotique et Contexte: des Contrats en Bande Dessinée en tant que Documents Juridiques Accessibles' ('Intersemiotic Translation and Context – Comic Contracts as Accessible Legal Documents') (forthcoming) Meta 65/1.

three metafunctions, the *ideational*, *interpersonal* and *compositional*. We present questions that typically guide metafunction analyses and examine how the metafunctions could be said to manifest in the images of our data. Based on the metafunctional insights, we reflect on how the images may be interpreted by the readers of the comic contract. The overall aim of this discussion is to reflect on the potential of the metafunction analysis framework as tool that may inform the production process of comic contract illustrations.

<b>5.1 Ideational metafunction

An image analysis on the ideational metafunction level typically involves questions such as Which participants are represented in the image? What type of activities are the participants engaged in? How are the circumstances presented?

Our comic contract includes four human participants: the parents and their two children. As per selecting the human participants to be depicted, perhaps the most interesting discussion was conducted about including a possible narrator character. Some previously created comic contracts do include a separate narrator participant, meaning a human character that drawn in the illustration, who looks at the reader of the contract and "narrates" the contents.[33] The idea of including a narrator voice in the comic contract is appealing, because it emphasizes that the contract is communication taking place between people (as opposed to being between a faceless institution and a person) and makes the contents more human in a sense. Our comic contract includes a narrator voice but not an actual narrator participant: our solution was to employ speech bubbles with narration (a voice dictating what rights and responsibilities of the contract parties) coming from outside the actual comic page. This solution we regard as *an implied narrator*, a persona that the reader assembles from their reading using both verbal and visual cues. In our comic, the verbal content included in the speech bubbles was directly copied from the verbal contract and its formulation was therefore legal language-like. However, another possibility for including text in (implied) narrators's speech bubbles would be to modify it to a more spoken language-like style, possibly in order to make it more approachable and/or make it better fit the personal approach of somewhat casual comic-style communication.

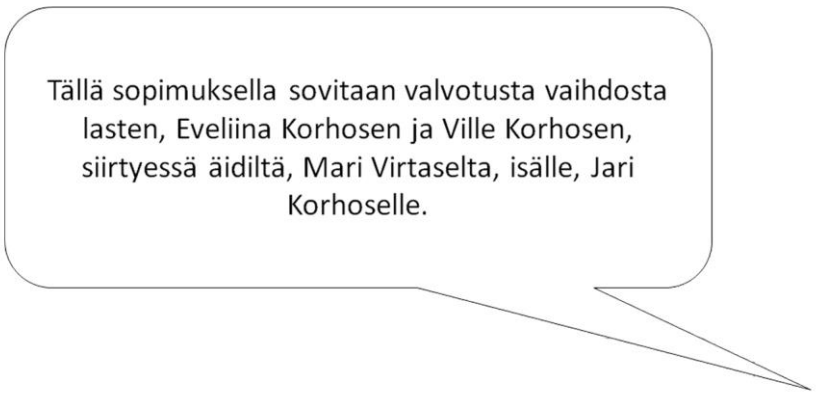

Figure [5].1 Example from research data: Speech bubble of an implied narrator ("This contract specifies the supervised exchange of the children, Eveliina Korhonen and Ville Korhonen, from Mari Virtanen, the mother, to Jari Korhonen, the father").

In addition to human participants, the comic contract includes participants that are objects. An example of these is a school building, depicted in the comic contract to represent how the children transfer from one parent to another on certain days of the week (one parent takes the children to school and another one picks them up). The visual representation of object

[33] See eg Creative Contracts, 'ClemenGold Comic Contract' <https://creative-contracts.com/clemengold/> accessed 14 October 2020.

participants includes challenges that are similar to those with humans: there is hardly ever only one possible way of drawing concrete objects. In the case of the school building, the challenge arises from coming up with a way of drawing a building so that it resembles a school more than other buildings of the same size. In our comic, the school building is depicted as a simple line drawing; it has various floors with one part taller than the rest of the building, a large clock on the wall (as Finnish schools often have one), as well as a large loudspeaker with an onomatopoetic school bell sound written next to it. In a separate reception study we have conducted on this particular comic contract[34], one of our respondents pinpointed the drawing of the school as problematic – stating that it looks like a church more than a school – which exemplifies the difficulties in depicting objects in a unabmiguous manner.

