The Integration of Forensic Linguistics and Functional Linguistics —Book Review of *Dueling Discourses: The Construction of Reality in Closing Arguments*

Edited by Laura Felton-Rosulek, Oxford: Oxford University Press, 2015, 248 pp., ISBN 9780199337620

Yilin Chen and Chuanyou Yuan
Guangdong University of Foreign Studies

Jie Zheng
Sichuan Police College

It is pointed out at the very beginning in *Dueling Discourse* that people may have certain misunderstandings about closing arguments in real life due to the impact of dramatic final summations in the movies and on televisions. This underscores the necessity for a scholarly examination of closing arguments. Additionally, there has been a lack of systematic and comprehensive analysis in existing literature concerning how lawyers linguistically construct opposing versions of the same events and people. Laura Felton-Rosulek grasped this research niche in the discourse of closing arguments. Further developed from her previous work (Felton-Rosulek, 2009), the author puts forward a model of silencing, de-emphasizing, and emphasizing utilized by the lawyers (who are not necessarily aware of) as strategies. Using quantitative and qualitative methods, combined with Systemic Functional Linguistics (SFL) and Linguistic Anthropology (LA), the author conducts her analysis through 17 sets of closing arguments from serious criminal (felony) cases that took place between 1997 and 2005 in the same district court. These 17 cases included in the corpus are all average and mundane cases without any fanfare. The advantage of utilizing a localized corpus from a specific community lies in the controlled manipulation of numerous linguistic variables, facilitating direct comparisons between different groups of closing arguments. However, this approach also raises a potential limitation in terms of the generalizability of findings, as certain results may not be universally applicable to all closing arguments.

The focus of the book is the representation of relevant social actors—the defendants, victims, jurors and lawyers, etc., and their roles in the reality being constructed. The book shows how lawyers refer to the identities of defendants, victims, jurors, and lawyers and how lawyers utilize different language skills to create opposing realities and how those skills influence lay jurors' attitudes and verdicts.

Comprised of seven chapters, the book is well structured and four of the chapters are devoted to the analysis of the corpus.

In Chapter 1, narrating an interesting personal experience about her stint as a juror while writing the book, Rosulek introduces the nature and function of closing arguments in court trials. Previous research on closing arguments is reviewed to show that the book offers a new insight into the

Yilin Chen, School of English for International Business, Guangdong University of Foreign Studies; Chuanyou Yuan, Center for Linguistics and Applied Linguistics, Guangdong University of Foreign Studies; Jie Zheng, Department of General Education, Sichuan Police College.

This research was supported by Project of Intelligent Policing and National Security Risk Management Laboratory of Sichuan Police College, Grant ZHZZYB2404; Project of Golden Shield Talent Support Program in Sichuan Police College, Grant 2023JDJXYC01; New Liberal Arts Research and Reform Practice Project of Sichuan Police College, Grant 2023SX07; 2022 Chongqing Language Commission Research Project, Grant yyk22114.

Correspondence concerning this article should be addressed to Jie Zheng, Department of General Education, Sichuan Police College, No. 186, Longtouguan Road, Jiangyang District, Luzhou, 646000, China. E-mail: zhengjiesmile@163.com

multiple linguistic and discursive strategies that lawyers use in the same arguments.

