

CAS LX 235: Language in the Contemporary World: Language, Society, and the Law

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Office Hours: Mondays 10:30-12:30, Fridays 11:30-12:30

Course description. A driver is stopped by a policeman. The policeman asks, “Does the trunk open?” The driver says yes and illegal goods are found in the trunk. Did the driver voluntarily consent to the search? Was the policeman’s question a request or a command?

Rachel Jeantel, the prosecution’s key witness in the trial of George Zimmerman for the murder of Trayvon Martin, speaks a non-standard variety of English, and she is publicly pilloried for her “ungrammatical” speech and her credibility is doubted. Did this impact the fairness of the trial?

This course is centered around stories. The stories we will consider take place in legal settings, and they showcase concepts and findings from linguistics, the scientific study of language. We will study various ways in which linguistics can shed light on legal issues, considering interactions between police and suspects, issues surrounding linguistic evidence, minority language rights, crimes that can be committed through the use of language, and the interpretation of statutes and contracts. Students who take this class will gain mastery of concepts and findings from linguistics to understand how language is used and interpreted in legal contexts and settings. They will acquire familiarity with particular cases in which these concepts and findings are relevant, and develop informed opinions about issues surrounding these cases through interactive classroom activities. Students will also have an opportunity to strengthen their ability to communicate ideas in a clear and compelling way with the help of appropriate media, to strengthen their skills at working in a team, and to navigate multiple opposing perspectives on the linguistic, legal, and ethical issues that arise from these cases through respectful discussion.

Educational strategies. Active learning, blended learning, case-based learning, discussion-based learning, the flipped classroom, interactive lecturing, project-based learning.

Assessment. The final grade will be determined as follows:

- 60% group presentations
- 15% class participation
- 5% attendance
- 5% reflections
- 15% final project

The group presentations and the final project will be done in teams of 2-4 students. Each member of the team will receive the same grade.

Group presentations. Students will work in teams to prepare short oral presentations on a near-weekly basis. In some cases, these will be aimed at explaining particular concepts and

how they apply to the legal cases involved, and in other cases, teams will be asked to give a set of arguments in support of one side of a given issue or another. The presentations will be evaluated on the basis of how well they exhibit an understanding of the relevant linguistic and legal concepts, how clearly and compellingly the ideas are presented, and how well the presenters interact with others in the classroom. There will also be a teamwork component of the grade, assessing how well the group appears to have worked together. These will typically take place on Mondays, and group activities leading up to the presentations will take place on the preceding Fridays.

Class participation. Students are expected to listen actively to others' presentations, offer reflections and connections to personal experience or other sources of information, and raise questions and potential objections at appropriate points.

Final project. For the final project, students will work in groups of 2 or 3 to prepare a slide presentation or a short educational video on a linguistics-related legal case. (If you elect to make a video, there are resources available to help you, through the Center for Teaching and Learning. Contact Prof. Coppock to find out more about this, if you are curious!) Throughout the semester, you will be asked to view a number of educational videos; you are invited to take inspiration from these for your presentation/video. Your presentation/video should:

- be about a linguistics-related legal case
- be aimed at a general audience, telling a clear story in a compelling manner
- tell the story of what happened in the case
- present arguments for and against the verdict
- draw on relevant concepts from linguistics
- take up at least one ethical issue that arises in conjunction with the case, presenting at least two perspectives on it

Please decide who you are working with and what topic you will address by **Monday, November 19** (the last day before Thanksgiving). Teams will be asked to present their project ideas in class on **Wednesday, December 5**. Final presentations will take place during the last week of class and during the exam period. As part of your presentation, mention explicitly how the individual team members contributed to the project (or include closing credits at the end of the film to this effect).

As part of the final project, each individual student is asked to submit a **1-page teamwork assessment** on what went well and what did not go as well in how the group functioned as a team, in light of the resources on teamwork provided on the syllabus. These assessments are due on Wednesday, December 17th via Blackboard.

Reflections. Short reflections on the assigned readings will be requested 10 times throughout the semester. More specific instructions on these reflections will be given by the end of the class meeting prior to the class meeting by which the reading should be done.

Prerequisite. Students who take this class must come with a desire to learn, a readiness to work in teams, and a willingness to share ideas with peers.

Hub Learning Outcomes. This course leads to learning outcomes in the following Hub areas: ETHICAL REASONING, ORAL AND/OR SIGNED COMMUNICATION, and TEAMWORK.

- ETHICAL REASONING

- Students will be able to identify, grapple with, and make a judgment about the ethical questions at stake in several contemporary public debates about language in legal settings, and engage in a civil discussion about it with individuals who hold views different from their own.

