

Everyone has the right to understand: Teaching legal rights to ESL students

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Abstract

In recent years, English as a second language (ESL) educators have developed a variety of online resources for addressing legal issues. The problem is that the authors' understanding of laws and police procedures varies greatly, and so does their familiarity with relevant research, the breadth of topical coverage, and the quality of police-themed units, discussion questions, and lesson plans. The aim of this article is to offer a research-based approach to the integration of legal topics in ESL curricula. This discussion draws on the authors' collective experience with public advocacy (Communication of Rights Group, 2015), research on the *Miranda* rights (Pavlenko, 2008; Pavlenko, Hepford, & Jarvis, 2019), and teaching the *Miranda* rights and other legal topics to diverse ESL populations, ranging from international college students to middle school pupils.

1 | INTRODUCTION

On December 30, 2004, Natasha, a Russian student at a U.S. university, walked into a police precinct to be interviewed as a witness in a murder investigation. The interview proceeded in English and, an hour later, the detective presented Natasha with two documents: the Consular notification, obligatory in the case of detention of foreign nationals, and the *Miranda* warnings, outlining suspects' rights. On the surface, the forms were presented “by the book”—read slowly, with the text visible to Natasha—but in the process, the detective managed to trivialize them as a harmless bureaucratic procedure. Serene and unaware that her status had just changed from a witness to the suspect, Natasha signed the forms, waiving her rights to silence and an attorney.

The rights waived by Natasha were articulated by one of the most progressive Supreme Courts in U.S. history. Deeply committed to ensuring due process, the Warren Court decided that

the person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have a lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him. (*Miranda v. Arizona*, 1966, p. 437)

Notably, the Supreme Court outlined the components of the warnings but not their precise wording. As a consequence, the *Miranda* warnings used by individual jurisdictions differ greatly in their language, length, content, complexity, and comprehensibility (Rogers, Harrison, Shuman, Sewell, & Hazelwood, 2007; Rogers, Hazelwood, Sewell, Harrison, & Shuman, 2008). Similar laws are enforced in Australia, Canada, New Zealand, and the United Kingdom, but research shows that even first language (L1) speakers of English do not always fully understand their rights and the consequences of waiving them (e.g., Rock, 2007; Rogers et al., 2013).

The problem is even greater among second language (L2) speakers, as seen in the two empirical studies conducted to date. In New Zealand, Innes and Erlam (2018) found that L1 speakers performed significantly better (90% to 74% accuracy) on comprehension questions following the presentation of rights than L2 speakers (61% to 58%). In a study conducted in the United States by two of the present authors (Pavlenko, Hepford, & Jarvis, 2019), 41 native speakers of English and 59 L2 speakers enrolled in advanced ESL classes, were asked to listen to recorded *Miranda* warnings, played one sentence at a time, and to write each sentence in their own words. Their responses were then rated by three independent evaluators who assessed each paraphrased clause, assigning 0 points for blank or misunderstood clauses, 1 for partial understanding, and 2 for full understanding, with a maximum score of 22 points. The analysis revealed that only four L1 speakers achieved a score of 22, which represents comprehension of 100% of the text. The lowest threshold for L1 performance was 15 (68% of the text). Adopting 15 as a minimum comprehension threshold, the researchers found that only two L2 speakers (3.4% of the participants) reached this threshold. In contrast, eight L2 speakers (13.6%) received a score of 0, demonstrating no comprehension at all.

Even more disconcertingly, several participants, eager to fill the gaps in understanding, did exactly what their teachers always told them to do—they inferred meanings from context, based on phonological similarity and semantic fit. Unfortunately, in the case of the *Miranda* warnings, the compensatory strategies led them astray, all the while creating an illusion of understanding. For example, “You have the right to have a lawyer present” was heard by some as “You have the right to have a lawyer in prison”; the term *waiver* was interpreted as “a document that safeguards your rights” and the collocation *exercise rights* was paraphrased as “workout rights” or “rights to physical exercise.”

