

Lecturer: Joanna Osiejewicz, Ph.D. holder

Law & Language

The cognitive module's purpose is:

- to familiarize students with the basic issues related to the relationship between language and law,
- to provide basic information on the linguistic interpretation of legal texts,
- to familiarize students with the role of speech act in shaping the legal situation

The didactic objective is to master information on:

- basic issues related to the relationship between language and law,
- linguistic interpretation of legal and legal texts,
- the role of speech act in shaping the legal situation.

Learning Outcomes

Introducing the history of the legal language

1. Legal vocabulary
2. Grammar and structure of legal texts
3. Text and discourse
4. Plain Language Movement - a social movement to simplify the legal language

Explaining the use of the legal language

1. Language of wills. To defend the promises
2. Formulation of contracts. Formalism, speech acts and reality
3. The importance of silence in law. Nonverbal communication.
4. Expressing consent. Consent to be raped.
5. Defamation. Interpretation in the cultural context.

Introducing the interpretation of legal texts

1. Linguistic issues in the interpretation of the law
2. Interpretation of contracts as acts of speech
3. Constitutional interpretation

4. Ambiguity and carelessness in the interpretation of the law
5. Interpretation of law and the philosophy of language

Explaining the problem of multilingualism and translation

1. The meaning of words and the problem of the global legal order. Challenges for the lawyer
2. United in diversity - multilingualism in the European Union. Language interpretation of the Court of Justice of the European Union
3. The rules of bilingual interpretation as a component of linguistic rights in Canada
4. Specificity of the translation of legal texts. The problem of "Europeanization" of legal texts

Introducing the problem of linguistic rights

1. Linguistic human rights
2. Language policy in the universal system
3. The rights of linguistic minorities in the European Union
4. Language policy in the United States
5. The linguistic situation in Africa

Introducing the relation between language and criminal law

1. The importance of silence in the law of silence
2. Miranda's Laws. Significance of language skills of juvenile suspects
3. Deposit in England and Wales
4. Language of consent in relation to the police. Hearing.
5. Language of crime

Explaining the models of judicial discretion

1. The language of the criminal process in the inquisitory and the contradictory model
2. Judicial discourse in the new judicial system in Japan
3. Judicial discourse in China
4. The linguistic issues of the courtroom in Poland. Translator in court

Introducing the linguistic problems in the area of intellectual property

1. Linguistics in trademark matters
2. Language and copyrights
3. Psycholinguistic grounds for distinction in trademark law

Demonstrating ways of identification of the text author

1. Tasks of forensic linguistics
2. Linguistic corps in author identification
3. Detecting plagiarism

Demonstrating ways of speaker identification

1. Language analysis in the determination of origin: evidence for the status of refugees
2. Factors that influence the identification of speakers by laymen
3. Speech Recognition in Criminology: Linguistic-Acoustic Perspective

By the end of the course students will be able to:

- present and discuss the history, the use and the rules of interpretation of the legal language
- explain the relationship between language and law
- describe the operational rules of speech acts in shaping the legal situation
- apply speech acts in communicative situations appropriately

Workload

Students will be collected in small groups for seminars including reading-based discussion sessions – regular lecture will not be provided. Forms of study: lectures, discussion sessions, case study.

Requisite and Incompatibility

General knowledge in the scope of lawmaking, principles of law, civil law, constitutional law and international relations.

Obligatory Reading

1. M. Solan, P. M. Tiersma, *The Oxford Handbook of Language and Law*, Oxford 2012.

2. P. Tiersma (et all.), *Speaking of Language and Law*, Oxford Studies in Language and Law, Oxford 2015.

Additionally reading:

1. J. Osiejewicz, Legal education of court interpreters and sworn translators upon the Directive 2010/64/EU, *International Journal on New Trends in Education and Their Implications (IJONTE)* 2015, Vol. 6, no. 1, s. 151-162.
2. A. Neustein, H. Patil, (red.), *Forensic Speaker Recognition. Law Enforcement and Counter-Terrorism*, Springer 2012.
3. H. Zelle, C. Romaine, N. Goldstein, Juveniles' Miranda comprehension: Understanding, appreciation, and totality of circumstances factors. *Law Hum Behav.* 2015 Jun;39(3):281-93. doi: 10.1037/lhb0000116. Epub 2014 Dec 15.

Examination

Students in small groups (2-3 persons) work on a task to solve a particular legal problem concerning language usage, as described by the teacher.

Language of the course

English, German.