On Deciphering Ameriglish as a Cultural Tool (Part Four)

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This article, the fourth about how contemporary Ameriglish provides insights into mainstream America,[1] treats selected vocabulary items having to do with law and law-enforcement.

The United States has developed into what might be called a "legalist" society, ideologically because of its emphasis on the "rule of law," and practically because "law and order" has turned out to be a useful means for sculpting the "melting pot" American. Whereas law can be used to establish the parameters in which American society can flourish and the concept of "freedom" might be pursued, more often than not law serves as a means to restrict the modus operandi of people in the United States, even to the point that freedom is essentially denied to or greatly compromised for those who are at liberty, that is those who are not incarcerated. As noted in the opening paragraph of "part three" (about popular political discourse) of this series, Americans "cannot, or ought not, do whatever they please [because] laws, selective law enforcement, lawsuits, and threats of lawsuits take care of that possibility,"[2] and it is in this spirit that most people in the United States would seem to feel the influence of law, which – for purposes of establishing observational neutrality here – need not be a bad thing. In this essay, then, some important terms pertaining to law in the United States are explored with two objectives in mind, one being to introduce non-Americans to some key concepts in American law from the perspective of "ordinary" people or non-specialists, and the other being to lead to a portrait of "Law" as a powerful deity which shapes American society and has a tremendous influence on what people do in the United States. American legalism has, in a very meaningful sense, become a new religion.

Rules and, their more solemn variants, laws have long served a function in human societies and can probably be traced back deep into the evolution of language and early attempts to create stability or harmony within a community. The American

system of law, a relatively recent invention, has its immediate origins in the common law of Great Britain and has mutated in its own way to address the requirements and peculiarities of the United States as a country as well as of its states, counties, and mosaic of communities of varying sizes. To a large extent because of the diversity of its people – and especially in regard to "national origin" and the associated differences in secular and/or religious outlook on what is expected, acceptable, and proper in human relations – "law" has become the essential binding force to establish the parameters of what is allowed (or not) and to outline possible consequences of deviance throughout the country. People inside the United States generally seem to understand that American legal codes trump those of established religions and cultural practices (especially foreign, but sometimes domestic) whenever there are differences or a conflict arises, and very few people indeed would expect an American court today to agree with traditional Jewish and Christian laws which dictate the penalty of death for such violations as cursing one's parent, homosexual intercourse, and serving as an intermediary between the dead and the living,[3] even though Christianity has played an important role in the formation of American culture. Absent an official religion which throughout history has generally tended to provide the basis of ethics within a society, the United States and its constituent parts seem to have turned to "law" for this purpose, as suggested by this extract from *Adventures with "Multiculturalism" in the United States* (2012),[4] a literary reader which has been used in some of the author's courses at Nagoya and Tokyo Universities to encourage students not just to learn about American society, but also to think critically about it:

> [I]n America, Law is a very, very important god, subordinated perhaps only to the greatest god of them all, Money. And Law can be a very fickle god, one which is susceptible to the influence of its superior god for sure, but also one which multiplies and mutates in so many ways that it can create confusion and drive the serious of mind and the pure in spirit into the madhouse.
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> Law is worshiped in America .... It is feared, and it has power over life and death, over freedom and captivity, over wealth and poverty, and over pretty much anything else that you fancy throwing in. Law has its priests – in robes no less – and it has its intellectual protectors, who practice in the dress and habits of the elite, as well as its armed enforcers in uniform. Law is jealous and demands the attention, respect, and submission of everybody. And to really rub it in, in America "ignorance of the law" is not accepted as an excuse for anything, so much so that we might ... say that "Ignorance of Law" is the supreme form of heresy.

Ignoring for the purposes here the reference to "the greatest god of them all, Money," there are some important points being made, and one way of negotiating through

life in America might very well be a fatalistic surrender to this god called "Law" and its earthly, or human, agents.

Laws are not things which exist through custom or what people think they are, but through written documents that can be consulted, used as is when they are more or less clear, or interpreted for their spirit and intent by reasoning or the use of analogy when something is not specifically covered. In the United States, the piece of literature that establishes legal frameworks throughout the country is commonly called "the Constitution," which in the recently published *Larger Ameriglish Dictionary* (2012)[5] is explained to be

> [1] a document compiled in 1787 and subsequently amended twenty seven times which serves as a set of guidelines for running the United States by dividing the federal government into its three branches and which mentions certain rights and allows for other rights to be determined by the states and/or the people.