Behind every legal dispute is a host of ethical issues pertaining to the statute or contract itself, the verdict, and the process leading to the verdict. For example, is it fair to punish someone for violating a statute when the statute is ambiguous? Certain cases to be considered in this course bring out broader ethical questions, such as how non-standard varieties of a dominant language should be treated in a classroom, and how to address racial profiling. The Hub objective in question will be achieved through structured classroom activities in which students will be asked to consider multiple opposing perspectives on these ethical issues that arise in such contemporary cases, in some cases by presenting arguments in favor of stances that they may not agree with. Students will also be asked to reflect upon and articulate how their views on such issues have changed.

- Students will demonstrate the skills and vocabulary needed to reflect on the ethical responsibilities that face individuals, societies, and governments as they grapple with issues affecting both the communities to which they belong and those identified as “other.” They should consider their responsibilities to future generations of humankind, and to stewardship of the Earth.

This objective will be achieved primarily through study and discussion of legal controversies over language discrimination and minority language rights, which are often intertwined with disputes over land and its stewardship.

- ORAL AND/OR SIGNED COMMUNICATION

- Students will be able to craft and deliver responsible, considered and well-structured oral and/or signed arguments using media and modes of expression appropriate to the situation.

This will be achieved through regular group presentations in class, in which students will be asked to explain linguistic concepts and how they apply in particular legal cases, or make a series of arguments for or against a given verdict.

- Students will demonstrate an understanding that oral/signed communication is generally interactive, and they should be able to attend and respond thoughtfully to others.

This will be achieved through question/discussion sessions during student in-class presentations, as well as structured debates and more informal classroom discussions.

- Students will be able to speak/sign effectively in situations ranging from the formal to the extemporaneous and interact comfortably with diverse audiences.

Students will engage in oral communication through a diverse set of activities, ranging from informal and relatively unstructured classroom discussions, to structured debates, to slide presentations. The slide presentations will be aimed at a general audience, while the structured debates will presuppose more familiarity with the material in question.

- TEAMWORK

- As a result of explicit training in teamwork and sustained experiences of collaborating with others, students will be able to identify the characteristics of a well-functioning team.
Students will work in teams for the greater proportion of the required activities, including drawing up and presenting a list of arguments for or against a given verdict. Specific instructions regarding how to work as a team will be given in class, there is assigned viewing on teamwork, and there will be classroom discussion inviting every student to reflect on the characteristics of a well-functioning team, in light of their past and present experiences. The final project will provide an opportunity for sustained collaboration in a team.
- Students will demonstrate an ability to use the tools and strategies of working successfully with a diverse group, such as assigning roles and responsibilities, giving and receiving feedback, and engaging in meaningful group reflection that inspires collective ownership of results.
The assigned groups will change from week to week in order to give students the opportunity to work with a maximally diverse range of other students. In order to make a successful presentation, students will have to use the tools and strategies of working successfully within a diverse group. Making presentations for others in the class – and sharing a grade – will provide an opportunity to inspire collective ownership of the results.

Other outcomes. The presentation skills that students will develop as part of this course will help to achieve one of the main learning outcomes for the Linguistics major: *experience in reviewing the literature through written papers and oral presentations.*

Assessment of learning outcomes. The degree to which students have met the above objectives will be reflected in the grades for class participation, oral presentations, and the final project. Ethical reasoning will be particularly relevant for evaluation of oral presentations 2 and 3 and the subsequent weekly reflections. The rubric for evaluating the oral presentations will include categories for clarity of expression, ability to captivate the audience’s interest, command of material, the use of evidence to support claims and opinions, structure of argumentation, timing, and teamwork.

Course materials

- Solan, Lawrence M. and Tiersma (2014). *Speaking of Crime: The Language of Criminal Justice*. University of Chicago Press.
- Additional materials will be made available through Blackboard; some can be reached through links on the electronic version of the syllabus as well.

Courseware. The materials for the course will be made available on Blackboard at <http://learn.bu.edu>.

Accommodations for Students with Documented Disabilities. If you are a student with a disability or believe you might have a disability that requires accommodations, please contact the Office for Disability Services (ODS) at (617) 353-3658 or access@bu.edu to coordinate any reasonable accommodation requests. ODS is located at 19 Deerfield Street on the second floor (19 Buick Street as of September 1, 2018).

