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Law's Alien Tongue – Legal Translation, Religious Belief, and the Exorcism of Emily Rose

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The Exorcism of Emily Rose (2005) puts a familiar legal question in an unusual setting: what can a criminal court do when the accused explains a death through a religious account that the court cannot verify as fact? The film is loosely modelled on the 1978 German prosecution that followed the death of Anneliese Michel after a series of exorcism rites. The historical case and the film are different legal events. The German proceedings arose within a statutory criminal-law system that could impose liability for an omission where the accused had a legal duty to prevent the result. The film instead presents a fictional American courtroom and stages a conflict between medical testimony, religious belief and the jury's task of deciding criminal responsibility. This article reads both proceedings as exercises in legal translation. Law does not need to decide whether demonic possession exists to decide whether a defendant caused a death, had a duty to intervene, and met the standard of care that criminal law requires. Niklas Luhmann's account of operational closure explains why religious claims are processed through legal categories and not admitted on their own terms. Miranda Fricker's account of epistemic injustice is limited by the fact that not every exclusion of a supernatural explanation is necessarily a testimony injustice. The article also discusses the film's expert witnesses and its exorcism tape, which serve as examples of how cinema can undermine the courtroom's preferred forms of knowledge. The final section makes a limited comparison with neuroscience. In both contexts, external explanations can press on legal concepts of responsibility. However, the analogy has strict limits, because neuroscientific evidence is scientific in a way that a claim of supernatural causation is not.

Keywords: *exorcism, religious belief, expert witness, translation.*

INTRODUCTION

A criminal trial does not answer every question that a case may raise. It answers the questions that legal rules make relevant. This distinction matters in The Exorcism of Emily Rose, a 2005 film directed by Scott Derrickson. The film follows the prosecution of Father Richard Moore after the death of Emily Rose during an exorcism. Its starting point is recognisable from the case of Anneliese Michel, a 23-year-old German student who died on 1 July 1976 after a prolonged period of medical treatment and repeated exorcism rites. Four people were later prosecuted in Aschaffenburg: Michel's parents, Anna and Josef Michel, and the priests Ernst Alt and Arnold Renz. The defendants were convicted of negligent homicide and received six-month prison sentences suspended for three years.

The resemblance between the historical case and the film is important, but it should not be overstated. The German prosecution was an actual criminal proceeding. Derrickson's film is a fictional trial built around the same moral problem. The film's courtroom is therefore not a source of American evidentiary law. Nor does the film establish that the Federal Rules of Evidence governed its fictional case. A better method is comparative: the film's courtroom can be read alongside real evidentiary doctrine to ask what happens when a legal system receives claims that originate outside its ordinary methods of proof.[1]

That question becomes sharper when the issue is not whether a witness is telling the truth about an observable event, but whether the explanatory framework itself is legally cognisable. A doctor may explain seizures, psychosis, dehydration, or malnutrition. A priest may explain suffering through possession, sin, spiritual attack, or deliverance. A court is not required to choose a complete metaphysics of the universe. It must decide which facts matter to the offence charged and whether those facts have been proved to the criminal standard.

This is the article's central claim. The problem in both the Michel case and the film is less a conflict between 'science' and 'religion' than a problem of translation. The parties bring different accounts of the event into an institution whose own categories determine what counts as a legally relevant fact. In the historical case, the central translation occurred when

[1] Kathryn Brown (eds), *Law and Popular Culture: International Perspectives* (Cambridge Scholars Publishing 2014) 1–7

conduct carried out as religious care was examined through the law of negligent homicide and omission. In the film, the same conflict is dramatised through witness qualification, expert testimony, competing medical and cultural explanations, and the courtroom's treatment of the exorcism tape.

Luhmann's theory of legal autopoiesis is the framework this article uses for that translation.[2] A legal system is operationally closed: it reproduces legal communications through legal distinctions and does not simply import another social system's categories. Operational closure does not seal law off from religion, science or culture, however. Luhmann's account of structural coupling explains that law stays connected to its environment while processing environmental events through its own structures.[3] Religious belief can therefore matter to a legal dispute without becoming a legal rule in its original form.