In Chapter 2, the theoretical framework and methodologies on which the book relies are explained. Specifically, many terms and concepts used in the book are explicated in detail, such as discourse, text, reality, silencing, de-emphasizing, and emphasizing. Critical Discourse Analysis (CDA) and SFL are elaborated to explore how lawyers present closing arguments in different ways. According to the author, while CDA provides the general framework of understanding used in this book, the methodologies used in the analysis of the corpus mainly originated in the related field of SFL as SFL helps fill the gap that CDA does not offer a single consistent methodology but instead simply provides a theory of how discourse functions within societies (p. 21). In the following part, the author emphasizes three common linguistic strategies that lawyers utilized in their closing arguments, which are silencing, de-emphasizing, and emphasizing. Silencing refers to the use of language to exclude information, character traits or witnesses that do not support one's own side of case. It often occurs in the rebuttals on testimony, in which one lawyer tries to deny the credibility of the other side's testimony. De-emphasizing occurs when certain information or terms are used infrequently and made less prominent. This can be seen in a response to the other side's testimony or facts where a lawyer tries to minimize the importance or impact of the opposing testimony or facts. This can also be seen, specifically, when a prosecution lawyer refers to the person on trial as "the defendant" instead of by name, which minimizes his or her identity as an individual. Emphasizing refers to the use of language to enhance the significance of certain information to make it more prominent, often used to emphasize a lawyer's own side's testimony and evidence, in a bid to strengthen testimony/evidence credibility and make the jury more likely to believe the lawyer's own version of reality. To put it more plainly, this can be seen when a social actor, event, or other information is repeatedly referred to or when a prosecution lawyer frequently talks about the defendant's violent, sexual, and/or criminal behaviors. In a nutshell, the three language strategies the author provides are actually linguistic techniques that lawyers often utilize in their presentations to reach certain goals (to shape their own image, control their discourse power, win the support of the jury, etc.). The author further analyzes the lexical, grammatical, and textual language choices that realize these strategies, such as reference, nominalization, code-switching, to name a few.

Chapter 3 "The Defendants" and Chapter 4 "The Victims" make up almost half of the book. In Chapter 3, it is showed that lexical and syntactic choices adopted by the opposing lawyers in the closing arguments function as techniques of silencing, de-emphasizing, and emphasizing certain information. The prosecution and defense lawyers often present contrasting depictions of the individual on trial and portray them either as guilty "sinners" or innocent "saints" in order to influence the jury's perception of the defendant. The analysis is divided into three sections with the first describing the frequency of the reference of the defendants, the second examining the terms that are used to reference the defendants, and the third analyzing the defendants' roles in different narratives that make up the arguments. Each section starts with the elaboration of the corpus comprehensively and then turns to the specific data of selections of the individual cases.

Chapter 4 utilizes quantitative data from individual cases in the corpus along with Leeuwen's (2002) terminology to discuss how prosecution and defense lawyers create opposing representations of the victims. Silencing, de-emphasizing, and emphasizing once again are shown to have been key processes. The author found that prosecution lawyers tend to personalize the victims and defense lawyers' practices vary from case to case. The analysis reveals that in some instances, the victim's role and experiences were silenced by both the prosecution and defense lawyers, while in other cases, the defense emphasized the victim's process even more than the prosecution did. Overall, the tendency was for defense lawyers to refer to victims by their full names to create a sense of social distance and formality, whereas prosecution lawyers preferred using fewer formal nicknames to humanize the victims and draw them closer to the jury. Additionally, rather than outright denying the actions or statements of individuals involved, both sides often chose to silence specific events, the actors involved, or any negative aspects associated with them. This strategic manipulation of language and presentation highlights the intricate dynamics at play in closing arguments as attorneys strive to shape perceptions and sway the jury in their favor (p. 153).

Chapter 5 delves into how lawyers discursively construct the identities and roles of jurors through the mode silencing, de-emphasizing, and emphasizing. While jurors may not be as prominent as defendants and victims in the courtroom, as addresses for the closing arguments, they are crucial social actors. According to the author, to date, little research has been conducted on the jurors' role as both hearers in the proceedings and co-creators of the discourses. Through analysis of the data in the corpus, this chapter shows that lawyers want to achieve

different purposes by different references to the jurors. For instance, explicit references emphasize the identities and roles the lawyers want the jurors to take. The analysis of the use of pronouns such as "we" as the agent of mental processes shows that the first-person plural pronouns linguistically silence the difference between lawyers and the jurors. The jurors may not have considered themselves to be members of social group with the lawyer, but the use of the first-person plural pronouns forced them to be (p. 161). The data also indicate the jurors are more referred to in the defenses' arguments than they are in the prosecutions.

