

Jeffrey P. Kaplan: Linguistics and Law

(Routledge guides to linguistics, 2019. 236 p.)

New topics that concern linguistics are continuously arising due to the ever-changing world of today. Jeffrey P. Kaplan introduces a relatively new topic in two different fields to show how they relate to each other and what connects them. Kaplan's "*Linguistics and Law*" sheds light on legally binding linguistic contexts. Kaplan has received many teaching awards, including the most influential faculty member. His contributions to the field are associated with his interests in linguistics, law, and discourse. Kaplan is mainly concerned with syntactic, pragmatic, and semantic aspects of language in studying legal texts and contexts such as contracts and wills. Kaplan's "*linguistics and law*" addresses non-experts interested in both fields as it discusses the shared communication features of human languages, including lawful and legal obligations. Kaplan introduces linguistics as the lens through which law is interpreted and understood.

The book raises the question of whether there is a "language" of the law. The book might appeal to readers because of its refreshingly readable and conversational informal style. The book is an essential asset for readers who want to approach the subjects for the first time. Kaplan's word choice clarifies his intention in making the book as readable and approachable as possible. Kaplan states that the book is about how linguistics aids courts in dealing with lawfully binding texts that do not account for unforeseen situations. The book consists of ten chapters discussing various topics arranged thematically. It is noteworthy that Kaplan explains to his readers how the various examples of cases mentioned in his book are referenced, especially criminal cases.

Chapter one aims to familiarize the reader with the types of courts and cases in order to understand what makes cases differ from one another and what kind of linguistic forms are required to address each case. What the author intends to show in this chapter is the fact that fiction differs from reality. Imagining or watching frightening encounters with law officers on TV does not show the close relationship between linguistics and law. For instance, if the police pull someone over for speeding, their likelihood of getting a ticket may depend on their tone of speech with the officer. What matters in this situation is not to get things to escalate. The chapter introduces the classification of courts and cases in the USA judicial system. The courts are classified on the types of cases they deal with, the selection of judges, and structure. Cases are classified based on the severity of the violations. The first chapter also introduces a broader area that considers the close relation of language and law, the introduction of the intended audience, and cases used as examples in the text.

The well-organized ideas can be clearly understood as one reads through the chapter.

Chapter two aims to emphasize the importance of conversational techniques to law officers in dealing with suspects or detainees. These officers need to address specific issues in real-time (e.g., some cases need to be dealt with quickly because the warrant might take valuable time detrimental to the case). The technical language practiced daily by police is used to inform detainees what to expect if they do not comply. However, few detainees know their rights and what to expect should they not speak. The chapter presents various examples of cases involving detainments and arrests. For instance, the police's use of conversational techniques is common to obtain the person's consent to answer questions when he/she does not have to do so. This chapter discusses the linguistic properties of the technical language used by police when addressing a detainee.

Chapter three aims to emphasize the association of the Miranda rights to its linguistic forms and legal complications. The topics discussed in the chapter are the linguistic properties of the Miranda rights, the linguistic properties of the speech acts employed by arrestees after being given the warning, and how the supreme court has undermined the Miranda rights. The "Miranda rights" is a warning that gives a right to silence given by police in the United States to criminal suspects in police custody (Kaplan, 2019). Kaplan explains that only in instances of arrest are the Miranda rights given. Cases of detainment do not require the Miranda rights warning because the individual in detainment is a suspect who is not under arrest. The idea that the admission of the Miranda rights distinguishes between being detained and being under arrest is presented clearly.

Chapter four aims to pinpoint the importance of phonetics, phonology, and pragmatics in recorded conversations. The chapter discusses how linguistics aid authorial institutions in interpreting poorly recorded conversations given that nowadays, people can record almost anywhere at any time. There are numerous examples of how these problems arise, including background noise, overtalking, and fragments or bits of conversations. These conversations might cause misunderstandings and misperceptions based on listener bias, as Kaplan explains. Kaplan also included discourse analysis and pragmatics to interpret what the person is trying to communicate in a specific context to eliminate any sources for biased judgment as much as possible.

Chapter five aims to emphasize how the use of specific linguistic forms can be incriminating. The chapter discusses the linguistic properties of four different crime categories (Kaplan, 2019). These crime categories are perjury (i.e., lying under oath), defamation (i.e., the action of damaging the good reputation of someone), solicitation (i.e., offering a prostitution service), and conspiracy (i.e., plotting to

harm the state). The author labels these four categories under the term “*crimes of language*” to emphasize the significance of uttering incriminating words and sentences.

The chapter views the different patterns and forms of language planning that prove to be useful in determining such cases. These patterns include occurrences of unusual collocations, capitalization, punctuation, and other linguistic giveaways.