The article also uses Fricker's account of epistemic injustice to test the assumption that treating religious testimony as less probative than medical testimony is necessarily an epistemic injustice. Fricker's definition is narrower. Testimonial injustice requires an unjust credibility deficit caused by prejudice, while hermeneutical injustice concerns a lack of shared interpretive resources that places someone at an unfair disadvantage in making sense of an experience. These concepts can illuminate the asymmetry in the film, but they should not be stretched so far that any evidentiary exclusion becomes injustice.[4]

Read this way, the film asks what a legal system does with an event that participants describe in religious terms. Does it suppress that account, or translate it into forms its own institutions can evaluate? Suppression would be a failure of understanding. Translation is the ordinary operation of adjudication.

THE MICHEL CASE: FROM EXORCISM TO NEGLIGENT HOMICIDE

The Legal Problem of Omission: The historical prosecution began with a simple legal fact that had little to do with supernatural belief: Anneliese Michel died after a prolonged physical decline. Contemporary reporting described a young woman who had undergone repeated exorcism rites and who was ultimately found to have died from the consequences

[2] Niklas Luhmann, *Law as a Social System* (Klaus A Ziegert tr, Fatima Kastner et al. eds, OUP 2004) 76–82
[3] *Ibid* 200–10
[4] Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (OUP 2009) 9–29, 147–75

of starvation and dehydration.[5] The trial therefore did not require the court to recognise a legal category of 'demonic possession'. It required the court to determine whether the defendants had criminally failed to prevent a death that they were legally obliged to prevent.

Section 222 of the German Criminal Code (Strafgesetzbuch, StGB) criminalises causing another person's death through negligence. Where the alleged failure was an omission, not a physical act, section 13 becomes central.[6] Section 13 provides that a person who fails to prevent a result that is an element of an offence is criminally liable only where that person is legally responsible for preventing the result and the omission is equivalent to the statutory realisation of the offence through a positive act. The prosecution did not need to prove that the priests physically starved Michel. The legal issue was whether their relationship to her created a duty to act and whether their failure to intervene could legally be treated as causally connected to her death.

A straightforward reliance on section 1626 of the German Civil Code (Bürgerliches Gesetzbuch, BGB) would be mistaken. Section 1626 concerns parental custody of a minor child.[7] Michel was an adult at the time of her death. It cannot, by itself, supply the statutory source of a parental guarantor duty in this case. The case instead turned on the general doctrine of guarantor responsibility under section 13 and on the particular relationships the defendants had assumed toward Michel. The duty question belongs to the general law of omission and assumption of responsibility, not to the ordinary rules of parental custody.

The priests were not Michel's statutory guardians. Their relevance to the omission question came from their involvement in the exorcism and their assumption of responsibility within that practice. Contemporary accounts report that the priests had participated in the repeated rites and were alleged not to have secured medical intervention even as Michel's physical condition deteriorated. German omission doctrine recognises forms of guarantor status arising from the assumption of responsibility for a protected interest.[8] The legal significance of the exorcism was not that German criminal law treated a religious ritual as a medical act.

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[5] Jost Nolte, 'Menschen vor Gericht: Besessen sind sie alle' *Die Zeit* (21 April 1978) <https://www.zeit.de/1978/17/besessen-sind-sie-alle> accessed 26 August 2026; Felicitas D Goodman, *The Exorcism of Anneliese Michel* (Wipf & Stock Publishers 2005)
[6] German Criminal Code (Strafgesetzbuch – StGB), ss 13, 222
[7] German Civil Code BGB (Bürgerliches Gesetzbuch), s 1626(1)
[8] Claus Roxin, *Strafrecht Allgemeiner Teil, Band II: Besondere Erscheinungsformen der Straftat* (Beck Juristischer Verlag 2003)

It was that the ritual placed the defendants in a relationship from which a legal duty to act could be examined.

The law did not need to decide whether an exorcism had supernatural efficacy. It needed to decide whether the defendants had taken responsibility for a person whose life was in danger and, if so, what the scope of that responsibility was. Religious conduct entered the case through the facts from which legal duties and culpability were assessed.

