

The Language Of Judges Chicago Series In Law And Society

"A treasure trove for sociolinguistic researchers and students alike. Edited by three leading sociolinguists, the 39 chapters cover a wealth of valuable material... And the cast list reads like a veritable Who's Who of sociolinguistics, with a refreshing number of younger scholars included along with more familiar, well-established names... This is a book that I will reach for often, both for research and teaching purposes. I will recommend it to my postgraduate students, and many of the chapters will provide excellent material for discussion in our advanced undergraduate sociolinguistics course."

- Janet Holmes, Discourse Studies "The best, the most complete and the most integrated handbook of sociolinguistics of the past decade." - Joshua A.

Fishman, NYU and Stanford University This Handbook answers a long-standing need for an up-to-date, comprehensive, international, in-depth critical survey of the history, trajectory, data, results and key figures involved in sociolinguistics. It consists of six inter-linked sections: The History of Sociolinguistics Sociolinguistics and Social Theory Language, Variation and Change Interaction Multilingualism and Contact Applications The result is a work of unprecedented coverage and insight. It is all here, from the foundational contributions to the field to the impact of new media, new technologies of communication, globalization, trans-border fluidities and agendas of research. The book will quickly be

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recognized as a benchmark in the field. It will provide a basis for reckoning its origins and pathways of development as well as an authoritative account of the central debates and research issues of today.

The Routledge Handbook of Discourse Analysis covers the major approaches to discourse analysis from Critical Discourse Analysis to Multimodal Discourse Analysis and their applications in key educational and institutional settings. Divided into six sections: Approaches to DA, Approaches to Spoken Discourse, Genres and Practices, Educational Applications, Institutional Applications, and Identity, Culture and Discourse

We are capable of writing crisp yet flexible laws, but Solan explains that difficult cases result when the ways in which our cognitive and linguistic faculties are structured fail to produce a single, clear interpretation. Though we are predisposed to absorb new situations into categories we have previously formed, our conceptualization is not always as crisp as the legislative and judicial realms demand. In such cases, Solan contends that other values, most importantly legislative intent, must come into play. *The Language of Statutes* provides an excellent introduction to statutory interpretation, rejecting the extreme arguments that judges have either too much or too little leeway, and explaining how and why a certain number of interpretive problems are simply inevitable. --Book Jacket.

Forensic linguistics is the study of language and the law, covering topics from legal language and courtroom discourse to plagiarism. This book deals with the ideas, debates, topics, approaches and methodologies in

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forensic linguistics. It is suitable for undergraduates and postgraduates

This is a practical guide for both beginning and established linguists who have been asked by lawyers to address the language issues in their civil and criminal cases. Author Roger W. Shuy deals with issues of how to become an expert, how to start and manage a practice of consulting on law cases, how to address the issue of professional ethics, how to work with lawyers, write reports, affidavits, and participate successfully in depositions, direct examination, and cross examination at trial. The book also suggests ways that linguists can use their forensic linguistic experiences in their publications and classroom teaching, along with suggestions of recent books that forensic linguists may need for their personal libraries.

This history of legal language slices through the polysyllabic thicket of legalese. The text shows to what extent legalese is simply a product of its past and demonstrates that arcane vocabulary is not an inevitable feature of our legal system.

Exploring the intricate and multi-dimensional conception of clarity and obscurity in law, this volume presents and examines the most recent research and theories. It provides practical guidance on how to avoid obscurity in legal drafting, as well as legal interpretation at both the national and international levels.

How do judges sentence? This question is frequently asked but infrequently explored. What factors are taken into account? How do judges see their role? How do they apply the aims and purposes of sentencing? How are

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factors such as public opinion taken into account? How Judges Sentence explores these questions through interviews with Queensland judges. The judges explain how they come to their decisions when sentencing, how they view judicial discretion, and how they exercise it. The book carefully examines their comments within the legislative and theoretical contexts of sentencing. The analysis yields valuable insights into judicial methodologies, perceptions, and attitudes towards the sentencing process. How Judges Sentence provides a major contribution to debates on sentencing.

