

# UNORDINARY MEANING: STATUTORY INTERPRETATION AS A DOMAIN OF SOCIOLINGUISTIC INQUIRY

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## LINGUISTICS AND LAW SOCIOLINGUISTICS AND LAW

Sociolinguistic research has reached many areas of the law, including housing discrimination, education, and employment discrimination, but it has largely not extended to legal interpretation.

## CORPUS LINGUISTICS AND LAW

Corpus linguistics has received particular attention in legal practice and academia but is often misunderstood and remains controversial (Gales & Gries 2024).

## SEMANTICS AND LAW

Semanticists have made contributions to statutory interpretation. The Supreme Court relied on an amicus brief authored by semanticists in *Bondi v. VanDerStok* (2025).

## FORENSIC LINGUISTICS

This area of linguistics has been engaged with the law-linguistics interface across a range of topics.

## THE LINGUIST AS LEGAL ADVOCATE

Amicus Briefing	<ul style="list-style-type: none"><li>Limited engagement in most cases (Brooks 2025).</li><li>Not typically used in trial courts.</li><li>Not constrained to factual matters in a case.</li></ul>
Expert Testimony	<ul style="list-style-type: none"><li>Potent in individual cases.</li><li>Limited to trial courts.</li><li>More influential on factual matters than legal ones.</li></ul>
Training Legal Practitioners	<ul style="list-style-type: none"><li>Can be highly effective.</li><li>Some practitioners are unreceptive to linguists (Lippi-Green 1994).</li></ul>
Partnerships with the Legal Academy	<ul style="list-style-type: none"><li>Training law students and participating in legal research integrates linguistics directly into legal education (Brooks 2025; King &amp; Jacobs 2024).</li></ul>

## SOCIOLINGUISTICS AND THE ORDINARY MEANING PROBLEM

- The federal judiciary has become increasingly reliant on a concept called “ordinary meaning.”
  - Ordinary meaning is defined as is the “meaning attributed...by giving the words their ordinary sense, without referring to extrinsic indications of the author's intent.” (Black’s Law Dictionary)
  - In practice, there is strong disagreement about what ordinary meaning is and how it should be identified.
- Sociolinguistics is a subfield well-positioned to problematize the notion of ordinary meaning.
- Sociolinguistics research at the law-linguistics interface should extend into interpretive issues.

## CASE STUDY: THE LEGAL STATUS OF TOMATOES

### Legally, are tomatoes fruits or vegetables?

Believe it or not, the Supreme Court unanimously decided this based on their determination of the ordinary meaning of *tomato*. Can you guess their decision and reasoning?

*Botanically speaking, tomatoes are the fruit of a vine, just as are cucumbers, squashes, beans, and peas. But in the common language of the people, whether sellers or consumers of provisions, all these are vegetables which are grown in kitchen gardens, and which, whether eaten cooked or raw, are, like potatoes, carrots, parsnips, turnips, beets, cauliflower, cabbage, celery, and lettuce, usually served at dinner in, with, or after the soup, fish, or meats which constitute the principal part of the repast, and not, like fruits generally, as dessert.*

