

I Have No Clue What You're Talking About

By Reg P. Wydeven
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I'm getting old. And although I don't need to be, I'm reminded of it all the time. Especially by my kids. When they talk, half the time I have no clue what they're saying. Everything is abbreviated: 'jelly' means 'jealous'; 'KWIM' is short for 'know what I mean?'

I think a lot of the abbreviations they use stem from text messages. 'L8' is 'late,' 'F2F' means 'face to face,' etc. Then there's the whole business with emoticons and emojis. I remember the first time I got an email with weird punctuation at the end, which was :) , or a smiley face if you look sideways. I didn't know what it was, so someone (of course, younger) had to explain it to me. I replied and inadvertently didn't hit the shift key, so I sent ;) , which meant I was unintentionally winking at this person. Awkwardness ensued, and I haven't used another emoticon since.

These are examples of emoticons, or the use of letters, numbers or symbols of text to convey emotions. Scott Fahlman, a computer science professor at Carnegie Mellon University is credited with creating emoticons in 1982. Fahlman was frustrated with being unable to interpret tones of online bulletin boards, so he suggested using :-) to indicate when a writer was joking.

Today, there are hundreds of emoticons. In addition to them, there are hundreds of emojis. Emojis are essentially high-definition emoticons. They are actually pictures of smiley, frowny or crying faces, in addition to hundreds of other pictures. When I send texts to my daughter, I always end them with a random emoji, such as a watermelon or a man riding a horse. She gets confused and I tell her, "welcome to the club."

Emoticons and emojis can be very confusing. So much so, the Unicode Consortium was founded. The group consists of tech and language experts and was organized to standardize emojis and other text characters to ensure they work on all the major computer systems used around the world. Today, there are 1,281 recognized emojis. Before introducing new emojis, companies like Apple seek to have them approved by the Consortium.

But the Consortium can't necessarily interpret the context in which all emojis are used; that's when courts sometimes have to decide.

Last year, a Michigan appellate court ruled that an anonymous online post was not defamatory because the comments, which accused a city worker of being corrupt, was followed by the :P emoticon. Intended to look like a face sticking out its tongue, the court held that the emoticon "makes it patently clear that the commenter was making a joke."

This summer, a court in Delaware decided that the use of the winking emoticon amounted to a menacing signal. The user was a man who secretly booked a plane ticket to Paris next to a colleague who did not wish to see him. He texted to his friends that he sat next to the woman on his flight, causing her to switch seats, followed by ;) . While the man insists he was joking, the judge felt the man's use of the emoticon showed he "was amused by yet another opportunity to harass" his target.

In Texas, a man was convicted of sexual assault despite his argument that his victim's use of a "winkie face" emoticon meant she preemptively consented to sex.

Maybe if these young whipper-snappers would put their phones down and actually speak to one another, we wouldn't have these misunderstandings. Dagnabbit.

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