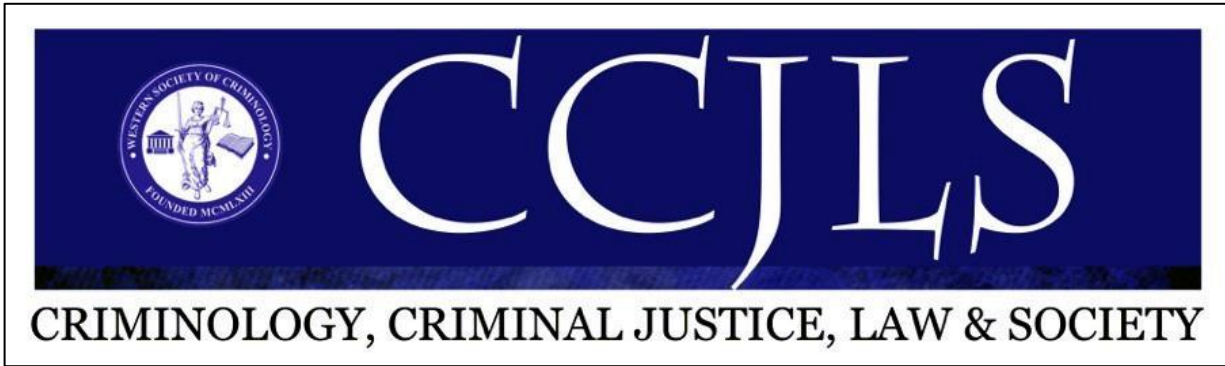




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A Judge Is the Person Who Decides Who Sings Better: Children's Comprehension of Legal Terminology

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ABSTRACT AND ARTICLE INFORMATION

Children in contact with the law are especially vulnerable to misunderstandings due to their lack of knowledge about judicial proceedings and contexts that are complex for their level of development. This study examined whether children understand legal terminology commonly used at Portuguese courts. Three hundred twenty-two Portuguese-speaking schoolchildren aged 6 to 13 years participated in this study and were randomly distributed into two groups. We asked the children to define a list of 18 legal terms (9 for each group), which were previously identified after analyzing 33 children's statements in cases of alleged sexual abuse. Their answers were categorized into five categories that reflect the mistakes children made when defining legal terms and the different strategies used in this task. As expected in light of the results of previous works, our results show that children do not understand the legal terms used at court: 47.2% do not show comprehension about any of the 9 terms presented. No child has been able to define all of them correctly. Age and school grade show a significant relationship with the level of understanding. No differences were found based on gender and children's contact with justice. Findings have implications about a necessary adaption of courts to children.

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The involvement of children in judicial proceedings has been on the rise over recent years with the practice of questioning children at court becoming increasingly common. The majority of cases in which children are involved with the justice system relate to sexual abuse or mistreatment, custody proceedings in cases of litigation, and juvenile delinquency. The right of the child to justice entails the right to be heard in all situations in which they are involved. In order to protect children from secondary victimization, regional and international organizations have developed guidelines for a child-friendly justice system. These guidelines acknowledge that one of the primary impediments to children's access to justice is their lack of familiarity with legal terminology and proceedings. Moreover, adults may be incompetent interviewers due to their limited knowledge about children's linguistic development (Saywitz et al., 1990). This can result in inappropriate questioning and misinterpretation of children's responses. From classic studies (e.g., Jones & McGraw, 1987) to actual research (e.g., Zajac et al., 2018), numerous studies have analyzed the effects of questioning style, including the use of legal jargon, on children's testimony. Research findings consistently indicate that children who appear in court are subjected to questioning strategies that are inappropriate in the context of their linguistic capabilities (Hanna et al., 2010).

The effects of ambiguous questions, syntactically and semantically complex questions including negative and double negative sentences, close and leading questions, and suggestive questions on testimony have been demonstrated by several researchers over decades (for a review, see Andrews et al., 2015). Despite decades of research in this field and the development of several forensic interview protocols, which aim to enhance the quality and informativeness of investigative interviews with children and the accuracy of their recall (see, for example, the *NICHD protocol*; Lamb et al., 2007), more recent studies continue to verify the same errors when children are interviewed at court (Hanna et al., 2012; Zajac et al., 2018).

In addition to the pursuit of truth and the objective of obtaining statements that are both rigorous and reliable, the practice of conducting quality interviews is a fundamental right, analogous to the right to a fair trial. In an adversarial system of justice, academic interest has been directed towards cross-examination, with particular emphasis on the potential risks of erroneous questioning (Hanna et al., 2012; Zajac et al., 2018). In a non-adversarial system of justice, questioning is directed by the judge. While prosecutors and attorneys may also pose questions to

witnesses, the judge has the authority to restrict or even prohibit poorly formulated inquiries. Nevertheless, numerous studies have demonstrated that judges possess inherent limitations and lack the requisite knowledge regarding optimal interviewing techniques when questioning children (Birnbaum & Bala, 2010; Fernando, 2009; Lembrechts et al., 2019; Parkinson & Cashmore, 2007).