Religious Freedom, Medical Refusal and the Limits of the Defence: The case also raised the relationship between religious freedom and the state's protection of life. Article 4 of the German Basic Law protects freedom of faith and religious practice. Article 2(2) protects the right to life and physical integrity.[9] The defence could present a plausible constitutional argument in the abstract: the defendants had acted pursuant to their religious understanding of Michel's condition, and the ecclesiastical authorities had authorised the exorcism. The fact that a religious authority approved the rite, however, did not itself determine the scope of civil or criminal responsibility.

This is better described as a conflict of legal obligations than as a simple hierarchy in which Article 2 'trumps' Article 4. The latter formulation is too absolute. The relevant question was whether the exercise of religion could excuse conduct that otherwise fell within a generally applicable criminal prohibition protecting life. The criminal court retained authority to assess the defendants' conduct under secular law even though the conduct was religiously motivated. A bishop's permission could explain why the defendants believed they were acting correctly, but it did not automatically settle whether the law imposed a duty to seek medical help.

The defendants' reliance on Michel's own refusal of medical treatment raises a further issue. An adult patient's refusal can matter to questions of consent and responsibility, but its legal effect depends on the person's capacity and on the nature of the duty allegedly owed by the defendant. The point for this article is methodological: the court did not need to rule on the theological correctness of Michel's beliefs to address this issue. It could ask whether her

[9] Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland), arts 2(2), 4(1)–(2)

decision had legal effect and whether the defendants' own obligations were independent of that decision.

Mistake of law works the same way. Section 17 StGB provides that an unavoidable mistake as to the unlawfulness of conduct excludes guilt, while an avoidable mistake may mitigate punishment.[10] The religious convictions of the defendants mattered in a legally recognisable way, but they mattered as part of a doctrine of culpability. Their beliefs did not create a separate religious criminal law. They entered the law as facts relevant to whether the defendants knew, or should have known, that failing to obtain medical care could attract criminal responsibility.

This is the first instance of legal translation. The defendants' original explanation was theological. The legal system did not accept or reject that theology as such. It asked different questions: Did a legal duty exist? What conduct was expected? Could the failure to intervene be linked to the death? What did the defendants know, and could their mistake be excused? The supernatural account remained part of the factual background, but the operative legal vocabulary was one of duty, omission and culpability.

What the Sentence Does and Does Not Show: The four defendants received six months' imprisonment, suspended for three years. The relatively light sentence is striking, but it would be unsafe to treat it as an institutional acknowledgement that the court had reached the limits of legal cognition. There is no secure basis for attributing that motive to the court. A sentence can reflect many considerations, including the defendants' individual culpability and the circumstances of the offence.

A more defensible conclusion is narrower. The outcome shows that criminal responsibility and punishment can come apart: the court could mark the conduct as criminal without ordering immediate imprisonment. The film deliberately echoes this structure when Father Moore is convicted but released for time served. The parallel is useful narratively, but it reflects the story's moral structure, not a common doctrinal compromise.

The conviction shows that the legal order was able to act on the case. The sentence shows that the consequences of that finding were not fixed by a simple equation between guilt and

[10] German Criminal Code (Strafgesetzbuch – StGB), s 17

punishment. Neither point requires a claim that the court was incapable of grasping religious motivation.

THE FILM COURTROOM: BELIEF, EXPERTISE AND EVIDENTIARY TRANSLATION

The Film's Witnesses: Derrickson's film makes the problem easier to see by setting the competing explanations against each other as competing witnesses. The prosecution relies on Dr Briggs, a physician who ties Emily's symptoms, her treatment and her death to a medical explanation. The defence later calls Dr Sadira Adani, an anthropologist and psychiatrist who treats possession as a phenomenon with a cross-cultural dimension. Dr Graham Cartwright, a psychiatrist who observed Emily, supplies an alternative medical perspective and the recording of the exorcism. He never gives his planned courtroom testimony, because the film kills him in a car accident.

