Once the epitome of the ivory tower, linguistics, in recent years, has begun to move tentatively into the glare of reality. Early indications in that direction can be found in the work of sociolinguists such as Shuy himself (cf. Shuy and Shnukal 1972), William Labov (e.g. 1966) and John Gumperz (e.g. 1982).

One area of reality in which linguistics seems able to make particularly relevant contributions is the law, attested to by the increase in both scholarly studies linking these areas (e.g. Levi and Walker 1990; and Tiersma 1986, 1987) and the use of linguistic expert testimony in a variety of judicial contexts (civil and criminal; trial and appellate). Language Crimes is evidence of the latter trend, as well as a valuable addition to the understanding of both linguists and lawyers of the contributions the work of the former can make to that of the latter.

After decades of apathy, the legal profession seems to have woken up to the realization that linguistics, that most academic of disciplines, had for them bottom-line practical utility: it could help them win (or lose) cases. One reason the realization took so long, of course, is that it has only recently been the case that linguistics was capable (with the development of semantics, pragmatics and sociolinguistics over the last twenty-five years) of making much of a contribution. This awakening has resulted, just in my own experience over the last ten years or so, in frequent frantic and bemused inquiries from attorneys: they have a case in which linguistic issues seem to be involved. Could I work my mysterious linguistic magic, and win it for them? They don't generally have a clear notion of just what I, as a linguist, might or might not be able to perform, but word has reached their ears of this new miracle cure. Then I may variously have to explain...
that (a) I have no expertise in that area; (b) linguistics has nothing to say about it; or (c) the less I say, the better for their client. In the best case, (d), there is something useful that I can say, but I still have to explain in detail just what that is, what the countertheory is, what real data, if any, my arguments are based on, and why and how most judges will keep me from testifying.

The above suggests that a book is badly needed to explain to lawyers all of these issues, one that would provide plenty of specific and relevant examples of what linguists can do, as well as incisive and accessible discussion of the theoretical issues underlying them. *Language Crimes* is just such a book.

On their side, linguists also need some guidance in this area. We are used as academics to making claims based on ambiguous evidence. We regularly incorporate, explicitly or covertly, subjective or introspective methods in our analyses. Within the family, we wink: we understand why that has to be so, and we do our best with what we’re given. We try, most of us, to be understanding of one another’s needs in departing from strict ‘scientific’ objectivity. But in the courtroom, we can’t count on that friendly forbearance. If we are admitted as scientists, we will have to defend our work by the rules of hard ‘science’ (even if forensic psychiatrists don’t). We must be prepared, not only for ourselves as individuals and for our clients, but for the reputation of the discipline as a whole, to present our case as well as we can. We will have to discover the most expeditious ways of expressing and defending what we know, in terms that will be intelligible to a jury of lay persons. *Language Crimes* provides detailed and explicit examples of how Shuy has run this gauntlet in a dozen or so of the trials in which he has testified, and functions as a manual for the linguist contemplating a dive into these deep and icy waters. As Shuy says (xviii):

> Just like [a] physicist, linguists know what to listen for in a conversation. They listen for topic initiations, topic recycling, response strategies, interruption patterns, intonation markers, pause lengths, speech event structure, speech acts, inferencing, ambiguity resolution, transcript accuracy and many other things. Scientific training enables linguists to categorize structures that are alike and to contrast structures that are not. Linguists understand the significance of context in the search for meaning in a conversation and are unwilling to agree with interpretations wrenched from context by either the prosecution or the defense.

But scientific exactitude is not the only concern linguists should have about achieving real-world relevance. To say that we have that potential is to acknowledge a new responsibility. To be able to be of use is also to have the power to do harm. From now on, linguists who work in relevant areas will have to be concerned (as individuals and as members of a discipline) with how their work will be used – and misused. We must understand that
what we say in a courtroom, motivated perhaps by the needs of the moment, may be taken by members of the public at large in ways we never intended. It behoves us to consider, before we plunge, the ethical and moral, as well as intellectual, implications of our testimony, in the short and long term. Here, too, Shuy provides an excellent model, as someone who has reflected on these matters and has acted according to principle.

Shuy organizes his discussion in an introduction and ten chapters, each of which focuses on a specific speech act or speech event (bribing, getting bribed, agreeing, threatening, promising, admitting, and asking questions), or (in chapter 7) determining when someone is lying — in the courtroom context, committing perjury. For each, Shuy describes one or more relevant cases in which he has testified; discusses the way in which the prosecution (Shuy has always worked with the defence) has willfully or innocently misinterpreted the data, and the reasons behind the misinterpretation; talks about the interpretation a linguist such as he would make of the evidence; the outcome of the case; and considerations for the future, for linguistic theory and forensic practice. His analyses and testimony are drawn from pragmatics (e.g. speech act theory and conversational analysis); sociolinguistics (misunderstandings that occur when speakers of non-dominant forms of the language, including small children, provide the linguistic evidence listened to and interpreted by speakers of the standard), and conversation analysis (the sorting out of conversational turns, topic control, and conversational dominance). All these areas, as Shuy shows, constitute legal land mines. In each, ordinary speakers (such as jurors) are apt to suppose they know everything there is to know about the interpretation of the behaviour in question, and in each case they are apt to make dangerous misconstructions. Everyone knows, for instance, that transcripts are faithful and unproblematic reproductions of recorded utterances. But Shuy gives examples of transcripts that lead jurors into misinterpretations: misidentifications of speakers, misrepresentations of language and phrasing, failure to represent overlaps or pauses properly. Shuy notes a paradox for our times. In one sense, the development of excellent speech-recording technology makes language more validly examinable in the courtroom: it's on tape, no need to rely on impressions and 'he said, she said'. But because we tend to assume that what appears in the transcript of the tape is utterly accurate as it stands, modern jurors are apt to suspend the scepticism that jurors formerly used as a check on linguistic testimony, or have not developed the kind of scepticism necessary for evaluating recorded language.