Research indicates that children are unable to comprehend legal terminology commonly used in court proceedings (Aldridge et al., 1997; Flin et al., 1989; Freshwater & Aldridge, 1994; Maunsell et al., 2000; Saywitz et al., 1990). This encompasses the roles and functions of the legal actors involved. Research findings are also consistent regarding the relationship between comprehension and age. These findings indicate that older children have a greater ability to understand legal jargon (Aldridge et al., 1997; Block et al., 2010; Burnett et al., 2004; Cooper, 1977; Flin et al., 1989; Maunsell et al., 2000; Saywitz et al., 1990; Warren-Leubecker et al., 1989). Nevertheless, despite the fact that the meaning of certain words, such as *police* or *law* is acquired at an early age, children aged four or five years old are unable to correctly contextualize these meanings within the legal setting. For instance, Maunsell et al. (2000) cite a five-year-old child who defines law as a rule that prohibits something (e.g., "*There's a law that you shouldn't run in the corridors*"). However, the child makes no reference to justice. Moreover, children are unable to comprehend conventional legal terminology, such as *testimony*, *judge*, or *lawyer*, until they reach the age of 10. This is evident in the studies by Flin and colleagues (1989), Saywitz (1989), Saywitz and colleagues (1990), and Perry and colleagues (1995). Despite this, the knowledge acquired by children is often inaccurate (Peterson-Badali & Abramovich, 1992). Other terms, such as *prosecutor* or *petition*, are particularly challenging for older children to comprehend (Flin et al., 1989; Saywitz et al., 1990). Although age is an important factor in children's comprehension of legal terminology, Warren-Leubecker and colleagues (1989) clarify that as children mature, their understanding of legal concepts undergoes a transformation, moving from gaps in knowledge to misunderstandings. For instance, a younger child may lack knowledge of the role of a judge, whereas an older child may misconstrue the role of a judge as the person who creates laws.

Table 1: Sample Description

	<i>N</i>	%
Gender		
Girl	172	53
Boy	150	47
Age		
6	40	12
7	39	12
8	46	14
9	47	15
10	45	14
11	55	17
12	37	12
13	13	4
School Year		
1 st	47	15
2 nd	36	11
3 rd	53	16
4 th	38	12
5 th	71	22
6 th	53	16
7 th	24	8
Previous contact with justice		
Yes	18	6
No	304	94
Missing	4	1
Family members with jobs related with justice		
Yes	49	15
No	269	84
Attending TV series related with justice		
No	177	55
Sometimes	102	32
Regularly	30	9
Parents don't know	8	2
Missing	5	2

The most common errors committed by children when defining legal terms can be classified as phonetic errors and homonymous errors (Aldridge et al., 1997; Saywitz et al., 1990). Phonetic errors are associated with the definition of an unfamiliar term (e.g., *jury*) from a familiar one that is phonetically similar (e.g., *jewelry*; Aldridge et al., 1997; Saywitz et al., 1990). Homonymous errors occur when the word has multiple meanings that are distinct from the context of the judicial system. In this instance, the child defines the word (e.g., *charges*) by associating it with a familiar context (e.g., "*Charges is something you do with a credit card*"; Saywitz et al., 1990).

Furthermore, the results of these studies indicate that children's linguistic competence affects comprehension (Maunsell et al., 2000; Peterson-Badali & Abramovich, 1992). The study by Peterson-Badali and Abramovich (1992) indicates that children with higher linguistic competencies are more likely to include actors (e.g., *defense attorney*, *crown attorney*, or *jury*), events, and concepts in their descriptions of what a trial is.

The comprehension of legal terminology and court proceedings does not appear to be related to previous contact with justice (Block et al., 2010; Freshwater & Aldridge, 1994; Maunsell et al., 2000; Saywitz et al., 1990) or gender (Crawford & Bull, 2006; Maunsell et al., 2000; Peterson-Badali & Abramovich, 1992). In light of the significant exposure of children to television content in the modern era, several studies have been conducted with the objective of analyzing the potential influence of this exposure on their knowledge of legal issues. The studies conducted by Warren-Leubecker and colleagues (1989) and Saywitz and colleagues (1990) demonstrate that television content is not an effective source of information for children. Furthermore, exposure to content related to crime and justice does not predict more accurate knowledge.

In summary, children have limited comprehension of justice, legal terminology, and legal proceedings. Moreover, their understanding is rife with errors and inaccuracies. However, the majority of research was conducted in English-speaking countries, where the adversarial model of justice is prevalent. Consequently, the findings cannot be readily extrapolated to different judicial systems and languages.

Building upon previous findings, the present study aims to analyze the comprehension of Portuguese children on legal jargon. The specific objectives of this study are to analyze

- the comprehension of common legal terms by children;
- the mistakes made by children in comprehending legal terms;
- the differences in comprehension based on gender, age, and school year; and
- the differences in comprehension based on previous contact with the justice system and exposure to TV series related to the justice system.

Method

Sample

A total of 322 children between the ages of six and 13 ($M = 9.23$, $SD = 2.05$) participated in this

Table 2: Description of Response Categories

Categories	Description	Examples
Don't Know	The child recognizes his/her lack of knowledge about the meaning or does not answer.	Testimony: Testimony? If I had a dictionary with me, it would be easier. I don't know. (Girl/9) Defendant: Defendant? We haven't learned that yet. (Girl/8)
Hunch answers	The child attempts an answer based on a hunch. The given definition does not allow the identification of another response strategy.	Charge: Stick with a needle? (Boy/6) Trial: I'm not sure, maybe something to do with money? (Boy/9)
Morphologic strategy	The child uses the morphological structure of the word to guess its meaning.	Testimony: A series of questions from a test. Original in Portuguese: Depoimento: É para fazer pó. (Girl/8) Statement: It's a union of different states. Original in Portuguese: Tribunal: Um tribunal é um senhor que faz tribos. (Boy/6)
Phonetic strategy	The child refers to another word that is phonetically similar to the term.	Crime: Fine. Original in Portuguese: <i>Arguido: Ruído</i> . (Boy/10) Witness: Fitness. Original in Portuguese: Punir: Unir. (Girl/6)
Semantic strategy	The child creates a definition using synonyms and/or examples that are in a context other than the legal one.	Offended (party): It's when someone makes fun of us and we feel offended. (Girl/10) Judge: It's the person who decides who sings better in a song contest. (Girl/8)
Contextual strategy	The child refers to some elements of the legal context but the definition produced is incorrect.	Testimony: It's something that we use to put thieves in jail, I think. (Boy/7) Reporting (a crime): It's going to court. (Boy/9)
Right comprehension	The child produces a correct definition of the term and refers to legal context.	Crime: It's when someone breaks the law. (Boy/13) Statement: It's when a person goes to court and makes a statement saying he didn't kill anybody. (Boy/11)