These details have to be stated accurately. The film does not support calling Dr Adani a neurologist for the prosecution: she is a defence witness, and Dr Briggs is the prosecution's medical witness. Cartwright is not a conventional defence expert who appears before the jury and delivers a finished alternative diagnosis. His testimony becomes unavailable, and the defence is left with his observations and the recording. None of this is cosmetic. The argument about evidentiary hierarchy depends on who is allowed to speak, in what capacity, and with what evidentiary consequences.[11]

The film also separates two kinds of claim. A witness may describe a person's condition or an event the witness observed, or a witness may offer a theory about what caused that condition or event. A court's willingness to hear testimony about a person's belief does not mean the court accepts that the belief is true. The same distinction stops the Federal Rules of Evidence from being treated too categorically.

Daubert as a Comparative Lens, Not the Film's Governing Law: Federal Rule of Evidence 702 governs expert testimony in American federal courts. It requires the proponent of expert testimony to establish that the witness is qualified and that the proposed testimony is sufficiently supported by facts or data, reliable principles and methods, and reliable application.[12] *Daubert v Merrell Dow Pharmaceuticals, Inc.* required trial judges to act as

[11] *Ibid*
[12] Federal Rules of Evidence (US), r 702

gatekeepers of expert evidence and identified factors such as testability, peer review, potential error rate and general acceptance as bearing on reliability.[13] *Kumho Tire Co v Carmichael* extended the gatekeeping obligation beyond strictly scientific testimony to technical and other specialised expertise.[14]

These doctrines are useful for comparison, but the film should not be described as an actual federal trial applying the Federal Rules of Evidence. The film does not establish that, and Rule 702 was materially amended in 2023 in any event.[15] Daubert is therefore used here conceptually. It shows one way a legal system can separate an expert's professional methodology from an assertion the court cannot test by that methodology.

That distinction also lets the article treat theology more precisely. It is too broad to say that theological claims 'fail every Daubert criterion.' Daubert creates no general rule that religion is inadmissible. An expert can testify about religious practices, the history of exorcism, or how a community interprets a possession experience, provided the testimony meets the applicable rules. Much harder to establish is expert testimony that a supernatural entity existed in the case and objectively caused the victim's death. Putting that proposition in professional language does not make it reliable.

The film's handling of Dr Adani shows this. Her authority comes from a hybrid position: she presents herself as a professional observer of possession traditions and also offers an explanation that departs sharply from the prosecution's medical one. The scene does not show a court simply rejecting religion. It shows the defence trying to fit an unusual claim into the courtroom's existing categories of expertise.

The asymmetry is real, but it is narrower than a science-versus-religion account suggests. Medicine arrives in court with established professional institutions, diagnostic categories, and methods that can be tested and challenged. Religious explanations may be internally coherent too, but coherence inside a tradition is different from reliability under rules built to evaluate expert testimony about explanations of events. The court's preference for one kind

[13] *Daubert v Merrell Dow Pharmaceuticals Inc* [1993] 509 US 579, 589–95
[14] *Kumho Tire Co v Carmichael* [1999] 526 US 137, 147–52
[15] Federal Rules of Evidence (US), r 702

of evidence can therefore be explained without assuming that it has declared the other worldview false.

The hearsay discussion needs correcting as well. Federal Rule of Evidence 803(3) is an exception for statements describing a declarant's then-existing mental, emotional or physical condition. It expressly excludes a statement of memory or belief offered to prove the fact remembered or believed.[16] It gives a priest no general route to prove that demonic possession objectively occurred. More importantly, the film never establishes Rule 803(3) as the legal basis for Father Moore's testimony, so the rule cannot safely support that proposition.

The better distinction is between belief and truth. Father Moore can testify to what he believed happened, what he saw, and why he acted as he did. The jury remains free to decide what weight to give that evidence. The film's dramatic tension comes from the gap between a sincere belief and a legally sufficient explanation of death.

