

Book reviews

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Dennis Kurzon and Barbara Kryk-Kastovsky (eds), *Legal Pragmatics*, Amsterdam; Philadelphia, PA: John Benjamins, 2018; 278 pp., US\$143.00 (hbk).

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Law has been gaining popularity as an object of examination within the paradigm of discourse and pragmatic studies. Suffice it to say that in recent years a few volumes on the complicated relations between law, language and context were published (e.g. Capone and Poggi, 2016; Galdia, 2014; Giltrow and Stein, 2017). The book under review is yet another valuable contribution to this realm of study, both in terms of expanding theoretical backgrounds and drawing practical implications of analyses. The volume is logically divided into four parts, each dealing with a specific domain of legal pragmatics: historical pragmatics, pragmatics of legal writing and documents, discourse in the courtroom and in police investigation, and legal discourse and multilingualism. However, this division into aspects is fluid, since the chapters are joined together through coherent ideas.

The conceptual premises developed by the contributors refer, first and foremost, to the nature of legal language. In Chapter 12, Yankova discusses the issue at length and summarizes views on legal language offered by many theorists. She casts doubt on the claim that legal language is a variety of technical language, which is ‘always an adjunct of ordinary language’ (p. 259). On the contrary, Yankova lists the qualities of legal language that make it a unique social phenomenon, ‘indelibly linked to the culture of a given society’ (p. 258). These principal qualities include the ability to furnish the meaning of legal terms depending on changes in social perceptions of justice and appropriateness. Another characteristic of legal language, as follows from Yankova, is ambivalence: the language of legislation strives to be unambiguous and encompass all possible eventualities, but in fact it turns out to be obscure and context-dependent. Thus, context comes under intense scrutiny in most chapters, which is only natural if we take a look at the title: by definition, pragmatics deals with language use in context.

The meaning of context also appears to be a debatable issue. In Chapter 11, Salmi-Tolonen indicates that

context means rather different things within alternative research paradigms, and indeed even within particular traditions it seems to be defined more often by situated practice. *Context* can refer to the legislative context but also to the context of application or interpretation. (p. 236)

Various parameters of context include time, place and participants and their intentions, as well as the social and ideological environment in which law is passed, interpreted and implemented. These facets of context constitute a complicated whole, which is seen from different angles in the book.

The leitmotif that represents the other side of the context dispute concerns the distinction between a more abstract ‘linguistic’ meaning and a more concrete ‘communicative’ meaning, the latter being the result of inferential processes that involve the interaction of linguistic meaning with contextually relevant data (Visconti, Chapter 6, p. 119). The contributors aptly demonstrate that the ‘what people mean when they communicate’ problem is not purely theoretical; it can lead to devastating consequences. Thus, in Chapter 9, Archer, Smithson and Kennedy speculate on the importance of pragmatic awareness in the course of crisis negotiation procedures and illustrate how the police negotiator’s inept management enhances an emotional distress of the person in crisis, and this, finally, leads to his death.

As can be expected, debates on the interpretation of communicative (contextual) meanings involve a lot of references to inferences, implicatures and presuppositions (cf. Giltrow and Stein, 2017, reviewed by Dubrovskaya, 2018). While in most cases the illustrations that substantiate the contributors’ interpretations of speech data are rather convincing, the conceptual question that arises is which cases of deducing a meaning from a statement can be viewed as examples of inferencing. It seems that language as a semiotic system requires inferential work by definition; hence, the distinction between literal and non-literal meanings is not always clear-cut.