study. The gender distribution was 53% female. All children were enrolled in the compulsory basic education levels at 15 public schools located in Porto city. Table 1 provides a description of the sample characteristics.

Half of the sample (49.7%) responded to List A (see next section), and the other half (50.3%) responded to List B. The children were randomly assigned to the two word lists. Both groups (List A and List B) were homogeneous with respect to age ($\chi^2 = 6.178$, $df = 7$, $p > .05$), gender (*Yates's* $\chi^2 = .053$, $df = 1$, $p > .05$), previous contact with justice (*Yates's* $\chi^2 = .000$, $df = 1$, $p > .05$), family members associated with justice (*Yates's* $\chi^2 = .960$, $df = 1$, $p > .05$), and attending of TV series related with justice ($\chi^2 = .016$, $df = 2$, $p > .05$).

Material and Procedure

The present study was developed as part of a broader research project on children's access to justice. In a first step, the analysis of 33 child hearings on alleged sexual abuse allowed the identification of 48 legal terms (Authors). Combining a mixed strategy of frequency and complexity, 18 terms with 3 different levels of complexity were selected. Since the age range of the present sample is from 6 to 13 years, we decided to create two lists of terms (A and B) with 9 terms each, with an equal distribution of terms by complexity. Following Saywitz and colleagues (1990), we also chose to introduce 3 neutral items on each list (*glass*, *hat*, and *tree*) to give younger children a sense of success in the task.

Table 3: Percentage (%) of Responses by Category

Term	Don't know/Don't answer	Hunch answers	Morphologic strategy	Phonetic strategy	Semantic strategy	Contextual strategy	Right comprehension
Inquire ^a	36	29	3	18	12	2	0
Public Prosecutor ^a	1	3	7	0	87	2	0
Punish ^a	45	12	1	13	24	2	3
Testimony ^a	47	15	21	2	7	5	3
Law ^a	4	6	4	0	68	15	3
Investigate ^a	3	0	1	2	74	9	11
Witness ^a	14	4	1	0	48	17	16
Offended (party) ^a	9	5	11	4	71	1	0
Statement ^a	31	13	4	4	33	7	8
Defendant ^b	49	17	5	12	2	9	6
Acquit ^b	31	20	32	10	4	1	2
Crime ^b	3	7	1	0	20	8	61
Charge ^b	8	5	1	0	77	5	4
Reporting (a crime) ^b	21	11	7	0	36	14	11
Court ^b	6	12	0	1	13	40	28
Trial ^b	17	2	10	2	28	30	11
Lawyer ^b	8	6	0	5	35	18	28
Judge ^b	8	8	2	1	16	30	34

Note: ^a represents (n) =160, ^b represents (n) =162

List A is compounded by the following terms: inquire, public prosecutor, punish, testimony, law, investigate, witness, offended (party), statement. List B is compounded by the following terms: defendant, acquit, crime, charge, reporting (a crime), court, trial, lawyer, judge. During the interviews, the children were asked to answer the question, “What is ... (e.g. a judge)?” The children were not told that they would hear a list of legal terms.

After the positive report from the University Ethics Committee, the National Data Protection Commissioner, and the Ministry of Education, we contacted the principals and teachers of public schools in the city of Porto. Through the principals, we sent the parents of the students a letter of presentation with the research objectives and method; the informed consent form for their child's participation; and a short questionnaire including the child's age, previous contact with the justice system, family members with jobs related to the justice system, and frequency of watching television series related to the justice system. Interviews were conducted individually in a quiet room and lasted approximately 10 minutes. Even with parental consent, children were informed of the voluntary nature of their participation. Interviews were audio-recorded and transcribed verbatim. Children's responses were coded into nominal

categories according to the properties of content analysis: completeness, non-selectivity, representativeness, homogeneity, and relevance (Bardin, 2015). Categorization was performed by two independent coders. Inter-coder agreement (test-retest) was obtained by dividing the total number of agreements by the total number of cases. The inter-coder agreement was 81.6%. Disagreement cases were discussed to reach consensus between the coders.

Data Analysis

Data analysis was performed using independent t-tests for mean differences, Pearson's correlations for age, and one-way ANOVA for grade differences. All statistical tests were performed using IBM SPSS Statistics 29. A p-value equal or less than .05 was considered significant.

Results

Legal Terminology Comprehension and Associated Errors

Our first goal was to analyze children's understanding of legal terms. By analyzing children's definitions, it is possible to identify seven different categories (see Table 2) that represent children's

different response strategies and their resulting definitional errors. *Correct understanding* category represents an adequate understanding. The frequency analysis shows that children give a very small number of correct answers. For some terms, such as *inquire*, *punish*, *testimony*, and *defendant*, the number of missing answers and *don't know* responses is over 35%. As shown in Table 3, almost 50% of the sample does not know the meaning of *defendant*.

