



LANGUAGE AND THE LAW

Language Of The Law

Eduardo D. Faingold



Language Of The Law:

The Language of the Law David Mellinkoff, 2004-05-13 This is that rare book which both informs and entertains. It is scholarly and sprightly, an unusual combination for any book let alone one treating of the law. Lawyers and laymen alike can read it with profit and amusement. I hope many do for it deserves a wide audience. The Honorable Arthur J. Goldberg 1908-1990 United States Supreme Court. The New York Herald Tribune. A superb piece of writing, lucid, witty, meticulous in scholarship and unfailingly interesting. Robert R. Kirsch Los Angeles Times. We now have a full scale study of our legal language that is written with an extraordinary awareness for vacuous words and phrases and an astounding amount of research into their history and usage. This book has a practical value to every lawyer who drafts a document, a pleading or even a letter. It is a great plea to bring the law up to date by awakening us to the empty verbalisms in which we think we are housing our thoughts. It is a rare book that has value for all lawyers despite the tendency of publishers and reviewers to make this claim with great frequency. Here however is a rarity. No lawyer could fail to learn many facts of surprising interest. But beyond this, *The Language of the Law* presents a subtle challenge to the American Bar, a stimulus to improve our work and our profession by sharpening the product of our minds. If we meet this challenge head on, we can perform a far more fundamental and genuine service to our clients, the public and to ourselves than any other area of improvement including court reform can possibly offer. Ray D. Henson American Bar Association Journal. It should be compulsory reading for lawyers and judges; for a layman, it is learning and entertainment of high order. The Honorable Matthew O. Tobriner d. 1982 Associate Justice Supreme Court of California. San Francisco Chronicle. A brilliant and discursive treatise, concisely and urbanely presented, a remarkable stimulus recommended highly to the general reader as well as the wordy professional. Hugo Sonnenschein Jr. Chicago Daily News.

The Oxford Handbook of Language and Law Peter Meijes, Tiersma, Lawrence Solan, 2012 This book provides a state of the art account of past and current research in the interface between linguistics and law. It outlines the range of legal areas in which linguistics plays an increasing role and describes the tools and approaches used by linguists and lawyers in this vibrant new field. Through a combination of overview chapters, case studies and theoretical descriptions, the volume addresses areas such as the history and structure of legal language, its meaning and interpretation, multilingualism and language rights, courtroom discourse, forensic identification, intellectual property and linguistics and legal translation and interpretation. Encyclopaedic in scope, the handbook includes chapters written by experts from every continent who are familiar with linguistic issues that arise in diverse legal systems including both civil and common law jurisdictions, mixed systems like that of China and the emerging law of the European Union.

United States Legal Language and Culture Teresa Kissane Brostoff, Teresa Brostoff, Ann Sinsheimer, 2013-05-30 In *Legal English*, experienced educators and professors Teresa Kissane Brostoff and Ann Sinsheimer answer the needs of law students unfamiliar with the use of English in legal settings. They introduce the student into a new world of study of the law by

carefully guiding them through the vital skills and techniques they will need to feel comfortable and proficient in English speaking and American legal culture *The Oxford Handbook of Language and Law* Peter M. Tiersma, Lawrence M. Solan, 2012-03-08 This book provides a state of the art account of past and current research in the interface between linguistics and law It outlines the range of legal areas in which linguistics plays an increasing role and describes the tools and approaches used by linguists and lawyers in this vibrant new field Through a combination of overview chapters case studies and theoretical descriptions the volume addresses areas such as the history and structure of legal language its meaning and interpretation multilingualism and language rights courtroom discourse forensic identification intellectual property and linguistics and legal translation and interpretation Encyclopaedic in scope the handbook includes chapters written by experts from every continent who are familiar with linguistic issues that arise in diverse legal systems including both civil and common law jurisdictions mixed systems like that of China and the emerging law of the European Union