Chapter 6 examines the linguistic construction of another significant group, the lawyers themselves. Corresponding to the interpersonal and ideational meta-functions, the focus of this chapter is to show how the lawyers linguistically mark (or fail to mark) their presence as speakers or interlocutors and how they discursively construct their own side's roles and the other's identities in the closing arguments. The data and analysis conclude that the two opposing sides often simply ignore each other except to point out by references whether the other side should be viewed as part of a large group or as an individual. Moreover, the lawyers also construct their own identities in the narratives by discussing themselves more frequently than they discuss the other side, which is to de-emphasize the other side's argument and to emphasize their own. Meanwhile, the lawyers managed to create representations of themselves that included disparate characteristics (p. 188). Both sides of lawyers use first plural pronouns (the defense lawyers use more) and polite forms to illustrate their similarity to the jurors as authoritative and likable.

Chapter 7 "The Big Picture" tries to illustrate the generalizability of the results by comparisons between a case outside of the corpus and those in chapters. The author points out that the lawyers all behaved linguistically similarly and they all used the model of silencing, de-emphasizing, and emphasizing as strategies while using various linguistics and discursive means to convey their own versions of reality to the jurors.

Dueling Discourse provides a comprehensive analysis of how lawyers utilize the process of silencing, de-emphasizing, and emphasizing to construct different versions of realities in the closing arguments. The results were concluded from the analysis of frequency of reference, terms of reference and the role of social actors in clauses. The book's structure is thoughtful, with a summary provided at the end of each chapter, and even following some sub-chapters. The book offers readers a broad framework that helps them to better comprehend the analysis and conclusions presented in each section. This framework serves as a guide, assisting readers in connecting ideas and synthesizing information throughout the text. The book's analysis is highly detailed and thorough, particularly in the later chapters where concepts such as frequency of reference and terms of reference are extensively examined. These aspects are explored within the contexts of the silencing, de-emphasizing, and emphasizing model, which are used to analyze how lawyers apply these strategies in various situations. By consistently employing the same analysis mode and steps in each chapter, the author enables readers to develop a familiar thought pattern and engage in their own reflections and explorations before reaching the discussions and conclusions presented in the book. This approach encourages readers to actively process the information provided, think critically about the content, and consider how the analysis applies to real-life scenarios.

In addition to the structural highlights of the book mentioned above, the topic of closing arguments is inherently intriguing and compelling. As the author highlights in the book, one of the most fascinating aspects of closing arguments is that they represent a lawyer's final opportunity to make their case and persuade the jurors that their perspective on the truth is the correct one. In court trials, lawyers are typically limited to asking questions to witnesses in a strategic manner to elicit favorable responses that support their respective sides of the case. However, during closing arguments, lawyers have the opportunity to step into the spotlight and personally engage with the jury. This stage allows them to synthesize all the evidence and information presented throughout the trial, weave together the threads of the case, and directly address the jurors one final time. Because of this, the closing arguments are an ideal site to examine the linguistic forms and the discursive strategies that lawyers use as they attempt to persuade the jurors that finding in their favor is the necessary conclusion to reach in this particular case (p. 3). Hence, both discourse analysts and those who have interests in the relationship between language and law are key audiences for this book. What makes closing arguments unique in comparison with discourses in other contexts is that the speakers (the lawyers) are constructing representations of the exactly same topics, events, people and even for the same audience (the jurors). What is more fascinating is that these arguments are always opposed to each other, each being held up as the only valid representation of truth. Rosulek said in this book that these characteristics make closing arguments

ideal for analyzing how the speakers' understandings, purposes, and biases are reflected in the discourses.