Hunches remain relatively constant across all terms with an average of 9.8% of children giving this type of response. The exception is the term *inquire*, where about 30% of children used a hunch to guess an answer. Most children choose to try an answer even though they realize they do not know the meaning of the word.

Inquire: Inquire? A deposit? I don't know.
Inquire? Inquire? I have to say something. It is a deposit, isn't it? (Boy/9)

The fact that we interviewed children in the context of their own schools may have had some impact on the use of this strategy. School is a place where children are expected to demonstrate their knowledge and are constantly questioned. For this reason, the children in our sample may have felt a greater need to respond, as shown in the previous example.

Errors due to morphological association occur mainly in the definition of the terms *acquit* and *testimony*. The association of *testimony* with *test* was very common (original in Portuguese: *depoimento* - *pó*). Children use the structure of the unfamiliar term to produce the definition of a familiar word.

The phonetic strategy was used less by the children, with percentages up to 13%. The only exception was again the term *inquire* with 18% of the responses where children produce answers using a word phonetically similar (e.g., *inquire* - *inspire*; original in Portuguese: *inquirir* - *rir*).

Semantic errors were the most common with an average percentage of 36.4%. The terms *law*, *public prosecutor*, *investigate*, *witness*, *offended (party)*, *statement*, *charge*, *reporting (a crime)*, and *lawyer* were the terms that caused more semantic errors, reaching 58.6% of responses.

Witness: It's seeing what people are doing. There are people doing things in the distance and we want to see and then we go closer to see. (Girl/8)

Children used this type of strategy especially with familiar terms used in their own context. The terms *law*, *investigate*, *offended (party)*, and *charge*

resulted in 60% of responses falling into this category.

Law: It's some kind of rule. I can't go into the library because it's closed, it's a rule. I can't go in just because I want to. (Boy/8)

One of the clearest examples is the definition of *offended (party)*, the term by which the victim is designated in the Portuguese legal system but which has a more general meaning, as an adjective describing a person who has been hurt. The children showed knowledge of the general meaning of the term, but less than 1% of them are able to relate this meaning to the legal system. No child correctly recognized the term by its specific legal meaning. Children associated the term with situations in which the person is insulted or ridiculed by others, demonstrating a direct application of its meaning to the child's more familiar experiences and contexts, such as school.

Offended (party): I'm at the schoolyard and someone starts insulting me and I get offended. (Girl/11)

Offended (party): That's when a person insults someone else, like I'm sitting there and there's a kid who calls me an idiot and I get offended. (Boy/8)

The children's definition of *public prosecutor* (in Portuguese the term *Procurador* could literally be translated as *seeker*) was particularly interesting, as 87% of the children used a semantic strategy with the same result: A public prosecutor is someone who seeksⁱ. None of the children show any knowledge of the legal meaning of this term.

Finally, describing the categories that show some approximation of the answers given by the children to the context of justice, it turns out that only four of the terms presented triggered this type of definition: *court*, *trial*, *crime*, and *judge*. However, only the last two terms activated higher levels of correct responses in which the child linked the term to the context of justice.

As shown in Table 3, the terms *court* and *trial* were more often associated with the context of justice, but the child did not produce a correct definition. This is a relevant strategy because it shows that the child spontaneously associated the term with the context of justice without being able to demonstrate knowledge of its meaning.

Trial: It's what judges do. (Girl/8)

Court: It's justice and...reports. (Girl/10)

Table 4: Number (n) of Correct Answers by Term

Term	Don't Comprehend	Comprehend
Inquire ^a	160	0
Public Prosecutor ^a	160	0
Punish ^a	156	4
Testimony ^a	155	5
Law ^a	156	4
Investigate ^a	142	18
Witness ^a	134	26
Offended (party) ^a	160	0
Statement ^a	147	13
Defendant ^b	148	14
Acquit ^b	159	3
Crime ^b	63	99
Charge ^b	156	6
Reporting (a crime) ^b	145	17
Court ^b	118	44
Trial ^b	144	18
Lawyer ^b	117	45
Judge ^b	106	56
Note: ^a represents (n) =160, ^b represents (n) =162		

Only the terms *crime* and *judge* were understood in their contextual relationship with justice by a larger percentage of children. However, this percentage did not exceed 62% of the sample in the case of the term *crime*, and fell below 35% in the case of the term *judge*. The answers given by the children in relation to *crime* referred almost exclusively to the acts of stealing and killing.

Crime: It's when someone kills another or steals. We say he has committed a crime. (Girl/10)

Crime: It's when you kill a person or you do something wrong and you have to go to jail. (Boy/13)

In relation to the term *judge*, children who ascribe to the term a meaning linked to the context of justice identified the judge as a decision-maker. Some children specified the content of the decision by identifying the duties of the judge, such as someone who decides whether a person is convicted or acquitted, whether the accused committed the crime or not, or even the punishment to be applied. In a small percentage of cases, judges were identified as those who adjudicate. Both meanings, the judge as a decision-maker and the judge as the one who makes a

decision, are often associated with the representation of authority.

Judge: The person who runs the court, who says whether someone goes to jail or not. (Boy/11)

Judge: The person who keeps order in the court and makes decisions. (Boy/11)

Judge: The person who is in court and sometimes says if someone commits a crime or not and if he or she goes to jail or not and for how long. (Girl/8)

Summarizing, the analysis of the definitions made by the children shows that the terms commonly used in court are very difficult for them to understand, but only in some situations and in relation to certain terms the children assumed their ignorance in relation to the meaning. With the exception of the terms *inquire*, *punish*, *testimony*, and *defendant*, for which some children (44.3% on average) chose to answer that they ignored their meaning, the children produced definitions for the remaining terms using different strategies.