Legal Language Peter M. Tiersma, 1999 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 **Language Choice in Postcolonial Law** Richard Powell, 2020-02-24 This book discusses multilingual postcolonial common law focusing on Malaysia's efforts to shift the language of law from English to Malay and weighing the pros and cons of planned language shift as a solution to language based disadvantage before the law in jurisdictions where the majority of citizens lack proficiency in the traditional legal medium Through analysis of legislation and policy documents interviews with lawyers law students and law lecturers and observations of court proceedings and law lectures the book reflects on what is entailed in changing the language of the law It reviews the implications of societal bilingualism for postcolonial justice systems and raises an important question for language planners to consider if the language of the law is changed what else about the law changes **Language in the Law** John Gibbons, V. Prakasam, 2004 This book is a record of modes and practices in the use of language within the context of law The papers in this volume not only examine the different situations that arise in legal processes but they also unveil the inherent problems and impact of ambiguity and distortion in the uses of legal language the consequences of cultural constraints on translation of legal texts the power of interpreters in legal testimony and sources of complexity in legal register The book examines the nexus between language and the law in various countries and cultures **The Language of Canon Law** Judith Hahn, 2023 In this book Judith Hahn explores the legal order of the Roman Catholic Church to better understand how the Roman Catholic Church communicates as a legal institution She argues that the language of canon law reveals the political ideology of the church hierarchy and she takes up the tools of language and law scholarship to examine and challenge that language Hahn examines the grammar and terminology of canon law and how canon law language makes use of linguistic tricks and techniques to create its typical sound and discusses the comprehension difficulties that arise out of ambiguities in the law out of transfer

problems between legal and common language and out of canon law's confusing mix of legal doctrinal and moral norms

Law and Language in the European Union Richard L. Creech, 2005 The European Economic Community founded in 1957 consisted of six Member States with a combined total of four official languages By 2004 this organization had evolved into a European Union of twenty five Member States with more than twenty official languages among them This increase has presented numerous challenges to the EU's internal linguistic regime where formal policy has been with some notable exceptions to treat all of these languages equally Some of these languages English in particular have been more equal than others Languages that lack nation wide official status in any Member State such as Catalan and Welsh have been overtly denied equal treatment Furthermore the multilingual nature of the EU has had significant implications for any Member State that wishes to regulate the use of language within its territory as such regulation can interfere with the rights accorded to citizens of other Member States to participate in free commercial movement throughout the Union Law and Language in the European Union now in paperback examines how in the linguistic realm the EU has responded to the tensions that lie behind this paradoxical motto Language Rights and the Law in the United States and Its Territories Eduardo D.

Faingold, 2020-07-07 This book analyzes the promulgation of linguistic rights in the constitutions and statutes of the United States and its territories It addresses the demands for linguistic rights by those who do not speak English as a first language or seek to maintain the use of an indigenous language Law, Language and the Multilingual State Claudine Brohy, Theo du Plessis, Joseph-G. Turi, José Woehrling, 2013-07-03 The theme of the conference Language Law and the Multilingual State was determined to investigate the state juridical challenges facing multilingual societies Several related issues were addressed such as minority and indigenous languages globalisation and diversity language rights language ideology and language legislation **Rethinking Law and Language** Jan M. Broekman, 2019 The law language law theme is deeply engraved in

Occidental culture more so than contemporary studies on the subject currently illustrate This insightful book creates awareness of these cultural roots and shows how language and themes in law can be richer than studying a simple mutuality of motives **Rethinking Law and Language** unveils today's problems with the two faces of language the analogue and the digital on the basis of which our smart phones and Artificial Intelligence create modern life **Legal Linguistics Beyond Borders: Language and Law in a World of Media, Globalisation and Social Conflicts** Friedemann Vogel, 2019-07-31 The world of law has changed in the last decades it has become more globalized multilingual and digital The sections and contributions of this volume continue the interdisciplinary discussion about the challenges of this change for theory and practice of law and for the International Language and Law Association ILLA relaunched in 2017 First the book gives a broad overview to the research field of legal linguistics its history research directions and open questions in different parts of the world United States Africa Italy Spain Germany Nordic countries and Russia The second section consists of contributions about the relation of language law and justice in a globalized world with a focus on multilingual and supranational law in the

EU The third section focuses on digitalization and mediatization of the law the last section reports about the discussion at the ILLA relaunch conference in 2017

