

Book Review

Language and Law: A resource book for students

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Language and Law: A resource book for students
A. Durant & H. C. Leung (Eds.) (2016)
London and New York: Routledge

This book is the latest contribution to a growing body of works inviting the budding scholar to explore the relationships between linguistics and law. Durant and Leung dissect a wide range of complex issues (social, legal, linguistic, political) that occur at the intersections between language and law in an accessible way that demands no prior knowledge of either field. The wide range of topics covered include legal language, its historical development and sociolinguistic implications, legal genres, the language of different participants in various legal contexts, legislative interpretation using the Gricean Cooperative Principle, speech acts and power relations, disputed language and advertising, forensic evidence and multilingualism in law.

As is a feature common to volumes in Routledge's 'resource books for students' series, the book is usefully structured as 'flexi texts', meaning it is divided into four main sections: Introduction, Development, Exploration and Extension. Within each section are ten content 'threads', each covering a specific dimension of language and law. The reader can choose therefore to read the book 'vertically', starting with a broad range of key concepts and following these through to current literature and analytical activities, or 'horizontally', by focusing on a single topic thread from its Introduction right through to the Extension. I combined these two approaches, and as a recent MA graduate in forensic linguistics, it is clear to me that this flexibility will be useful for students aiming to gain a general overview of the field, as well as tutors encouraging their students to engage with particular topic areas in preparation for seminars or related coursework.

The Introduction section for each thread includes basic information regarding legal proceedings (e.g. the order of jury trial proceedings and roles of courtroom participants) in digestible chunks, without patronising the reader. It also introduces core linguistic concepts and their relationships with various aspects of law, along with relevant illustrative example texts, such as the use of a clause from a will to explore the relationship between a register and a genre (p. 13). The Development section builds on the topics introduced by highlighting and evaluating seminal works in each area, for example the contributions of Mellinkoff (1963), Crystal and Davy (1969) and Tiersma (1999) to legal language and Heffer's (2005) work on language in jury trials. The Exploration section provides considerably selected real world examples of language in legal contexts, such as a statute (p. 120), and excerpts from a prosecutor's opening speech (p. 131), along with discussion questions, to clearly illustrate learning points and encourage extended thinking and independent analysis relating to each topic. The authors usefully advise the reader where full versions of the data provided within the book can be found online. The Extension section offers thought-provoking discussions and arguments surrounding each topic thread, for example, arguments for and against the reform of legal language to make it more accessible to the lay public, and the various challenges associated with regulating discourse in online environments. A final 'Further reading and resources' section not only directs the reader to further useful and important works, but also indicates the general and current thinking in each area. This section also includes a list of online (and free) resources where students can access a range of legally relevant linguistic data – no doubt extremely valuable to any student tasked with designing their own research projects or looking to put into practice the analytical skills and thinking developed in reading this book.

Organisation, clarity, focus and breadth of topics are some of the most obvious strengths of this book. Linguistic theory is introduced and built upon gradually through each thread in an accessible manner, and in each case this is complemented with authentic and engaging material. Particular attention is paid to pragmatics, and such theories as speech acts, Grice's Cooperative Principle and conversation analysis are explained extremely well, as is their application to various problems in everyday legal proceedings. In assuming the target audience has no prior training in either law or linguistics, the authors do a good job of looking after the reader, and this is partly by clear signposting; each new section begins with a reminder of previous content associated with that particular thread, as well as what can be expected from the current section. The authors show a real understanding of the needs of newcomers to the field, and this is often reflected in the discussion questions which might, for example, advise about how best to digest a particularly complex passage (p. 175) or help the reader to clarify their previous answers ("To make your discussion of Q5 more concrete...") (p. 202).

Thread 9 – Forensic Evidence – has a particularly strong Exploration section, with practical activities covering a wide range of forensic linguistic issues, including authorship analysis, perjury, threats, trademark disputes, meaning disputes, and groups with limited linguistic access in legal proceedings (e.g. children and second-language speakers). Importantly, this thread includes material from a police interview; an area of great interest in forensic linguistics which is not picked up in other discussions (e.g. on the linguistic power of legal institutions) as fully as it might have been. However, it seemed a little strange that this thread, in so clearly illustrating the practical applications of lin-

guistics in such a broad range of legal settings, should come so late on in the book (being thread 9/10). The activities involved in its Exploration section do understandably rely on knowledge of the linguistic theory introduced prior to the thread, so admittedly it would not usefully serve as the introductory topic; however, it certainly feels like it would be better introduced earlier on, not least to expose students to the types of law-focused work engaged in by linguists.

In comparison to other introductory books in forensic linguistics, (e.g. Coulthard *et al.*, 2017; Olsson and Luchjenbroers, 2014), *Language and Law* seems to have a slightly heavier interest in the language of the courtroom and legal documents, spending less time on other forensically relevant areas like police interviews, vulnerable witnesses, emergency service encounters, or the vast domain of online crimes (discussion on this topic is largely limited to the regulation of online language). This perhaps explains the presentation of ‘language and law’ as separate from ‘forensic linguistics’. The latter is described as the “applied channel” through which “linguistic knowledge can in some circumstances contribute to the functioning of law...” (Durant and Leung, 2016: 40). However, the book’s centralisation of ‘legal language’ and legal meaning makes it richer in detail concerning some legal practices than other works in the area, and as such would greatly complement works such as Coulthard, Johnson and Wright’s (2017) *An Introduction to Forensic Linguistics*, particularly for those with a special interest in legal procedure over language crimes (see Shuy, 1993).

As a student resource book, *Language and Law* is tasked with covering a large amount of information and learning materials in a limited space. This is done extremely well, helped by the authors’ explicit acknowledgement of the limitations of provided materials, and their readiness to point to relevant literature, useful resources and materials elsewhere. This outward looking approach means that the book is able to treat each topic it covers with impressive consideration and depth, while retaining respect for the reader’s limited knowledge and experience. This book is both useful and engaging; its varied content, activities and resource information will certainly be valuable to students, course leaders, and anyone else interested in exploring the fascinating interplays where language meets law.

References

- Coulthard, M., Johnson, A. and Wright, D. (2017). *An Introduction to Forensic Linguistics: Language in Evidence*. London and New York: Routledge.
- Crystal, D. and Davy, D. (1969). *Investigating English Style*. London: Longman.
- Durant, A. and Leung, H. C. (2016). *Language and Law: A resource book for students*. Abingdon and New York: Routledge.
- Heffer, C. (2005). *The language of jury trial: a corpus-aided analysis of legal-lay discourse*. Basingstoke: Palgrave Macmillan.
- Mellinkoff, D. (1963). *The Language of the Law*. Eugene, OR: Resource Publications.
- Olsson, J. and Luchjenbroers, J. (2014). *Forensic Linguistics*. London: Bloomsbury, 3 ed.
- Shuy, R. (1993). *Language Crimes: The Use and Abuse of Language Evidence in the Courtroom*. Oxford: Blackwell.
- Tiersma, P. (1999). *Legal Language*. Chicago, IL: University of Chicago Press.