More properly known as the United States Constitution, the U.S. Constitution, the Constitution of the United States (of America), or even (as it is referred to in its Preamble) the "Constitution for the United States of America," this holiest of scriptures is reasonably easy to understand when it comes to the organization of the national government and the responsibilities of its branches, but it does have clauses in the domain of "rights" that have been open to argument and interpretation. Although the document itself does not define what a "right" is, it can be assumed to mean an inalienable privilege, something which might accord a sense of dignity to individuals and which governments, at least, are prohibited from infringing upon. What a particular "right" is, or whether it gets respected or honored, can however turn out to be a function of what individuals think it is or what their needs and desires are at a certain time and place, meaning that breaches might occur or that something has to be argued to exist; in regard to the latter, a verbal reference usually works, but sometimes recourse has to be made to a court of law, which – given that engaging in such a case requires dollars and cents – is one example of why Money is a superior deity to Law. As a reminder that rights are open to argument and have even been violated, there is the common American admonition that you have to "fight for your rights," which the *Larger Ameriglish Dictionary* notes to mean that a person has to be prepared

> [2] to expend energy on acquiring or trying to acquire or trying to put into practice some privileges which supposedly are guaranteed by a constitution or the U.S. Constitution.

In this explanation, the expression "a constitution" refers to a document with a

similar spirit and purpose as the United States Constitution, but which is valid only within a specified context, notably the jurisdiction of a state.

Among the rights which get discussed the most are some that are covered by the First, Second, and Fifth Amendments to "the Constitution," respectively explained in the *Larger Ameriglish Dictionary* as:

> [3] an addition ... which is famous for saying that the U.S. Congress cannot do anything concerning a religion or people engaged in religious activities as well as for providing so-called freedom in regard to speech and the press and peaceful assembly and petitioning the government for redress.
> [4] (popularly) the part ... which gives everyone permission to own and to use a gun for personal defense; (legally since 1791) the part ... which says that people in the United States can have and can carry a gun or any other weapon for the defense of the country.
> [5] the part ... which allows a person to remain silent when in trouble with the police or in a court of law.

Except for the right pertaining to guns ("the right of the people to keep and bear arms" in the original), these are not controversial inside the United States, yet some things are open to question. One is what constitutes "speech" that is covered by the First Amendment, and here are three general interpretations which the *Larger Ameriglish Dictionary* gives under "free speech":

> [6] (popularly) an idea or concept according to which anything can be said and/or written; (legally) a right granted to anybody in the United States by part of the First Amendment ... and which seems to cover any activity with a political point to be made; (often in practice) permission to say or to write something as long as somebody else does not get offended.

Although all three can be observed as being put into practice, in a court of law the first might very well not apply, or might lead to punishment in the event that slander, libel, "fighting words," "hate speech," or something else in bad taste or worse is determined to have been used. More importantly, though, is the expression "any activity with a political point" in the second interpretation because things such as the right to burn an American flag in the United States – an insulting act to many Americans, some of whom might be tempted to beat the living daylights out of whoever does it – has been found to exist under the "free speech" clause, meaning that "speech" might be interpreted to be anything symbolic. Still, another expression from the Constitution that is in the common lexicon is "cruel and unusual punishment," which according to the *Larger Ameriglish Dictionary* is

> [7] a legal remedy for an offense which might hurt the offender or otherwise appear to be perverse and which is therefore not allowed according to the U.S. Constitution.

The most likely scenarios in which this expression would be encountered nowadays are discussions and writings dealing with the death penalty, some people arguing that its mere existence is a violation of the prohibition in the Eighth Amendment, and others arguing that death is neither cruel nor unusual as a punishment for certain offenses and that it certainly was not considered to be so at the time the Constitution and the Eighth Amendment were written, just before the guillotine started to be used in France as a humane, less painful (for the condemned) way of terminating a life.

The above are a few examples of vocabulary items and related concepts which have filtered from the Constitution into popular discourse, and the existence of perpetual arguments about "rights," in particular, as well as an immense literature for specialists (e.g. lawyers, judges, scholars of law, and law students) should suffice to say that what the Constitution allows, or does not allow, is nowhere near being completely decided or understood. As for "human rights" in general, an item which the United States has been known to promote in the international arena, the concept is sufficiently vague that the *Larger Ameriglish Dictionary* notes that an American interpretation would seem to be

> [8] a set of privileges which reflects the way that people are theoretically treated in the United States.

