

## ***COMMENTS RESPONDING TO PROBERT'S "LAW TALK AND WORDS CONSCIOUSNESS"***

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ON THE BASIS of Dr. Probert's recent book, *Law, Language and Communication*, I realized that I was almost certain to agree with what he was likely to say in his talk this afternoon. (1) Now that I have heard him, this is certainly true. He has shown the interplay between the principles of language study and the component elements of everyday behavior. His particular field is "the law." The reciprocal feedback between high generalizations and the details out of which they are derived allows us to test our analyses.

At one place in his book, Dr. Probert asks the question, "Can one imagine law without words?" (2) Apparently it is a rhetorical question, for he gives no answer. It was intended to shake us up. Nevertheless, I would very much like to know what his answer would be. Because he has a good imagination, he may be able to imagine "law without words." But since law does commonly make use of words, the next best thing is to explore carefully what those words do.

It has been a truism since classical times to remark on the importance of language in shaping human behavior; but the rise of a scientific linguistics in the last century at last has given a basis for understanding the mechanisms that are at work. The problems in vocabulary selection have been dealt with over the centuries, but only in recent decades has the realization come that grammatical categories, both obligatory and optional ones, control the direction that

the message takes. Edward Sapir brought this awareness to many linguists from 1921 on, (3) and it was strongly reinforced by Benjamin Lee Whorf. (4) A few philosophers were able to break out of the older molds, such as Wittgenstein, Charles Morris, McLuhan, and the British group that have probed into "ordinary language." Dr. Probert has drawn upon these to advantage. I find it difficult, however, to make a coherent whole of the outlook of these thinkers. What they present are striking insights and aphorisms and wise formulations, but they lack the full systematic breadth that Korzybski has shown.

Korzybski is so sound, it seems to me, because he is aware of the neurological basis of human reactions. He did not allow himself to talk about 'the mind,' for that has habitually referred to an artificially split-off mentalistic realm. It will be noted that Chomsky, who is usually regressive to a 17th-century outlook, constantly talks about "the mind." (5) The non-elementalistic approach of Korzybski will, I believe, be recognized in the long run as a necessary base.

The division of labor in the field of linguistics has resulted in special names like *sociolinguistics*, *psycholinguistics*, *neurolinguistics*, *geolinguistics*, and others — until one begins to wonder about the boundaries of linguistics itself. A startling extension was made in 1972 when the president of the Linguistic Society of America, Dwight Bolinger of Harvard University, gave his presidential address with the title, "Truth is a Linguistic Question." (6) He pointed out that questions of appropriateness in language are constantly dealt with in linguistics, and the most fundamental of all is the question of truth. Thus, lying is a covert category or 'mood' in the linguistic system, and linguists should take it into account.

This outlook poses some difficult questions, when we realize, as Dr. Probert has pointed out, that ambiguity is the natural state for any linguistic utterance. In our use of language we are constantly engaged in the process of *disambiguation*. (Perhaps that is a new word for your vocabulary, but it is one that has recently been much used among linguists.) We are bound to be lying by the nature of the linguistic system itself. Language is the chief obstacle to the recognition of the process nature of the event world. The languages we have inherited are a *static* symbolizing of what is ongoing process and movement. Because of this rift, so difficult to bridge, we get many paradoxes. Out of this problem have developed the many attempts to transcend language, in the so-called 'non-verbal' training. This has been incorporated into the teaching of Korzybski's work. (7)

The exploring of linguistic factors that Dr. Probert is doing results in what has been called the "de-mythologizing" of law. We thereby can get at the genuinely operative mechanisms that affect and indeed determine human actions. One of my early memories, going back to the 1920s, long before I became

professionally concerned with semantics, deals with a legal term. In those years Frank Kellogg got a high reputation for his efforts to bring about the *outlawry* of war, and for them he received the Nobel Peace prize in 1929. But what is *outlawry*? It is based, I think, on word magic, for *outlawry* did us very little good. The problem that it dealt with is still with us, and men like Dr. Probert must do further wrestling with it. His emphasis on *words consciousness* is leading us in the right direction.

### REFERENCES

1. Walter Probert, *Law, Language and Communication*. (Springfield, Ill.: Charles C. Thomas, Publisher, 1972), pp.xxix, 376.
2. *Ibid.*, p.59.
3. Edward Sapir, *Language: an Introduction to the Study of Speech*. (New York: Harcourt, Brace & Co., 1921), pp.vii, 258.
4. Especially in papers printed in 1940-41, now available in *Language, Thought, and Reality: Selected Writings of Benjamin Lee Whorf*, ed. John B. Carroll. (Cambridge, Mass.: Technology Press, 1956), pp.xi, 278, especially pp.207-270.
5. On Chomsky's reversion to 17th-century thought, see his *Cartesian Linguistics: a Chapter in the History of Rationalist Thought*. (New York: Harper & Row, 1966), [xvi], p.119. He speaks (p.32) of 'pursuing the fundamental distinction between body and mind.' Cf. also Chomsky's *Language and Mind* (New York: Harcourt, Brace & World, 1968), pp. vii, 88.
6. Printed in *Language* (Journal of the Linguistic Society of America), Vol. 49 (Sept., 1973), pp.539-550. This paper is remarkably provocative, and I have not yet decided whether or not I can accept its main contention. My view has been that the role of linguistic analysis is to clarify the issues, and the concrete answers must be worked out in each field of science, such as sociology, anthropology, biology, ethology, etc.
7. Note, for instance, the sensory awareness training that has been given at the seminars of the Institute of General Semantics, and the Panel on "Non-Verbal Communication" at the 1963 International Conference on General Semantics, New York University, as reported in the *General Semantics Bulletin*, Nos. 30 & 31 (1963/1964), pp.39-59, especially Charlotte Schuchardt Read, "Communication as Contact," pp.39-40.

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