The Use of Language: Conceptual Framework

Points of Concern

Use of Language

- Language as a Convention
- Recurring Problems of Language
  - Vagueness and Ambiguity
  - Modifiers (Syntax)
  - System Designing: Tabulating, Charting
- Syntactic Modifiers
- Definition

Use of Language

- As words, phrases and statements are the essential building blocks of any legal instrument, it is prone to reflect some language defect(s).
- To avoid such defects or diseases of language, the draftsman should be diligent in his word usage, have clarity in expressing policy issues or need of his client, creative in expressing new concepts and unambiguous or equivocal.

Use of Language

- A skilled draftsman can minimize the language defects witnessed in a draft by deliberating to avoid the major recurring problems of language.

Vagueness and Ambiguity

- *A word/statement having "different significations equally appropriate" or is "capable of double interpretation"*

Modifiers (Syntax)

- Modifiers are especially tricky ("the accused almost defended himself until he was dead"). They should be placed as close as possible to the words they modify. P.175. 178-

Use of Language

- For most logicians today, definitions are intended exclusively to explicate the meaning of words.
- In conformity with this latter position, we may define definition as a group of words that assigns a meaning to some word or group of words.
- Accordingly, every definition consists of two parts: the defined (definiendum) and the definiens.
- The definiendum is the word or group of that is supposed to be defined, and the definiens is the word or groups of words that does the defining.

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