This is not pure cynicism because "rights" do appear to come across as relative in sociopolitical contexts, internationally as well as domestically. Whereas, for example, a person with a reasonably comfortable, dignified life who supports the American way of life or political ideals might lean toward a rather positive view of "human rights," "civil rights," or just "rights" as they are generally considered to be honored in the United States, there are many Americans – usually of the lower socioeconomic levels who have to struggle through life – who might not feel so sure that their "rights" are protected, or even truly exist. How, for instance, do the "rights" to life, liberty, and the pursuit of happiness – ideals from the Declaration of Independence (1776) that arguably ought to be afforded "constitutional" protection – square with the experiences of a person who has to earn money to live in society, put up with hazardous duties and petty harassments to do so, and find himself or herself not capable of paying for medical treatment for an injury, illness, or disease incurred while pursuing an occupation ... and thereby having life shortened, liberty restricted, and the pursuit of happiness become a mechanism for coping with shades of physical and emotional misery? As soon as a concept such as the "interests of society" is introduced as being more important than the "rights

of individuals," who have responsibilities to or duties in the service of society, the whole exercise of promoting "rights" has been defeated and any "dictatorship" can claim to be on a par with the United States and other liberal democracies in regard to honoring human dignity – individuals must conform to the needs and dictates of society, as determined by the people who are running it. Without going into a distracting discussion here, it ought to be noted that this has not been a trivial concern within the United States in the last decade or so, when many Americans have expressed dismay over eroding respect for "civil liberties" or "civil rights" – defined in the *Larger Ameriglish Dictionary* as "a collection of human rights which can be exercised within society" and "a group of privileges which are designed to stop governments and other organizations from interfering with whatever freedom people are considered to have" – in the years following "Nine Eleven."

Although the Constitution outlines the principles of national governance and enunciates a host of rights for the people in the United States, and may therefore be considered to be the fundamental law of the land, it is not a code of laws. At the national or "federal" level, it delegates lawmaking or enacting legislation to the United States Congress, enforcing laws to the Presidency, and interpreting laws to the United States Supreme Court and its lesser federal courts; this principle of the "separation of powers" was designed to create a system of "checks and balances" that makes it very difficult for power to become concentrated in any one branch of government or in any one individual. At the state level, state constitutions do the same for their own legislative, executive, and judicial branches, while the relationship between the national government and the state governments is such that the states have a reasonable degree of independence, from the federal government and each other, within the parameters established by the Constitution. What this means is that although there are some laws which apply throughout the land (e.g. those in regard to voting in national elections and commerce between the states), there are many more which apply only in the state which enacted them (e.g. "recreational marijuana," within limits, is legal in Washington – but not, say, in neighboring Idaho – and some states have capital punishment while others do not). The relationship between the national government and those of the states is fluid enough that things can change to create something which smacks of standardization or, alternatively, of respect for autonomy; a good example of this was the different maximum speed limits for vehicles on roads before the federal government passed legislation in 1974 to set the nationwide maximum speed limit at fifty five miles per hour, something which

lasted until it was repealed in 1995, when the states again started setting their own maximums so that there no longer is a nationwide law. All of this gets complicated further by the fact that other territorial divisions such as counties, municipalities, and Indian reservations also make, enforce, and interpret laws which are valid only within their own jurisdictions.

From the perspective of political geography, then, law in America can be rather complex, and since most people are neither legal encyclopedias nor interested in devoting themselves to the study of law, common sense and relying on what others say is the normal way of coping. The *Larger Ameriglish Dictionary*, through these respective entries for "legal" and "illegal," gives an idea of how common sense and common knowledge are applied:

> [9] allowed by law; allowed according to at least one rule which is relevant; allowed because there is no law or rule to say otherwise.
> [10] not allowed by law; not allowed according to at least one relevant rule.

Whereas the first definitions under "legal" and "illegal" obviously make sense, and the second definitions indicate that rules can be honored as if they were laws, it is the third definition under "legal" which tends to govern how an issue that might not be clear should be approached. As expressed in the opening sentence for the chapter "A Brief about the Other Deity" (that deity being "Law") in *Adventures with "Multiculturalism" in the United States* – "if somebody hasn't dreamed up and/or gotten approved a law to disallow something or other, then that something or other is allowed"[4] – this is a reasonable approach, but it does require a certain amount of trust to be accorded the given knowledge or, to be on the safe side, a bit of research into the matter or even at least a modicum of legal advice. Powerful entities, of course, can afford the legal advice and find ways to make sure that something – generally novel – is not disallowed by existing law, and one way to do this is to rely on newly coined or manipulated vocabulary. The United States government itself can be quite good at this and even assumes that its prestige, or ability to bully or ignore at pleasure, suffices to get away with verbal manipulation to cover breaches of international law (treaties) and possibly domestic law, as this example of usage for "enemy combatant" in the *Advanced Ameriglish Dictionary* (2008)[5] attests:

> Because prisoners of war are protected by the Geneva War Conventions, to which the United States is a signatory, and because people suspected of having committed a crime are entitled to a trial by jury, it has been known in recent years for the American government to classify the captives whom it wants to torment, torture, and keep out of the courts as *enemy combatants*.