Fricker: Epistemic Injustice, But with Limits: Miranda Fricker's theory of epistemic injustice gives the article a useful vocabulary for this gap, but only if the concept is applied carefully. For Fricker, testimonial injustice occurs when prejudice leads a hearer to give a speaker less credibility than the speaker deserves. Hermeneutical injustice arises when a person's experience is unfairly obscured because the shared interpretive resources are inadequate to make sense of it.[17]

The film does create an epistemic asymmetry. The courtroom reads medical vocabulary easily, while the defence's religious vocabulary has to be translated into terms such as belief, cultural practice, altered consciousness and motive. Dr Adani's testimony shows the problem, since she has to defend the relevance of a phenomenon the court regards as extraordinary. Even so, it would be a mistake to call this testimonial injustice in Fricker's original sense. The film does not obviously show a judge or jury discounting Father Moore because of an identity prejudice against a social group. What it more plausibly shows is a conflict between evidentiary standards and different ways of explaining the same experience.

Recent work on epistemic injustice in legal settings supports this caution. Legal testimony is already filtered by the institution, and not every error in assessing credibility is testimonial

[16] Federal Rules of Evidence (US), r 803(3)
[17] Fricker (n 4) 1–29, 147–75

injustice in Fricker's strict sense.[18] The concept remains useful if the claim is kept modest: legal institutions can create epistemic disadvantage when their shared categories make some experiences easier to articulate and recognise than others. That claim does not require treating every rejection of an unverifiable account as a technical instance of epistemic injustice.

Read this narrowly, Fricker strengthens the article. It lets the author ask a sharper question: who has access to the categories that matter at the moment of decision? Emily's suffering can be described in terms of seizure, psychosis, treatment, malnutrition and bodily deterioration. The film also invites the audience to hear it as possession. The legal system may hear both, but it cannot treat the two explanations as equivalent just because they are meaningful to the speakers. Its problem is not a lack of language. It has plenty of language. The problem is that its legal language gives different kinds of weight to different accounts.

The Exorcism Tape and the Film's Acoustic Evidence: The exorcism tape gives the film a second way to put the problem on screen. Moore introduces a recording of Emily's voice during the rite. The sound is disturbing because no visible body accompanies it to explain it. The film theorist Michel Chion uses the term 'acousmêtre' for a voice heard without a visible source, and the device can leave the audience unsure where a voice belongs and what authority it has.[19]

The tape matters on two levels. As sound design, it shakes the audience's confidence in the images it has already seen. As courtroom evidence within the film, it disturbs the ordinary hierarchy between statement and speaker. A recorded voice cannot be cross-examined the way a witness can, and what it means depends on what the court decides the recording proves. The legal question is not whether the audience finds the tape frightening. It is whether the recording can establish any proposition that matters to the offence.

The scene also shows something basic about legal evidence. Evidence does not come into court with a fixed meaning. Its legal significance depends on the proposition for which it is

[18] Hannah E Watson, 'Testimonial Injustice: Incidental Impact on the Law' (2025) 38(4) Georgetown Journal of Legal Ethics 4 <https://www.law.georgetown.edu/legal-ethics-journal/wp-content/uploads/sites/24/2026/04/GT-GJLE250067.pdf> > accessed 26 August 2026; Andrés Páez and Janaina Matida, 'Epistemic Injustice in Criminal Procedure' (2023) 4(2) Milan Law Review 114 <https://doi.org/10.54103/milanlawreview/22188> > accessed 26 August 2026

[19] Michel Chion, *Audio-Vision: Sound on Screen* (Claudia Gorbman tr, 14th edn, Columbia University Press 1994) 71–73

offered and the rules by which it is assessed. A tape might prove that a person made certain sounds. It might support an account of what happened in a room. It might bear on the sincerity of the witness who recorded it. None of those, taken alone, proves that a supernatural being exists. The film's power lies in making the audience feel the difference between evidentiary impact and legal proof.

LUHMANN AND THE WORK OF LEGAL TRANSLATION

Operational Closure is Not Intellectual Closure: Luhmann's account of autopoiesis gives a way to describe this process without reducing it to a crude opposition between law and religion. Modern law is operationally closed: legal communications reproduce themselves through legal distinctions.[20] The system does not take a theological proposition and insert it as law. External events become legally relevant when the system can connect them to its own operations.

