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**The Role of Semantics in the Interpretation of Legal Statutes**

An Academic Research Submitted to the Department of English, College of Languages at The University of Salahaddin-Erbil, in Partial Fulfilment of the Requirements for the Degree of B.A in English Language and Literature

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**Abstract**

In today's world, statutory law is an essential part of every country's system of governing. Most lawyers nowadays try to interpret these statutes that can have more than one meaning in order to gain advantages against their opponents. The aim of this research is to determine the significance of semantics and its role in legal interpretation. In the first section of this research, semantics and legal statutes are introduced as well as statutory interpretation. Second section focuses more on the roles of semantics in interpreting legal statutes and explores vagueness, ambiguity and clearness that arise in legal statutes. Legal statutes can be ambiguous, vague or clear. Ambiguity refers to the statutes that semantically have more than one interpretation. Vagueness refers to the statutes that cannot be comprehended or interpreted. Clear statutes are those which have only one interpretation. In the third section, this research also discusses the final resolutions of these cases and scenarios that usually take place in courts of law, and discovers solutions to them. The current research ends with a conclusion where the most important points discussed are displayed in addition to a list of references that are cited‌.

1. **Overview**

This overview will provide a brief explanation of the main aspects of the topic discussed in this research project.

**1.1. What is meant by semantics?**

The term semantics derives from the Greek noun *sēme* meaning ‘sign, or signal and the verb *sēmainō* which means ‘signal or mean.

Semantics can be simply defined as a branch of linguistics concerned with the meaning of words and sentences. It is also referred to as the study of meaning. A linguist who studies meaning (semantics) strives to understand and explain why certain words can be combined and others cannot. For instance, the words spinster and bachelor cannot be used interchangeably even though their meanings are quite similar. (Aitchison, 2004, p.88).

Examples:

My brother is a bachelor.

My aunt is a spinster.

But not:

My brother is a spinster.

My sister is a bachelor.

The first two example sentences are semantically acceptable while the other two examples are not acceptable even though they are syntactically well-formed. This is because the word spinster means unmarried woman while the word bachelor means unmarried man.

For more than 2000 years, philosophers were stuck in explaining the concept of meaning. Because sometimes the word and the meaning don’t have any connections. For example; the word 'cow' has no relation with the meaning it represents which means a four egged bovine. Sometimes it has a strong connection between the word and the meaning it represents such as the word 'buzz' has strong connection with the sound it represents because buzz means the sound bees make. (Bagha, 2011, p.1411).

**1.2. Legal statutes:**

Legal statutes are written law by a parliament, Congress, a city council or a state legislature signed and approved by an executive such as president, governor or mayor (Winston, Bavis, and Brammer, 2018).

Statutes are published in three formats such as slip laws, session laws and statutory codes. Slip laws are those laws which contain only one statute, and each statute is published separately. The term session laws can vary from one jurisdiction to another. One might refer to it as “General Laws,” while others might refer to it as “Acts and Resolves,” or “Law of Jurisdiction”. Session laws compile all of the slip laws which are passed by a legislature. They contain all of the laws, even those that are amended. Session laws are rearranged in chronological order. Statutory codes contain statutes and they are arranged by subject matter or topic. This type is much easier for the researchers to find the statutes that they search for. In contrast to session laws, codes contain up to date information and they are always updated unlike session laws which contain outdated information (Georgetown, 2022).

**1.3 Statutory interpretation:**

Statutory interpretation or sometimes known as statutory construction, is the process of interpreting legal statutes by lawyers and applying them by courts. Although sometimes, legal statutes maybe clear in meaning but there are many cases in which statutes can are ambiguous or vague that must be interpreted by a judge to discover the true meanings of the statutes. To interpret the statutes, judges must follow various tools such as traditional canons of statutory interpretation, legislative history, and purpose (Wex Definitions Team 2022).

Statutes may seem straightforward when someone reads it for the first time. But sometimes, it might contain ambiguity and does not explicitly indicate the main issue. Oftentimes, the interpretations of the statutes can be acceptable if the person proves it linguistically (The Writing Center, 2017).

In the US, two main theories are used to interpret the statutes (purposivism and textualism). Judges stick to these two theories to reach a verified conclusion for their interpretation regardless of their own personal interpretations of the texts. However, apart from those two theories, there are other tools to interpret these statutes to find meanings as follows:

1 - Judges often begin by looking at the ordinary meaning of the statutory text.

2- Courts interpret specific provisions by looking at the broader statutory context.

3- Judges may turn to the canons of construction, which are guides and

presumptions about how courts ordinarily read statutes.

4- Courts may look at the legislative history of a provision.

5- Judges may consider how a statute has been implemented.

(Wex Definitions Team, 2022).

**2.** **The role of semantics in legal interpretation:**

Semantics has a significant role in analyzing a text in general and in statutes in particular. Basically, semantics can have three roles in interpreting legal documents or law such as ambiguity, vagueness and clearness.