Whereas the treatment of "prisoners of war" is covered by international agreements,

and whereas suspected offenders are covered by existing laws (notably, the rights to remain silent, to trial by jury, and to a trial within a reasonably short amount of time after being detained), there are no such agreements or laws pertaining to "enemy combatants" because the term has essentially been treated as a neologism designed to get around inconveniences.[6] Such an example also alludes to a fact of life in law, the ability of an entity to make decisions and to control the flow of events is a function of its power to act in its own interests: unlike the United States government which can do as it pleases by, say, offering incentives to stop a potential "war crimes" trial that would examine suspected human-rights abuses, an ordinary person in the United States cannot effectively argue that there is no law against what he or she might call a "five-finger discount," and therefore that proceedings under the banner of "theft" (or some other legal term related to theft) should not be brought or, if they have started, should be dropped.

Most people in the United States, of course, come face-to-face with the law in mundane ways, commonly by recognizing a shape or image at some distance, but once in a while experiencing a direct personal encounter. This would be with a "law-enforcement officer," a member of a police force – which itself may be referred to as "law enforcement" – who is most properly addressed as "Officer," although the ubiquitous "Sir" (for men) and "Ma'am" (for women) are generally considered to be appropriate or courteous enough. American law-enforcement officers, though, are not necessarily well liked, as reflected in the first definition in the entry for the "police" in the *Larger Ameriglish Dictionary*:

> [11] any of a myriad of domestic military-type services or forces which are designed to make ordinary people nervous and once in a while to catch really bad people who commit crimes and misdemeanors; any number of people who belong to such an organization, one such person.

This is elaborated to some degree in the following joint entry for "policeman" and "policewoman":

> [12] a member of a police force who might be uniformed and/or armed and who is supposedly working for the public good in the sense of catching people who break the law and otherwise trying to make society safe; (most commonly encountered) the same sort of person who is armed and almost always in uniform and who is notoriously active on public roads with the express purpose of catching people who violate traffic laws and the implicit purpose of scaring most motorists.

The most commonly encountered law-enforcement officer, then, is the type who rides in a car or on a motorcycle, observes (sometimes surreptitiously) people driving vehicles on public roads, and thereby serves as a foil to a pleasant driving experience,

especially for the more nervous sorts. Still, people in the United States are aware that the police do serve functions other than being a nuisance to motorists, and it is commonly acknowledged that their job does entail the risk of injury or death in the service of society, as in helping to make it reasonably safe, hence the police are "heroes" to the appreciative and the propagandistic. For people who fall afoul of the police, or for one reason or another who are not particularly enamored by them, however, there are other words which can be substituted for "hero," a generic example being "pig." Two reasonably common, neutral words which all sorts of people use for "police officer" are "cop" and "trooper," while one expression which has been encountered for a team of "law-enforcement officers" engaged in a specific task – probably no great surprise, but trying to catch motorists driving too fast – is "wolf pack."

In the event that a motorist has broken a traffic law, or is suspected of having done so, a law-enforcement officer issues that person with a legal complaint which is commonly referred to as a "citation" or a "ticket," the following being the relevant entry for the former, which refers to the latter, in the *Larger Ameriglish Dictionary*:

> [13] an official sheet of paper often called a "ticket" which a member of a police force or somebody else with appropriate authority fills in to say that the driver and/or the owner of a vehicle might have committed a traffic or parking offense.

"Might have" is included in the definition because a police officer can only make an accusation, and it is left to the recipient of the ticket to acknowledge that the officer was correct or, in the event that the recipient begs to differ, a judge in a court of law to decide. Such offenses, although generally rather minor, seem to play an important role throughout the United States – not only do they give the police plenty to do and provide a cause for a modicum of visibility that makes it look like the police are protecting society, but they also provide communities with a modestly stable income and insurance companies the pretext to raise premiums – yet the police do have to deal with other problems which cover a wide range of seriousness within the spectrum of deviance.

There are people in the United States who do break the law, or break laws, egregiously or at least in a sense which might be interpreted as harmful to the better interests of society, and the first message to the culprit or suspected culprit that a breach has been noticed is the appearance of a police officer, or even "multiple" police officers. Whoever represents "law enforcement" in the first instance has to figure out what has happened, or is happening, and then act accordingly, and the options are usually rather broad, examples being to let things go completely, to make

an arrest at some point in time, or to open fire on the "bad guy(s)" or suspected "bad guy(s)." One reason for the existence of such options is that discretion does have a role to play in law enforcement – many things are not absolutely clear, or "black or white" – and another is that the police often need to figure out how serious the (suspected) breach is and how it would be classified within the realm of the laws which they are responsible for enforcing. That need not be an easy task, as suggested by the entry for "law" in the *Larger Ameriglish Dictionary*:

> [14] an often confusing set of words with exceptions which is supposed to make it clear what can be done and/or what cannot be done as well as what the related consequences might be, a glorified rule which allows a government to make life miserable for somebody who broke it or is or was suspected of breaking it.