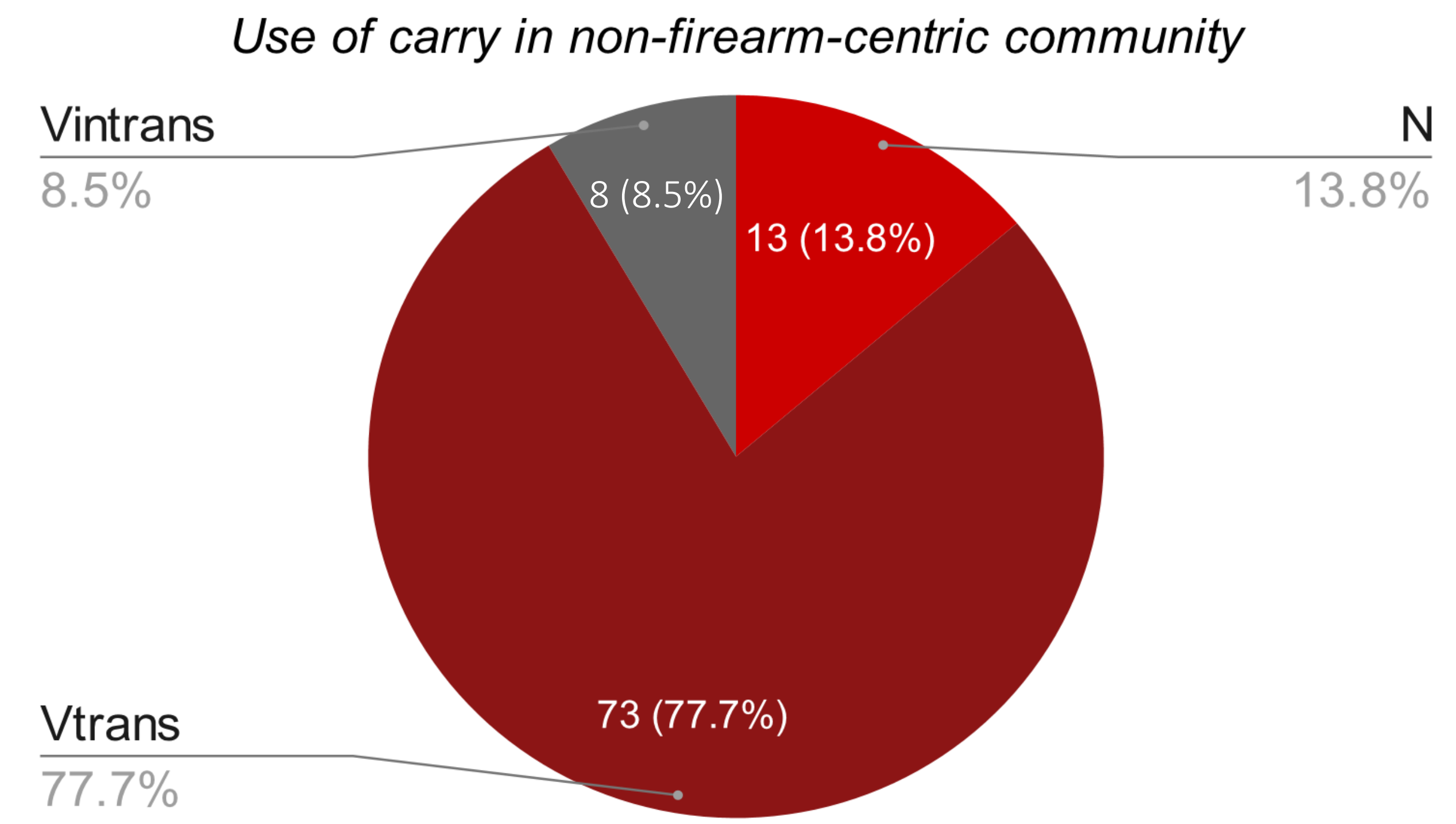
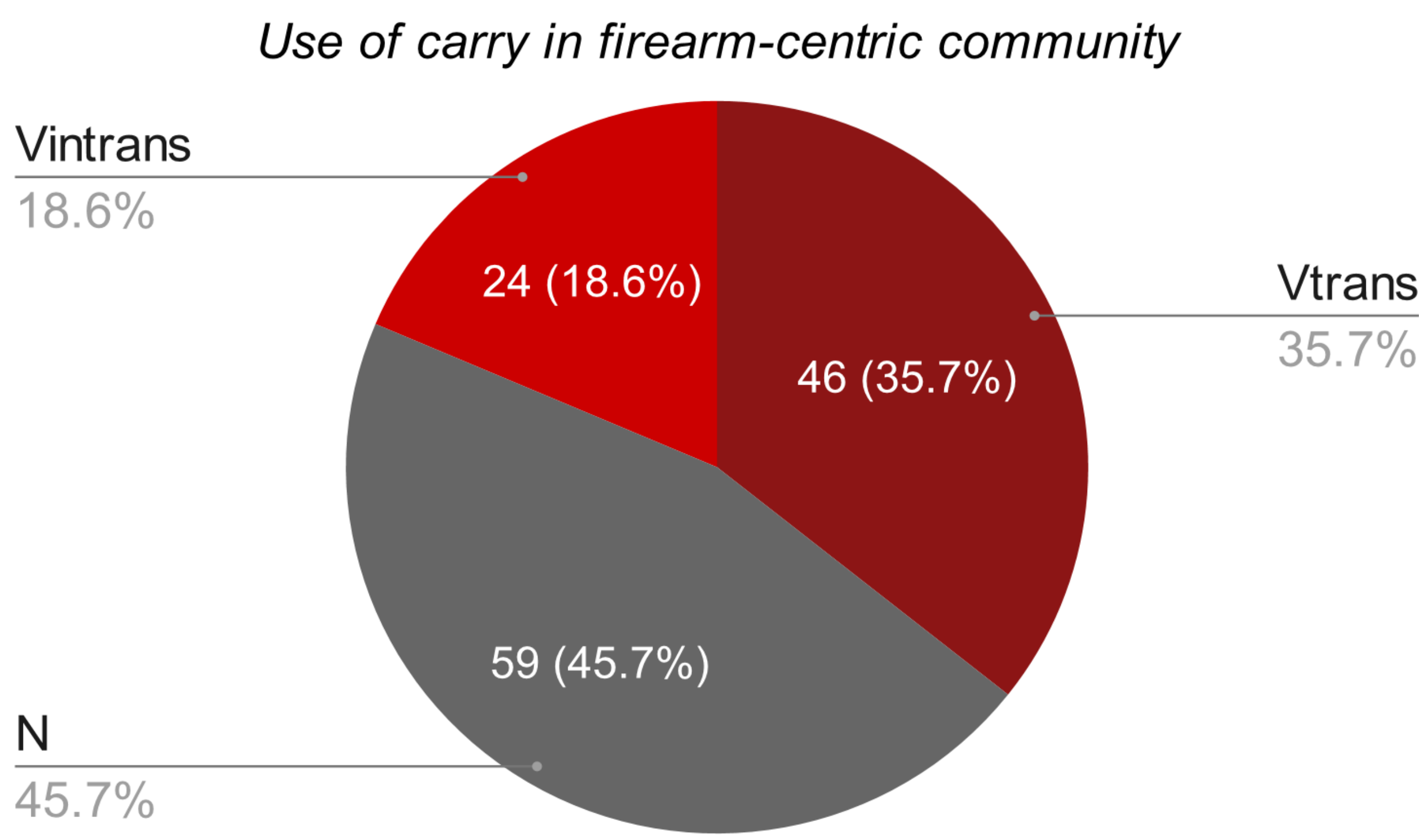
*Nix v. Hedden* (1893)

## CASE STUDY: FIREARMS AND LINGUISTIC COMMUNITIES OF PRACTICE

In *Muscarello v. U.S.* (1998), the Supreme Court held that keeping a gun in the locked glove compartment of a car is “carrying a firearm” under 18 U.S.C. § 924(c). The case turned on whether the phrase should be interpreted broadly or restricted to carrying a firearm on the person.

Do linguistic communities of practice shed additional light on the contextual meaning of the phrase *carry a firearm*?

### Finding 1: *carry* has a distinct usage and distribution in firearm-centric communities



### Finding 2: Even in firearm-centric communities, *carry* is not limited to on-person only interpretation.

- *Carry* is underspecified with respect to manner of carrying.
- Specialized terms (e.g., *on-body carry*, *off-body carry*, *vehicle carry*) are used to specify this information.

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Full reference list, handout, and project data available via QR code.



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