Chapter six aims to provide a detailed description of the syntactic and semantic characteristics of lawyers and attorneys in courtrooms by providing examples from real-life court sessions. This chapter discusses the language of the law in terms of the linguistic features demonstrated by law practitioners. Kaplan presents the linguistic forms used in courtrooms to demonstrate how these forms signify and magnify the authorial identity of the speaker such as the judge’s role in directing, ruling, instructing, and maintaining the order in the courtroom. The chapter also - briefly- introduces the historical reasoning for using legal English.

Chapter seven aims to emphasize the importance of the semantic and syntactic features of contracts to show how lawyers can change the lawful obligations in contracts based on semantic and syntactic manipulations. This manipulation might cause benefits to one party at the expense of the other. Chapter seven discusses contracts’ linguistic-related issues. These issues include the elements of the contracts, the dialogue, the mistakes, the contractual promises, the offer and acceptance, and the ambiguity of contracts caused by word manipulation. The chapter also discusses how courts handle interpretive problems of contracts. The interpretive issues include word meaning (lexical semantics) and syntactic structure. The adversarial nature of contracts is presented clearly in this chapter to highlight its relevance to disputes between individuals and institutions, rather than solely between individuals.

Chapter eight aims to pinpoint the pros and cons of originalism. The chapter also seeks to define the syntactic and the lexical properties of governmental documents. Chapter eight discusses how linguistics deals with legal documents enacted by governmental institutions to clarify the difference between contracts and legislation, followed by introducing a theory of statutory interpretation. The introduced theory is originalism (i.e., a stable state of interpretation that does not change over time), and it seems to contradict the concept of living constitution (i.e., an interpretation that changes to fulfill the needs of current times) (Ackerman, 2017; Vloet, 2015). To conclude, Kaplan presents the theory of statutory interpretation to magnify the advantages and disadvantages of having a rigid constitution.

Chapter nine aims to emphasize that the idea of creating a new trademark (i.e., business logo) calls for linguistic knowledge in phonetics, phonology, and lexical semantics to determine the degree of similarity between two competing businesses.

Chapter nine discusses how linguistics can aid in understanding a dispute amongst symbols of businesses (i.e., Trademarks). Big names such as Microsoft, Google, McDonald's, Sony are struggling with imposters who engage in trademark infringement to gain some of the benefits relating to their trademark.

The chapter discusses how trademark fights can result from a language-related incident, such as fraudulently relating a product to a specific corporation. The chapter also discusses how linguistics can aid new corporates in making their trademark. Creating a new trademark can be complex because of the significant number of trademarks already in existence. The chapter presents how linguistic knowledge resolves corporate disputes. Consequently, chapter ten summarizes the previous discussions by highlighting the main ideas. This chapter serves as the concluding remarks of the book that offer support to the previous chapters' explanations without a detailed summary. Chapter ten's appeal to readers lies within its coverage of the whole text in a condensed fashion.

Kaplan's (2019) "*Linguistics and Law*" presents a fresh perspective that profoundly touches the practical uses of linguistics in a critical aspect of our daily life routines. The relationship between linguistics and law shows the importance of a social study such as linguistics when dealing with legal and sometimes personal disputes. Phonetics, phonology, and syntax are the most apparent aspects of linguistics in this discussion due to their relevance regarding language and word manipulation crimes. The idea that lawful obligations are often expressed verbally and in writing is presented using vivid examples. What people say can be incriminating, binding, obligating, and thus people should pick their words carefully when being interrogated by the police or answering questions in court as either a suspect or witness.

Additionally, the book aims to put linguistics on the track of applied research and acknowledge it as an objective science against those who claim that linguistics and other human social studies are not. The book provides solid examples that require linguistics to act scientifically by analyzing, clarifying, interpreting, explaining, and so on. One of the book's features is the lack of a theoretical framework to which assumptions are bound. This feature is both: a strength and a weakness. It is a strength because readers can read through the book without worrying about forming the concept that the writer intended, which is considered a challenge in many cases. The weakness lies in the reduction, but not absence, of consistency in such work. Another pitfall is the vocabulary regarding the audience. In other words, non-native speakers with a linguistic background will find legal terms a bit challenging. Conversely, non-native speakers with knowledge about the law will probably find linguistic terms difficult. Although Kaplan introduces many linguistic and legal

terms with definitions, as a reader to whom the subject matter is still fresh, one will probably find him/herself going back to check these terms constantly.

All in all, Kaplan has one of the best writing styles today and presents his ideas with astonishing clarity, equipped with deep knowledge and experience in his domain of interests.

References

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