Although the second definition might seem a tad too cynical, it is a valid perspective for many people inside the United States, and questionable or even pedantic enforcement of traffic laws is a major, but not the only, reason. The first definition, however, is more important and worth giving some thought to, especially the part about "an often confusing set of words," which is a function of language. In the *Larger Ameriglish Dictionary*, the relevant definition of "language" reads "vocabulary and grammar which is finely tuned so that the speaker or writer is pleased and has control but that the listener or the reader might be confused until hours or days or weeks or years have been spent deciphering what is meant," something which obviously pertains to the domain of law, with the qualification that not all lawmakers (those involved in writing up laws) need be "pleased" or in "control," and the observation that it is often left to experts (notably judges and lawyers) to figure out what a "confusing set of words" is supposed to mean in real-world contexts.

America is a country which values "procedure" – defined in the *Larger Ameriglish Dictionary* as "a way of doing something as prescribed by somebody who decided what is claimed to be correct and as agreed upon by at least one other person with authority to enforce it" – and this is ever so important, and for good reason, in the administration of justice. With the uncommon but newsworthy exceptions of suspects being killed in the act or a subsequent standoff, suspected offenders are arrested and treated in a rather generic way (i.e. handcuffed and informed of their rights, notably that which allows them to remain silent) before being taken to a special building for bureaucratic processing. Such a building is likely to be called a "detention center," or less formally a "jail," and the verb which is commonly used to refer to the bureaucratic processing is "book." The rooms to which "booked" or detained people get assigned, mainly for sleeping but perhaps also for other activities,

are known as "cells," but there are common rooms within detention centers, jails, or low-level prisons for the "inmates" to hang around in and possibly socialize with their cohorts as well as places for communicating with visitors from the outside. For some of the detained, such a building is as far as they get into the labyrinth of the American gulag,[7] but others who are less fortunate – from an ordinary person's point of view, at least – might enjoy the privilege of being transferred to and afforded residence in something more complicated, say a "penitentiary" in a state system or in the federal system depending on the nature or category of the offense.

Although criminal law in America cannot be explored in any serious depth in an essay such as this, there are several pieces of vocabulary – here taken from the *Larger Ameriglish Dictionary* – which set forth important concepts and hint at the existence of a much deeper, technical lexicon. To begin, a minor offense has come to be known as a "misdemeanor," a word which evidently used to convey the spirit of "misbehavior" (one's behavior and demeanor essentially being the same thing) but nowadays might be summed up as

> [15] an offense against the state or community which is considered to be less serious than a crime.

A "crime" itself is

> [16] a serious offense against the state or community.

Crimes are generally called "felonies," and in ordinary discourse the word "felony" comes across as describing

> [17] a very serious offense against the state or community.

An offense which is against a "person" – "a human being" and "(for legal purposes) anything so construed or defined in order to consider its activities to be those of a human being" in the *Larger Ameriglish Dictionary* – and not against the state or community is known as a "tort" and covered by civil law, although some offenses qualify for treatment under both criminal and civil law. In these definitions, the word "state" is used in the context of a political entity with a territorial expression, which in the United States means that a serious offense could be considered a "state crime" or a "federal crime," depending on whether the offense falls within the jurisdiction of one of the fifty states (e.g. Pennsylvania) or that of the national or "federal" government. Felonies are of course the offenses which warrant the more severe penalties, and they tend to be categorized by class or degree (e.g. class A being the most serious) and the type of offense (e.g. murder, rape, grand larceny, arson, embezzlement), often yielding a combined expression such as "first-degree murder."

Another type of crime which has been created in recent years is the “hate crime” or

> [18] a serious offense in which the victim is chosen according to the type of person that victim is.

Its spirit seems to be to stop people from being annoyed, harassed, assaulted, or worse on the grounds of what they look like – in many cases, a function of genetic melanin production and/or shapes of certain body parts – or what they do or are suspected of doing, as in activities that are contrary to old-fashioned sexual morality.

Crimes, misdemeanors, and torts require offenders and victims, although the “victim” in the first two might simply be society as a whole. After the police have set things in motion in regard to a crime or misdemeanor, the case is taken up in a court of law, which is usually referred to simply as a “court,” a venue which the *Larger Ameriglish Dictionary* defines as

> [19] a place to examine legal cases involving crimes and misdemeanors and torts and to determine guilt if there is a guilty party and to mete out punishments if necessary or to find an appropriate remedy in the case of offenses that are not considered to be against the state.

