General information

This course is the first half of a two-quarter research seminar, in which we will be concerned with the intersection of (quantitative) (corpus) linguistics, lexical semantics, and legal/statutory interpretation. I will be taking some corpus-linguistic knowledge for granted (nothing technical, just the general ideas – if you want to make sure, you're on top of everything, maybe just check out Chapter 2 of the second edition of my corpus textbook). The first three weeks will be easy, slow, and introductory as we will deal with various aspects of semantics, in particular (dictionary) definitions, Natural Semantic Metalanguage, sentence semantics, and some aspects of cognitive semantics. After that, it'll get more intense, because the first quarters of these two-quarter research seminars are reading-intensive! We will consider several applications of corpus-linguistic methods to legal/statutory interpretation; you will read (and partially present)

– some Supreme Court opinions;
– some corpus-linguistic papers discussing legal applications;
– a famous/infamous report currently under litigation;
– legal critiques of corpus-linguistic applications;
– discussions of experimental jurisprudence.

with some discussion of corpus linguistic methods on the side. If there's time or even interest, I might outline a few relevant aspects of working as a linguistic expert witness.

The goals are to familiarize you with at least some aspects of legal/forensic linguistics so that you can write a (likely empirical) paper in the second quarter and maybe be a good expert witness at some point ;-)

Course requirements

i.   attendance, thorough reading of homework assignments, and lively participation in potentially controversial discussions;
ii.   four small presentations (1 of a small 'linguistic analysis', 2 of one paper each, 1 of your thoughts on what you want to explore in the second half of the quarter.

'Warning': some of the reading/lessons will involve controversial topics and, therefore, potentially controversial opinions. If you do not feel like you can tolerate disagreement, hear or produce inconvenient opinions, accept differences of opinions, and continue discussing tricky topics in good faith, this course (or any course involving legal interpretation) is not for you – what we want to avoid is this (or this).

Contact (STG)   Office hours: Zoom, upon appointment
                           Web: <http://www.stgries.info>
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Course plan

(1)   **01/03: Dictionary definitions & Natural Semantic Metalanguage**
For next session: sign up for a COCA account, worksheet on *lie*
Optional: Goddard (1998a, 1998b)

(2)   **01/10: *Lie* & cognitive semantics**
For next session: Muscarello v. US, Croft & Cruse (2004)
Optional: Watson v. US, Smith v. US, Norvig & Lakoff (1986), Sandra & Rice (1995)

(3)   **01/17: no class (MLK)**
For next session: check out the slides on sentence semantics & lexical relations

(4)   **01/24: Against dictionaries in legal/statutory interpretation & case studies**
For next session: Lee & Mouritsen (2018), Phillips & Egbert (2017)
Optional: Finegan (2017)

(5)   **01/31: Case study: *stand trial***
For next session: read the executive summary of the Hoffman report & prepare a short in-class presentation on whether it's statement of facts or opinions

(6)   **02/07: Statements of facts vs. opinions & *collusion***
For next session: each student reads one of Herenstein (2017), Hessick (2017), Tobia (2018, draft) & prepares to present it in class

(7)   **02/14: Critiques of legal corpus linguistics & Bostock v. Clayton County**
Optional: Eskridge, Slocum, & Gries (2021) or Bostock v. Clayton County

(8)   **02/21: no class (President's Day)**
For next session: prepare to present in class ideas/thoughts regarding your paper for the second quarter

(9)   **02/28: More advanced corpus methods & *rape***
For next session: each student reads one of Sommers (2020), Tobia (to appear), Tobia, Slocum, & Nourse (to appear) & prepares to present it in class

(10)   **03/07: Experimental jurisprudence & project brainstorming**

References

Croft, William & D. Alan Cruse. 2004. *Cognitive linguistics*. Cambridge: Cambridge University Press.
Eskridge, William N., Brian G. Slocum, & Stefan Th. Gries. 2021. The meaning of *sex*: Dynamic words, novel applications, and original public meaning. *Michigan Law Review* 119(7). 1503-1580.

