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Charlotte Van Voorhis
Yale University

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What Two Canonical Novels Tell Us About Linguistic Prejudice in United States Courts

Charlotte Van Voorhis¹

¹Yale University

Abstract

In this senior essay, I reflect on how African American English (AAE) is represented and perceived in our society. I establish that it is a regular and systematic variety of English. I investigate two novels, *To Kill A Mockingbird* and *Their Eyes Were Watching God* and whether their depictions of AAE accurately reflect its systematicity. I equate inaccurate representation in the novels with the disrespectful treatment of AAE and its speakers in the United States currently. I compare the treatment of AAE in the novels' trials to its treatment in *State of Florida vs. George Zimmerman (2013)*, in which Rachel Jeantel's testimony was severely criticized and unfairly dismissed. By exploring this thematic link between canonical American fiction and contemporary events, the wounds caused by linguistic prejudice can begin to heal.

THE GRAMMAR OF AAE

The spark of inspiration for this project came when I read a paper that John Rickford and Sharese King published in 2016. This essay delineated the linguistic legitimacy of witness Rachel Jeantel's dialect in *Florida vs. Zimmerman (2013)*. I do not write in order to speak for anyone but rather, as Rosina Lippi-Green wrote in her introduction to *English with An Accent*, "to open up a discussion and examination which has been suppressed for too long" (2012:ix). Extending from the groundbreaking work of Rickford and King, I hope to critically analyze how these canonical texts reflect the contemporary linguistic attitudes embedded in American society.

All languages and dialects have specific rules that govern what every speaker considers grammatical. One rule of AAE is the linguistic phenomena known as *negative concord*. This is an agreement rule which governs languages' negative clauses and requires indefinite words to have an additional

negative feature. This is because in American Standard English (ASE) negation works like a multiplication problem as shown in (1) and (2), while AAE works like an addition problem as shown in (3) and (4):

1. I shouldn't_{NEG} not_{NEG} call him (ASE) = I should_{POS} call him (ASE)
2. $-1 \times -1 = 1$
3. I ain't_{NEG} gonna call nobody_{NEG} (AAE) = I am not_{NEG} going to call anyone (ASE)
4. $-1 + -1 = -2$

While in ASE, using two negative markers in a sentence makes the meaning positive, in AAE, negation just makes the sentence more negative. Like AAE, many languages mark negation wherever possible in a sentence which can come in the form of sentential negation (negating the auxiliary or modal with *n't*) and neg-words (i.e. never, not, nobody)

(Matyiku, 2011). The grammar for Italian and Spanish operate under these rules and no one would claim that they are not legitimate languages. Even the Pope uses negative concord when he speaks in either Italian or Spanish!

AAE has many rules and complexities that differ from ASE or other dialects of American English (i.e. null copula, habitual *be*, omitting postvocalic *-r*, reducing consonant clusters, absence of third person singular, plural and possessive *-s*, etc.). In the same way that negative concord is a legitimate and functional feature of other languages, these features serve important and complex purposes in AAE and other languages. Therefore, prejudice about AAE as a dialect has more to do with bias about its African American speakers than with the efficacy of it as a language.

AAE IN CANONICAL NOVELS

I decided to investigate two famous pieces of American fiction, that I first read in middle school, and their depiction of AAE, because I wanted to investigate if language and race intersect in fiction similar to the way they intersect in America today. Did the authors present AAE in a well-researched form that shows its systematicity as a legitimate dialect? How are the AAE-speakers in these novels treated in the courtroom? Inaccurate representation would signal to me the same kind of misunderstanding about AAE's grammar that many Americans have still today. Omission of AAE in certain instances also signalled a linguistic ideology that privileges other dialects over AAE, which also occurs today in American society.

The first novel under linguistic scrutiny is Zora Neale Hurston's *Their Eyes Were Watching God* (from here on referred to as *Eyes*), which was first published in 1937 and has since become a standard of American curricula. Hurston's representation is, in fact, personally authentic and linguistically

accurate. Hurston was raised in the African American town of Eatonville, Florida, where her novel takes place. She listened to and spoke the particular dialect of AAE used by most of her characters as a child and young adult before returning as a graduate student of folklore. Hurston graduated from Howard University and then Columbia University as an anthropologist and folklorist, spending years recording and collecting folk stories from neighbors in her hometown. Therefore she depicts a dialect with which she has intimate understanding.

