

An illusion of understanding: how native and non-native speakers of English understand (and misunderstand) their *Miranda* rights

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Abstract

The purpose of the *Miranda* rights in the USA is to ensure that suspects know their fundamental rights under the law, yet even native speakers of English do not always understand their rights (Rogers, Rogstad, Gillard, Drogin, Blackwood and Shuman, 2010; Rogers, Rogstad, Steadham and Drogin, 2011). To evaluate their understanding, Grisso (1998) developed *Miranda Rights Comprehension Instruments (MRCI)*, normed with native speakers and widely accepted in the legal community. Comprehension by second language (L2) speakers of English, on the other hand, is inferred based on their L2 proficiency, but no studies to date offer the scientific basis for causal connections between L2 proficiency and understanding of the *Miranda* rights. The purpose of the present study was to compare understanding of the *Miranda* rights among native ($n = 82$) and advanced L2 speakers of English ($n = 183$) to determine whether standardised assessments of L2 proficiency can predict comprehension of the *Miranda* rights. Our results show that most of our L2 participants failed to understand their *Miranda* rights and displayed significant disadvantages in basic level processing in comparison to native speakers. Furthermore, they were unaware of the failure: using linguistic resources at their disposal these advanced L2 speakers constructed alternative meanings that created an illusion of understanding.

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