Finegan, Edward. 2017. Comments on James C. Phillips & Jesse Egbert, Advancing law and corpus linguistics: Importing principles and practices from survey and content analysis methodologies to improve corpus design and analysis. *BYU Law Review* (6). 1296-1310.

Goddard, Cliff. 1998a. *Semantic analysis: a practical introduction*. Oxford: Oxford University Press.

Goddard, Cliff. 1998b. Bad arguments against semantic primitives. *Theoretical Linguistics* 24(2-3). 129-156.

Gries, Stefan Th. 2020. Corpus approaches to ordinary meaning in legal interpretation. In Malcolm Coulthard, Alison May, & Rui Sousa-Silva (eds.), *The Routledge Handbook of Forensic Linguistics*, 628-643. 2nd ed. New York & London: Routledge.

Gries, Stefan Th. 2021. Corpus linguistics and the law: extending the field from a statistical perspective. *Brooklyn Law Review* 86(2). 321-356.

Gries, Stefan Th. 2022a. Towards more careful corpus statistics: uncertainty estimates for frequencies, dispersions, association measures, and more. *Research Methods in Applied Linguistics*.

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Hanks, Patrick. 1987. Definitions and explanations. In John M. Sinclair (ed.), *Looking up*, 116-136. London: Collins.

Herenstein, Ethan J. 2017. The faulty frequency hypothesis: Difficulties in operationalizing ordinary meaning through corpus linguistics. *Stanford Law Review Online* 70. 112-122.

Hessick, Carissa Byrne. 2017. Corpus linguistics and the criminal law. *BYU Law Review* 6. 1503-1530.

Lee, Thomas R. & Stephen C. Mouritsen. 2018. Judging ordinary meaning. *The Yale Law Journal* 127(4).

Mouritsen, Stephen C. 2010. The dictionary is not a fortress: Definitional fallacies and a corpus-based approach to plain meaning. *BYU Law Review* 5. 1915-1979.

Mouritsen, Stephen C. 2012. Hard cases and hard data: Assessing corpus linguistics as an empirical path to plain meaning. *The Columbia Science & Technology Law Review* 13(1). 156-205.

Norvig, Peter & George Lakoff. 1986. Taking: a study in lexical network theory. *Proceedings of the Thirteenth Annual Meeting of the Berkeley Linguistic Society*, p. 195-206.

Phillips, James C. & Jesse Egbert. 2017. Advancing law and corpus linguistics: Importing principles and practices from survey and content analysis methodologies to improve corpus design and analysis. *BYU Law Review* (6). 1589-1620.

Ravin, Yael & Claudia Leacock. 2000. Polysemy: an overview. In Yael Ravin & Claudia Leacock (eds.), *Polysemy: theoretical and computational approaches*, 1-29. Oxford: Oxford University Press.

Sandra, Dominiek & Sally Rice. 1995. Network analyses of prepositional meaning: mirroring whose mind – the linguist's or the language user's. *Cognitive Linguistics* 6(1). 89-130.

Sommers, Roseanna. 2020. Commonsense consent. *The Yale Law Journal* 198(8). 2232-2324.

Tobia, Kevin. 2018. Testing original public meaning. Draft of a paper publ. in 2020 as 'Testing ordinary meaning' in the *Harvard Law Review*.

Tobia, Kevin & John Mikhail. 2021. Two types of empirical textualism. *Brooklyn Law Review* 86(2). 460-487.

Tobia, Kevin. to appear. Experimental jurisprudence. *University of Chicago Law Review*.

Tobia, Kevin, Brian G. Slocum, & Victoria Nourse. to appear. Statutory Interpretation from the Outside. *Columbia Law Review*.

Cases/case materials/opinions

–   Muscarello v. US (click on "Case")
–   Watson v. US (click on "Opinion Souter" and "Concurrence Ginsburg")
–   Smith v. US (click on "Case")
–   Bostock v. Clayton County
–   the Hoffman report, a NYT article on the issue, background[1], and background[2]