Other scholars have empirically corroborated Hurston's AAE depiction as a linguistically accurate representation, most thoroughly by Betsy Barry. In her 2001 paper, Barry selected four chapters of *Eyes* and split up each word in the character dialogue into four categories based on whether the respellings (also referred to as *alternative spellings*). Alternative spellings are instances when an author spells a word differently than its ASE spelling in order to highlight the character's dialectal difference. For instance, Hurston often writes "Ah" instead of "I" which reflects the monophthongization of the vowel [ai] → /a:/. The four categories Barry studied were similar to 1) elision, 2) assimilation, 3) non-phonetic respellings or 4) phonetic respellings that attempt to mirror a certain regional, social or ethnic variety of English (Barry, 2001:184). From all of these examples in Barry's paper, combined with Hurston's personal and historical connection to the settlement of Eatonville, FL, I concluded that the representation of AAE in *Eyes* is linguistically accurate. I concluded that the AAE in *Eyes* is used to elevate the dialect by showing its efficacy, complexity and systematicity. However, as I explain later, Hurston omits AAE from the novel's important court scene, which signals at the disrespect this dialect receives in some American institutions, like a court of law.

The second novel discussed is Harper Lee's *To Kill A Mockingbird* (from here on referred to as *Mockingbird*) which she published in 1960, a few decades after *Eyes*, although both

are set around the same place and time—in the American South of the 1930s. Lee writes, like Hurston, with an ASE-speaking narrator, but also writes her characters' dialogue with alternative spellings and syntactic structures to indicate the different non-standard dialects at play in the fictional town of Maycomb, Alabama. Lee observed her family and friends during her life and used them as inspiration for her characters. In *Mockingbird*'s court scene, Atticus Finch defends Tom Robinson against false accusations that Robinson raped Mayella Ewell. Throughout the novel, Lee illustrates how racism, classism and sexism all play into the deep prejudices white Maycombers have against Black citizens. However, Atticus defends Robinson because he knows it is the right thing to do and tries his best to compel the jurors to serve justice in their decision.

I performed my own analysis of Tom Robinson's dialogue and while Robinson uses multiple features of AAE in his testimony, like the negative concord, I found that Lee wrote in these features, using alternative spellings, without consistent application. Of the thirty-four possible instances where Robinson could have used AAE's negative concord, he only did so eight times. In the six possible instances of null copula, he omitted the copula four times. Of the fifteen possible moments of the *pin/pen* merger, he did so twice. This left the impression that Robinson's language did not follow any rule-governed grammar, which is not true of AAE. Some of the features of Robinson's dialect were not found in *Eyes* or the Corpus Of Regional African American Language (CORAAL), both of which I used as a comparable baseline. These features (i.e. singular *-s*, past indicative *were*, suffix *-n*) appear in the Dictionary of Smoky Mountain English (SME) (Montgomery & Hall, 2014), which Robinson presumably was not speaking in Maycomb, AL in the 1930s. He may have had exposure to SME as a dialect, but given the isolated nature of Maycomb and specifically its Black, AAE speaking population in Lee's story, this is not likely. By not writing Robinson's

dialect in a systematic and linguistically accurate way, Lee shows that AAE was not considered a legitimate and independent dialect from what her white characters spoke and sets up Robinson's voice to need translation in order to be heard.

Lee's inconsistent depiction reveals not only her own ignorance of AAE projected onto Robinson's dialogue. She sprinkles alternative spellings throughout Robinson's dialogue, giving a vague sense of AAE without using the meticulous representation that Hurston does in *Eyes*. For instance, Robinson says at one point, "Yes, suh" (Lee, 2010:224) with the "-uh" representing a dropped postvocalic *-r*, which like negative concord, is characteristic of AAE. However, in his next line, he says "He beat me, Mr. Gilmer" (Lee, 2010:224) without any alternative spellings for dropped postvocalic *-r* at the end of "Mr." and "Gilmer," which presumably would have been present in addition to the one in "suh." Lee's choice not to spell the latter two instances differently reflects an impression that she inaccurately thinks these two would be phonologically different than "sir" in AAE. Alternatively, she expects readers to apply their perceptions of Robinson's dialect or add his accent in themselves without her spelling it out for them. I argue that Lee's choices show her ignorance of AAE and her misconception that it is not its own legitimate variety of English.