These paraphrases take us back to Natasha, whose case is described in Pavlenko (2008), based on the forensic report prepared by the author for a court hearing. In her 3 years in the United States, Natasha had achieved intermediate L2 proficiency, insufficient to process sentences with legal jargon, multiple clauses, passive and impersonal constructions, and nominalizations. She was also unfamiliar with the criminal justice system and her rights. In the absence of this knowledge, she relied on her interactional skills and the detective’s explanations, unaware that police officers are allowed to lie, deceive, and trivialize the *Miranda* warnings to steer suspects toward consent (Leo, 2008). Nothing in her previous education and experience prepared her to say *no* to the police.

Natasha’s case is far from unique: Overviews of cases involving L2 speakers show that people with limited English proficiency are commonly interrogated without interpreters, and judges tend to

find their *Miranda* waivers valid, even if they required an interpreter later on (Berk-Seligson, 2009; Einesman, 2010; Villalobos & Davis, 2016). To address these concerns, a group of linguists, psychologists, lawyers, and interpreters in Australia, England and Wales, and the United States, convened by Aneta Pavlenko and Diana Eades, issued *Guidelines for Communication of Rights to Non-Native Speakers of English* (Communication of Rights Group, 2015). The key recommendation in the *Guidelines* is an in-your-own-words requirement, whereby after presenting each right, investigators ask suspects to explain, in their own words, their understanding of that right and the consequences of waiving the right. If the suspects are unable to paraphrase the rights, an interpreter should be called—regardless of whether the suspect had requested one—and the procedure repeated anew.

Procedural reforms, however, are notoriously slow, and educators can't afford to wait. In what follows, we discuss our collective experience with teaching the *Miranda* rights and related topics to diverse ESL populations, ranging from international college students to middle school pupils, in hopes to contribute to the growing body of work on social justice pedagogy in TESOL.

2 | SOCIAL JUSTICE PEDAGOGY AND LANGUAGE ACCESS: THEORETICAL FRAMEWORK

Sociolinguists, linguistic anthropologists, and language educators have long been concerned with linguistic dimensions of social and economic inequality, cultural domination, and disparities in political participation and the legal process (Duchêne, Moyer, & Roberts, 2013; Eades, 2010; Piller, 2016). These concerns gave rise to socially conscious pedagogies that encourage ESL students to recognize linguistic, racial, and gender biases and systemic inequalities in dominant institutions; reflect on discourses and practices that promote these inequalities; and advocate for more equitable practices (Chang, 2018; Hastings & Jacob, 2016; Hawkins, 2011). This work, however, is concerned with social injustice on the basis of gender, class, and race. What we haven't been able to locate are research-based publications dedicated to raising ESL students' familiarity with their legal rights and their ability to assert these rights.

This is not to say that the TESOL profession is unconcerned with legal matters and interactions with the police. ESL textbooks frequently feature police-themed units, such as what to do during a traffic stop (e.g., Pittaway, 2010). One can also find numerous resources online. The problem is that their authors' understanding of law and police procedures varies greatly and so does their familiarity with relevant research, the breadth of topical coverage, and the quality of the proposed lesson plans, activities, and prompts. Our experience mitigates against simplistic questions such as "Do you think police are good or bad?" and problematic prompts such as "Have you ever bribed the police and, if so, how much was the bribe?" Our aim here is to discuss a research-based approach to teaching legal rights and to initiate a professional discussion about the ambiguities, complexities, and best practices in this work.

At the heart of our approach are concerns with linguistic inequalities in the legal process. "Police officers have considerable situational power over interviewees," notes Eades (2010), and they also have "linguistic power: to direct a witness's story, to choose what aspects to focus on in a summary of their story, and to ask questions of suspects in a coercive way" (p. 180). In the case of L2 speakers, these powers are even greater. In addition to what is said, interrogators control what is understood: They may decide against using an interpreter, make their own speech less comprehensible (e.g., through faster rates), and coerce L2 suspects into waiving their rights.