In this section, this research discusses those three roles in detail.

**2.1. Ambiguity:**

The word ambiguity or its adjective form 'ambiguous' is the situation which more than one interpretation is possible. In the world of law, legal documents and statutes can sometimes be interpreted because they are ambiguous and have more than one meaning.

According to Singh's article, ambiguity is defined as follows. Merriam Webster Online Edition defines it as “Doubtful or uncertain due to indistinctness or something which can be interpreted in various ways.”. Similarly, in legal aspect of the world, Black’s law dictionary describes ambiguity as “Doubtfulness, doubleness of meaning; indistinctness or uncertainty of meaning of an expression used in a written instrument.” (Singh, 2013, p.122)

Lawyers try to discover other meanings of statutes to win their cases against their opponents. When this happens, courts have to come up with a final interpretation of the statute. Ambiguity is often caused by lack of clarity and vagueness of a term. (Schane, 2002, p.1).

Here is a case which ambiguity took place in 1953. 'Interstate Commerce Commission v. Allen E. Kroblin, Inc' which deals with eviscerated chicken. Interstate Commerce Commission which certifies trucking companies between the states of the USA states that eviscerated chicken is a manufactured product. However, the Department of Agriculture states that it is an agricultural commodity like fruits, vegetables, fish, etc. If eviscerated chicken is a manufactured product, the companies have to pay to get certified, but if it is an agricultural commodity the companies do not have to pay anything to get certified. This means less cost and more profit for the companies because agricultural products do not need any certifications for moving products from a state to another state. In that case, the court decided that the terms 'agricultural commodities' and 'manufactured products' are ambiguous. In the end, Congress decided that farmers be exempted from Interstate Commerce Commission type regulation. (Schane, 2002, p.3).

Linguistically, there are two principal types of ambiguities: lexical ambiguity and syntactic or structural ambiguity. Lexical ambiguity deals with meanings of individual words within a text. It occurs when a word has more than one meaning. For example, the word 'bank' can both mean a financial institution or the edge of a river. This indicate that the word 'bank' is ambiguous. The sentence 'I will meet you on the bank at three o'clock' is ambiguous when it is uttered in isolation. But when it followed by another clause such as 'I will meet you on the bank at three o'clock because I have to check my bank account" it becomes unambiguous because the listener comprehends that the speaker intends to go to the financial institution. Lexical ambiguity is found in Hardy and Hardy, Cal. App, 135 P. 2d, 615, 619. (Words and Phrases, p. 438). Which the word cases either mean 'instances' or 'legal suits' (Schane, 2002, p.4).

Syntactic ambiguity or structural ambiguity is another type of ambiguity which deals with grammatical structures. In English language, syntactic ambiguity often occurs due to placement of prepositional phrases. For example:

John asked Bill to leave on Wednesday.

This sentence is ambiguous because of the placement of prepositional phrase 'on Wednesday'. It can either mean 'John asked him to leave on that day' or 'Bill might’ve decided to leave on that day'. However, if the prepositional phrase precedes the subject, there will be no ambiguity. For example;

On Monday, John asked Bill to leave.

(Schane 2002, p.5).

According to Schane (2022, p.5), in California v. Brown, 107 S.ct.837 (1987), the United States Supreme Court had to consider whether a jury instruction in a capital case violated the defendant's right to have the jury view his situation with compassion or sympathy. The jury instruction stated: "You must not be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling." The issue was whether the adjective mere modified only the word sentiment or all of the words in the series. Depending on the scope of the adjective, there would be a crucial distinction between sympathy and mere sympathy.

**2.2. Vagueness:**

Another role of semantics in interpreting legal statutes is vagueness. Generally, the term 'vagueness' refers to the lack of clarity or precision in language, concepts or ideas that make it difficult to comprehend or interpret the meaning. Moreover, it is the quality of being imprecise, indefinite or unclear in legal texts such as contracts, statutes, constitutions, etc. Vagueness can be further defined “the degree which, independently of equivocation, language is uncertain in its respective application to a number of particulars" (Wagner, Werner, and Cao, 2007, p.122).

According to Chemerinsky (2019, p.1386), a law is unconstitutional if it is too vague for an ordinary person to comprehend what is permitted and what is forbidden. The statutes which are too vague violate due process. For instance, in Kolender v. Lawson, the Court stated that California's loitering statue is unconstitutional and the void-for-vagueness doctrine requires that penal statutes must give their meanings in a way that ordinary people can understand and comprehend what behavior is prohibited and what is permitted in a manner that does not urge arbitrary and discriminatory enforcement.