Academic Conduct. You are expected to abide by Boston University's Academic Conduct Code, which is accessible at

<https://www.bu.edu/cas/current-students/undergraduate/academic-conduct-code-2/>

Plagiarism in any form (including from online sources) and other academic misconduct will not be tolerated. (These are prohibited types of speech acts!) If you are unsure of any aspect of these policies, please ask!

Attendance. This is a highly participation-based class, so your regular and active presence is essential. If you are unable to attend class because of religious observance, you should submit email notification to Prof. Coppock at least a week in advance. Please look over the syllabus. If you anticipate a conflict, please bring this to her attention via email ASAP. If a religious conflict prevents you from submitting an assignment on the due date, you are invited to submit the relevant assignment in advance. In case of illness or other serious issues that may prevent your attending a class, please contact Prof. Coppock by email in advance (or as promptly after the class as possible, depending on circumstances). In case of extended illness or other extraordinary long-term circumstance, contact Prof. Coppock ASAP to make appropriate arrangements.

Late Policy. Late assignments will not be accepted without prior permission.

Communication. We will regularly use Slack for communication (<https://slack.com>). It is freely downloadable on many computer platforms, and can also be used on a mobile phone. You will be invited to join the 'Language & Law' workspace 1x235.slack.com through your BU email address.

Schedule (subject to revision)

Note: An **(R)** means that a reflection is due on that day.

Week 1: Introduction and orientation			
W	Sept. 5	Welcome	
F	Sept. 7	Example presentation	Read: S&T Ch. 1, 2
Week 2: Basic linguistic concepts			
M	Sept. 10	What is linguistics?	View: Pinker, Linguistics as a Window... (R)
W	Sept. 12	Prescriptivism vs. descriptivism	Read: Wallace, "Tense Present" (R)
F	Sept. 14	Teamwork	View: The odd logic of collaboration
Week 3: Linguistic discrimination			
M	Sept. 17	Presentations	Due: GP 1: Prescriptivism
W	Sept. 19	Linguistic discrimination	View: Rickford & King talk, interview (R)
F	Sept. 21	Teamwork	Peruse: Teaching Teamwork
Week 4: Minority language rights			
M	Sept. 24	Presentations	Due: GP 2: Discrimination
W	Sept. 26	Minority language rights	European Charter
F	Sept. 28	Prof. Conor Quinn (USM)	View: First aid for minority languages
Week 5: Speaker Identification			
M	Oct. 1	Presentations	Due: GP 3: Language rights
W	Oct. 3	Speaker identification	Read: S&T Ch. 7 (R)
F	Oct. 5	Prof. Charles Chang (BU)	
Week 6: Ambiguity			
M	Oct. 8	<i>Columbus Day</i>	
T	Oct. 9	Presentations	Due: GP 4: Speaker identification
W	Oct. 10	Vagueness & ambiguity	Read: Schane (2002) (R)
F	Oct. 12	Examples of ambiguity	
Week 7: Scope ambiguity			
M	Oct. 15	Presentations	Due: GP 5: Ambiguity/vagueness
W	Oct. 17	Prof. Jill Anderson (UConn)	Optional: Anderson (2008)
F	Oct. 19	Full vs. partial negation	
Week 8: <i>De dicto</i> and <i>de re</i>			
M	Oct. 22	Presentations	Due: GP 6: Scope ambiguity
W	Oct. 24	<i>De dicto</i> vs. <i>de re</i>	Read: Anderson (2014) (R)
F	Oct. 26	<i>De dicto</i> vs. <i>de re</i>	
Week 9: Pragmatics			
M	Oct. 29	Presentations	Due: GP 7: <i>De dicto</i> / <i>de re</i>
W	Oct. 31	Gricean Pragmatics	View: Karen Lewis, <i>Gricean Pragmatics</i> (R)

F	Nov. 2	Speech Acts	View: Performative Language on Ling Space
Week 10: Consent			
M	Nov. 5	Indirect speech acts	Searle (1969, 1975)
W	Nov. 7	Consent	Read: S&T Ch. 3 (R)
F	Nov. 9	Consent	View: Search and Seizure
Week 11: Crimes of language			
M	Nov. 12	Presentations	Due: GP 8: Consent
W	Nov. 14	Solicitation, Bribery, etc.	Read: S&T Ch. 8 (R)
F	Nov. 16	Perjury	Read: S&T Ch. 10 (R)
Week 12			
M	Nov. 19	Presentations	Due: GP 9: Crimes; Final project teams
W	Nov. 21	<i>Thanksgiving</i>	
F	Nov. 23	<i>Thanksgiving</i>	
Week 13: Toward the final project			
M	Dec. 3	Creating a film	Guest: Damon Carlson (BU CTL)
W	Dec. 5	Final project workshop	Due: Project proposal
F	Dec. 7	Final project workshop	
Week 14: Final project presentations			
M	Dec. 10	Final project presentations	
W	Dec. 12	Final project presentations	

Group presentation 1: Prescriptivism vs. Descriptivism. Students will divide up into two or three teams:

Team A: Present arguments in favor of descriptivism, as opposed to prescriptivism. You may draw on Stephen Pinker’s “The Language Mavens” (distributed through Blackboard), as well as any other materials you find through researching the issue and wish to include.