Consider one case discussed in detail, that of Senator Harrison Williams and Abscam. Williams was accused of agreeing to take a bribe, on the basis of surreptitious tape recordings of his conversations with a 'sheik' (in reality an FBI agent) seeking special legislation. Shuy's analysis of tapes and transcript demonstrate the flaws in the government's interpretations. Shuy notes first of all the difficulty of determining whether the illegal speech event called
'bribery' is taking place at all. When we engage in problematic linguistic activities, our tendency is to hedge: to cloak them as other kinds of utterances, or to pretend we aren't saying what we want the other person to infer. So when a speech act is problematic, interactionally, morally, or legally, we often perform it in the guise of another, unobjectionable act. We frame threats as advice or offers ('how'd you like a nice knuckle sandwich?' = 'I'm going to hit you in the mouth'). We utter apologies as expressions of regret ('Too bad your gerbil got squashed' = 'I apologize for stepping on your gerbil'). And we couch bribery in the language of perfectly legal business transactions ('I think we can do business together... I know you could use a little money for the upcoming election... By the way, it would be great if Bill 999 were to pass'). The only thing that marks such an arrangement as a bribe rather than a legitimate deal is that the quid pro quo is illicit. Shuy is not quite correct in saying that what makes a deal a bribe is that one of the quids is illegal. Rather, typically, both quids are legitimate. In Williams' case, it is legal for a senator to accept contributions; it is legal for a senator to sponsor legislation. But the linkage of the two (the pro, if you will), makes the totality illegal. Therefore, would-be bribers are careful not to make direct connections between the offer and the wish. And therefore, it is often difficult for both potential bribees and later interpreters to determine just what kind of linguistic transaction is occurring: legitimate business deal, small talk, or bribery. And since it is necessary for the bribee to see the discourse as a bribe speech event for the law to take notice, the problem is worsened by the fact that we tend to prefer to see the best in others as well as ourselves; unless we have well-developed paranoid tendencies, we are apt to interpret utterances like the example above as innocent business feelers rather than offers of bribery.

Therefore, as Shuy demonstrates, the government could not construct a valid case out of its surreptitious tapes. They could show that one construction of the events was 'bribery', but there were innocent interpretations of everything Williams said and did. But the jury, after all, is not in court to reflect on the nature of innocent business transactions. The fact that they are there assembled places them in a frame in which they expect to hear about 'criminal activity', and therefore the likelihood is that that is what they will read into the ambiguous utterances of the transcript. As Shuy notes, juries hearing linguistic evidence are not uncontaminated witnesses; they are merely unaware of their contamination, something a linguistic expert should convey to them.

Further, Shuy suggests that the unusual circumstances in which jurors listen to tapes or read transcripts causes them to misperceive normal human behaviour as criminal. For instance, one criticism made of Williams by prosecutors is that, while he perhaps didn't exactly take a bribe, he failed to display sufficient moral indignation that one had been offered. The proper response, they said, would have been shrieks of indignation followed by expulsion from the office. Instead, Williams maintained his polite
composure, insisting that there were legal things he could do, and those were all he would do, but not expressing moral discomfort.

As Shuy notes, human beings generally would rather be polite in a crunch. This is even more true of politicians in high office (the sheik might someday be someone whose friendship the US needed: it would be impolitic to offend him). So Williams’ reluctance to express disgust should not be read as implying acceptance of the idea of bribery, but only as standard operating behaviour, the sort of thing people probably do all the time, except when they have to draw rigid conclusions as members of a jury.

Language Crimes contains many detailed discussions of the same kind. As both a cautionary note, about the dangers of linguists rushing pell-mell into a new area, and an optimistic discussion of the ways in which the field’s expertise can, properly used, enhance the possibility that justice will be done, it should be required reading for any members of either field who may find themselves working with members of the other.

As with any important work, there are a few problems with Language Crimes. Several of Shuy’s analyses, especially his discussions of speech act properties (e.g. the definition of bribes mentioned above) are controversial. More seriously, the book lacks most of the usual scholarly apparatus: legal citations, footnotes, and bibliography are all absent. The index is minimal, and there are only a few references sprinkled through the text. If the book were intended purely as an introduction for lay readers, it would not suffer from those omissions. But in a text that deserves to be read by professionals in two disciplines, the absence of references could be a serious problem.

REFERENCES


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