There are different types of court throughout America and most of them fall within the “federal” system or one of the state systems, a notable exception being the tribal courts which are run by Indian reservations. The same dictionary explains the “federal courts” to comprise “the District Courts and Appellate Courts and the Supreme Court of the United States which are all under the auspices of the national government and which deal with legal cases affecting the whole country or more than one state,” while the “state courts” are “a set of places which belong to the government of one of the fifty major political divisions of the United States and which administer justice and try to make sure that the laws within their areas of jurisdiction are properly interpreted and applied.” Whether a case originates in the federal system or in a state system is determined by the type of offense and which system has jurisdiction over it, not by the severity of the offense or the potential punishment, and whereas a case in the federal system cannot be transferred to a state system, it is possible for a case within a state system to be transferred to the United States Supreme Court after it has been ruled on by its respective state supreme court, but these are technicalities which are not so important for this article.

The courts of first resort – known as “district courts” in the federal system and by various names in the state systems depending on their purpose and/or the organization (e.g. a municipality or a county) running them – are those which examine the merits of a case to determine if the defendant is guilty of the charge against him or

her. It is these courts where most cases begin and end, so they are what most people in the United States have in mind when the word "court" is floated, and they are also the ones which capture the popular imagination both in real life and through such artistic media as films and novels. Although court cases require a plaintiff and a defendant, the central figure in a courtroom is the "judge," which the *Larger Ameriglish Dictionary* notes to be

> [20] an official and usually robed person in a court of law who might serve as a referee or moderator and make a variety of decisions ranging in importance and declare a sentence passed on a guilty defendant or bring a civil suit to a conclusion or do some combination thereof.

An important role of the judge, then, is to make sure that court proceedings follow a prescribed set of rules – that procedure is honored – and this holds true throughout the court systems, all the way up to the United States Supreme Court where the nine judges are known as "justices." It is, however, the power of some judges – in the courts of first resort – to issue a punishment in the case of a guilty verdict which weighs more on the common mind, as it is not unknown for people who have been charged with committing an offense to curse their luck or to be thankful for it depending on the reputation of the judge assigned to their case, even though personality, biases, and other subjective factors are theoretically not supposed to enter the legal equation. Upon the beginning of proceedings, a defendant is presumed to be "innocent" until guilt has been determined one way or another, say through admission, the findings of a case, or the opinion of a jury. Here is how the *Larger Ameriglish Dictionary* explains "innocent" and, then, "innocent until proved/proven guilty":

> [21] (popularly) not guilty; (legally) not being considered responsible for having done something bad or wrong which has been specified and which will be or is being examined in a court of law.
> [22] (in law) the suspect is officially considered not to have committed the offense which the prosecution claims it did until a court of law issues a decision to say that the suspect did commit the offense.

It is important to note that "innocent" is synonymous with "not guilty" in popular or common discourse, but not in the legal profession, and no court of law renders a verdict of "innocent." Rather, one option for bringing a court case to a conclusion is to declare the defendant "not guilty," which at first thought might appear to mean "innocent," but which the same dictionary explains as

> [23] a verdict in a court case which says that the person accused of having done something legally wrong might not have done it.

The nuance conveyed in "might not have done it" is crucial for understanding the difference between "not guilty" in ordinary language and that of law: it conveys the impression that suspicion could still exist and that the evidence presented during the proceedings was not sufficient to establish "guilt." A verdict of "not guilty" brings a criminal case to a close, and the prosecution is not entitled to appeal to a higher court because of the prohibition in the Fifth Amendment of the Constitution against what has come to be known as "double jeopardy." The other option for bringing a court case to an end, but which sometimes leads to an appeal to a higher court, is to declare the defendant "guilty," which the same dictionary defines as

> [24] a verdict in a court case which says that the person accused of having done something legally wrong is considered to have done it.

Whether the person actually did commit the offense is irrelevant, although in most cases a "guilty" verdict does reflect a reality.

Once a suspected offender of a crime has been through the stage of being a "defendant" and has been declared "guilty," that person has formally earned the privilege of being labeled a "criminal" and "felon," and while being incarcerated a "convict" or, in abbreviated form, a "con." It seems that being put in prison – at the minimum, being held in a "detention center" while awaiting or undergoing trial or for a relatively minor offense – is increasingly becoming a rite of passage for many people in the United States, and it might be pointed out that while mixing with Americans to do the "fieldwork" for the dictionaries listed in note 5, it was astonishing to realize that a substantial proportion of them either had experienced such misfortune directly or knew somebody rather close who had.[8] There are various words or expressions for these accommodations, and besides those mentioned previously – detention center, jail, prison, and penitentiary – there are others such as the ominously sounding "correctional" facility or institution and, for the truly privileged, the "supermax prison" where inmates are condemned to more or less complete isolation from other human beings, including twenty three hours per day entirely within a single-occupancy cell. Most residents of the penal facilities, of course, eventually become "ex-cons" and are released into the general population, although some of them opt for recidivism so that they can get back to a life which they understand, a strictly controlled environment evidently having its benefits.