Chemerinsky (2019, p.1386) provides a similar case. In the City of Chicago v. Morales, the Supreme Court decided to invalidate a statute on due process vagueness. Chicago enacted a law which was against the gangs and obliged gang members to disperse if the police officers ordered them to do so. Failure to follow the law was considered a crime. Particularly, if the police officer believed that that at least one person in a group of two or more was a gang member and they were loitering. Their failure to follow the orders of the police to leave a particular area could make them imprisoned and punished for their mistake of not complying the law

Justice Stevens, wrote and stressed that there is vagueness in that statute due to the word 'loitering' and the definition of that word was 'being in a place for no apparent purpose'. This made that statute vague and unclear. Ultimately, the Court decided that vagueness in the statute meant that it failed due process. Vagueness doctrine is concerned with fairness. It is not fair to punish someone without having clear and precise meanings of statutes to tell what is prohibited and what is not (Chemerinsky, 2019, p.1387).

**2.3. Clearness:**

Clearness or precise meanings of statutes can be regarded as one of the roles that semantics has in legal interpretation. There are statutes which have literal meanings and can't be interpreted. It can also refer to being unambiguous and unequivocal so that ordinary people can comprehend the meaning. It must not only be simple and easy to comprehend. It must deliver the exact message to the audience without being implicit and vague in meaning. According to Section 4(3)(k) of the Legislative Standards Act 1992, statutes have to be unambiguous and deliver their meanings in precise way. This provision represents a fundamental part of the rule of law. The principle which says all statutes should be as clear as people can understand them. legal practitioners and legal philosophers including Lord Diplock have recognized this principle. Lord Diplock was the one who said that the absence of clearness in the laws destructs the rule of law. It is not fair for those people who try to preserve it while others want to underestimate it. Similarly, according to Joseph Raz who says that the notion of the rule of law requires all of the laws have to be clear and unambiguous. Ambiguous and vague statutes might lead to confusion for those who wish to be guided by the statutes (Office of the Queensland Parliamentary Counsel, 2013, p.5).

An example of a clear British statute on punishing young people, act 1933, children and young persons, cruelty under the age of sixteen states "If any person who has attained the age of sixteen years and has responsibility for any child or young person under that age, willfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a crime, and shall be liable:

(a) on conviction on indictment, to a fine or alternatively, or in addition thereto, to imprisonment for any term not exceeding ten years;

(b) on summary conviction, to a fi ne not exceeding £400 pounds, or alternatively, or in addition thereto, to imprisonment for any term not exceeding six months."

This statute is clear and precise, almost anyone is able to comprehend this while reading it. It might rarely contain ambiguous or vague words and in most cases, it has only interpretation (Herring 2013, p.11).

Herring (2013, p.11) provides another example of a British statute which is clear in meaning. Public order act 1936, about prohibition of uniforms in connection with political objects. The law says "Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General except such as are authorized by section 6 of the Prosecution of Offences Act 1979) so, however, that if that person is remanded in custody he shall, after the expiration of a period of eight days from the date on which he was so remanded, be entitled to be released on bail without sureties unless within that period the Attorney-General has consented to such further proceedings as aforesaid."

1. **Final Resolution: Fixing ambiguities and avoiding vagueness in**

**law**

Whenever a statute is found vague, the court invalidates the statute. Because it is not sufficiently clear. Therefore, it becomes unconstitutional. When a statute contains ambiguity, the rule of statutory interpretation has to be applied to the law in order to get rid of the ambiguities so that the Court can reach the true meaning of the statute. If this solution doesn't work, the statute will be regarded as imperfect. In this case, the legislature who enacted that legislation has to intervene to fix this issue by removing the ambiguous and vague words and replacing them with clear ones. In other cases, the legislature has to rewrite the same statute but in different words. Sometimes, the practitioner' role who interprets the legal documents may alter his/her role, instead of clarifying and removing the ambiguities, the adjudicator might enact a new provision which is not permitted because Separation of Powers Doctrine is against it (Chemerinsky, 2019, p.1386).

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Here is a practical case which took place in the UAE. It was about blood money, (which is known as ‘Diya’). This law says that one who kills someone wrongfully, he/she has to pay an amount of money to the killed one's family in accordance to Shia law. Federal Law No. (17) of 1991, as fixed by Federal Law No. (9) 2003, concerning blood money contained vagueness which caused controversy in a judicial application. Removing the ambiguity wasn’t possible. Ultimately, the legislature was asked to intervene to cancel that legislation and enact a new one to remove such ambiguity and unclearness within the text (El Tahir and Al Azawe, 2020).

**4. Conclusion:**

It can be concluded that semantics plays an essential role in interpreting legal statutes in order to guarantee that the law is applied correctly. Semantics, which is the study of meaning in language, can help to determine the precise meaning of statutory language. This research project explored ambiguity, vagueness and clearness that arise in legal statutes. It examined the concept of ambiguity which is sometimes found in legislation, and also the concepts of vagueness and clearness which are precisely opposite of one another. It is essential for judges, lawyers, and other legal professionals to have a comprehensive understanding of semantics and its applications in order to effectively interpret and apply legal statutes. The proper application of semantics in legal interpretation helps to promote fairness, consistency, and accuracy in legal decision-making, which is critical for maintaining the integrity of the legal system.

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