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The Zimmerman Trial

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Language Issues and Linguistic Responses

When interviewed about the Zimmerman trial on July 12th, NPR's Code Switch blogger, Gene Demby, asserted that "criminal trials are just very bad venues for us to resolve these bigger, messy issues" (like racial profiling) because juries are only "asked to decide a very, very particular legal question." Fair enough, but high profile courtroom dramas invite citizens' visceral identifications with characters that shape their outlook on those "bigger, messy issues." One factor that determines such identifications is speech—what words mean, how talk rings in our ears, and how we train ourselves to talk to others. What strikes me about the Zimmerman case is the extent to which the media has highlighted the discursive politics implicated in the trial. When such debates turns metadiscursive, linguistic anthropologists and scholars in kindred fields can assert expertise in the public sphere. Here I review some trial-related issues that have warranted, and in some cases received, our intervention.

Early in the trial, the defense cross-examined a 19-year old, working-class black woman, Rachel Jeantel, the last person to speak to Trayvon Martin before his fatal altercation with Zimmerman. When Jeantel responded to defense attorney Don West's questions in terse, African American Vernacular English (AAVE), news anchors and their guests (be)mused over Jeantel's discomfort, hostile affect, and "hard to understand" diction. Communication difficulties between West and Jeantel were nearly always blamed on Jeantel because she was "brutally ignorant" (Jonna Spilbor on *Fox News*, 7/25). The notorious Juror B37 reasoned that, she "didn't want to be there" (on the stand), had poor "education and communication skills" and was thus worthy of pity, not credibility: "I just felt sadness for her" (interview with Anderson Cooper, 7/16).Even Jeantel's fluency in Spanish and Haitian Creole somehow rebounded to make her the problem; when she admitted that West's legalese interrogation was hard to follow, he retorted, "Are you claiming… that you don't understand English?" Some commentators acknowledged "dialect differences" in the encounter, but nonetheless treated only Jeantel's dialect as iconic of an identity that lacked credibility. Both West and the media aligned Jeantel's discourse with her posture on the stand, her (scrutinized) relationship to Martin, and her choice not to call the police that night. Reanalyzing these as components of a model of personhood, commentators purveyed the cross-modal stereotype of angry, uppity, slutty ghetto thuggishness.

Yet other journalists quickly consulted scholars who picked apart the metalinguistic assumptions underscoring the aforementioned. A *Huffington Post* story (6/30) noted that problems of intelligibility owed as much "to a primarily white jury" (and West) as they did to Jeantel's talk. That piece featured sociologist Rashawn Ray who attributed Jeantel's anxiety under testimony to her "lack of ability to code-switch between language varieties," and her choice not to contact the police to the "distrust and the consistent unjust treatment of lower-income, minority communities." Linguists John Rickford (interviewed on *Here and Now*, 6/28) and John McWhorter (in a *LA Times* column) both explained the linguistic subordination flowing from right-wing media in lay terms. Rickford: "Because people seem to agree that language is this profound mark of education and worth, then you can often beat up on it when you want to beat up on other aspects of people without fear of being criticized." The verdict aside, their efforts helped disrupt folk assumptions about language that stigmatize testimony given in marginal dialects, even if Laura Ingraham and other Fox favorites dismissed their insights as "white guilt" (*O'Reily Factor*, 6/28).

Jeantel's testimony also reopened a swath of reflections on racial slurs. Who can say them? How comparable are they? For instance, is "creepy-ass-cracker" "as bad as" "nigger?" Attorney West certainly claimed it was a "racial term," presumably evidence that Martin (who ostensibly uttered the term in reference to Zimmerman) harbored racial antagonism—all to suggest that he attacked first. On a CNN panel (7/2) debating the issue, anthropologist Marc Lamont Hill argued that cracker is "certainly a racially offensive term…(but) the difference is… there's no word that matches the N-word… because blacks and whites are not… opposite sides of the same coin." Hill highlighted the hypocrisy of demands for equality among racial words when we live in a context of inequality among races.

Also up for scrutiny was the appropriate use of racial designators and the authority to assign them: Did "liberal" CNN journalists refer to Zimmerman as "white Hispanic" (rather than just "Hispanic") because "they need the word 'white' to further the story" of racial profiling, as Fox's Bernard Goldberg (3/27) claimed. In response to such statements, Jonathan Rosa critiqued that "the only questions we have to ask, based on our ideas about a racial binary, is 'Which way will Latinos go? Will they be white or black?' We can't imagine Latinos in their own specificity" (on *Melissa Harris-Perry*, 7/28). In a post-trial interview, Jeantel worried that Martin's reference to Zimmerman as a "nigga" ("That nigga is still following me.") misled the jury as to Zimmerman's ethnicity. She asserted a semantic distinction between "nigger" and "nigga." The latter, she said, meant only to "a male," not necessarily a *black* male. A chortling Rush Limbaugh pounced, "Well I think I can (say it) now. Isn't that the point — because it's not racist?… I could be — a Chinese male, a guy at the Laundromat…" (see *Daily Caller* 7/16). It's old

news to linguists (and intuitive to most speakers) that the meaning of utterances is context-dependent, shaped by (among other things) the participants' ethnic identities. Limbaugh's ghoulish Chinese-Laundromat association nicely reveals how the denial of context-shaped meaning evinces not only a wrong-headed take on language, but one that naturalizes a political agenda hostile to racial justice.

Finally, the case brought up a controversy pertaining to race-based parenting discourse. The highest profile instance was Attorney General Eric Holder's statement (7/15) that Zimmerman's acquittal meant he had to give his son "The Talk" about how black people are assumed to be violent by some white people and thus at great risk for harm. Days earlier, Actor Lavar Burton publically recounted the tutorial he gave his son on how to keep "the cop as relaxed as possible" when his car is pulled over. Talk of "the Talk" sparked strident outrage among conservatives like Bill O'Reiley who insisted that cops (and others) are nervous simply because blacks commit more crime. And Victor Hanson of the *National Review* wrote, "I fear that for every lecture of the sort that Holder is forced to give his son, millions of non-African-Americans are offering their own versions of ensuring safety to their progeny." Let's assume Hanson is correct: The safety discussions he's referring to still do not parallel or complement those of Black Americans: they logically precede "the Talk" given by black parents. Consider that Hanson's father (as he reports) taught him to feel fear ("beware") when "young black men approach," whereas Holder and Burton taught their sons how to avoid arousing fears already instilled in white people by their parents and others. The black "Talk" takes into account the white one, but not the other way around. What would it mean if white parents in the US issued their cautionary words with the caveat that millions of black parents knew exactly what they were saying and were counseling their children on how to adjust to that reality?

I continue to be troubled by many of these discussions, but I take heart in seeing our colleagues add their voices to them.

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