The most common strategy was semantic. For those terms that are more familiar to the children (which does not mean that they know their legal meaning), the child produced a definition using synonyms.

The Influence of Gender, Age, School Year, and Contact with the Justice System on Comprehension

In order to address another objective of this study, we analyzed the impact of gender, age, and level of education differences on comprehension. The initial categories were subsequently re-categorized in order to enhance the reliability of the data. The categorization was revised based on the degree of correctness and the convergence of meaning with the legal context of the definitions produced by children. To this end, we adopt the definitions from the Dictionary of Contemporary Portuguese Language (Casteleiro, 2001) on the understanding that children are able to comprehend legal terms if they are able to define them in a precise and complete way and to link them to the legal context.

The re-categorization process yielded two categories: a) Comprehend, which includes all correct answers represented by the '*right comprehension*' category and b) Don't comprehend, which represents erroneous definitions produced by morphologic, phonetic, semantic, and contextual strategies. This category also includes '*hunch*' and '*don't know*' answers.

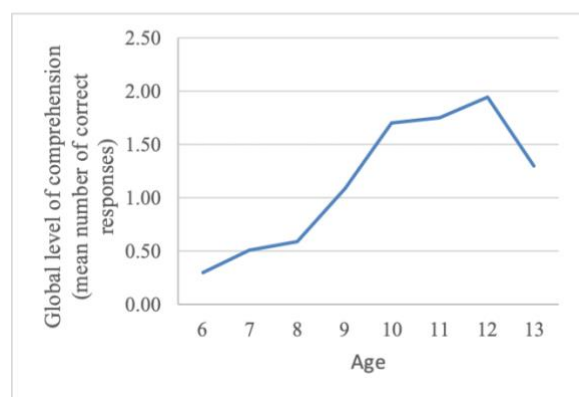
Table 5: Number of Correct Answers (global comprehension) by the Children

Number of Correct Answers	N	%	M (SD)	Range
0	152	47		
1	76	23	1.16 (1.51)	0-7
2	42	13		
3	19	6		
4	16	5		
5	12	4		
6	4	1		
7	1	0.3		
8	0	0		
9	0	0		

Table 4 illustrates the number of children who provided correct and contextually appropriate responses to each legal term presented. With the exception of the term *crime*, which was correctly comprehended by 61.1% of participants, the majority of children provided incorrect responses. As previously stated, none of the children demonstrated an understanding of the terms *inquire*, *prosecutor*, and *offended (party)*.

To calculate the total number of correct answers produced by each child, the 'don't comprehend' category was coded as 0 and the 'comprehend' category was coded as 1. This score, ranging from 0 to 9, represents the global comprehension of each child (see Table 5). The mean comprehension score for the entire sample ($N = 322$) was extremely low ($M = 1.16$, $SD = 1.51$). A significant proportion of the sample ($n = 152$, 47.2%) demonstrated a lack of comprehension regarding any of the nine terms presented. Not a single child was able to define all nine terms correctly, with the maximum score achieved being seven ($n = 1$).

Figure 1: Relation Between Global Comprehension (mean number of correct responses) and Age



The present study employed an independent samples *t*-test to assess gender differences in global comprehension. The results show no significant gender differences ($t(320) = -.760$, $p > .05$) between girls ($n = 172$, $M = 1.22$, $SD = 1.57$) and boys ($n = 150$, $M = 1.09$, $SD = 1.44$). The analysis of each term also revealed no significant differences between the two groups.

As shown in Figure 1, a direct and significant relationship was observed between children's age and their global comprehension ($r = .366$, $p < .001$, 95% CI [.267, .457]). Upon evaluating each term individually (see Table 6), it was found that there was a significant relationship between age and all terms except for the terms *investigate*, *law*, and *charge*. All significant relationships are direct, indicating that comprehension increases with age.

Table 6: Relationship Between Comprehension (by term) and Age

Term	Pearson's <i>r</i>
Punish ^a	.17*
Testimony ^a	.18*
Law ^a	.11
Investigate ^a	.05
Witness ^a	.26**
Statement ^a	.21**
Defendant ^b	.29**
Acquit ^b	.17*
Crime ^b	.34**
Charge ^b	.04
Reporting (a crime) ^b	.30**
Court ^b	.35**
Trial ^b	.29**
Lawyer ^b	.39**
Judge ^b	.32**

Note 1: The terms *inquire*, *offended (party)* and *public prosecutor* were not included in the analysis because they did not present any correct answer.

Note 2: * $p < .05$; ** $p < .01$

Note 3: ^a represents (n)=160, ^b represents (n)=162

A one-way ANOVA test revealed a significant effect of school year on global comprehension ($F(6, 315) = 10.617$, $p < .001$, $\eta^2 = .168$, 95% CI [.087, .228]). Table 7 illustrates that the mean number of correct responses increases with the advancement of the academic year. Post-hoc comparisons using the HSD Tukey tests confirm that comprehension significantly improves in the final three years (5th, 6th, and 7th) compared to the initial

Table 7: One-way ANOVA Comparisons with Tukey HSD Post Hoc Test for Global Comprehension (mean number of correct responses) by School Year

	<i>n</i>	<i>M</i>	<i>SD</i>	Min.	Max.
1 st year	47	0.32 ^a	0.66	0	3
2 nd year	36	0.50 ^a	0.81	0	3
3 rd year	53	0.68 ^a	0.94	0	4
4 th year	38	0.97 ^{ab}	1.50	0	6
5 th year	71	1.72 ^b	1.68	0	6
6 th year	53	1.85 ^b	1.62	0	6
7 th year	24	1.92 ^b	2.15	0	7

Note: Different indices (Tukey HSD test) indicate significant differences. All $p < .001$ except 7th year compared with 2nd and 3rd with $p < .01$.

three years (1st, 2nd, and 3rd). The fourth year of schooling demonstrated no significant differences when compared with any of the previous or subsequent years.