Team B: Present arguments in favor of (moderate) prescriptivism, as opposed to descriptivism. You may draw on David Foster Wallace’s 2001 article Tense Present: Democracy, English, and the Wars over Usage published in *Harper’s Magazine* (distributed through Blackboard).

Team C: Present arguments that the dichotomy between descriptivism and prescriptivism is a false dichotomy, based on Stephen Pinker’s 2012 *Slate* article entitled “False Fronts in the Language Wars”.

Group presentation 2: Language discrimination. Students will again divide up into two or three teams to discuss aspects of the Jeantel Williams case.

Team A: Explain linguistic concepts that are important for understanding it.

Team B: Explain legal concepts that are important for understanding it.

Team C: Discuss ethical issues that arise in it.

Feel free to draw on any resources you wish – BU professors, friends, family, the internet – in order to fill in the gaps in your knowledge.

Group presentation 3: Minority language rights. Students will again divide up into two three teams. Each team will discuss a local controversy over minority language rights, and the particular complications involved in that case. Examples to choose from include the Maori language-nest initiative *Te Kohanga Reo*, the *Ahkwesanse Freedom School*, or *Tota tanon Ohkwari*, the Mohawk-language puppet television show. Further examples to consider will be presented in class.

Group presentation 4: Speaker identification. Each team will give a presentation on a legal case having to do with speaker identification, such as *Neil v. Biggers*, *Manson v. Braithwaite*, or any of the other cases discussed in the reading or in class.

Group presentation 5: Ambiguity and vagueness. Choose one of the following cases turning on a case of ambiguity or vagueness.

- Discuss the vagueness involved in the sentence *No vehicles in the park*; see Pierre Schlag’s article
- Explain the controversy surrounding the word *emolument*; view John Mikhail on Emoluments, and read Mikhail’s post The Definition of ‘Emolument’ in English Language and Legal Dictionaries, 1523-1806
- Discuss what sort of vagueness or ambiguity is involved in *O’Connor v. Oakhurst Dairy* (1st Cir. 2017)

Your presentation should explain how the ambiguity or vagueness plays a role in the case.

Group presentation 6: Scope ambiguity. Each team will choose one attested example of a scope ambiguity (list to be provided in class). Working with these examples, identify two available readings, find a way of bringing out each reading, and state your basis for choosing one or the other.

Group presentation 7: *De dicto* vs. *de re*. Each team will choose one example of a *de dicto* vs. *de re* ambiguity in a legal statute or contract and explain the consequences of the two readings. Examples will be provided in class.

Group presentation 8: Consent. We will consider both sides of the *Bustamonte* case, regarding consensual search.

Team A: Explain what happened in the *Bustamonte* case, and what the controversy is about.

Team B: Argue that consent was voluntarily given, drawing on linguistic theory.

Team C: Argue that consent was not voluntarily given, drawing on linguistic theory.

In your reflection paper for this week, consider what impact these considerations have for racial profiling.

Group presentation 9: Language crimes. Each team will choose an example of a case involving a language crime (e.g. solicitation, bribery, threats, or perjury). The presentation should explain the controversy and show how concepts from linguistics play into the case.

References

- Anderson, Jill. 2008. Just semantics: The lost readings of the americans with disabilities act. *Yale Law Journal* 992.
- Anderson, Jill. 2014. Misreading like a lawyer: Cognitive bias in statutory interpretation. *Harvard Law Review* 1521. 1563–68.
- Schane, Sanford. 2002. Ambiguity and misunderstanding in the law. *Thomas Jefferson Law Review* 25(1). 167–93.
- Searle, John. 1969. *Speech acts: An essay in the philosophy of language*. Cambridge University Press.
- Searle, John R. 1975. Indirect speech acts. In Peter Cole & Jerry L. Morgan (eds.), *Speech acts*, vol. 3 Syntax and Semantics, 59–82. New York: Academic Press.
- Solan, Lawrence M. & Peter M. Tiersma. 2014. *Speaking of crime: The language of criminal justice*. University of Chicago Press.