These behaviors constitute violations of *language access*, defined here as the right of individuals to access information critical to their physical, social, and economic well-being in a language

they understand. The legal foundation of this right in the United States is Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency,” signed August 11, 2000, by President William J. Clinton (LEP, 2000). Since the order was signed, federal and state agencies that provide direct public services have articulated language access plans with training, monitoring, and outreach components; translated vital documents and forms into commonly spoken languages; hired bilingual staff members; and increased their reliance on professional interpreters. Nevertheless, researchers continue to document linguistic inequalities in the criminal justice system, where people with limited English proficiency, like Natasha, are taken advantage of (Berk-Seligson, 2009; Pavlenko, 2008; Villalobos & Davis, 2016; Wallace & Hernandez, 2017).

The aim of our work is to equip ESL students with pertinent knowledge about the legal process and “linguistic resources to resist coercion in an interview” (Eades, 2010, p. 152). To do so, we used the research to date to develop curricular units that have five common aims:

Aim 1: to provide students with basic knowledge about their legal rights

Aim 2: to help students develop the linguistic means and procedural knowledge necessary to exercise their rights

Aim 3: to clarify the workings of the criminal justice system

Aim 4: to engage students in critical reflection on mechanisms that perpetuate power inequalities in the criminal justice system

Aim 5: to familiarize students with resources they can turn to when their rights have been violated

In what follows, we discuss four curricular units, using the *Miranda* rights as a common thread.

3 | TEACHING LEGAL RIGHTS TO ESL STUDENTS: A RESEARCH-BASED APPROACH

3.1 | Know your rights

To enhance students’ knowledge of their basic rights (Aim 1) and help them master the language of rights (Aim 2), we ask them to create a Venn diagram of the rights and freedoms they think they have in their home country and in the United States, with the middle section containing the similarities between the two (see Tavella, 2020, for examples). In a homogeneous class, the assignment can be completed in groups and in a diverse class individually with the teacher’s assistance. In the process, teachers can evaluate which terms and linguistic structures students are familiar with and which represent difficulties. In the study of the comprehension of the *Miranda* warnings, lexical gaps of advanced ESL students included legal terms (e.g., *consent*, *jury*), low-frequency words (e.g., *infringe*, *seize*), and polysemous words, that is, words with multiple meanings (e.g., *capital*, *present*) (Pavlenko et al., 2019). Even students’ mastery of *right* was partial: All were familiar with oppositions *right/left* and *right/wrong*, but not everyone knew the meaning of *right* as a legal guarantee.

Our next step is to select an age- and level-appropriate foundational document, such as the Bill of Rights, the Universal Declaration of Human Rights (UDHR) (United Nations [UN], 1948), or the American Civil Liberties Union (ACLU) *Know Your Rights handbook for public school students* (ACLU.). To assess the mastery of vocabulary critical for understanding the document, we use three steps: a pretest, a check of understanding, and deepening of understanding (see Table 1; for the full vocabulary list, see Tavella, 2020). In column 1, students are asked to circle a number that best reflects their understanding of the word: 1 means *no knowledge*, 2 means *somewhat familiar*, and 3 means *they*

TABLE 1 Abbreviated version of Activity 2 Vocabulary Rating and Comprehension

Rate the word	Check your understanding	Deepen your understanding
<i>Miranda</i> rights 1 2 3	The <i>Miranda</i> rights are a set of rights that protect me anytime I need to talk to the police. Yes No	I need my <i>Miranda</i> rights to protect me when _____ _____
Provided/appointed 1 2 3	Something that is provided or appointed for you is given to you. Yes No	It is helpful to have a lawyer provided because _____ _____
Waive 1 2 3	If I waive my rights, I tell the police officer I do not want to use them in that moment. But I can change my mind later. Yes No	A suspect should not waive their rights because _____ _____

Note.: See Tavella (2020) for full activity.

could teach it to another student. Next, we help students explore the key terms in depth with the help of examples, dictionaries, video clips, TED Talks, and, in the case of UDHR, written translations and video clips of people reciting the rights in their native language (the UDHR website features clips in more than 80 languages and translations in over 500). Once students develop familiarity with legal terms and their use, they can check their understanding by completing yes/no or true/false questions in column 2, with the answers reviewed by the teacher. As a summative task, students answer short questions in the third column related to each vocabulary word. Afterward, we read the document with the students and discuss the meaning of each right.