When each term was evaluated independently, the school year also demonstrated significant effects on comprehension, as illustrated in Table 8 and Table 9. The comprehension of all terms, with the exception of *punish*, *testimony*, *law*, *investigate*, and *charge* was affected by the school year. Post-hoc comparisons revealed that the same pattern of results was observed as in the analysis of global comprehension, with significant differences between the first three school years and the last three school years. Once more, no significant differences were observed between the fourth grade and the remaining school years. The mean number of correct responses exhibited a gradual increase with each grade level.

To illustrate this effect, the term *defendant*, which is among the most complex, is employed. It was observed that children in the first three years of schooling do not produce any correct definitions (score 0), yet the mean score exhibited a slight increase with children in the fourth year. The mean score for this term was .07 for students in the fourth grade, .13 for those in the fifth, .15 for those in the sixth, and .36 for those in the seventh.

Finally, to address the last objective, an independent samples *t*-test was conducted to ascertain whether there were significant differences in legal comprehension between children who had previous contact with the justice system ($M = 1.28$, $n = 18$) and those who had not ($M = 1.15$, $n = 304$). The results demonstrated that there were no differences between the two groups ($t = -.353$, $df = 320$, $p > .05$). No significant differences were found when comparing children with ($M = 1.18$, $n = 49$) and without ($M = 1.16$, $n = 269$) family members related

to justice ($t = -.085$, $df = 316$, $p > .05$). A comparison between children who watch ($M = 1.35$, $n = 132$) or do not watch ($M = 1.03$, $n = 177$) TV series related to justice revealed no significant differences ($t = -1.859$, $df = 307$, $p > .05$).

Discussion

The results of the present study are comparable to those of previous studies conducted in countries with disparate legal systems and employing English terminology (Aldridge et al., 1997; Flin et al., 1989; Freshwater & Aldridge, 1994; Maunsell et al., 2000; Saywitz et al., 1990) indicating that the challenges children encounter in comprehending legal terminology are not contingent on the context and/or the language used in a specific legal context.

Portuguese legal terminology is often difficult for children to comprehend. With the exception of the term *crime*, which was defined correctly by 61% of the participants, all other legal terms presented to children between the ages of 6 and 13 were found to be difficult to define, contextualize, and comprehend. In particular, the terms *public prosecutor*, *inquire*, and *offended party* were identified as particularly challenging, with only a few participants providing accurate definitions.

The results also permit the verification of the strategies employed by children to define terms that are unknown to them in their legal context. The presence of errors in these definitions indicates that children, as legal actors, may be prone to significant misinterpretations of common legal terms. It is particularly noteworthy that only four of the 19 terms presented elicited responses indicating a lack of knowledge from the children. With regard to the remaining 15 terms, the children attempted to formulate definitions, although these were erroneous. The existence of a category we call *hunch answers* indicates that children are inclined to attempt to define terms even when they lack the requisite knowledge. This may represent a significant limitation for the testimony of children in court proceedings. As Flin and colleagues (1989) conclude, inquiring about children's understanding of specific terms and procedures before accepting their testimonies in court may not be an adequate indicator of their competence to testify, as even when they respond affirmatively to such inquiries, they may provide erroneous definitions.

However, the present study was conducted in a school setting, a context in which children are required to demonstrate their knowledge. This factor may have influenced the results of the study, even

Table 8: One-Way ANOVA Comparisons (mean number of correct responses) by term (List A)

Term	M (SD) by school year							p	Eta ² [95%IC]
	1 st n=19	2 nd n=20	3 rd n=25	4 th n=24	5 th n=32	6 th n=34	7 th n=13		
Punish	0.00	0.00	0.00	0.00	0.03 (0.17)	0.08 (0.27)	0.08 (0.28)	.366	
Testimony	0.00 ^a	0.00 ^a	0.00 ^a	0.00 ^a	0.03 ^a (0.17)	0.08 ^{ab} (0.27)	0.15 ^b (0.38)	.085	
Law	0.00	0.00	0.00	0.04 (0.20)	0.06 (0.24)	0.04 (0.20)	0.00	.666	
Investigate	0.05 ^{abc} (0.23)	0.00 ^{ac}	0.24 ^b (0.44)	0.13 ^{abc} (0.34)	0.06 ^c (0.24)	0.15 ^{abc} (0.37)	0.15 ^{abc} (0.38)	.182	
Witness	0.00 ^A	0.05 ^A (0.22)	0.04 ^A (0.20)	0.13 ^{ac} (0.34)	0.33 ^B (0.48)	0.27 ^{bc} (0.45)	0.23 ^{abc} (0.44)	.005	.114 [.013-.182]
Statement	0.00 ^a	0.00 ^a	0.00 ^a	0.08 ^{ab} (0.28)	0.18 ^b (0.39)	0.19 ^b (0.40)	0.00 ^a	.014	.097 [.004-.161]

Note 1: The terms inquire, offended (party) and public prosecutor were not included in this analysis because there were no right definitions for them.