In addition to object participants that represent concrete objects, our comic also included object participants that depict concepts that are not objects in real life. Whilst people and action can be relatively easy to draw, most abstract ideas and concepts do not easily lend themselves for visual representation, and need to be depicted with visual symbols, either conventionalized or ad hoc. An example of an less conventionalized symbol used as an abstract object participant in the research data is an image of a digital thermometer to symbolize circumstances in which a scheduled meeting between a parent and the children would have be cancelled, due to reasons one of which could be illness. While such symbols are handy solutions for the illustrator, one must ask whether the symbols succeed in conveying what they are intended to or whether they run the risk of being understood too literally. In the case of the thermometer, such a risk might entail a contract party not understanding that the procedure one must follow in case of illness also applies for other circumstances in which a meeting might have to be cancelled.

<b>5.2 Interpersonal metafuction

An image analysis on the interpersonal metafunction level typically involves questions such as How are the relations between the participants depicted? Is there eye contact between the participants in the image? Is there eye contact between the participant in the image and the viewer of the image? What is the size of the image frame and which perspective is chosen?

Interpersonal interaction of images takes place on two different levels: first, the image participants – the (mostly human or humanlike) characters that are drawn in the image – as well as between the image participant and the viewer of the image. Direct eye contact between an image participant and the viewer refers to the character being drawn so that they appear to be looking the viewer straight in the eye. This is highly apparent, for instance, in the first comic contract created by Robert de Rooy and his team: the interaction between the narrator and the image viewer is very intimate.[35]

The research data includes an example of eye contact depicted between image participants to create a sense of tension between the participants, namely the mother and the father. The main purpose of organizing supervised exchanges is to guarantee that a child's emotional wellbeing is not compromised in situations where the parents meet each other. The contract explains how the exchange of the child from one parent to another is organized to ensure this, and the contract includes a phrase that reaffirms that "the parents do not meet each other" in the exchange situation. In the comic contract, this was/is? visually represented with an image where the parents face each other, with the mother on the right and the father on the left, looking at each other in the eye, with expressions that display agitation.

[34] Laura Kalliomaa-Puha, Anne Ketola and Eliisa Pitkäsalo, 'Sarjakuva, sosiaalihuolto ja saavutettavuus – pilottitutkimuksen tuloksia' (n 3).

[35] See eg Creative Contracts, 'ClemenGold Comic Contract' (n 33)..

Figure [5].2 Example panel from the research data: "The parents do not see each other during the exchange"

The eye contact between the participants in the image was/is a deliberate strategy that carries a message to the reader of the contract: it is a subtle reminder of the tension between the parents and it underlines why they need such a contract in the first place.

In addition to possible eye contact between the image participant and the image viewer, interpersonal interaction is determined by the selection of image point-of-view, which positions the viewer in relation to the participants. The viewer can be positioned to look up to the participants, or down on them, or the angle can be frontal. All of the images in the data employ a frontal perspective, which is considered a neutral choice: The viewer is aligned with the participant, which makes the image participants more relatable.

<b>5.3 Compositional metafunction

Image analysis on the compositional metafunction level typically involves questions such as How are the participants arranged in the image (left, right, up, down, center, margin)? What is made salient in the composition by means of relative size, color and positioning in the image? What means are used to visually connect image elements?

Our analysis of the previous metafunction levels, the ideational and the interpersonal, was conducted on the level of individual frames, or single illustrations. However, we propose that when it comes to comics (or any multi-frame compositions) the compositional metafunction analysis could (at least in part) be conducted on the level of a page or a spread (the visual entity that the reader can see at a given moment); or even the comic as a whole. As explained above, the metafunction level is concerned with how visual elements are interconnected, and these elements can also be interconnected throughout page or the entire comic.

