

Vague Language – Vague Law?

Vernünftiger Umgang
mit unscharfen Grenzen



A conference aimed at exploring the impact of linguistic vagueness on the law, bringing together experts from law, linguistics and philosophy.



Freiburg University, 20 and 21 January 2012

The law is written in a language. Asking what the law says thus ultimately leads to questions about linguistic meaning. Meaning, however, is a precarious affair. As most law scholars readily attest, the meaning of a word, sentence or text often seems indeterminate, at least with respect to certain applications. One particularly interesting type of indeterminacy is vagueness, characterised by blurred borderlines and the threat of Sorites paradoxes.

Scholars of law and jurisprudence have rarely approached this phenomenon with methods from the field of linguistics. This is surprising, given the linguistic nature of law and the considerable amount of linguistic work on vagueness. The conference aims at remedying this shortcoming in the hope of contributing to both legal theory and linguistics. Both fundamental and more specific questions will be addressed. One fundamental question is implicated in the conference title: What is the relationship between linguistic vagueness and legal vagueness? Another fundamental question turns on the costs and benefits of vague language, particularly in relation to legal texts. Can we have the benefits associated with vague terms without paying too high a price?

The specific questions focus on approaches developed in linguistics which still await extension into and testing in legal contexts. For instance, communication theory has advanced our understanding of how speakers calibrate the granularity of their expressions. Do the relevant linguistic models find application in law? Another linguistic approach to vagueness examines how speakers sharpen vague predicates within a conversation. Precedents play a role in both case law and continental law, yet it remains unclear whether this amounts to a legal analogue of conversational sharpening. Finally, linguists distinguish vagueness from ambiguity and generality. Do these distinctions have any import for the doctrinal standards of the law like the void for vagueness doctrine?