As students broaden their understanding, they repeatedly return to their Venn diagrams, adding relevant information and deleting stereotypes and perceptions that turned out to be incorrect. In the final Venn-related activity, students share their findings with the class. Then, we ask them to create posters illustrating each of the rights, using as an example the illustrated version of the UDHR (UN, 2015).

Our students find comparisons of legal systems engaging and informative, but these activities are not without pitfalls. International students from China, Saudi Arabia, Russia, and other countries criticized for police corruption and violations of human rights may feel defensive about their home systems. Alternatively, they may find critiques of law enforcement in the United States “unfair” because they see the American system as “highly superior” to the one they are familiar with. Educators uncomfortable with such tensions can focus instead on universal rights and discuss what basic rights all humans should have in the students’ view, what counts as a violation of a particular right, and what course of action one can take to exercise this right in the United States. In the process, students should be familiarized with age- and level-appropriate resources, such as free legal clinics and the ACLU and UDHR websites (Aim 5).

3.2 | The *Miranda* rights

To deepen students’ understanding of their rights in the U.S. criminal justice system (Aim 1), engage them in critical reflection (Aim 4), and equip them with the linguistic means and procedural knowledge necessary to defend and exercise their rights (Aims 2 and 5), we focus specifically on the *Miranda* rights. First, we show a YouTube clip of a police officer reciting the *Miranda* warnings and

TABLE 2 Sample chart for teaching homonyms and polysemous words

Word	Sentence	Translated sentence	Simple definition	True/false question
Right	The book is to the right of the paper.		<i>A direction. The opposite of left.</i>	Most people use their left hand more than their right hand. True False
Right	She circled the right answer.		<i>Correct</i>	My answers are always right on quizzes. True False
Right	You have legal rights in the United States.		<i>Something guaranteed</i>	Laws protect our rights. True False
Write	We write every day in class.		<i>To put letters on paper</i>	Children learn to write at school. True False

ask students what they think they saw and what they know about their rights. Then, we introduce a *Miranda* warning form. Although the version below is fairly representative, each jurisdiction has its own wording and we urge teachers to obtain the form used by their local police department.

Miranda warnings

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to an attorney and to have him or her present with you while you are being questioned.
4. If you cannot afford to hire an attorney one will be appointed to represent you before any questioning if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.
6. Do you understand each of these rights I have explained to you?
7. Having these rights in mind, do you wish to talk to us now?

Studies to date identify several linguistic factors complicating the understanding of such sentences, including (a) information density, (b) legal jargon (e.g., *attorney, court of law, exercise rights*), (c) low-frequency terms (e.g., *afford, remain*), (d) polysemy (e.g., *present, right*), and (d) syntactic complexity (e.g., multiple clauses, subordination, embedding, multiple negation, passive and impersonal constructions, nominalizations, prepositional phrases) (Berk-Seligson, 2009, 2016; Pavlenko, 2008; Pavlenko et al., 2019; Shuy, 1997).

To help students identify the relevant meanings of polysemous words and highlight the potential for misunderstandings, we use the approach illustrated in Table 2. In the second column, students read sentences with each of the word's multiple meanings, which can be adjusted to the students' level and background. In the third column, they translate the sentences into their L1. If the teacher is not familiar with a particular language, they can translate the sentences back to English using a translation app or ask students who speak the same L1 to compare and verify the answers. Next, we ask students to write a definition of the word, using opposites, synonyms, or short explanations, and to answer a quick comprehension question. Online resources useful in this activity include *The Plain English Legal Dictionary* developed by Australian linguists (ARDS Aboriginal Corporation, 2015) and *Plain*

Language Legal Dictionary (Rocket Lawyer, n.d.), which contains U.S.-specific definitions useful for more advanced learners.

ESL students also struggle with the complex sentence structure of the *Miranda* warnings. The version used in this article contains 28 clauses or phrases (6 infinitive clauses, 6 prepositional phrases, 4 subordinate clauses, 12 independent clauses). To increase comprehension, we begin with an activity suggested by Fillmore and Fillmore (2012) for breaking complex phrases into separate clauses and asking questions related to each clause (Table 3). Depending on students' proficiency level, this activity may need to be conducted over several days.