Why do so many people voluntarily consent to searches by have the police search their person or vehicle when they know that they are carrying contraband or evidence of illegal activity? Does everyone understand the Miranda warning? How well can people recognize a voice on tape? Can linguistic experts identify who wrote an anonymous threatening letter? Speaking of Crime answers these questions and examines the complex role of language within our criminal justice system. Lawrence M. Solan and Peter M. Tiersma compile numerous cases, ranging from the Lindbergh kidnapping to the impeachment trial of Bill Clinton to the JonBenét Ramsey case, that provide real-life examples of how language functions in arrests, investigations, interrogations, confessions, and trials. In a clear and accessible style, Solan and Tiersma show how recent advances in the study of language can aid in understanding how legal problems arise and how they might be solved. With compelling discussions current issues and controversies, this book is a provocative state-of-the-art survey that will

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be of enormous value to legal scholars and professionals throughout the criminal justice system.

Addresses the issue of what we should make of competing claims about meaning when debated in highly charged circumstances.

Among the most prominent scholars of language and law is Peter Tiersma, a law professor at Loyola Law School with a doctorate in linguistics (co-editor of *The Oxford Handbook of Language and Law*). Tiersma's significant body of work traverses a variety of legal and linguistic fields. This book offers a selection of twelve of Tiersma's most influential publications, divided into five thematic areas that are critical to both law and linguistics:

Language and Law as a Field of Inquiry, Legal Language and its History, Language and Civil Liability, Language and Criminal Justice, and Jury Instructions. Each paper is accompanied by a brief commentary from a leading scholar in the field, offering a substantive conversation about the ramifications of Tiersma's work and the disagreements that have often surrounded it.

Anyone who has attended law school knows that it entails an important intellectual transformation, frequently referred to as "learning to think like a lawyer." This process, which subtly induces students to think and talk in radically new and different ways about conflicts, is largely accomplished in first-year law school classes where professors inculcate new attitudes toward spoken and written language. Elizabeth Mertz's book is the first study to truly delve into that language to reveal the complexities of how this process takes place. She concludes that the transformation law students undergo

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is as much a shift in how they approach language-how they talk and read and write-as in how they "think."

The status of LSP (Languages for Specialised Purposes) in the contemporary socio-cultural context is an ongoing central issue of scholarly debate. Specialised Languages in the Global Village examines the impact of globalisation on intercultural communication within specialised communities of practice. The contributions to the volume provide linguistically and pedagogically-informed discussion on modes of communication practice in professional and institutional domains, frames of social action and the construction of professional identities. The contributors also address issues of languages and social entrepreneurship, and the acquisition and development of linguistic/cultural competence in foreign languages for specialised purposes. The edition is a valuable resource for researchers in LSP, specialists in the fields of discourse analysis, sociolinguistics and scholars in the area of rhetoric and composition. It will also be of interest to professional translators, language editors and language advisors in the fields of specialised academic/professional communication. LSP instructors and foreign language teachers will also find informed guidelines and useful pedagogical proposals for classroom implementation.

This volume functions as a guide to the multidisciplinary nature of Forensic Linguistics understood in its broadest sense as the interface between language and the law. It seeks to address the links in this relatively young field between theory, method and data, without neglecting the need for new research questions in the field. Perhaps the

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most striking feature of this collection is its range, strikingly illustrating the multi-dimensionality of Forensic Linguistics. All of the contributions share a preoccupation with the painstaking linguistic work involved, using and interpreting data in a restrained and reasoned way. The Handbook of Historical Pragmatics provides an authoritative and accessible overview of this versatile new field in pragmatics devoted to a diachronic study of language use and human interaction in context. It covers all areas of historical pragmatics from grammaticalization theory to pragmatic entities, such as discourse markers, speech acts and politeness to individual discourse domains from scientific writing to literary discourse. Each contribution, written by a leading specialist, gives a succinct, representative and up-to-date overview of research questions, theories, methods and recent developments in the field.

A new perspective on how far law's power derives from socially situated communication rather than from abstract rules.