The model of three strategies—silencing, emphasizing, and de-emphasizing proposed by the author is also of great attraction and value to the readers of several kinds. For the newcomers to the field of forensic linguistics, the model may seem interesting and worth digging, for example, partly due to its wording. Instead of using "excluding" or other words, Rosulek chooses the word "silencing" which can better and more subtly express the meaning of the strategy. The reader can also find out where this model lies in daily life so that they can better understand it because the author explains in detail the definitions and various kinds of the three strategies. To illustrate, according to the author, there are various kinds of silencing, in which some silences occur simply because a speaker was not thinking about the topic for some reason (e.g., distraction, forgetting, chance) (Dressen, 2002; Huckin, 2002) (p. 43). On the other hand, for the scholars or experts in the field of forensic linguistics, they may refine some new perspectives in this book and take the application of the strategies into account in their further research.

Due to the applicability of the strategies to the closing arguments and the detailed analysis of the felony cases in the corpus, how the lawyers construct their narratives and voices and specifically, how relevant social actors and their roles are represented in closing arguments are clearly shown in front of the readers. In the end, the author not only used a single case to illustrate the generality of the results but went on to show how previous studies on courtroom discourse fit within the strategies of silencing, emphasizing, and de-emphasizing to create different realities and how the model fits in discourse analysis as a whole.

The discussion benefits from a large corpus which includes statistical analysis of the entire corpus, listing a large number of data and refined qualitative analysis of individual cases, however, it may be argued that the types of cases are limited. Because the felonies in the book only include seven of criminal sexual conduct, six of felony assault, three of second-degree murder, and some other charges that only occurred once in the corpus. The generalizability is limited when the type of case that illustrates the similarity outside the corpus is taken into consideration. Apart from that, despite our preference to this analytical structure, some may find the repeated format in each chapter lead to a sense of redundancy. One final minor shortcoming that we would like to address is that although the book emphasizes the participants in transitive processes, their names and roles, and provides a thorough analysis of various process types, the analysis of circumstance is relatively sparse.

Dueling Discourse exhibits a unique research value when compared to some great works on legal discourse. For instance, while Solan et al. (2015) explores the role of language in law, particularly various aspects of legal language and courtroom communication, *Dueling Discourse* focuses specifically on the discourse environment of lawyers' closing arguments, making its analysis more detailed and in-depth. The book also emphasizes the interactions between different participants, such as lawyers, jurors, and judges, highlighting how language strategies shape power dynamics in final statements. This focus not only enriches the understanding of legal discourse but also provides profound insights into the dynamics of discourse power.

In summary, *Dueling Discourse* is a valuable resource for discourse analysts due to its detailed analysis and structured presentation. The unique process model outlined in the book, which includes silencing, de-emphasizing, and emphasizing, offers a fresh and intriguing perspective on trial discourse, particularly in the context of closing arguments. Whether readers are simply interested in understanding trial discourse or professionals working in related fields seeking to enhance their expertise, this book provides valuable insights and knowledge that can benefit a wide range of individuals. Overall, *Dueling Discourse* offers a comprehensive and innovative exploration of language use in the legal setting, making it a valuable resource. No matter you are just interested in trial discourse (especially closing arguments) or you work in a related field and want to learn some expertise, there is definitely something to be gained in this book.

References

Dressen, D. (2002). Identifying textual silence in scientific research articles: Recontextualizations of the field account in Geology. *Hermes*, *28*, 81–107.

Felton-Rosulek, L. (2009). The sociolinguistic construction of reality in the closing arguments of criminal trials [Unpublished doctoral dissertation]. University of Illinois Urbana-Champaign.

Huckin, T. (2002). Textual silence and the discourse of homelessness. *Discourse & Society*, *13*, 347–372.

Leeuwen, T. (2002). The representation of social actors. In M. Toolan (Ed.), *Discourse analysis* (pp. 302–339). London: Routledge.

Solan, L., Ainsworth, J., & Shuy, R. W. (Eds.). (2015). *Speaking of language and law: Conversations on the work of Peter Tiersma*. Oxford: Oxford University Press.