One of the ongoing discussions and permanent challenges in the area of language and the law in the last decades is the communication problems that arise when lay people interact with the legal arena. Legal–Lay Communication: Textual Travels in the Law, edited by Chris Heffer, Frances Rock and John Conley, is an additional significant contribution to the body of work in this area. The book approaches the broad theme of legal–lay communication, but does so critically, with a particular take on textual travel. As the editors argue in the introductory chapter, the ‘combination of themes makes it possible for the book to move beyond what would be possible with only one agenda’ (p. 3).

The book has two main aims. The first is to contribute to work where textual travel is pertinent. The second, and admittedly more immediate aim, is to improve the understanding of communication between legal professionals and the lay people with whom they interact.

The book builds upon the theoretical notion of textual travel to ensure a logical sequence and grouping of related chapters throughout, while retaining the diversity of the individual perspectives on legal–lay communication of each author, from several different countries. The notion of textual travel, as well as the notions of entextualisation, decontextualisation and recontextualisation, are recurrently discussed throughout the book, and the transparency of the terms

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‘legal’ and ‘lay’ to mean ‘people acting for the legal system’ and ‘people encountering the legal process in the lay role’, respectively, are challenged from the first chapter.

The book journey is organised into 14 chapters across four parts, or ‘stopovers’, each presenting a theoretical theme. Chapter 1, ‘Textual Travel in Legal–Lay Communication’, is authored by the editors and introduces the book. It presents the book rationale and describes individual legal processes that are approached by the contributing authors. Subsequently, it addresses the concept of ‘legal–lay/lay–legal communication’ by reviewing some literature on the topic, while referring to issues and challenges raised by the authors in this volume. It discusses the legal–lay distinction as a) categories of participant, b) institutional interaction and c) cognitive or discursive styles. The section concludes by making the case for legal–lay communication to be seen in terms of ‘fluid and ever-changing forms travelling through time and space’ (p. 8), rather than in terms of fixed categories. The chapter continues with a review of the literature to raise the themes that are developed in the individual chapters, and to support a detailed discussion of the concept of textual travel.


Chapter 2, ‘The Transformation of Discourse in Emergency Calls to the Police’, by Mark Garner and Edward Johnson, opens Part 1. The authors adopt a broadly communicative approach, as opposed to a purely linguistic one, to discuss the legal–lay interaction between police call-handlers and members of the public making emergency calls in the UK. The authors trace the entextualisation and reentextualisation processes of the emergency calls. They emphasise the relevance of the ‘constellation’ of interrelated communicative events, which involve multiple parties and media over a period of time, to the study of communicative events, in general, and emergency calls, in particular. The chapter argues that each text has several versions throughout the constellation, and that the processes of transformation are not linear, to conclude that the communication between the public and the police is a paradigm example of textual travels.

In Chapter 3, ‘From Legislation to the Courts: Providing Safe Passage for Legal Texts through the Challenges of a Police Interview’, Georgina Heydon discusses the role of police officers as recontextualising agents. The author explains how the different discursive trajectories involved in the process of
communicating a caution or legal text during a police interview can collide. In her introduction, Heydon promises to demonstrate how miscommunication could be minimised, and discourse trajectories could be better managed, by resorting to a professional voice. Building upon a detailed analysis, the author discusses miscommunication of legal texts in police interviews and the police role in resolving these issues. She argues, upon applying the conceptual framework of textual travel, that the problem of miscommunication is due to a misconception about the process of recontextualisation. She concludes by reflecting on whether police interviewers are properly equipped as recontextualising agents, and whether the use of cue cards to communicate rights is sufficient to handle the underlying discoursal differences.

Part 1 closes with Chapter 4, Frances Rock’s ‘“Every Link in the Chain”: The Police Interview as Textual Intersection’. The author begins with a discussion of textual travel in written police witness statements through a police interview. Although her chapter is situated within the framework of four forms of textual travel (the collation of evidence, the witness’s circumstances, the co-construction of text, and the interview), it focuses on the final form of textual travel: the interview. This, Rock argues, is ‘an intersection of textual trajectories’. The author therefore builds upon the key concepts of intertextuality and recontextualisation to describe the functionality of intertextuality in interviews and to illustrate how theoretical ideas combine in her own perspective of textual travel. Rock concludes by presenting some practical implications of her work, the most relevant of which is perhaps the fact that police officers, being aware of the shifts between events, could reorient the witnesses and clarify the purpose of their involvement in the interview.

Chapter 5, ‘“Theatricks” in the Courtroom: The Intertextual Construction of Legal Cases’, by Katrijn Maryns, opens the second stopover, ‘The Legal Case as Intertextual Construction’. The author uses linguistic-ethnographic research to address interdiscursivity in the courtroom, as a process involving revaluations of form–meaning relations as they travel across different discursive spaces. Maryns provides a lucid description of the Belgian pre-trial investigation and the trial itself to analyse how written case notes are used to both reconstruct verbatim oral dialogue and as evidence in court. Maryns’ findings demonstrate that conversational resources are used, even in highly formal court contexts, for legal-argumentative purposes, as legal actors reconstruct orality from written text to create an image of objective representation. Consequently, she concludes, the traditional distinction between legal and lay discursive devices tends to fade as legal actors show a preference for lay analyses. The author closes by arguing for further research into trial-by-jury processes.