Forensic linguistics, or the study of language and the law, is a growing field of scholarly and public interest with an established research presence. The Discourse of Police Interviews aims to further the discussion by analyzing how police interviews are constructed and used to investigate and prosecute crimes. The first book to focus exclusively on the discourses of police interviewing, *The Discourse of Police Interviews* examines leading debates, approaches, and topics in contemporary police interview research. Among other topics, the book explores the sociolegal, psychological,

and discursive framework of popular police interview techniques employed in the United States and the United Kingdom, such as PEACE and Reid, and the discursive practices of institutional representatives like police officers and interpreters that can influence the construction and quality of linguistic evidence. Together, the contributions situate the police interview as part of a complex, and multistage, criminal justice process. The book will be of interest to both scholars and practitioners in a variety of fields, such as linguistic anthropology, interpreting studies, criminology, law, and sociology. Normative texts are meant to be highly impersonal and decontextualised, yet at the same time they also deal with a range of human behaviour that is difficult to predict, which means they have to have a very high degree of determinacy on the one hand, and all-inclusiveness on the other. This poses a dilemma for the writer and interpreter of normative texts. The author of such texts must be determinate and vague at the same time, depending upon to what extent he or she can predict every conceivable contingency that may arise in the application of what he or she writes. The papers in this volume discuss important legal and linguistic aspects relating to the use of vagueness in legal drafting and demonstrate why such aspects are critical to our understanding of the way normative texts function. Though indeterminacy in legal texts is pervasive, there is a widespread misunderstanding about what indeterminacy is, particularly as it pertains to law. Legal texts present unique challenges insofar as they address a heterogeneous audience, are applied in a variety of

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unforeseeable circumstances and must, at the same time, lay down clear and unambiguous standards. Sometimes they fail to do so, however, either by accident or by intention. While many have claimed that indeterminacy facilitates flexibility and can be strategically used, few have recognized that there are more forms of indeterminacy than vagueness and ambiguity. A comprehensive account of legal indeterminacy is thus called for. David Lanius here answers that call and in so doing, addresses three central questions about the role of indeterminacy in the law. First, what are the sources of indeterminacy in law? Second, what effects do the different forms of indeterminacy have? Third, how can and should these forms be intentionally used? Based on a thorough examination of the advantages and disadvantages of the different forms of indeterminacy in the wording of laws, contracts, and verdicts, Lanius argues for the claim that semantic vagueness is less relevant than commonly supposed in the debate, while other forms of indeterminacy (in particular, polysemy and standard-relativity) are mistakenly underrated or even ignored. This misconception is due to a systematic confusion between semantic vagueness and these other forms of indeterminacy. Once it is resolved, the value and functions of linguistic indeterminacy in the law can be clearly shown.

The 2000 Georgetown University Round Table on Languages and Linguistics brought together distinguished linguists from around the globe to discuss applications of linguistics to important and intriguing real-

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world issues within the professions. With topics as wide-ranging as coherence in operating room communication, involvement strategies in news analysis roundtable discussions, and jury understanding of witness deception, this resulting volume of selected papers provides both experts and novices with myriad insights into the excitement of cross-disciplinary language analysis. Readers will find—in the words of one contributor—that in such cross-pollination of ideas, "there's tremendous hope, there's tremendous power and the power to transform."

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In legal interpretation, where does meaning come from? Law is made from language, yet law, unlike other language-related disciplines, has not so far experienced its "pragmatic turn" towards inference and the construction of meaning. This book investigates to what extent a pragmatically based view of linguistic and legal interpretation can lead to new theoretical views for law and, in addition, to practical consequences in legal decision-making. With its traditional emphasis on the letter of the law and the immutable stability of a text as legal foundation, law has been slow to take the pragmatic perspective: namely, the language-user's experience and activity in making meaning. More accustomed to literal than to pragmatic notions of meaning, that is, in the text rather than constructed by speakers and hearers the disciplines of law may be culturally resistant to the pragmatic turn. By bringing together the different but complementary perspectives of pragmatists and lawyers, this book addresses the