Still, some residents end their lives in custody, as illnesses, diseases, and injuries can take their toll, but the most attention-getting of those who do die in prison are those who were assigned to do so through an officially approved, deliberate process.

This falls under the rubric of "capital punishment," which is still debated in the United States but which has for most of the history of the republic been considered as constitutionally allowed, and the commonly used expression "death penalty" is explained in the *Larger Ameriglish Dictionary* as

> [25] a punishment for certain felonies which involves a state government or the federal government putting an end to the life of the convicted or condemned person through an officially sanctioned procedure.

As suggested by the use of the word "procedure" in the definition, an execution – the rigmarole of putting a person to death – is essentially a ceremony, albeit a morbid one. There have been several ways of dispatching a condemned soul throughout American history – notably hanging, shooting, gassing, and electrocuting – but nowadays the most common technique is the "lethal injection," which involves a given number of needles and a sequence of drugs that render the victim unconscious, paralyzed, and eventually dead. When introduced in American jurisprudence, the "lethal injection" was purported to be humane and painless – a late-1970s take on the guillotine – but it seems that it is now being opposed on the grounds that the use of the drug which induces paralysis might actually disguise tremendous pain.

Pain or no pain, this recalls the observation in the first indented quotation for this article that "Law ... has power over life and death," so it is a good place to draw the line at discussing selected items of vocabulary and to shift toward making a brief intellectual assessment to bring this article to "closure." The vocabulary which has been covered is not terribly unusual or too difficult to understand, and it has not been explained in a technical fashion so that – as is the spirit with the other articles in this series – attention is drawn to what might nowadays be called vernacular Ameriglish, the language of the ordinary people, not that of the well-educated theoreticians or specialists who live in rarefied air or pretend that they do. What are covered are concepts which relate to personnel, activities, or events which are of immediate concern or general interest in everyday life for most people in the United States; the topics mainly touch on rights and criminal law, with but a trace of civil law thrown in because torts and civil suits do not garner as much attention or interest (except, obviously, in the case of the parties to a suit) probably because of the lack of drama afforded by the involvement of the police, the courtroom games that spin around the concept of "proof beyond a reasonable doubt," and the potential punishments, all of which seem to play on the perverse curiosity of the human mind. It is also a fact of life in America that people have to worry far more about an encounter with the police which could lead to entanglement in a justice system than they do

about being sued in a civil case, and the leading reason has to be the presence of the police on the roads, ever ready to ensure that – as a famous American axiom has it – "everyone shall have his (or her) day in court."

For understanding the American language in the context of the insights it provides into general culture, it is important to point out that the selected items of vocabulary and how they have been defined or explained here, and in the *Larger Ameriglish Dictionary*, are drawing attention to a mentality which need not be the same as in other countries. One example pertains to the "police," an institution which most likely can be found worldwide with national and other peculiarities; although most people are likely to consider the police to be a requirement for the reasonably smooth operation of civil society, it has been clear to this author that how people in ordinary society view them depends on how the police function within that society. To most people in the United Kingdom or in Japan, where the police tend to mingle on foot or on bicycle with regular folk, the police are not threatening and are often enough considered to be helpful; in the United States, on the other hand, where the police tend to be hidden in vehicles, are armed with weapons which shoot small, speeding, and explosive projectiles that can maim or kill, even look as if they could be soldiers, seldom mix with ordinary folk (except, for instance, on coffee breaks at the likes of favorite doughnut shops), and seem to enjoy harassing motorists, it is easy to see the police as threatening – as suggested by items [11] and [12] earlier in this article – and thus as something to avoid. Another example is the impact of "rights" on life and discourse in the United States: although most Americans do not actually go out and "fight for their rights," they do spend a reasonable amount of time talking about them, including to the point of animated debate. A current example is the issue of whether two people of the same sex have the right to marry each other, and it is tempting to wonder if in the coming years some people will be arguing that they have the right to opt out of "Obamacare," something like a national-health program which a considerable number of Americans consider to be ideologically unsound in, or inappropriate for, a capitalist society; also, there are always debates going on about the right to own guns, which are also linked to the types of weaponry that are allowed on the legal market, and about such things as whether governmental institutions have the right to display religious material (e.g. manger scenes at Christmastime, the Biblical Ten Commandments) on the grounds of honoring tradition. That Americans do show a deep interest in their rights is, of course, admirable.

