

BOOK NOTES

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ADAM JAWORSKI & NIKOLAS COUPLAND (eds.) (2006), *The discourse reader*, 2nd ed. New York: Routledge. Pp. xvi, 560, Pb \$23.99.

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As they are given in the preface and introduction, the goals of the first edition of *The discourse reader* (1999) remain the same in the second edition (2006): to provide an introductory/intermediate reader that includes foundational texts and scholars, represents the range of interdisciplinary concerns with discourse, and covers both discussions of key methods and approaches and contemporary work in which discourse analysis is applied to the discourse produced in varying social situations. The additions made to this edition further develop a number of the issues that both editions suggest are important to the study of discourse: the global market in late capitalism, multimodality and new media, and advances in approaches to identity and identification. To make way for additions, we have lost selections by Aaron Cicourel, Allan Bell, and Anthony Giddens, though they remain cited in section introductions and other contributions.

The reader opens with key authors and texts from linguistics and linguistic philosophy because, according to the editors, “however concretely or abstractly the term [discourse] is used, there will at least be agreement that it has focally to do with language, meaning and context” (p. xi). Roland Barthes (chap. 7) has been added to this group of foundational thinkers. Barthes’s semiotics has been influential on studies of discourse in many ways, one of which is the analysis of multimodal interaction and communication. The additions of Theo van Leeuwen (chap. 12), David Graddol (chap. 13), and the new selections by Norman Fairclough (chap. 9) and Gunther Kress & Theo van Leeuwen (chap. 26) all consider the ways the discursive and extra-discursive (hearing, visuals, global changes, etc.) are brought together in meaningful and powerful ways. Analyses of new media, such as that of Stuart Hall (chap. 27) also participate in this growing vein of scholarship.

Other selection changes emphasize the importance of the global market and the discourse produced where the global and local meet because, as the editors explain, “language takes on greater significance in the worlds of providing and consuming services” (4). Both Fairclough’s new contribution on global capitalism and the added contribution by Nikolas Coupland & Virpi Yläne (chap. 25) consider the effects of global movement on discursive interaction.

Other additions to this edition of the *Reader* mark recent extensions of foundational theory and recent directions in the study of the intersection between society and discourse. For example, Derek Edwards’s contribution (chap. 15) problematizes William Labov’s narrative categories, claiming that they do not adequately account for rhetorical flexibility. Judith Butler’s contribution (chap. 34) problematizes speech act theory while emphasizing the material effects of discourse. In a second contribution by Deborah Cameron (chap. 30), representing a recent trend in sociolinguistics, the concept of style is employed to analyze the ways in which people create “self-identification with and self-differentiation from particular groups or group-orientations” (392).

In both editions, the editors have introduced the section on method by explaining that they “resist the idea that discourse analysis is ‘a research method’ in the conventional sense” (xi), and thus this section avoids readings that offer “set rules and procedures for discourse analysts to follow” (125). The new contributions that deal with method – Anita Pomerantz (chap. 17), van Leeuwen, Graddol, and Harvey Sacks (chap. 16) – maintain this approach to method while offering excellent models of careful analysis of discourse, communication, and interaction.

The changes made to this edition reveal the depth of the interdisciplinarity in the study of discourse and the range of arguments that can be made by analyzing the discourse that “[shapes] social order, and . . . individuals’ interaction with society” (3).

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SANFORD SCHANE, *Language and the law*. New York: Continuum, 2007. Pp. ix, 228. Pb \$39.95.

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Language and the law contributes to the recent profusion of scholarship on the role that language plays in making and enacting law by focusing on four specific legal linguistic issues: ambiguity and/in language, legal fictions and metaphor, performative speech acts in hearsay doctrine, and commissive speech acts in contract law. Aimed toward a general audience, the book provides long and well-written articulations of legal concepts (e.g., plain-meaning, parole evidence, hearsay evidence, the rule of lenity, contract law) and linguistic concepts (e.g., metaphor, count nouns, speech act theory), along with in-depth and close analyses of court cases. This makes the book interesting for readers who have expertise in one or the other field.

The first two chapters are concerned with words and phrases: the term *ambiguity* in chap. 1 and the legal fictions “attractive nuisance” and “the corporation as a person” in chap. 2. As he does throughout this book, in paying close attention to a particular word or phrase Schane reveals the range of meaning that a word or phrase can have in a legal context, as well as the depth of reasoning that lies behind the most commonplace legal decisions. In an analysis of appeals based on an ambiguous word in a contract, he identifies four types of ambiguity that are “built into the very structure of language” (p. 180). In chap. 2, he further focuses on the structure of language by looking at legal fictions and metaphor. He suggests that a legal fiction “is a way of adapting ‘old’ rules to ‘new’ uses . . . while at the same time preserving the authority of the older rule” (56). The “attractive nuisance,” for example, is a legal fiction that holds those with ungated swimming pools accountable for a child getting into the pool, using the fiction that the child was lured into the yard, not trespassing. This fiction allows the court to come to a conclusion that the community feels is just without reversing centuries of trespassing laws.

Chaps. 3 and 4 are both concerned with longer units of discourse, the sentence and the document, respectively. Schane uses speech act theory to elucidate the reasoning behind the hearsay principle in evidence law in chap. 3 and the promise in contract law in chap. 4. Speech act theory provides a heuristic for discerning hearsay (out-of-court statements repeated in the testimony of the person they were said to as a way of proving the truth of the matter asserted) from non-hearsay (out-of-court statements used in testimony, but not presented for their truth value). In chap. 4 he considers the role of the “promise” as a historical and cultural construct and the felicity conditions embedded in the contract itself. In both chapters, Schane proposes that speech act theory offers a supplemental heuristic for parsing legal discourse quickly in the course of hearing testimony.

Schane is not critical of the law but rather invested in showing how legal scholars can learn from and borrow the analytic tools of linguistics, while suggesting that language scholars should not overlook the wealth of data available in the language of the law.

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