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issue of to what extent legal meaning can be productively analysed as deriving from resources beyond the text, beyond the letter of the law. This collection revisits the feasibility of the notion of literal meaning for legal interpretation and, at the same time, the feasibility of pragmatic meaning for law. Can explications of pragmatic meaning support court actions in the same way concepts of literal meaning have traditionally supported statutory interpretations and court judgements? What are the consequences of a user-based view of language for the law, in both its practices of interpretation and its definition of itself as a field? Readers will find in this collection means of approaching such questions, and promising routes for inquiry into the genre- and field-specific characteristics of inference in law. In many respects, the problem of literal vs. pragmatic meaning confined to the text vs. reaching beyond it will appear to parallel the dichotomy in law between textualism and intentionalism. There are indeed illuminating connections between the pair of linguistic terms and the more publicly controversial legal ones. But the parallel is not exact, and the linguistic dichotomy is in any case anterior to the legal one. Even as linguistic-pragmatic investigation may serve legal domains, the legal questions themselves point back to central conditions of all linguistic meaning.

"This book will be of interest to linguists - sociolinguists, forensic linguists, and scholars and students of law and society - and to lawyers and law students."--BOOK JACKET.

This volume presents mayor contributions of Applied

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Linguistics to the understanding of communications in the professions. The first two parts of this book deal with the theoretical and methodological orientations of professional communication studies, the history and development of professional communication studies, highlighting the discursive turn of Applied Linguistic research that goes far beyond the established paradigm of Language for Specific Purposes. The third part - the core of this book - presents research into professional practices from various domains (e.g. law, healthcare, business and management, organizations), sites of engagement (as e.g. lawyer-client-conference, doctor-patient interaction) and with respect to different themes that are generalizable across domains and sites (as e.g. communicative aspects of action and practice, of assessment and appraisal). In the final part, professionals from various domains evaluate the contribution to their work so far made by Applied Linguistics.

"The first edition of this Handbook is built on surveys by well-known figures from around the world and around the intellectual world, reflecting several different theoretical predilections, balancing coverage of enduring questions and important recent work. Those strengths are now enhanced by adding new chapters and thoroughly revising almost all other chapters, partly to reflect ways in which the field has changed in the intervening twenty years, in some places radically. The result is a magnificent volume that can be used for many purposes." David W. Lightfoot, Georgetown University

"The Handbook of Linguistics, Second Edition is a

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stupendous achievement. Aronoff and Rees-Miller have provided overviews of 29 subfields of linguistics, each written by one of the leading researchers in that subfield and each impressively crafted in both style and content. I know of no finer resource for anyone who would wish to be better informed on recent developments in linguistics." Frederick J. Newmeyer, University of Washington, University of British Columbia and Simon Fraser University "Linguists, their students, colleagues, family, and friends: anyone interested in the latest findings from a wide array of linguistic subfields will welcome this second updated and expanded edition of The Handbook of Linguistics. Leading scholars provide highly accessible yet substantive introductions to their fields: it's an even more valuable resource than its predecessor." Sally McConnell-Ginet, Cornell University "No handbook or text offers a more comprehensive, contemporary overview of the field of linguistics in the twenty-first century. New and thoroughly updated chapters by prominent scholars on each topic and subfield make this a unique, landmark publication."Walt Wolfram, North Carolina State University This second edition of The Handbook of Linguistics provides an updated and timely overview of the field of linguistics. The editor's broad definition of the field ensures that the book may be read by those seeking a comprehensive introduction to the subject, but with little or no prior knowledge of the area. Building on the popular first edition, The Handbook of Linguistics, Second Edition features new and revised content reflecting advances within the discipline. New chapters expand the already

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broad coverage of the Handbook to address and take account of key changes within the field in the intervening years. It explores: psycholinguistics, linguistic anthropology and ethnolinguistics, sociolinguistic theory, language variation and second language pedagogy. With contributions from a global team of leading linguists, this comprehensive and accessible volume is the ideal resource for those engaged in study and work within the dynamic field of linguistics.