In the other text, *Eyes*, most of the characters speak in AAE allowing the reader to become familiar with its structure over the course of the book. As I stated before, this shows how Hurston perceived the dialect not as sub-standard, but as a medium through which to tell stories. This particular story is about Janie Woods, who grows up in Florida and who shoots her husband, Tea Cake, after he gets rabies and tries to kill her. Hurston writes about how Janie slowly finds her voice and learns to speak for herself, instead of letting men speak for her. Oddly, the one place where Hurston leaves Janie's voice out is in the trial scene after Tea Cake's death. Unlike *Mockingbird*,

the court scene in *Eyes* comes at the very end, lasts only four pages and is by no measure the climax of the novel. Janie does not experience a cross-examination and the jury only takes “five minutes by the courthouse clock” (Hurston, 2006:188) to contemplate her words and find her not guilty. Throughout the court scene, Hurston’s narrator takes the brunt of the descriptive burden and so most of the court proceedings occur in narration.

This has the effect of translating Janie’s dialect, which I argue delegitimizes AAE’s place in the courtroom setting because even Hurston, who worked so hard to portray it accurately and elevate its narrative ability, does write about its treatment in a courtroom. Hurston gives Janie’s AAE no space to exist in the courtroom in an attempt to maintain the idea that the novel ends happily. She never confronts the improbability of a Black woman single-handedly convincing an all-white court of her testimony while speaking in AAE. The ASE of the narrator becomes a kind of gloss through which the ready audience of readers and jury members can understand Janie’s voice, which itself never even appears in dialogue form. This translation, and subsequent risk of misunderstanding, has real consequences for AAE speakers in America today.

RACHEL JEANTEL’S LANGUAGE ON TRIAL

On the evening of February 26, 2012, Trayvon Martin, who was on the phone with his friend Rachel Jeantel, was approached by George Zimmerman and fatally shot. Only Zimmerman lived to speak about what occurred between when Martin’s phone disconnected from Jeantel’s and when others arrived at the scene. Over two weeks, both prosecutor Bernie de la Rionda and defense attorney Don West called witnesses and provided extensive evidence to the judge and the jury. After sixteen hours of deliberation, the jurors found Zimmerman not guilty of second-degree murder and

manslaughter. However, despite her central role in the case, ‘no one mentioned Jeantel in [the 16+ hour] jury deliberations. Her testimony played no role whatsoever in their decision’ (Juror, as reported in Bloom 2014:148). How could the closest person to an eye-witness in a murder trial not come up once in deliberations?

The mistreatment of Rachel Jeantel’s systematic AAE connects her experience as a witness in *State of Florida vs. George Zimmerman* (2013) with Tom Robinson in *Mockingbird* and Janie Woods in *Eyes* and shows how the United States judicial system does not treat every citizen’s testimony with due respect. Rickford and King (2016) analyze multiple features of Jeantel’s AAE (absence of present tense, plural and possessive *-s*, null copula, *pin/pen* merger, consonant cluster reduction, etc.), showing its systematicity. However, Jeantel’s testimony was largely thrown out because many people couldn’t understand what she said and because defense attorney Don West used that fact to drive a wedge between Jeantel’s words and the jury. This misunderstanding came not from the ungrammaticality of Jeantel’s dialect, but from prejudices against AAE and Jeantel as a speaker of it. As in *Mockingbird*, AAE was translated because it is not able to stand alone in a setting conducted in ASE. Furthermore, Jeantel’s AAE was thrown out by jury members or omitted, as in *Eyes*, from the courtroom.

Just as Atticus does for Tom Robinson and Hurston’s narrator does for Janie, Jeantel’s AAE was translated in the courtroom instead of standing on its own. At one point Judge Debra Nelson instructed Jeantel to “give us your answer as slowly and clearly and loudly as you can” (Seminole DCR, 2013). Nelson implicitly meant that Jeantel should speak in a more standard way so that the rest of the court could understand her; but no matter how much Jeantel raised her voice and slowed down, confusion about her statements remained. During Jeantel’s testimony, court reporter Shelley

Coffey asked her to repeat herself and after she did (5), Judge Nelson also informally translated Jeantel.