To call religion 'external noise' would suggest that the legal system simply discards the metaphysical context. That is too strong, and it makes Luhmann's theory less precise. Luhmann does not say the environment is meaningless to law. He describes structural couplings through which the legal system stays sensitive to other social systems while keeping its own mode of operation.[21] Religion can therefore irritate or influence legal communication without ceasing to be religion. Science, culture and politics can do the same.

The Michel case fits this model. The exorcism was not turned into law by declaring the rite legally valid or invalid. The facts associated with the rite were connected to legal concepts of responsibility. The same event could be understood religiously as an attempt at deliverance and legally as conduct capable of creating or breaching a duty of care. Those two descriptions do not contradict each other, because they answer different institutional questions.

This is also why the title's phrase 'alien tongue' works best as a metaphor for selective legal translation, not legal ignorance. Law is not silent when faced with religious experience. It is selective, and it asks which parts of that experience can perform a legal function. A religious

[20] Luhmann (n 2) 76–82
[21] *Ibid* 200–10

belief may be relevant to motive, knowledge, credibility, consent, mistake, or the assessment of punishment. Its truth as a metaphysical proposition is a different matter.

Translation without Suppression: Once the argument is framed this way, the comparison between Germany and the film becomes more exact. In the German case, religious conduct became legally significant through the doctrine of omission. In the film, it becomes relevant through the assessment of witness testimony, expert evidence and causation. The institutional mechanisms differ, but the structural move is much the same: the law translates a description of the world into a question it is authorised to decide.

The translation is not neutral in every respect, though. Legal categories carry assumptions about persons, evidence and acceptable reasons. The courtroom grants authority to clinical expertise because the legal system has developed procedures for qualifying experts and challenging their methods. It has no equivalent doctrinal machinery for deciding whether a supernatural proposition is true. That difference can produce an uneven field of intelligibility, but it does not show that legal institutions are irrational or hostile to religion.

Tony Ward's discussion of expert evidence helps here.[22] His concern is not that courts should accept every expert theory. It is that expert testimony can gain authority through institutional procedures that ordinary jurors may struggle to evaluate. The same is true of the film's medical evidence. Dr Briggs does not persuade the court just because he is a doctor. His evidence persuades because the courtroom can ask familiar questions about his expertise, diagnosis and explanation. Adani's testimony must be assessed under the same institutional pressure, even though what she claims is culturally and epistemically different.

A better-supported proposition is that legal systems privilege forms of explanation for which they have established decision procedures. That is different from saying they recognise only scientific truth. A witness can be believable without being an expert. A religious belief can be legally relevant without being accepted as fact. A scientific opinion can be excluded if its methodology is unreliable. The structure is procedural, and it does not decide the metaphysical question.

[22] Tony Ward, 'Experts, Juries, and Witch-Hunts: From Fitzjames Stephen to Angela Cannings' (2004) 31 Journal of Law and Society 369, 372–78 <https://doi.org/10.1111/j.1467-6478.2004.00295.x> accessed 26 August 2026

The Limited Comparison with Neuroscience: A comparison with contemporary neuroscience is useful, but it should stay limited. Neuroscience does create a recurring legal problem: an explanatory account of human behaviour can seem to challenge the assumptions criminal law makes about choice, intention and responsibility. Stephen Morse's criticism of 'Brain Overclaim Syndrome' targets the temptation to move from a neural correlation to a sweeping conclusion about criminal responsibility.[23] Nita Farahany's empirical study of US criminal cases shows that neuroscientific and behavioural-genetic evidence has entered criminal litigation. Courts often translate it into existing legal questions such as culpability, competency and mitigation, and it has not produced a new law of responsibility.[24]

The analogy with Emily Rose works at the level of institutional translation. In both settings, an explanatory framework can put pressure on legal categories. The difference, though, is fundamental. Neuroscience uses scientific methods that can, at least in principle, be tested within scientific communities. A claim that a supernatural entity caused a death does not become scientifically testable because an expert state it.[25] The legal system can therefore treat both claims as external explanations while using different procedures to evaluate their evidentiary relevance.

