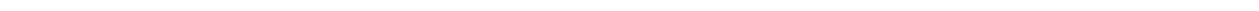


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Language and the Law

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Linguistic Society of America

Advancing the Scientific Study of Language

Taking Linguistics Beyond Linguistics Programs and Departments

Language and the Law

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“Language and the Law”

- Upper division General Education Class in the section of ‘Lifelong Learning’
- Part of GE Path in “Social Justice”

GE in 'Life Long Learning'

SLOs:

Students will be able to:

- **identify and actively engage in behaviors conducive to individual health, well-being, or development, and understand the value of maintaining these behaviors throughout their lifespan;**
- **identify and apply strategies leading to health, well-being, or development for community members of diverse populations;**
- apply the knowledge and skills of science and technology and evaluate how they impact individuals, the community, and/or society.

GE Path in 'Social Justice'

“The primary goal of the Social Justice path is to encourage students to think critically about social justice, to recognize it as foundational for peaceful societies, and to look for ways to promote it.”

Course Objectives

- Use the legal discourse and the legal process to illustrate and explicate essential qualities of natural languages and language use.
 - Law → Linguistics
- Examine and evaluate legal issues and (aspects of) the functioning of the legal system from a linguistic perspective.
 - Linguistics → Law

Insights pulled from Forensic Linguistics...

- Mostly secondary sources!
- Lots of relevant work by linguist/lawyers. For instance,
 - Peter Tiersma
 - Lawrence Solan
 - Roger Shuy
 - Sanford Schane
 - Chris Hutton
 - John Gibbons
 - Susan Berk-Seligson

Language data

- Legal documents:
 - contracts
 - Laws, including the Constitution
- Language evidence:
 - transcripts or video of confessions
 - transcripts of covertly taped conversations
 - transcripts of courtroom interrogations

Linguistic reasoning

- Court opinions
- Views on Constitutional Interpretation
- Op-Ed pieces, etc.

The functioning of the legal system:

- The process of investigation and evidence gathering:
 - Rules for police suspect interaction
 - Interrogations
- The structure of courtroom interaction:
 - Rules for direct and indirect examination of witnesses
 - Narratives (Opening Statements/Closing Arguments)
- Rights of language minorities

**Examples of
topics...**

“Legalese”

Legal Issues	Linguistic Concepts
Typical properties of legal documents	(very basic) grammatical concepts: pronouns, conjunctions, nominalizations, passives...
Is it necessary? Does it work? Plain English Movement	What determines legibility? How precisely can texts express meaning?

“Legalese” (cont.)

Legal Issues	Linguistic Concepts
The history of legal English	Language change, effects of language contact; the role of Latin and French in the development of English

Word meaning

Court Cases	Linguistic Concepts
Is a tomato a vegetable?	Scientific definitions vs. popular understandings of word meaning
Is a plane a motor vehicle?	Prototypes and graded membership
Are dressed and eviscerated chickens an agricultural product?	Classification problems, “fuzzy” boundaries; registers

Word meaning (cont.)

Court Cases	Linguistic Concepts
Is dying from a bacterial infection an accident?	Lexical ambiguity, prototype theory; dictionary definitions vs. language user intuitions
Does LSD absorbed (with alcohol) on blotter paper count as a mixture?	Dictionary definitions vs. language user intuitions

Sentence meaning and beyond

Laws	Linguistic Concepts
“No old dogs and llamas allowed in the park”	Scope of modification; structural ambiguity
“You must not be swayed by mere sentiment, conjecture, sympathy...”	Scope of modification; structural ambiguity
“A well regulated Militia, being necessary to the security of a free State, the right...”	Implied causality?

Police Suspect Interaction

Legal Issues	Linguistic Concepts
“Maybe I should speak to a lawyer” (Invoking the Right to Counsel?)	The role of indirectness, politeness theory, interpreting speech acts
“You don’t mind if we look in your trunk, do you?” (Consenting to being searched?)	The role of indirectness, politeness theory, interpreting speech acts
Why so many false confessions?	Coercion in discourse

Analyzing oral discourse

Legal Issues	Linguistic Concepts
Is it a confession?	Determining speaker intent, discourse conventions
Is it a bribe?	Indirectness, politeness theory, speech acts, properties of conversational turn taking
Is it perjury?	Literal meaning

Language and dialect minorities

Legal Issues	Linguistic Concepts
Credibility of witnesses in the courtroom	Language prejudice; code switching; sociolinguistic variation; cultural differences in language use
Language minority rights	Levels of language competence; translation challenges; cultural differences in language use

More topics...

Legal Issues	Linguistic Concepts
Direct and cross examination	Power imbalance; topic maintenance through non-conversational turn taking rules; presuppositions, hidden evaluative comments; adjacency pairs; attributable silences
Forensic linguistics	What can linguists contribute?

Why linguistics & law?

- Students find the topics relevant:
 - Easy to tie to current issues in media
 - Personal experiences with the law: signing a contract, being stopped by the police...
- Emphasizes social relevance of linguistics:
 - Highlights how assumptions about language and language use (often misconceived) affect social justice
- And is so much fun to teach!



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THANK YOU