How Americans feel and talk about such things as the Constitution, their rights, the behavior of the police, crimes and misdemeanors, the legal process, and punishments is not a trivial part of American culture, but part of a paradigm which establishes behavioral norms throughout the country. Although it is not always easy to do, making sure that one is operating within the law is crucial for most people, hence having a basic understanding of American legal principles and law-enforcement is necessary for somebody who might want to go to the United States and lead a reasonably comfortable life there. Absent a formal national philosophy such as a branch of Christianity, Islam, Confucianism, or Buddhism to set ethical guidelines, to sanctify events and places, and to accord great status to influential people, the United States has turned to legalism as if it were a monotheistic religion with the great god "Law" overseeing all of creation. Americans today might not have a "fear of the Lord" – as apparently, or supposedly, did many of the American colonists and republicans who came before the last few generations – but they do have a "fear of the law" in its stead. "Law," then, has become the new Yahweh or Jehovah, from which other things follow: the Constitution, according to the wisdom of Law's earlier prophets and some general agreements along the way, provides the fundaments or overarching commandments; the legislators are Law's agents, its revealers and lesser prophets (by legislation are the potential consequences of future deeds painted out); the body of legal codes are Law's sacred truths (might fire and brimstone – in the form of fines, incarceration, and other unpleasantries – come the way of those who dare contest the truth); the courts of law, being houses of Law, are sacred structures in which good behavior and observing protocol are required; the judges in the courts are Law's priests, in robes of course, while the lawyers are sages who endeavor to explain or argue how incidents within the mosaic of existence fit into Law's scheme of things; the police, entrusted with weaponry and permission to use physical force, are Law's working-class instruments who thump the subtleties of theory into the realities of life among the human minions ("the law is the law," so there); and "procedure" is none other than ritual, the way of being aligned with spiritual holiness – Law – in methodical harmony. After all, "nobody is above the law," yet it is obvious that nobody is equal to Law either.

Notes

1. The first three, all with the same title as this article, are in *Gengo Bunka Ronshû / Studies in Language and Culture* 31, 1 (2009): 173-191; 31, 2 (2010): 3-19; and 32, 2 (2011): 33-50.

2. On page 33 in the article published in 2011 [see note 1].

3. These examples are from verses 9, 13, and 27 of Leviticus 20, and a glance through other violations which warrant severe punishments in such books as Exodus and Leviticus ought to make it clear that Moses and his God are not considered to be valid sources of law in contemporary America.

4. Cited from the chapter "A Brief about the Other Deity" in George Jappe's *Adventures with "Multiculturalism" in the United States / Comprising Insights into a Great American Hoax and Other Things of Relevance* (Nagoya, 2012).

5. George Jappe's *Larger Ameriglish Dictionary: A Means to Study a Dynamic Language and to Gain Insights into a Complex Culture* (2012), which incorporates most of the entries from the previously published Ameriglish dictionaries and has some changes and a good number of additional entries (altogether there are 2892 entries); as with George Jap's *Ameriglish Dictionary* (2007), *Advanced Ameriglish Dictionary* (2008), *Second Advanced Ameriglish Dictionary* (2008), and *Third Advanced Ameriglish Dictionary* (2009), the *Larger Ameriglish Dictionary* was printed at Nagoya University. As noted in the "Editorial Aside" at the end of the 2012 version of *Adventures with "Multiculturalism" in the United States* [note 4], the spelling change from "Jap" to "Jappe" was "a perverse acknowledgment of, and an oblique challenge to, the recently influential, overly assertive, 'conservative' elements" in the United States: "If, as representatives of a society which is famous for its preferences for coffee and sweet sodas, they want to have a 'Tea Party,' then perhaps a shift towards quaint or old-style – real or apparent – British spellings ought to come into vogue?"

6. Similarly, since "torture" is not allowed by the Geneva War Conventions, the United States government concocted the expression "enhanced interrogation" to get away with torturing at least some people who were captured overseas as part of the so-called "War on Terror."

7. It ought to be pointed out that the word "gulag," as introduced to the English-speaking world through Alexander Solzhenitsyn's *Gulag Archipelago* (1973), was an acronym based on the Russian name for the organization which administered a system of penal camps and colonies in the Soviet Union. The word seems to have become an English word in its own right that emphasizes the literary allusion to an "archipelago," being that the distribution

of the prisons and penal camps resembled islands in the sea; given that that many of the prisons in the United States are easily visible as if they were islands in the sea, have become notorious in their own way, and have inmates who can be seen as victims of harsh penalties under the auspices of “zero-tolerance” and “three-strikes” legislation, it seems appropriate that the term “gulag” be used.

8. The United States has both the largest number of prisoners and the highest per-capita proportion of prisoners among the countries in the world. An Internet search will quickly get interested readers to the statistics, the reasons, and such like.