Colors are an excellent example of a means to create visual cohesion throughout a comic. In the research data, colors are used to designate time spend with or information related to the mother and the father who sign the contract: throughout the contract, things that are related to the mother (for instance, time the children spend with the mother) are colored light yellow and things that are connected to the father are colored purple color. This color coding is particularly emphatic in a calendar view that spreads over almost an entire page in the comic: it presents a monthly organization of where the children are during the month at given times of day. Time spent with each parent is marked with the respective colors; time the children spend at school

is marked with the color green. Color as a visual element, therefore, creates cohesion of information throughout the comic.

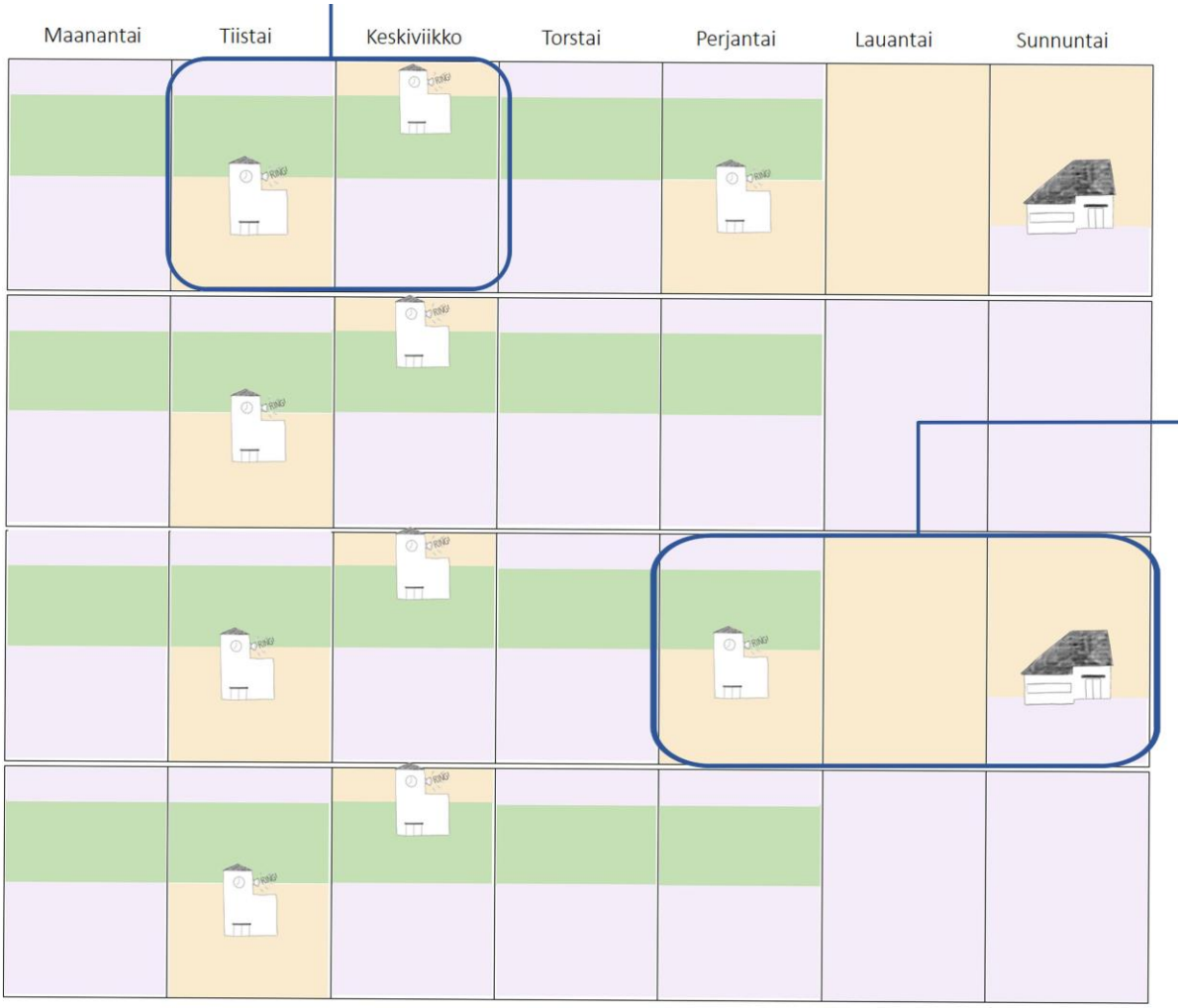

Figure [5].3 Example from the research data: A calendar view of where the children spend their time. The words at the top of the calendar are the names of the days of the week in Finnish.