In terms of methodological advances, the volume seems to indicate an important trend in the development of legal linguistics – its increasing rapport with critical discourse analysis (CDA). The authors of some chapters do not explicitly refer to this approach, while building upon CDA through the usage of the analytical tools and categories well established in the field, such as social identity, power and asymmetric power relations, ideology, resistance strategy, stereotypes and agency. The research aims set in these chapters are also typical of CDA, as the chapter authors seek to explore social relations as they are constructed in and by language. For instance, Doty (Chapter 1) draws on the genre of petition in the context of the Salem witchcraft trials to illustrate how the social identity of the accused is discursively constructed and reframed in legal context. Due to its focus on identity, the study contributes not only to historical and legal pragmatics but also to the development of methodologies for social identity analysis. Al Saeed (Chapter 8) sheds light on the asymmetric nature of modern Egyptian courtroom discourse and concentrates on suspects’ responses that exemplify the resistance strategy.

Authors of some other chapters openly name CDA as their methodological basis. As an example, in Chapter 2, Johnson performs a meticulous analysis of the 18th-century child rape trials in the Old Bailey Proceedings with the aim to demonstrate how social ideologies are interwoven with the miscarriage of justice and the destruction of credible victim identities. In terms of a wider conceptual understanding of law, Johnson’s observations explicate the gap between the written body of law and actual legal practices.

A merger of legal linguistics and CDA opens promising methodological avenues, which make a researcher move from an abstract legal text, or genre, to its tangible social consequences. And it is this fresh perspective that I view as a major asset of the volume.

The book can gain multiple audiences, including legal linguists, discourse analysts, legal philosophers and practitioners. Various national legal contexts discussed in the volume, which embrace Europe, North America and Africa, might appeal particularly to specialists in comparative pragmatics and comparative law.

References

- Capone A and Poggi F (eds) (2016) *Pragmatics and Law: Philosophical Perspectives*. Cham: Springer.
- Dubrovskaya T (2018) Book review: Janet Giltrow and Dieter Stein (eds), *The Pragmatic Turn in Law: Inference and Interpretation in Legal Discourse*. *Discourse Studies* 20(5): 688–690.
- Galdia M (2014) *Legal Discourses*. Frankfurt am Main: Peter Lang.
- Giltrow J and Stein D (eds) (2017) *The Pragmatic Turn in Law: Inference and Interpretation in Legal Discourse*. Boston, MA; Berlin: De Gruyter Mouton.

John Gray and Tom Morton, *Social Interaction and English Language Teacher Identity*, Edinburgh: Edinburgh University Press, 2018; viii + 191 pp., GB£29.99 (ebook).

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Language teacher identity (LTI) represents an emerging field in linguistics and teacher education. Gray and Morton's book contributes to this field by foregrounding social interaction in the analysis of LTIs. The most fascinating feature of the book is that the authors take an ecological perspective to examine English LTIs performed, accepted or denied in a wide range of educational settings, connecting observations at the micro level of interactional details, meso level of institutional elements and macro level of social structures.

The book is divided into three sections. The first section (Chapters 1–3) begins with a brief introduction to research background and methodological considerations in Chapter 1, followed by an overview of identity as a theoretical concept in Chapter 2, and a review of studies on social interaction in Chapter 3. An explicitly stated opinion in this section is that social interaction is a primordial site where multiple LTIs are produced and made relevant.

The empirical section (Chapters 4–8), covering five data-driven chapters, explores English LTIs in a variety of educational settings. Chapter 4 draws on recent work in epistemics and deontics to explore how teacher trainers and trainees negotiate knowledge, competence and agency as one dimension of LTIs in their lesson-planning sessions. Chapter 5 focuses on English for speakers of other Languages (ESOL) teachers' 'professional identities' discursively constructed in their talks about 'individual learning plans'. An analytical merit is that it focuses on small stories teachers tell as part of interactional identity work. Chapter 6 sheds new light on LTI research by investigating teachers' 'language-related identity' under the framework of membership categorization analysis. The analysis updates the traditional view on 'subaltern attitude' toward non-nativeness of language teachers. The final two empirical chapters address two currently neglected aspects of LTIs: class-related identities in Chapter 7 and sexual identities in Chapter 8. Previous studies on stance, positioning and framing are reviewed and applied to examine LTIs in group discussions and teacher interviews.