



Fighting over Words: Language and Civil Law Cases

Roger W. Shuy

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Most people fight over something or other and language is usually at the very center of the conflict. Often the way we use language is the cause of the battle. There are many areas in which fighting about language can be observed but civil law cases offer the most fertile examples of this warfare over words. What did the contract actually say? Was there deception in the advertising? Was the warning label clear and effective? Did the company evidence race or age discrimination against employees or customers? Was one company's name too similar to that of another company? Did the corporation plagiarize the work of another? Did it fraudulently represent what its work?

This book is about the ways linguistic analysis describes, exposes, and aids disputes in 18 civil cases where language framed the battleground. Roger Shuy, a well-known forensic linguist and consultant, shows how the skills of linguistic analysis can help resolve disputed meanings, while also showing how civil cases can prove to be fertile ground for linguistic scholarship. He does this by collecting and analyzing cases involving contracts, trademark disputes, advertisements, product liability, copyright infringement, discrimination, trademark disputes, and fraud controversies. In each case he employs all the tools of formal linguistics to show how it can be as helpful as other physical sciences in resolving legal disagreements.

The work will be of interest primarily to linguists -- sociolinguists, forensic linguists, and scholars and students of law and society -- as well as lawyers and law students.

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