Once the warnings have been analyzed from a lexical and syntactic point of view, teachers can return to them holistically, asking students to paraphrase and exemplify each individual right. Then, we ask students to create posters illustrating individual *Miranda* rights. Using the posters and the *Illustrated Guide to Law* (Burney, n.d.), we engage students in discussion of the rationale behind each right and reasons for which a person may invoke their rights.

To raise awareness of ways in which police officers may violate the intent of the *Miranda* rights (Aim 4), we show segments of a PBS documentary *The Central Park Five* (2012) or the mini-series *When They See Us* (2019). Both shows feature the 1989 Central Park case, where five African American and Latino teenagers were forced to waive their rights, without a lawyer or parents present, and to confess, falsely, to the assault and rape of a jogger in New York's Central Park. Despite the fact that they subsequently withdrew their forced false confessions, the young men were wrongfully convicted and served 6 to 7 years in prison, except for 16-year-old Korey Wise. Tried as an adult, Wise was sentenced to 13 years and was still serving his sentence when the real perpetrator confessed.

To clarify to our students how such miscarriages of justice may happen, we use clips from TV shows, such as *Law and Order: SVU*, where the *Miranda* warnings, preceded by the phrase "You are under arrest," are recited to guilty wrongdoers as they are being handcuffed and led away. The purpose of the activity is to compare the dramatic TV portrayal and the understated bureaucratic manner in which the rights may be delivered in real life to avoid alerting suspects to the seriousness of their situation and to keep them talking. Our aim in doing so is to engage students in critical reflection on ways in which law enforcement may undermine the very rights it is designed to protect (see also Eades, 2010; Leo, 2008).

The next set of activities aims to equip students with linguistic means to invoke their rights. Studies to date show that many attempts to request a lawyer or invoke the right to silence are disregarded by the police, if they are not "unequivocal" (e.g., questions such as "Should I get a lawyer?" or "Do I need a lawyer?" do not count as proper requests; Ainsworth, 2008). For members of speech communities where direct requests are considered rude, the assertiveness necessary to request a lawyer from an authority figure may be an insurmountable barrier. To help students overcome anxieties and cultural barriers, we show videos on how to invoke their rights and ask them to complete Venn charts about cultural differences in politeness. We follow this activity with discussion of how these differences apply to legal situations and authority figures. Most importantly, we have students practice saying the phrases necessary to invoke their rights:

- I do not want to speak to you now.
- I am invoking my Fifth Amendment right to silence.
- I wish to remain silent.
- I do not want to answer any questions.
- I want to speak to a lawyer.
- I want to speak to a lawyer before I say anything else.
- I want legal counsel before continuing.

TABLE 3 Fourth sentence of the *Miranda* warning broken down by clause with teaching points

Phrase	Vocabulary	Context	Beyond the sentence	Grammar structure
<i>If you cannot afford</i>	What does <i>afford</i> mean?	Afford what?	What happens if you cannot afford an attorney?	Dependent clause
<i>to hire a lawyer</i>	Who is a <i>lawyer</i> ? What does <i>hire</i> mean?	Why would you hire a lawyer?	What does a lawyer do during a trial or questioning?	Infinitive clause
<i>one will be appointed</i>	What does <i>appointed</i> mean?	Appointed to do what?	What if you do not know a lawyer?	Independent clause
<i>to represent you</i>	What does <i>represent</i> mean?	Represent you doing what?	Why do suspects need a lawyer?	Infinitive clause
<i>before any questioning</i>	What is <i>questioning</i> ?	When can a person ask for a lawyer?	Why should a lawyer be there during questioning?	Prepositional phrase
<i>if you wish</i>	What word could replace <i>wish</i> ?	What are you wishing for?	Do you have a choice?	Dependent clause

To practice decision making and to enhance students' ability to assess the situation, we introduce them to scenarios, like the one below, taken from Tavella (2020) (ideas for additional scenarios can be found on the ACLU [n.d.] website under "Stopped by the Police").