This book by Roger W. Shuy, the senior figure in forensic linguistics, is the first to explain in an accessible way the vital role that linguistic evidence and its proper analysis play in criminal investigations. Shuy provides compelling case studies of how language functions in investigations involving, among others, wired undercover operatives, and the interrogation of suspects. He makes the point that language evidence can be as important as physical evidence, but yet does not enjoy the same degree of scrutiny by investigators, attorneys, and the courts.

Beyond this, however, his more controversial thesis is that police frequently misuse or manipulate language, using various powerful controversial strategies, in order to intentionally create an impression of the targets' guilt or even to get them to confess. This book makes its case by analyzing a dozen criminal cases involving a variety of crimes, such as fraud, bribery, stolen property, murder, and others. About half involve co-operating witnesses who do the tape recording, and the other half undercover police officers. These cases demonstrate how undercover operatives use different conversational strategies, such as overlapping conversation, ambiguity,

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interruption, refusing to take "no" for an answer, and others to create a negative impression of the targets on later listeners. *Creating Language Crimes* provides a fascinating window into a little-known and discussed facet of law enforcement. It will appeal to anyone concerned with language (particularly sociolinguists and discourse analysts), as well as to those involved in law enforcement and criminal cases.

A study that will appeal to any reader interested in the relationship between our language and our laws, *Ideology in the Language of Judges* focuses on the way judges take guilty pleas from criminal defendants and on the judges' views of their own courtroom behavior. This book argues that variation in the discourse structure of the guilty pleas can best be understood as enactments of the judges' differing interpretations of due process law and the proper role of the judge in the courtroom. Susan Philips demonstrates how legal and professional ideologies are expressed differently in interviews and socially occurring speech, and reveals how bounded written and spoken genres of legal discourse play a role in containing and ordering ideological diversity in language use. She also shows how the ideological struggles in a given courtroom are central yet largely hidden or denied. Such findings will contribute significantly to the study of how speakers create realities through their use of language.

This provocative book presents a theory of the First Amendment's development. It reveals the social and institutional processes through which foundational ideas are generated and defends a cultural role for the courts.

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Brian G. Slocum's "Ordinary Meaning" offers an extended legal-linguistic analysis of the eponymous interpretive doctrine. A centuries-old consensus exists among courts and legal scholars that words in legal texts should be interpreted in light of accepted standards of communication. Therefore the questions of what makes some meaning the ordinary one, and how the determinants of ordinary meaning are identified and conceptualized, are of crucial importance to the interpretation of legal texts. Arguing against reliance on acontextual dictionary definitions, "Ordinary Meaning" rigorously explores the contributions that specific context makes to meaning, along with linguistic phenomena such as indexicals and quantifiers. Slocum provides a theory and a robust general framework for how the determinants of ordinary meaning should be identified and developed."

Looks at the common areas of interaction between linguistics and the legal process

'Sociolinguistics and the Legal Process' is an introduction to language, law and society for advanced undergraduate and postgraduate students. Drawing on a wide range of topics, it explores what sociolinguistic research can tell us about how language works and doesn't work in the legal process.

Much has been written about how criminal suspects, defendants, and the targets of undercover operations employ ambiguous language as they interact with the legal system. This book examines the other side of the coin, describing fifteen criminal investigations that demonstrate how police, prosecutors, and undercover

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agents use deceptive ambiguity with their subjects and targets, thereby creating misrepresentations through their uses of speech events, schemas, agendas, speech acts, lexicon, and grammar. This misrepresentation also can strongly affect the perceptions of later listeners, such as judges and juries, about the subjects' motives, predispositions, intentions, and voluntariness. Deception is commonly considered intentional while ambiguity is often excused as unintentional, in line with Grice's maxim of sincerity in his cooperative principle. Most of the interactions of suspects, defendants, and targets with representatives of law enforcement, however, are oppositional, adversarial, and non-cooperative events that provide the opportunity for participants to stretch, ignore, or even violate the cooperative principle. One effective way law enforcement does this is by using ambiguity. Suspects and defendants may hear such ambiguous speech and not recognize the ambiguity and therefore react in ways that they may not have understood or intended. The fifteen case studies in this book illustrate how deceptive ambiguity, whether intentional or not, is used as commonly by police, prosecutors and undercover agents as it is by suspects and defendants.

