

CHRIS HEFFER, FRANCES ROCK AND JOHN CONLEY (eds.), *Legal-lay*

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This volume achieves what only a good edited collection can: it provides a forum for researchers to take a step back from their various endeavours, take up one issue of commonality which might otherwise only be peripheral, and provide a space in which to pursue and develop that specific focus, thus revealing aspects which any individual study could not demonstrate as effectively on its own. In this case, the focus is on “textual travels in the law”. Entextualisation, recontextualisation and decontextualisation are not new ideas in linguistics. However, they take on a particular significance and resonance in legal contexts. As the editors assert, “it would not be too much of an oversimplification to say that Western legal processes are fundamentally an exercise in intertextual construction.” (p.18) Yet this has hitherto not been the subject of sustained and systematic treatment across legal contexts. The concept of this book is therefore important, and extends the literature in this area in an important direction. It is also what makes it more than the sum of its individual chapters, claiming - and earning - a status beyond simply an edited collection arranged around a theme. The introductory chapter is key to this, providing more than just an introduction to and critique of the key concepts (such as “legal-lay/lay-legal”, pp. 5-8; “textual travel”, pp. 8-14), but also providing a compelling argument for the centrality of these concepts in any truly meaningful and worthwhile analysis of any type of legal discourse. Hopefully it will encourage researchers to include consideration (or, better, full theoretical treatment) of context, and all the extra aspects that entails in the legal arena, in future studies of language in legal contexts. This volume is also a valuable touchstone for those interested in context, intertextuality and related phenomena in any other research site. Both written and spoken text are analysed extensively, with special attention paid to institutional processes whereby one is converted into the other (see. e.g Katrijn Maryns’ contribution on intertextuality Belgian criminal trials in chapter 5).

As highlighted in the introductory chapter, discourse analysts have tended to analyse one instance of a text. But for any part of the legal process, that is bound to miss vital aspects of both the original interaction and its institutional purpose, and of its wider social significance. This may well be true of other contexts, especially institutional ones, but it is difficult to identify another context where the textual travels of an individual's words take on such immense significance for them. This in fact presents another unique challenge for analyst and participant alike, in that the most important context for a text may well not be the one in which it is created. The archetypal example of this is an account given in a police interview which subsequently functions as evidence in a courtroom trial. Here this is examined by Georgina Heydon from the perspective of the police interview stage (chapter 3), and by Alison Johnson from the trial perspective (chapter 7), with Martha Komter's contribution following the text's travels from one to the other (chapter 6).

The collection is presented as a series of parts, organised loosely around the various stages of the legal process, at the same time as attempting to group according to theme. Thus Part One covers "police investigation as textual mediation"; Part Two "the legal case as intertextual construction"; and Part Three "judicial discourse as legal recontextualization". Part Four, "crossing cultural and ideological categories in lay-legal communication", sits a little less comfortably into this structure, and includes chapters on topics as diverse as "informed consent to genetic research" (chapter 12), and "the legal-lay interface in *The Highway Code*" (chapter 13). This structure means that central topics such as police interviews (chapters 3, 6 and 7) and witness accounts (chapters 4, 9 and 14, and, to a lesser extent, chapter 8) recur across sections, but rather than creating disorganisation, this usefully serves to accentuate the focus on "textual travels" as opposed to the specific context or type of discourse.

The chapters are generally written by authors revisiting areas of their own prior research, yet through the prism of this collection's theme, thus adding new emphasis and fresh insight.

Thus we have Mark Garner and Edward Johnson on emergency calls to the police (chapter 2), Frances Rock on witness statements (chapter 4), and Chris Heffer on “reasonable doubt” (chapter 10), to name but a few. This volume therefore draws on the authors’ considerable collective expertise in the area of language and the law, while contributing a layer of new significance to their previous body of work.

One particularly interesting aspect here is that, while intertextuality and recontextualisation are familiar to us from many contexts, decontextualisation has a particularly “legal” association. Indeed, it can be seen as a lay-legal clash in and of itself. There is a fundamental conflict between legal norms of treating language as a static artefact, available for objective assessment and evidential scrutiny much as a physical exhibit, and the linguistic understanding of the fundamental importance of context for meaning and interpretation. This can be seen in many chapters in this volume, but is addressed most directly and effectively in Susan Ehrlich’s examination of “the decontextualisation of witness testimony” in a rape case (chapter 9). This highlights why legal discourse is such effective source material for extended analytic consideration of these concepts.

A secondary, but prominent, theme which emerges through this collection is that of inequality and powerlessness. The transformations and appropriations of the language of lay participants, evidenced in virtually every chapter of this volume, are almost always in the hands of the professional/institutional/powerful. However, Shonna Trinch (chapter 14), adopting a refreshingly different interpretation of the volume’s theme, adds a useful new perspective on how we might reconceptualise unhelpful notions of rape “victims” or “survivors” by using women’s own narratives of their experiences as the textual vehicle which might bring us towards a more equitable place beyond such labels.

Overall, then, this volume is timely and important in its recognition of the centrality of intertextuality and recontextualisation to the legal system, while also making a strong contribution to the theoretical treatment of these concepts in any research context. Its seemingly specific focus achieves depth and rigour rather than narrowness or obscurity, making this a valuable collection which deserves to travel well beyond its original parameters.