In Chapter 6, ‘Travels of a Suspect’s Statement’, Martha Komter illustrates
several cases of legal–lay communication in the Dutch criminal law system. The author describes the concept of entextualisation, whereby spoken discourse is transformed into written text, to analyse the transformation of the police interrogation discourse into a written ‘suspect’s statement’, which will be used throughout the criminal law process. Komter identifies two foci and two modes of production: the police interrogation and the trial, and talk and writing, respectively. Specifically, she aims to investigate how the relationships between talk, text and context are managed in the interaction of legal professionals and suspects in the Dutch legal system. The author observes that the police record is constructed taking into account the future settings in which it is expected to be used, and shows that the police report is an integral part of the activities in the trial. Komter concludes by discussing the role of the suspect as a ‘protoprofessionalized’ player.

In Chapter 7, ‘Embedding Police Interviews in the Prosecution Case in the Shipman Trial’, Alison Johnson focuses on the trial of Harold Shipman to examine the references of the prosecution case to police interview texts. After discussing the concepts of embedding, recontextualisation and intertextuality, and making a much-needed distinction between the three, Johnson analyses the intertextuality in the Shipman trial. In particular, she examines the embedding of the police interviews in press coverage of the trial, in the prosecution opening and closing speeches, in witness appearances in the trial and in the judge’s summing up, to illustrate how the interviews travel across time and space, from the interview room to the tape and then to court, and how they are evaluated and transformed. Using a corpus linguistic analysis, the author discusses the layers of meaning and significance attached to the ongoing repetition of Shipman’s words in the trial. She concludes by examining the ‘sedimentary semantic effect’ achieved by embedded repetition.

In Chapter 8, ‘Tracing Crime Narratives in the Palmer Trial (1856): From the Lawyer’s Opening Speeches to the Judge’s Summing Up’, Dawn Archer resorts to the Old Bailey records to provide a historical account of the nineteenth-century court case of William Palmer to identify the similarities with the modern courtroom. Building upon a corpus analysis, Archer investigates the counsels’ opening speeches and their entextualisation/recontextualisation of key items. The author finds that the nineteenth-century courtroom involved practices of textual travel (such as the treatment of pre-trial material) that are, in many respects, similar to those of the modern courtroom. She illustrates how the analysis of statistical frequency of key items (i.e. keyness) can assist the detection of traces of texts that have been recontextualised to create meta-narratives of guilt or innocence, and argues that, in some cases, evidence indicates that this is a deliberate process. She therefore concludes by recom-
mending statistical analysis to uncover linguistic items that indicate textual travel, and hence favour a more detailed qualitative analysis.

Part 3 opens with Chapter 9, Susan Ehrlich’s ‘Post-Penetration Rape and the Decontextualization of Witness Testimony’. In her introduction, Ehrlich discusses the concept of textual travel to illustrate how a lay litigant (complainant in a post-penetration rape trial) loses her voice as excerpts from her testimony are entextualised, transported to other contexts and subsequently recontextualised in various settings in the legal system. She also examines how these excerpts are radically transformed in a way that the original meanings and values are altered, to an extent that a strategy of resistance to a greater sexual violence is reconstructed as consensual sex. Ehrlich borrows Blommaert’s (2005) terms to argue that, under these circumstances, the testimony did not travel well. She contends that, as the case was framed as a post-penetration rape case, it failed to echo the testimony and consequently had an adverse effect for the complainant. She thus concludes by arguing that the notion of consent underlying this framing is outdated.

In Chapter 10, ‘Communication and Magic: Authorized Voice, Legal-Linguistic Habitus, and the Recontextualization of “Beyond Reasonable Doubt”’, Chris Heffer develops a theory of legal textual travel, and promises a remedy to revitalise the criminal standard of ‘beyond reasonable doubt’ by translating it into contemporary lay language. Starting with the concept of recontextualisation, the author provides a theoretical explanation of how textual travel can transform an act of instructional communication, namely transforming the standard of ‘beyond reasonable doubt’, into ‘an act of ritual magic’. He therefore argues that the communicative conduct of courts in relation to lay participants is, to a great extent, historically contingent and determined by the normative context of the law. Building upon this argument, Heffer emphasises that the fact that ‘beyond reasonable doubt’ is conveyed as it is to juries is not dependent on legal linguistic assumptions and ideologies. Conversely, he explains how the contingency of legal practices on the authorised voice of some legal actors is subsequently transformed into authoritative discourse and integrated into the habits of the trial judges. Furthermore, Heffer rejects the possibility that it is the nature of the profession that gives rise to authority in language. The author closes the chapter providing a remedy to revitalise the standard, by moving from ‘magic’ to ‘majesty of communication’.