Technological revolutions have had an unquestionable, if still debatable, impact on culture and society—perhaps none more so than the written word. In the legal realm, the rise of literacy and print culture made possible the governing of large empires, the memorializing of private legal transactions, and the broad distribution of judicial precedents and legislation. Yet each of these technologies has its shadow side: written or printed texts easily become static and the textual practices of

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the legal profession can frustrate ordinary citizens, who may be bound by documents whose implications they scarcely understand. *Parchment, Paper, Pixels* offers an engaging exploration of the impact of three technological revolutions on the law. Beginning with the invention of writing, continuing with the mass production of identical copies of legal texts brought about by the printing press, and ending with a discussion of computers and the Internet, Peter M. Tiersma traces the journey of contracts, wills, statutes, judicial opinions, and other legal texts through the past and into the future. Though the ultimate effects of modern technologies on our legal system remain to be seen, *Parchment, Paper, Pixels* offers readers an insightful guide as to how our shifting forms of technological literacy have shaped and continue to shape the practice of law today.

Law and Language, the latest volume in the Current Legal Issues series, contains a broad range of essays by scholars interested in the interactions between law and language. This volume examines the themes of truth in language and the law, and the role of language in different areas of law, including contract and criminal law.

The volume presents a set of invited papers based on analyses of legal discourse drawn from a number of international contexts where often the English language and legal culture has had to adjust to legal concepts very different from those of the English law system. Many of the papers were inspired by two major projects on legal language and inter-multiculturalism: *Generic Integrity in Legislative Discourse in Multilingual and Multicultural Contexts* based in Hong Kong and carried out by an international team and *Interculturality in Domain-specific English*, a national project supported by the Italian Ministry for Education and Research, involving research units from five Italian universities.

Since many legal disputes are battles over the meaning of a

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statute, contract, testimony, or the Constitution, judges must interpret language in order to decide why one proposed meaning overrides another. And in making their decisions about meaning appear authoritative and fair, judges often write about the nature of linguistic interpretation. In the first book to examine the linguistic analysis of law, Lawrence M. Solan shows that judges sometimes inaccurately portray the way we use language, creating inconsistencies in their decisions and threatening the fairness of the judicial system. Solan uses a wealth of examples to illustrate the way linguistics enters the process of judicial decision making: a death penalty case that the Supreme Court decided by analyzing the use of adjectives in a jury instruction; criminal cases whose outcomes depend on the Supreme Court's analysis of the relationship between adverbs and prepositional phrases; and cases focused on the meaning of certain words in the Constitution. Solan finds that judges often describe our use of language poorly because there is no clear relationship between the principles of linguistics and the jurisprudential goals that the judge wishes to promote. A major contribution to the growing interdisciplinary scholarship on law and its social and cultural context, Solan's lucid, engaging book is equally accessible to linguists, lawyers, philosophers, anthropologists, literary theorists, and political scientists.

Is it "just words" when the Supreme Court hands down a decision or when business people draw up a contract? In tackling the question of how an abstract entity exerts concrete power, *JUST WORDS* focuses on what has become the central issue in law and language research--what language reveals about the nature of legal power.

This book examines legal language as a language for special purposes, evaluating the functions and characteristics of legal language and the terminology of law. Using examples drawn

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from major and lesser legal languages, it examines the major legal languages themselves, beginning with Latin through German, French, Spanish and English. This second edition has been fully revised, updated and enlarged. A new chapter on legal Spanish takes into account the increasing importance of the language, and a new section explores the use (in legal circles) of the two variants of the Norwegian language. All chapters have been thoroughly updated and include more detailed footnote referencing. The work will be a valuable resource for students, researchers, and practitioners in the areas of legal history and theory, comparative law, semiotics, and linguistics. It will also be of interest to legal translators and terminologists.

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