The police asked Susana to come down to the police station to answer some questions. She comes to the station and they read her the *Miranda* warnings. She says she does not need the rights because she did not do anything wrong. The police begin to ask Susana questions and she begins to feel like she might be in trouble. She tells the police officers she does not want to talk anymore and wants to call a lawyer. The police officers tell Susana she had already declined her rights and needs to keep answering the questions. What should Susana do?

- She is obligated to keep answering because she already waived her rights.
- She should stop answering questions and tell the police she wants a lawyer.
- I do not know.

After completing each scenario, the students discuss why they favor a particular answer before the teacher reveals the best course of action (in the present case (b)). To reinforce the understanding that recitation of the *Miranda* warnings positions one as a suspect and to help practice confident invocation of their rights, we engage students in role-play activities, including mock questioning, interrogations, traffic stops, and arrests.

This unit elicits a variety of student reactions. Many are appalled by injustice and grateful for gaining a better understanding of a "confusing right," but there are also those who misunderstand the lesson and its intent. Some bristle at being treated as "potential criminals" or "victims," others see it as a lesson "to run away if a police officer calls you," and there are always a few who believe that "Americans don't know what it means to live without any rights." We treat such comments as a lead-in

to further discussions that balance recognition of the progressive nature of many U.S. laws with identification of the loopholes and systemic biases that compromise their fair implementation, such as the right of police officers to lie and deceive, to trivialize the *Miranda* rights, or to question L2 speakers without an interpreter.

3.3 | Language access

The purpose of the language access unit is to familiarize students with their right to language assistance (Aim 1) and to equip them with the means to exercise this right and the knowledge of where and how language access may be constrained (Aims 2 and 4). We begin with a semantic mapping activity, where students brainstorm the many meanings of the terms *language rights* and *language access*. As homework, we ask students to find online language access policies relevant to their local context (e.g., state and city policies, voting provisions, language access in the judicial system) and to learn more about their implementation (e.g., can they find information on how to request an interpreter in court?).

Another issue we address is language access in police interviews. The Court Interpreters Act of 1978 mandates the provision of an interpreter in court, but there is no equivalent law for investigative interviews. In many states, the right to an interpreter does not extend to custodial interrogations and people with limited English proficiency are interviewed without an interpreter (Villalobos & Davis, 2016). In the absence of an interpreter, L2 speakers may not understand their rights and the consequences of waiving them (all the more so when investigators speak faster on purpose). Moreover, even when interpreters are provided, the growing trend is to use police officers and other ad hoc interpreters (Berk-Seligson, 2009). This practice is not against the law, but the use of investigators as interpreters raises the likelihood of coercion and places suspects at the mercy of people whose only qualification may be “survival skills Spanish.” Research shows that police officers serving as interpreters still see themselves primarily as interrogators and may perform their add-on duties in a faulty and half-hearted way, failing to interpret stretches of talk, distorting the meanings of key terms, and ignoring clear invocations of rights (Berk-Seligson, 2009; Einesman, 2010; Rogers et al., 2009). Distortions and omissions also occur in written texts. In a study of 121 Spanish translations of *Miranda* warnings, Rogers and associates (2009) found that in 70% of the cases, Spanish warnings provided less information, and some omitted key components, such as the right to silence and the right to counsel.

Students are very receptive to this information and interested in brainstorming the many reasons why people may not request or receive an interpreter. Their comments also reveal that they know very little about professional interpreting. To help students learn more about interpreting in legal contexts, we recommend inviting community and court interpreters as guest speakers.

3.4 | Inside the courtroom

To familiarize students with the roles played by legislators, public officials, judges, lawyers, and juries in maintaining and enforcing laws (Aim 3), we use plays and movies about court cases and field trips to court. In a middle school setting, for instance, one of the authors successfully used the play *Monster* (Myers & Myers, 1999) featuring young men on trial for murder. To experience the trial through the eyes of the different participants, students are asked to take on different parts, including the defendants, the prosecutor and the defense attorney, defense and prosecutorial witnesses, the judge, and the bailiff. Acting simultaneously as the characters and the jury, they analyze the evidence to decide who is guilty. Before the final verdict is revealed, the class has a formal jury discussion and

votes based on the evidence presented from all sides. They then compare their verdict with the actual jury's verdict, leading to more discussion.