In Chapter 11, ‘Troubling the Legal-Lay Distinction: Litigant Briefs, Oral Argument, and a Public Hearing about Same-Sex Marriage’, the discourse-rhetorical scholars in the field of communication Karen Tracy and Erica L. Delgadillo start by making a distinction between legal and other styles, which is applied to the discussion of whether same-sex couples are entitled to the same
marriage rights as heterosexual couples. They challenge the assumption that legal texts are principle-based and decontextualised, as opposed to lay texts, which are narrative-based. The authors subsequently discuss the usefulness of the ‘legal–lay discourse’ distinction, before analysing three text genres in particular: the litigant brief, the oral argument and the public hearing discourse. Tracey and Delgadillo observe different patterns of contextualisation and recontextualisation in these text genres, when compared to other text genres. Like Heffer in the previous chapter, they argue that legal professionals and lay people do not necessarily adhere to principle-based and narrative-based styles, respectively. On the contrary, both communicators use both styles. The authors conclude by proposing a better predictor of the use of narrative than the lay or legal nature of the communicators.

In the fourth and last stopover of this journey, the ‘legal–lay’ pair shifts to ‘lay–legal’. This stopover opens with Chapter 12, ‘The Discourse of DNA: Giving Informed Consent to Genetic Research’, by John M. Conley, R. Jean Cadigan, Arlene M. Davis, Allison W. Dobson, Erin Edwards, Wendell Fortson and Robert Mitchel. Using an ethnomethodological approach, the authors analyse travels of texts in the field of genetics, in the intersection of the lay, legal and scientific contexts. The authors focus on how the participants in the genetics research project draw on texts from different sources to construct the meaning of their participation. The authors found that informed consent is an elaborately discursive process, which has not been addressed in prior work. They observe that research practice continues to treat informed consent as a ceremonial event, centred on the written consent document. The authors argue that the genetics research participants’ initial understanding of informed consent is subject to textual travel, as it is continually reshaped and destabilised by subsequent discourse and intertextual encounters.

Chapter 13, ‘Travelling Texts: The Legal–Lay Interface in the Highway Code’, by Bethan L. Davies, returns to the initial ordering of the terms in the ‘legal–lay’ pair to address the different functions of the UK Highway Code, and describes some of the problems of interpreting its contents as legal language. Building upon the argument that The Highway Code has not gradually shifted its role across time, Davies questions whether the Code is a text that travels well. She argues that the text can only be successful if the lay readers of the Code can recognise its multiple purposes and understand it as a legal document. To investigate this, the author discusses the multiple identities of The Highway Code and the use of modality in the text. Providing examples from her case study, Davies argues that the Code is not a text that travels well – if travelling at all – and suggests that, on the contrary, it tends to be seen by the population as the document on which they are tested to obtain a vehicle licence. She con-
cludes with a discussion of the contribution of The Highway Code to the confusion of liability in the civil and criminal law.

The fourth and last stopover closes with Chapter 14, ‘Recalling Rape: Moving Beyond What We Know,’ by Shonna Trinch. The author employs textual analyses of narrative and discourse to investigate the representation of sexual abuse by women who resist rape, as well as the ‘rape victim’ label. In the central section of the chapter, Trinch portrays the rape trauma narrative (which has been constructed as an ideological vehicle of anti-rape work) as ‘a double-edged sword’. While admitting that this trauma narrative may have succeeded in drawing public attention and in providing assistance to women who have experienced rape, the author contends that this construct may silence women who do not represent their rape experience as trauma. Following this, Trinch examines the narrative reports of rape of three women to suggest that the category ‘victim’ should be maintained while making an attempt to re-humanise women as women, since resistance in rape narratives can help understand the complexities involved in the phenomenon of sexual victimisation. She concludes by arguing that rape narratives also allow women to travel to new territories that permit a deeper understanding of the experience of rape.

The travel metaphor underlying this book has been used before, in several different contexts (e.g. in the field of translation studies), and in itself is not novel. But the biggest challenge for the editors was probably establishing the theoretical nexus for the exploration of the individual chapters. The book, nevertheless, offers an impressive collection of textual travels across time and space, applied to legal–lay and lay–legal communication. The editors make and deliver their promise: rather than representing a pastiche of unconnected contributions, the diversity of perspectives included in the volume, the richness of combined expertise of the contributing authors, and the varied range of methods and theoretical frameworks applied add up to a coherent whole of complementary, multidisciplinary perspectives. Each chapter competently guides the reader in her journey through the concept of legal–lay/lay–legal communication, challenging the transparency so often attached to these terms. Moreover, the take on textual travel is constantly present throughout the book, and in each chapter it is convincingly embedded in the discussions, as well as illustrated by specific case examples. This book will therefore make an enlightening and enriching reading for anyone interested in areas such as text examination, context, voices and discursive practices, in the field of language and the law and related fields.

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