According to Kress and van Leewen's visual grammar, things that are placed at the center of images are often given more *visual weight* than things placed on the image margin; things that are placed on the left in images are presented as *given information* (something the viewer already knows) and things that are placed on the right are presented as *new information*, and finally, things that are placed on the top of the image are presented as *ideal*, things placed at the bottom as *real*.[36] The images of our research data only include the most relevant participants involved; none of the images include objects or surroundings on the background. Further, the participants are drawn in the middle of the panels for the sake clarity. Therefore, the images of this particular data prove little material for this type of analysis – even though the decision to depict the participants in the center of the panels with no background is in itself narratively relevant; it aims to guide the visual focus of the reader.

Even though analyzing what is placed left and right, up and down, center or margin, can be an interesting task at the level of individual panels, analysing the arrangement of multiple panels on a page in this manner is potentially counterproductive. The order of the panels on the page is mainly dictated by the need to create a narrative that proceeds in chronologically logical

[36] Günther Kress and Theo van Leeuwen, *Reading Images* (n 17 181-93.

manner; certain things need to be mentioned or visually introduced before others for the contract narrative to make sense. Contrary to Kress and van Leeuven's ideas on individual images, with comics, what is at the center of the page is by no means automatically the most important information. In other words, extending image analysis to the level of multiple panels should not be taken as a straightforward exercise.

<a>6 Conclusion

The aim of this chapter has been two-fold. First, we have reflected on the process of converting a traditional, written-form contract of a supervised exchange into a comic contract. Second, we have discussed to which extent it is possible to analyze the contents and the possible interpretations of a comic contract using the means offered by the visual grammar and the metafunction framework offered by Kress and van Leeuwen. We have also aimed to demonstrate how the image analysis used in this research might help in producing comic contracts that are visually as unambiguous as possible.

We propose that various elements of the metafunction analysis can be a useful (self-)reflection tool for comic contract illustrators and other people involved in the process. For instance, the metafunction framework can sensitize the illustrator to acknowledge which abstract concepts are depicted in the comic contract as object participants and how, acknowledge the possible effect of depicting eye contact between comic participants (and between the comic participants and the reader of the comic), and so on. In other words, we argue that familiarizing oneself with the metafunction framework can help comic contract producers make informed decisions regarding the visualization process. In addition, the framework shows potential as an analysis tool for the evaluation and examination of comic contracts made by others. However, as our own analysis demonstrated, not all aspects of the metafunction analysis framework are suited for all types of comics.

Our reflection on the intersemiotic translation process of a comic contract has aimed to emphasize that the contents of a contract are radically transformed when a written-form document is converted into images; this stems from the fact that words and images as meaning making resources employ largely different means and can hence never express exactly the "same" message. Further, the verbal source material – the written contract – offers a limitless number of options for the illustrator and therefore creating the comic contract illustrations is a highly selective process in which the inclusion and omission of information is crucial.

The illustrations must take an explicit stance on various things that can be left implicit in verbal text (for instance, "this is how the children react to being picked up by the mother"). The illustrators, therefore, position themselves between the reader and the contract (the law) and guide the reader's interpretation of the contract contents. For the reader of the comic contract, the illustrator's solutions represent a legally binding arrangement, which the reader will interpret in a certain social and practical context. The illustrations hold the potential to guide or even manipulate the readers' interpretation of the contract. Every time something is chosen for illustration over something else, the illustrator takes an evaluative standpoint. Whilst this brings about certain risks, it may also be used as a positive resource, especially with contracts such as the one employed in the data of the present chapter: visual solutions (eg depicting the children happy with both parents) can promote contract parties' positive interpretation of the arrangement the contract presents and hence promote their personal commitment to the contract.

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