In adult ESL classes, two of the authors have successfully used the courtroom drama *Twelve Angry Men*, written by Rose (1955) and made into a 1957 film of the same name. Students are asked to act out assigned parts. As part of each day's lesson, they discuss how the court system works, why juries are important in the legal system, why a unanimous vote is necessary for a criminal trial, and how a juror's history and life play into the system. Class assignments also include readings on how juries are selected, blog posts by jurors (e.g., Terruso, 2016), a jury summons form, and, as a culmination, a field trip to a courtroom trial that places the readings in an authentic context.

For teachers interested in arranging a courtroom visit, we recommend the following steps:

1. Contact the local criminal justice center and find the person who arranges courtroom visits.
2. Ask for help finding a trial that may be interesting and relevant to ESL students, for example, a trial that involves court interpreting.
3. Ask the contact person to e-mail you information about expected courtroom behavior and review it with the class, together with the courtroom layout, etiquette, and security procedures.
4. Arrange the trip.
5. Conduct a debriefing discussion.

In our experience, firsthand exposure to the courtroom deepens students' understanding of the criminal justice system and allows teachers to discuss the many factors that influence verdicts and sentencing, including pervasive cultural stereotypes that link Muslims with terrorism and immigrants and minorities with street gangs, crime, and violence (cf. Villalobos & Davis, 2016). To raise students' awareness of racial disparities in sentencing, incarceration, and wrongful convictions in the United States (Aim 4), we recommend the TED Talk "We Need to Talk About an Injustice" by prominent African American lawyer Bryan Stevenson (2012), screenings of documentaries (e.g., Lene Berg's *False Belief* [2019], *The Innocence Files* [2020] on Netflix) and movies like *Just Mercy* (2020) based on Stevenson's best-selling book of the same title, and activities involving justice-oriented websites, such as the Innocence Project (www.innocenceproject.org) and Amnesty International (www.amnesty.org).

4 | CONCLUSIONS

By sharing examples from our research-based practice, we hope to inspire other teachers to integrate legal rights in their curricula in a systematic manner. At the same time, we would be remiss if we did not issue a few warnings. For starters, we want to dissuade teachers from providing any legal advice. To answer students' questions about laws and police procedures, we recommend inviting guest speakers: lawyers, law students working for legal clinics, civil rights advocates, and police officers. We also discourage a natural inclination to personalize the topic by asking students about their experiences with law enforcement. Given the sensitivity of the subject, we recommend creating a safe classroom atmosphere, where students feel equally accepted when they share their stories and when they choose to remain silent.

Most importantly, teachers need to be aware that discussions of the criminal justice system are fraught with complexities and require extensive emotion management. Our students come from countries with a variety of legal systems, standards of police behavior, and citizen expectations of treatment by police. Some students may find critiques of the criminal justice system in the United States

irrelevant to their academic aims and insensitive to abuses of power around the world. Others may be offended by the invocation of cultural stereotypes associated with their group, and yet others arrive in the United States with an already internalized fear and mistrust of police. Heavy-handed critiques of U.S. law enforcement increase the feelings of hopelessness and despair in such students and reinforce their determination “to run away” or to give up and “do as told.”

Our teaching aims for a balance between student empowerment and informed critique. In accordance with Eades’s (2010) recommendations, we strive to make our students less vulnerable to coercion and abuses of legal power by equipping them with the pertinent knowledge and linguistic resources necessary to invoke their rights. Other teachers may have different priorities, but the only choice we can’t afford to make is to not address legal issues at all.

5 | THE AUTHORS

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Sherri Michalovic is a teacher in the Intensive English Language Program at Temple University, in Philadelphia, Pennsylvania. She sees teaching ESL as a form of peacemaking and tries to introduce social justice–related topics into her classes whenever it is appropriate.

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