



Preface: The Scope of the Book

This book is concerned with approaches to language, meaning and interpretation that have been discussed within the legal context. Though many of these approaches are frequently formulated in a manner unique to law, they have been shaped by constant dialogue with philosophy, political theory, sociology, literary studies and linguistics. The aim of this book is *not* to improve how lawyers deal with words and their meanings (which is not to say that no improvement is possible), but to use law to reflect on the nature of language, its role within social life, and the theories with which legal theorists and practising lawyers, linguists and philosophers attempt to make sense of it. The underlying presumption is that in looking from the outside at this complex of problems, opinions and ideologies, we gain insights of wider significance for the study of language in general.

Where there is discussion of linguistics in this work, the reference is to mainstream or so-called 'core' linguistics, for which I take the writings of Saussure and Chomsky as representative. Given the diversity of recent developments in linguistics, it is not possible to qualify each generalisation, but the 'systems theory' view of language remains a very powerful influence within the discipline, even where the realist assumption is made that no two speakers speak exactly the same language. Specialist topics in forensic linguistics and applied sociolinguistics of law are not covered in this work, except where they relate to the meaning and interpretation of legal language/texts and the role of 'ordinary language' in the legal context. Forensic linguistics is concerned with how linguistics can be applied in an evidential or expert witness capacity, or in defence of the language rights of groups who are especially disadvantaged by the language culture of the legal process. It deals with issues such as legal interpreting and translation; the comprehensibility of legal documents, of jury instructions and of police communication with suspects and the general public; issues of age, gender, race within the discourse of the legal system; discourse analysis of the language of judges; plagiarism and the authenticity of documents. Many of these areas are specialisations in their own right, such as forensic phonetics and acoustics in speaker identification. There exist a number of excellent textbooks in this area, and the reader is referred to the further reading section at the end of the book.

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Where general terms such as 'law', 'judge' or 'statute' are used, the context should be understood to refer to common law jurisdictions. 'English law' is a term of art which covers the legal system of England and Wales: Scotland is a separate jurisdiction with distinct legal terminology and procedures. It is important to keep in view the diversity of legal cultures, traditions of legal theory, and the anthropological question of the nature and boundaries of law, even if these issues lie largely outside the scope of this book. On this point the anthropologist Mary Douglas (1921–2007) offers this cross-cultural observation: 'A theory of justice has to be balanced between theories of human agency, on the one hand, and theories of community on the other' (Douglas 1987: 126).

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