Language Legislation and Linguistic Rights Douglas A. Kibbee, 1998-01-01 The contributions to this volume cover a broad range of issues in language policy that are hotly debated in every corner of the globe The articles included investigate the implications of language policies on the notion of language rights as the issues are played out in very specific circumstances from the courtroom in Australia to the legislature in California to the educational system in England to the administrative practices of the European Commission The authors explore conflicts between basic conceptions of fairness in justice administration and education on the one hand and political and economic realities on the other Articles focus on language issues in the United States Canada Brazil England France Slovakia Russia Sri Lanka Australia and several African states Other articles consider the implications of new supranational agreements the European Union NAFTA GATT the OAU on language issues in the signatory states In sum the volume offers an extensive presentation of current issues and practices in language policy and linguistic human rights

Legal Language as a Special Language: Structural Features of English Legal Language Gaby Schneidereit, 2007 Seminar paper from the year 2004 in the subject English Language and Literature Studies Linguistics grade 1 University of Dusseldorf Heinrich Heine Anglistisches Institut course Domain Specific English Language Language and Law 5 entries in the bibliography language English abstract The English language has taken over the key role in international trade legislation and policy making It has achieved the enhanced status as the dominant world language which has led to an increased demand for the training of competent specialists able to mediate Alcaraz Varo Hughes 2002 1 This goes along with a phenomenal increase in the teaching of English for special or specific purposes ibid 2 What is the reason for this development This piece of work might give an answer it dedicates itself to domain specific English language language and law It concentrates on the characteristics of the structure of legal English in particular An overview of the central structural features is given without claiming completeness Legal professionals aim at a precise explanation of facts which should leave no doubts This aim forces them to use a certain kind of language pattern such as including a high amount of definitions in legal texts along with numerous complex and ancient phrases deriving from Law French and plentiful enumerations which can all together form a single sentence covering several lines Dependent on which party they represent lawyers make frequent use of features that reduce the agent in his identity while emphasizing the action a matter of strategy which has the impeding of comprehension as a consequence Therefore the field of law becomes completely unapproachable for laymen who are scarcely able to follow legal discourse Even well educated native speakers often find it hard to understand the language used in court However the access to one's rights is important To begin with the reader will be provided with an

Language and the Law, 2001 Comparative Legal Linguistics Heikki E.S. Mattila, 2016-05-23 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 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

Language and the Law in Deaf Communities Ceil Lucas, 2003 Three attorneys and three linguistics scholars contribute five essays focusing on the intersection of language and law in deaf communities Coverage includes the language problems of minorities in legal settings the interrogation of deaf people interpretation issues for juries that include deaf people

Language Rights and the Law in the United States Sandra Del Valle, 2003-01-01 A comprehensive review of the legal status of minority languages in the USA It also provides the historical and political context for the legal manoeuvring that culminated in landmark civil rights victories All of the major cases in the USA concerning language rights are discussed in detail and in a manner that should be easily accessible to the non legal audience The topics range from the English only movement to consumer law and from employment discrimination to international law

Structural Features of Legal Language Marit Blömer, 2015-07-16 Seminar paper from the year 2012 in the subject English Language and Literature Studies Other grade 2 3 Ruhr University of Bochum

Englisches Seminar language English abstract This paper deals with a specific English language the legal language I will focus on a particular aspect of this field the characteristics of the structure of legal English Therefore I will give an overview of the central structural features which are typical for legal language Legal professionals strive for a precise explanation of facts This aim forces them to use a certain kind of language patterns including a high amount of definitions in legal texts as well as numerous complex and ancient phrases deriving from Law French and plentiful enumerations which can all together form a single sentence covering several lines Considering these special language patterns the field of law especially the legal language becomes completely unapproachable for laymen as it is almost impossible for them to follow legal discourse or understand legal contracts as well as laws and provisions Even well educated native speakers often find it hard to understand the language used in court But the access to one's rights and duties is important in a community so I decided to emphasize the differences between legal language and colloquial language and to show which structural features are characteristic for legal language At first I will provide the reader with an overall definition of English as a special language before I will have a closer look at legal English as a special language the main topic of this essay To show the structural features of legal language I will concentrate on three main characteristics in the structure of legal language in my opinion the three most important ones even though there are other important attributes as well In a last step I will point out how these legal structures are used in real life Therefore I will analyze a contract as well as

a legislative text and think about ways to simplify the legal language used there to make it easier to follow such texts

Decoding **Language Of The Law**: Revealing the Captivating Potential of Verbal Expression

In a time characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its capability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Language Of The Law**," a mesmerizing literary creation penned by way of a celebrated wordsmith, readers set about an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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