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Консультант з англійської мови:
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LEGISLATION ON LANGUAGE

Around the world there have been many efforts to provide rights under law to linguistic minorities, both in the prevention of discrimination and in the right to use their language. Under the influence of the U.S. English movement, the U.S. has been moving to outlaw the use of minority languages for institutional purposes, and legislation to this effect has been introduced in many states of the U.S.

Another area of legislation on language is the Right to Silence provision of the Common Law, which allows no negative inferences to be drawn if an accused remains silent. In the UK, the decision of many IRA suspects to remain silent during police questioning led to a change in the law: "Now, the refusal to answer questions put by the police may result in such silence being taken into account when deciding on the case at trial" [1, c. 60].

The technical, written, and power laden nature of legal language makes the language of the law notoriously impenetrable for non-lawyers. The situation is even worse for those who have a low proficiency in the language of the legal process, such as many second language speakers or the deaf. Writtenness and technicality will reduce effective participation in legal processes by children, the illiterate, and the mentally handicapped. It may also affect speakers of other dialects or sociolects. Power asymmetries may impact particularly on the traumatized, children, women, and already disadvantaged minorities. These disadvantages represent daunting human rights issues to which only partial solutions have been found in new legislation, revised procedures (such as video cameras in private rooms for children), and the education of legal professionals and the public.

One means of addressing some of the problems outlined above, where they impact upon second language speakers, the deaf, or even second dialect speakers, is through the use of legal interpreters or translators. Legal interpreting is a substantial academic field in its own right, so only a brief foray into two major issues is possible: access to appropriate interpreting / translation services, including interpreter supply and certification; and the specific nature of legal interpreting and translation.

There is no basic Common Law right to the use of an interpreter. The situation is similar under Roman Law. Therefore, the right of access to an interpreter in contacts with the courts and the police varies greatly across jurisdictions. As a consequence of the ever increasing movement of peoples, particularly through migration, there is a noticeable increase in the need for access to interpreters. This change has reversed the onus of proof, so a court now has to justify not using an interpreter if an appeal is made on the basis of language problems. A contributory factor in the under-use of interpreters is the low supply of appropriately certified interpreters. The situation is highly variable elsewhere, with some new certification initiatives appearing, but truly competent legal interpreting is still far from universal. There will probably always be a problem with languages of low demand or languages of communities with few proficient bilinguals.

There are various language acts that have been legislated against. Offensive language is prescribed in many Common Law jurisdictions, but, in reality, prosecutions are rare - social norms have weakened, and many people lack the hypocrisy to prosecute others for behavior they engage in themselves. Where prosecutions do occur, they tend to be used as means of addressing agendas other than bad language, as can be seen in the prosecution of aborigines for swearing by the New South Wales police, who themselves have a reputation for bad language [2, 219-258]. Other language crimes have to do essentially with the issue of whether or not a particular speech act has been performed, and perhaps even more problematically, whether it is the illocutionary intention, the perlocutionary force, or some "neutral" reading of the semantics of the utterance that will decide the issue.

Vilification, particularly racial vilification, is a language act that has been made illegal in most developed nations with the

exception of the U.S., where freedom of speech is taken as the paramount concern. A major applied linguistic issue is deciding what constitutes vilification, since much of it is coded. There is also work from psychologists on the impact of racist language. In some jurisdictions, vilification on the basis of other human characteristics such as religion and sexuality is also banned, and there may be institutions charged with pursuing cases of vilification. There is also a long history of language being used to mask genocide - "ethnic cleansing" being a recent example.

Reference list:

1. Kurzon D. It is hereby performed... Explorations in legal speech acts. / D. Kurzon. - Amsterdam : John Benjamins, 1998. - P. 60.
2. Taylor B. Offensive language: A linguistic and sociolinguistic perspective. / B. Taylor. - Sydney : UNSW Press, 1995. - P. 219-258.