5. Rachel Jeantel: She ain't know my age
 Judge Debra Nelson: She didn't (.) know (.) my age
 (Seminole DCR, 2013)

Nelson misquoted Jeantel (albeit while maintaining the meaning of her words) showing how AAE requires ASE translation in order to be documented correctly. We see this in *Mockingbird*, when Atticus delivers his final defense.

Defense attorney Don West translates Jeantel's words at different points in his cross-examination, but deliberately without maintaining her meaning and this serves to diminish her reliability as a witness in the eyes of the jury. This comes especially during a line of questioning on her use of the incendiaries, "n*gga" and "cracka." Even though Jeantel only used them in recounting what Martin said on the phone to her about Zimmerman following him (6) and (7), the words made the jury uncomfortable.

6. "The n*gga behind me" (Seminole DCR, 2013)
 7. "Creepy ass cracka" (Seminole DCR, 2013)

On *The Piers Morgan Show*, Jeantel explained that to her and Trayvon's peers, the N-word with an *-a* ending refers to a male of any ethnicity, unlike the highly racially coded *-er* ending, which was used for centuries as a derogatory term for Black people. According to Anderson (2015), the appropriated form of the N-word featured in AAE has a meaning of "friend" or "buddy" in certain speech communities, when used by a Black person to refer to another. All of these nuances about these terms and their place in AAE were lost on the jury and so a language chasm formed between them and Jeantel which served to discredit her testimony.

West used the opportunity to further divide Jeantel's testimony from the jury by flipping the meaning of Trayvon's words, which simply referred to Zimmerman as a creepy person seemingly stalking him, to an example of reverse-racism. Slobe annotated the following exchange from West's cross-examination of Jeantel (8) to show "West's use of stress (underlines), pauses (parentheses), and slow, deliberate speech (comment in angled brackets, followed by the stretch of talk to which the comment applies in curly brackets)."

8. Don West: so it was racial
 [0.5] but it was because Trayvon Martin
- <slowly> {put race in this}
- Rachel Jeantel: mm no
- DW: you don't think that
- <slowly> {creepy (.) ass (.) cracker} [0.5] is a racial comment?
- RJ: no

When asking about Martin's use of "cracka," West repeated his questions and focused on the jury-upsetting incendiaries. He knew that "cracka" would have a different perlocutionary meaning to white audiences, instead of the meaning it had when Martin said it to Jeantel. These incendiaries upset the jury; "All the other jurors ... were offended by 'creepy-ass cracka,' [a juror] said, and they were *done* with Jeantel once they heard that" (Juror, as reported in Bloom, 2014:135). To Jeantel, the important point was that Martin was threatened by the strange man following him. Since *cracka* and the N-word have racial connotations to non-speakers of AAE, West's manipulation served to make Martin look aggressive and Jeantel illogical; "the *creepy-ass* expression that was so shocking and alienating to the white jurors derives from a common, productive process in AAE that is heard as neutral in uncensored mode" (Rickford & King, 2016:970). This

successful strategy of West's created distance and a lack of empathy between Jeantel and the jury.

Using the throughline of AAE translation or lack of representation in courtrooms from twentieth-century American fiction, the unsettling reality of disrespect that AAE and its speakers receive in the same American institutions becomes clear. Without making more of an effort to understand every citizen and normalizing different dialects as legitimate, American courts continuously fail its citizens.

CONCLUSION

AAE is a systematic and legitimate dialect of American English, with precise rules, that serves as a rich connective medium for its speakers to communicate. In *Mockingbird*, Lee's representation of Tom Robinson's AAE reflects the idea that AAE is not systematic and must be translated in a courtroom in order to be respected. Hurston, on the other hand, omits AAE from the courtroom entirely, which helps prove the point that AAE is not accepted in that space. Rachel Jeantel's testimony was disrespected by a court system that could not, or did not want to understand her. Phenomena that can be traced back to *Mockingbird* and *Eyes* and found in her experience show that AAE is still translated or omitted in modern courtrooms. In order to fight the insidious cycles of systemic racism and linguistic prejudice in courts, the racialization of language must be confronted so that everyone can fairly participate in our country's judicial system.

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