The limited analogy also avoids the broader claim that law maintains a 'fiction' of moral choice by refusing to accept biology. That claim is too sweeping. Criminal law has long taken in scientific findings about mental disorder, cognition and capacity. The more accurate point is that legal responsibility is not the same thing as an explanatory account. A biological explanation of behaviour may be relevant to a legal defence without settling the normative question of whether the law should attribute responsibility.[26] The same lesson applies to religion. An explanation can matter without becoming the legal rule that decides the case.

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[23] Stephen J Morse, 'Brain Overclaim Syndrome and Criminal Responsibility: A Diagnostic Note' (2006) 3 Ohio State Journal of Criminal Law 397, 397–405 <https://www.antoniocasella.eu/dnlaw/Morse_2006.pdf> accessed 26 August 2026

[24] Nita A Farahany, 'Neuroscience and behavioral genetics in US criminal law: an empirical analysis' (2015) 2(3) Journal of Law and the Biosciences 485, 488–504 <https://doi.org/10.1093/jlb/lsv059> accessed 26 August 2026

[25] *Daubert v Merrell Dow Pharmaceuticals Inc* [1993] 509 US 579, 589–95; Morse (n 31) 400–05

[26] Michael S Pardo and Dennis Patterson, 'Philosophical Foundations of Law and Neuroscience' (2010) 2010 University of Illinois Law Review 1211, 1231–35 <https://scholarship.law.ua.edu/cgi/viewcontent.cgi?article=1280&context=fac_working_papers> accessed 26 August 2026; Uri Maoz and Gideon Yaffe, 'What does recent neuroscience tell us about criminal responsibility?' (2016) 3 Journal of Law and the Biosciences 120, 124 <https://doi.org/10.1093/jlb/lsv051> accessed 26 August 2026

CONCLUSION

The most fascinating feature of The Exorcism of Emily Rose is not that it asks whether demons are real. It asks what a legal institution does when the parties themselves cannot agree on what kind of event took place. The historical Michel prosecution exemplifies this problem in the context of criminal law. A woman died as a result of a prolonged decline. The defendants had engaged in a religious practice and were accused of failing to obtain the intervention her condition required. The court could address the matter without resolving the theological question by identifying a legal obligation, examining an omission, assessing causation, and determining responsibility.

The film dramatises the same problem through an evidentiary revelation. Medical testimony is easily accommodated within the institutional discourse of the courtroom. However, religious explanations are harder to accept because the legal system has no mechanism to treat supernatural causation as a fact solely based on an accused person's sincere belief. However, that does not require the law to dismiss the belief as meaningless. It can admit it as evidence of state of mind, motivation, perception or cultural context without affirming any metaphysical truth.

Luhmann's theory explains this translational process. Legal systems do not simply borrow the categories of religion, science, or culture: they are operationally distinct while interacting with those systems. Fricker invokes a qualification, more narrowly than in the original draft. Institutional screening can render some experiences particularly readily articulable and audible, but not all of those discounted as evidence are testimonial injustice. The film's exorcism tape offers an alternative qualification. Human beings can take in evidence affectively and sensorially in ways a transcript or legal proposition cannot capture. However, the courts have had to connect it to a legally relevant proposition.

The 'alien tongue' of the title should therefore be understood as a translation problem rather than an assertion that law is incapable of understanding human suffering. Law talks a restricted vocabulary because its judgments have consequences. It has to determine what a defendant was obliged to do, whether that obligation was violated and whether that violation is a predicate for criminal responsibility. The religious explanation can be part of the story without being the legal explanation.

That is the enduring lesson of the Emily Rose analogy. It reveals that the distinction between legal and other kinds of knowledge is not defined by a single criterion that excludes the supernatural. It is defined by a set of more modest institutional qualifications about relevance, duty, expertise, proof and responsibility. These do not resolve the ultimate question about what happened to Emily Rose or Anneliese Michel. However, they address a more limited question that courts are designed to answer: what, if anything, can the law hold a person responsible for?