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Book Reviews

Title

Review of Speaking of Crime: The Language of Criminal Justice

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Solan, Lawrence M., & Tiersma, Peter M. (2005). *Speaking of Crime: The Language of Criminal Justice*. Chicago: University of Chicago Press.
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This book's focus is on those areas in which "linguistics and related fields can improve the quality of justice." Sociopsychological parameters of language are not afforded explicit attention, yet readers of this journal who are interested in researching about or teaching on aspects of the law and the criminal justice system should find this essential reading as well as an invaluable resource. The volume is emancipating to the extent that it is a credible portrayal of how "the criminal process is full of language events from beginning to end" (p. 13).

There can be few scholarly "linguistic sleuths" (p. 158) beyond Solan and Tiersma (hereafter S&T) who can command a detailed knowledge of American case law and appreciate the integral roles that language plays in engaging in criminal acts, police contacts with civilians, and the court's assessments of evidence presented to them. The authors are law school professors with long-standing expertise in linguistic and language issues themselves, and their four-part volume is intended for a wide audience, including seasoned language scholars as well as practitioners of the law. For the most part, it achieves this lofty goal in a lively way. Even the discussion of fundamental and diverse aspects of language use in Part I is absorbing given the way its basics are interlaced with the relevant legal intricacies at hand. Helpfully concise but vivid forays into cognitive psychology (e.g., memory and base rate inferences) are provided at appropriate junctures elsewhere. Moreover, there is compelling recourse to some well-publicized events, including the World Trade Center bombings, the Unabomber's exploits, and threats against President Reagan's and Yasser Arafat's lives. The short epilogue chapter underscores an array of contributions this analysis could have for those involved in the practices of criminal justice, although it would have had that much more impact if many of the recommendations (e.g., mandatory recordings) made repeatedly throughout had been saved for this forum.

One major theme emerging from the book is that people use language ambiguities to their strategic advantage, as in the case of indirect speech. This can be invoked by police officers to induce civilians to agree to searches, which the latter have every right to refuse, that can ultimately work against them should they, say, be possessing illegal substances. The courts appear to accept compliance to indirect speech (e.g., "Have you a way of opening the trunk from there?") as consensual agreement. Yet when it comes to civilians invoking the right to the presence of a lawyer through *their* use of indirect language (e.g., "Maybe I should think of contacting an attorney . . ."), the courts will typically not accept this as an equivocal request for an attorney to be present nor deem it a call for the cessation of further questioning. How certain police officers can still manage to procure information from those having refused to talk after being read their Miranda rights is also fascinating reading. Relatedly, the authors

argue that a number of social groups might not understand the Miranda rights read them, even despite their expressed understanding of them. This assumed deficiency is attended to by S&T in their recrafting of the Miranda statement in simpler, yet less ambiguous, terms.

Although interpretive concerns relating to the use of indirect speech are a mainstay of the treatise, and a socially if not morally troubling one that continues to reoccur throughout the volume, its impact is somewhat diluted when those of us who are avid footnote and endnote readers move tediously back and forth between the notes and the text. (Endnotes, which comprise all the bibliographic citations and legal referrals, constitute some 35 pages at the end of the volume.) From these endnotes, we learn that not all states go about their business in this way, with one study showing that officers explicitly telling those detained that they do not have to submit to volunteer searches does not make a difference to the eventual level of compliance anyway. Now why people would adopt such a counterintuitive stance in agreeing to searches when they are vulnerable to arrest is an intriguing question, and one that is left, to all intents and purposes, unsettlingly unanswered.

All this notwithstanding, and whether one is captivated by legal intricacies or not, the material on “gathering the evidence” in Part II places readers (from the United States and many other global locations) in a seemingly enviable position in being able to effectively manage their rights in brushes with law enforcement, such as in traffic stops and any aftermaths. Although Part II was quite ponderous and repetitive yet insightful, the authors find their real calling in Part III. Here, the reader forms the distinct impression that the levels of analysis and confidence in the data have been ratcheted up a notch or two. S&T note that defendants’ statements are rarely recorded verbatim, and consequently, they argue that miscarriages of justice are potentially significant; the presence or absence of even single words (potent and subtle) can incline moves toward conviction. In addition, data relating to conditions under which the voices of criminals (e.g., as from a hooded rapist) or their writings in demand or threatening notes can be accurately identified by experts and laypersons are carefully and thoroughly assessed. Although criteria of reliability (as in the so-called Biggers and Daubert standards) are available, the courts appear too casual in their yardsticks and understanding of the complexities involved; more sophisticated methodologies are called for and are in dire need of devising.

Part IV is devoted largely to discussions of crimes in which language is a major and critical component (e.g., bribery and conspiracy). Although Grice’s maxims were usefully mined with regard to perjury, the unfolding of the Clinton-Lewinsky affair would have benefited from a valued excursion into equivocation theory. Indeed, at virtually every interpretive turn, a sociopsychological or communication theory came to mind as pertinent (e.g., various interpersonal adjustment, deception, and privacy models, frameworks of uncertainty reduction and anxiety and of social and personal identity and boundary managements). Although S&T frequently pose interesting empirical questions and suggest studies to be concocted from their own

epistemological vantage points, on many an occasion, I found my mind drifting toward sociopsychological studies that could be (and need to be) devised, both experimental and qualitatively naturalistic.

Whether this volume will induce ripples of reform down the legal corridors of power is moot, yet it is convincing stepping-stone toward that end. Furthermore, it plays a significant role in encouraging those in the criminal justice sector to become more language savvy, and therefore for us, this volume will be a coup when located as a recommended text for law and society courses. Although at one level, it would be exciting to see a revised version taking more account of theoretical perspectives dear to the *JLSP*, at another level and in the meantime, it elegantly provides an unfettered impetus for myriad applied research programs to spring from the current volume.

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