Note 2: Different indices (Fischer LSD test) indicate significant differences. All p < .05 except for the comparison of the 5th grade with the 1st, 2nd, and 3rd in the witness term (p < .01).

when children were prompted to respond with *I don't know* as a valid answer when appropriate.

It is of particular importance to consider the potential for phonetic and morphological errors to mislead children in a court of law. This phenomenon has already been identified by Saywitz and colleagues (1990). These authors posit that children exhibit a tendency to define unknown words that sound similar. Mistaking legal terms could have a significant impact on children's testimony, as the child who is heard in court may not fully comprehend the context and meaning of the court's requests and their implications. Morphological errors are also of significant importance and could potentially present a significant obstacle to the production of a complete and truthful statement.

Semantic errors, which Saywitz and colleagues referred to in 1990 as homonymous errors, occur when a child recognizes the word in its common and context-familiar meaning but not in its legal one. The recognition of terms such as *punish*, *law*, *offended party*, or *reporting (a crime)* in a familiar context, such as the school setting, may limit children's understanding of legal demands when they are presented in a courtroom setting. For instance, the concept of *law* may be understood as a rule that prohibits library access during school hours, while *punish* may be associated with the expulsion of a child from the classroom.

Additionally, we have identified a strategy we have designated as contextual. The utilization of this strategy is more apparent when children effortlessly associate the terms with the legal context, despite their lack of a comprehensive understanding

of them. Terms such as *court* or *judge* serve as illustrative examples of this strategy. When children recognize that a term belongs to a legal context but lack the vocabulary to define it, they attempt to define it in relation to that context, often producing inaccurate definitions (e.g., defining a *judge* as someone with lawyerly responsibilities).

The present study corroborates the results of several previous studies conducted in different linguistic and judicial contexts than our own (Aldridge et al., 1997; Block et al., 2010; Burnett et al., 2004; Cooper et al., 2010; Flin et al., 1989; Maunsell et al., 2000; Quas et al., 2009; Saywitz et al., 1990; Warren-Leubecker et al., 1989). These studies have demonstrated a positive correlation between age and legal knowledge.

The school grade, which is strongly correlated with age, is also a significant factor in the comprehension of legal terminology. The data indicate that some meanings are acquired at an earlier age than others. Children in the first grade are able to correctly define terms such as *crime* and *court*. Conversely, only when children have reached the sixth grade are they able to correctly define terms such as *acquitt*. In accordance with previous research indicating the absence of gender effects on legal terms comprehension (Crawford & Bull, 2006; Maunsell et al., 2000; Peterson-Badali & Abramovich, 1992), the present study corroborates these conclusions, demonstrating no significant differences between girls and boys in global comprehension or when each term was assessed individually.

Table 9: One-Way ANOVA Comparisons (mean number of correct responses) by term (List B)

Term	<i>M (SD) by school year</i>							<i>p</i>	Eta ² [95%IC]
	1 st <i>n</i> =28	2 nd <i>n</i> =16	3 rd <i>n</i> =28	4 th <i>n</i> =14	5 th <i>n</i> =38	6 th <i>n</i> =27	7 th <i>n</i> =11		
Defendant ^a	0.00 ^a	0.00 ^{ac}	0.00 ^a	0.07 ^{ac} (0.27)	0.13 ^{ac} (0.34)	0.15 ^c (0.36)	0.36 ^b (0.50)	.002	.122 [.019-.192]
Acquit ^a	0.00 ^a	0.00 ^a	0.00 ^a	0.00 ^a	0.00 ^a	0.04 ^a (0.19)	0.18 ^b (0.40)	.003	.117 [.015-.186]
Crime ^a	0.36 ^a (0.49)	0.50 ^{ac} (0.52)	0.46 ^{ad} (0.51)	0.57 ^{ac} (0.51)	0.74 ^{bc} (0.45)	0.89 ^b (0.32)	0.73 ^{bcd} (0.47)	.001	.142 [.031-.215]
Charge ^b	0.04 (0.19)	0.00	0.03 (0.19)	0.00	0.05 (0.23)	0.07 (0.27)	0.00	.832	
Reporting (a crime) ^a	0.00 ^a	0.00 ^a	0.00 ^a	0.07 ^{ac} (0.27)	0.21 ^{bc} (0.41)	0.15 ^{ac} (0.36)	0.36 ^b (0.50)	.001	.133 [.025-.205]
Court ^a	0.07 ^a (0.26)	0.25 ^{ac} (0.45)	0.10 ^a (0.31)	0.21 ^{ac} (0.43)	0.32 ^{bc} (0.47)	0.48 ^{bc} (0.51)	0.64 ^b (0.50)	< .001	.145 [.033-.219]
Trial ^a	0.00 ^a	0.00 ^{ac}	0.00 ^a	0.29 ^b (0.47)	0.16 ^{bc} (0.37)	0.19 ^{bc} (0.40)	0.27 ^b (0.47)	.004	.115 [.014-.183]
Lawyer ^a	0.00 ^a	0.13 ^{ac} (0.34)	0.21 ^{ad} (0.42)	0.29 ^{bcd} (0.47)	0.45 ^b (0.50)	0.41 ^{bd} (0.50)	0.45 ^{bd} (0.52)	.001	.140 [.030-.213]
Judge ^a	0.04 ^a (0.19)	0.19 ^{ac} (0.40)	0.21 ^{ad} (0.42)	0.50 ^{bcd} (0.52)	0.55 ^b (0.50)	0.48 ^b (0.51)	0.45 ^{bcd} (0.52)	< .001	.168 [.050-.245]

Note 1: Different indices (Fischer LSD test) indicate significant differences (*p*-values range between less than .05 and less than .001).

Note 2: ^a represents (*n*) =162

Contact with the justice system was another variable subjected to analysis. Contact was defined as any experience with justice, whether personal, familial, or related to the viewing of television series about justice. The results did not indicate a facilitation effect of greater contact with justice on comprehension, as has been previously reported in other studies (Block et al., 2010; Cooper et al., 2010; Freshwater & Aldridge, 1994; Maunsell et al., 2000; Saywitz et al., 1990). It is crucial to highlight that even children who have previously interacted with the justice system exhibit no enhanced comprehension of legal terminology and legal proceedings. This evidence refutes the assumption that prior experience is a reliable predictor of comprehension. This indicates that the justice system is unable to engage with the general public, particularly those who are most vulnerable or have special needs. The findings of Oliveira (2014), derived from a study conducted within the Portuguese judicial context, are particularly illuminating in this regard. In a study conducted by Oliveira (2014) on children aged between 6 and 12 years old, with and without previous contact with the justice system, it was found that those children with previous contact with the justice system demonstrated a significant lack of comprehension

regarding their own experiences at court. As an illustrative example, when queried about the courtroom environment, an 11-year-old child responded: "It is a judge, another woman, and another woman tipping everything."

In light of the findings of previous research, a number of countries have devised tools and strategies with the objective of facilitating communication between the courts and children. These strategies, which are available in a variety of formats and designed for different target audiences, encompass a range of approaches. They include from the development of quick reference guides for court actors (e.g., Centre for Justice Innovation, 2022) to activity books for teachers and parents to engage in legal literacy activities with children (e.g., California Office of the General Counsel, 1999). However, the majority of these studies have been conducted in Anglo-Saxon contexts, and thus the majority of the tools developed are also context-specific. Scientific evidence for the development of Portuguese-language strategies and tools is now available.

The findings of this and other studies should inform the development of initiatives designed to enhance the legal literacy of children and young people, the development of proposals for training the various judicial actors involved in hearing children in court, and the creation of concrete tools to facilitate communication between judges and lawyers and the

minors who come into contact with the justice system. The development and use of conversation guides and the possibility of interviewing children at court being mediated by child development specialists represent specific recommendations that have emerged from the aforementioned findings. These recommendations are especially important in justice systems such as Portugal's, where judges play a central and active role in listening to children but have no professional specialization or specific training for this role, which is also the case with lawyers.

If we want to promote children's access to justice, we have to find a common language. This study reinforces the evidence that difficulties are not only found in the most technical and difficult terms, but in all of them, even the most 'simple' or central ones such as judge, lawyer or defendant.

Limitations and Future Research

As mentioned above, interviewing children at school may have an impact on the results. The school setting may activate certain types of responses in children and put some pressure on them to respond. Although we encouraged children to answer 'I don't know' when they did not actually know the term, these instructions may not have succeeded in suppressing the pressure or shame of this type of response.

Additionally, the fact that the year of schooling is fully related to age does not allow us to identify the individual effect that each of these aspects, namely training and development, may have on comprehension. Further research is required to gain a more nuanced understanding of the impact of maturity versus school training on children's legal language comprehension. In addition, it was not feasible to ascertain the participants' baseline level of general linguistic comprehension. Consequently, it remains unclear how this general ability might influence the outcomes.

Furthermore, we are unaware of any institutional and social characteristics of the participating schools that may have had an effect on the results. Such characteristics may encompass the presence of initiatives or programs designed to enhance children's reading proficiency and general comprehension, as well as the socio-economic milieu in which the educational institutions are located.

Future studies should consider new variables to add, for a better understanding of the problem as well as more multidisciplinary perspectives including more in-depth linguistic analyses. The studies carried out in this area use cross-sectional methods and focus on specific age groups. The use of longitudinal methodologies would provide a deeper understanding

of how comprehension develops over time and which terms remain difficult to understand into emerging adulthood. If the justice system is to be the repository of citizens' rights, it cannot ignore the complexity of the legal jargon it uses, which makes those rights difficult to understand.

Conclusion

The growing number of children who are involved in the justice system has led to the necessity of reformulating the current judicial proceedings in order to adapt them to the specific needs of children. One of the most significant obstacles to children's access to justice is the use (and abuse) of a complex and incomprehensible language by legal actors. A number of studies conducted in diverse legal settings have demonstrated that children encounter significant challenges in comprehending legal terminology commonly utilized in court proceedings. The present study corroborates this evidence, indicating that children's inability to understand legal language and legal proceedings also occurs in countries with civil law traditions. These findings indicate that the adaptation of court proceedings to children is a pervasive need across diverse legal systems and languages. In 2010, the Committee of Ministers of the Council of Europe drafted recommendations for a child-friendly justice system (Council of Europe, 2010). The document makes specific reference to the necessity for legal professionals to communicate with the child in a language that is adapted to their age and maturity. Additionally, the document emphasizes the necessity for legal professionals, including judges, to undergo specialized training in communication skills with children. Otherwise, the right of children to be heard in judicial proceedings concerning them, as established in Article 12.1 of the Convention on the Rights of the Child (United Nations, 1989), is reduced to a mere pro forma if courts do not guarantee a communication based on the use of a common language.

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Endnotes

- ¹ Original in Portuguese: '*Procurador é uma pessoa que procura*'. A similar example in English might be 'A witness is someone who wit.
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