In the end, the only substance I was left wishing for was a broader range of metatheory from other related disciplines, not just philosophy of science. A welcome addition to Part II would have been a chapter like Pullum 2019, referencing the theory of computation, or a comparative evaluation from cognitive psychology, since so many linguistic theories claim to be studies of cognition. Yet these are relatively minor quibbles. Despite (or because of) my bicoastal upbringing in linguistics, this volume, more than any other single publication, has helped me to appreciate not only how fundamentally different approaches to syntax make sense on their own terms but also how they all in their diversity contribute to the overall goal of understanding language.

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In this impressive volume, GREGORY MATOESIAN and KRISTIN ENOLA GILBERT provide the field of law-and-language studies with an important set of analytic tools, insisting that systematic study of multimodal conduct be integrated into research on legal communication. In particular, M&G focus on modes of communication such as gesture, gaze, posture, movement, and speakers’ interactions with physical objects—modes that have not received as much attention within language-and-law research as has legal language in a more traditional conception. For scholars who are unfamiliar with studies of multimodal conduct, the book offers a rigorous but accessible introduction to the field, along with sophisticated analyses of legal interactions demonstrating the value of the authors’ approach. For linguists, sociolinguists, and linguistic anthropologists more generally, the volume offers an inventive entry in the growing literature integrating multimodal analysis into microanalysis of linguistic exchanges—and the macroanalysis of language within institutions. For those interested in research on legal language, this study advances the field through its comprehensive vision of how we can incorporate multimodal analysis into existing paradigms.

One of the big problems with incorporating multimodal conduct into our studies of linguistic exchanges in general—and courtroom discourse in particular—is the sheer volume of that kind of conduct. As M&G amply demonstrate, every second of our interactions with each other contains multitudes. It was already challenging enough to perform detailed analyses of language in legal
and other settings, without adding this avalanche of additional data. It has been common in sociolinguistic, linguistic anthropological, conversation-analytic, and other forms of detailed language research to include in our transcripts a smattering of audible features (see e.g. Hirsch 1998, Mateosian 2001, Richland 2008). Examples include notations for pauses, sound prolongation, emphasis, loudness, overlapping or cut-off speech, and so on. In that tradition, analyses of short sequences of talk can take whole chapters. Now imagine adding to those analyses and transcripts the dense thicket of gesture, gaze, shifts in body position, movement, and more! In this volume, to give one small example, the authors introduce a series of symbols just to capture aspects of one kind of gesture (‘beat gestures’; see p. xii). In addition, they use pictures and descriptions to fill in details of the multimodal conduct under scrutiny.

So in light of the fact that dissecting a brief interaction in this way can occupy entire chapters, readers could understandably worry about the book moving randomly all over the map as it dives into small bits of much longer interactions. Instead, M&G offer a set of analyses organized around an exacting theoretical framework as they highlight particular instances of multimodal conduct in a single trial. The selection of examples is methodical and systematic. This is an exciting development for law-and-language analysts who seek to integrate unquestionably important multimodal aspects of communication into their research. As the authors note, there is a significant literature in the field of gesture studies, in addition to growing bodies of research in other areas pertinent to multimodal analysis. However, ‘the study of gesture (as it integrates other modal forms) is conspicuously absent in language and law research’, and ‘the study of legal interaction is largely absent in the field of gesture studies’ (xii). Their welcome intervention seeks to remedy those notable gaps.

The book is divided into three sections. Part I uses studies of multimodal conduct to uncover microlevel processes through which participants negotiate identity in court. This turns out to be very important in everything from establishing expert witnesses’ authority to battles over gender inequality—and, one suspects, other forms of social hierarchy—within legal settings. Part II turns to issues of motivation, control, and credibility as they play out in trial practice within a dense thicket of multimodal interchanges. These are layered over the prior understanding of identity negotiation in a very productive way, building toward a complicated model that does justice (!) to the incredibly complex interactions in play. Part III comes full circle, working between the two fields that M&G identify at the opening of the book: gesture studies and law-and-language research. They deploy analyses of many layers of communications to show how the multimodal poetic structure of discourse in court is crucial to legal performance—but also how an examination of gesture in this particular setting provides new depth to our understanding of how modality operates ‘on the ground’.

Negotiating legal identity. After the first introductory chapter, Part I moves on to fundamental demonstrations of the importance of multimodal conduct in legal interactions. Ch. 2 uses analysis of multimodal communication to uncover the workings of basic knowledge claims—legal epistemology—in courtroom exchanges pertaining to an expert witness. Ch. 3 takes us from this foundation to examine how a prosecutor creates links to precedent (text) employing complexly coordinated modalities enacted in the courtroom. Ch. 4 concludes this section of the book with an intricate dissection of an exchange between a witness for the prosecution and the defendant’s attorney, showing how the witness contests her relatively powerless role through her enactment of reported speech. At each step in this cascade of chapters, M&G develop a powerful case for the crucial role of multimodal communication, often neglected in our analyses of legal language.

One striking feature of these analyses is how they integrate the many layers of linguistic function and structure at work. The complicated dynamics of turn-taking that are at the core of conversation analysis (CA) come together with footing, epistemic stance, interactional text, linguistic ideology, social power, gender, intertextuality, the interplay of type with token, and much more—all happening at once in movements of body and face as they coordinate with spoken words. This sounds impossible—but of course it has to be true: this is in fact how we communicate. Capturing it all at once without getting lost in the trees is an amazing feat.

To get a glimpse of how the authors accomplished this, we can take a closer look at just one example: an account of one witness’s partially successful attempt to wrench power from the attor-
ney cross-examining her.1 In this situation, the deck is stacked against the witness: the attorney has formal control of the turn-taking apparatus and is also permitted more leeway to shape the exchange than in, for example, direct examinations of his own witnesses. Nonetheless, the witness fights back. But how? M&G give a riveting explanation of how one witness deployed a closely coordinated panoply of modalities to (at least temporarily) gain the upper hand.

The rebellion begins with a verbal request by the witness to depart from the usual turn-taking structure (in which the cross-examining attorney controls not only the turns but also the general topic). Interrupting that flow, the witness asks to return to the topic covered at the end of the previous day’s testimony (84). As M&G note, ‘there is much more than a verbal request here’, because the witness must at once ‘maintain alignment with the participation structure of the court’ while also upsetting it (87). Although the authors do take up issues of gender later on, one cannot help but notice possibly gendered overtones to the exchange here, as the witness attempts to be both assertive and pleasing, using a hesitating head motion to indicate indecision before she moves forward with her request. Pressing her case in the face of a prolonged (and presumably disapproving) silence on the part of the attorney, she responds to his nonreply with ‘a progression of embodied increments organized at discretely layered micro intervals to simultaneously elicit and scan for his withheld response, recycling the [verbal] request multimodally’ (88). These multimodal ‘repeat requests’ include direct gaze, eyebrow flash (rapid rise of eyebrows), widened eyes, and slight opening of mouth—followed by a quickening sequence of head nods accompanied by a sustaining of the eyebrow flash. This series of requests does then elicit a response from the attorney who, after some back and forth, permits the usurpation of his prerogative to control the exchange.

M&G use this fascinating moment to underscore a core part of their overall argument: that interactional dilemmas and contingencies confronting courtroom participants [that] may be managed to shape the organization of discursive opportunity, strategies often ignored by focusing on concepts like pre-allocation or asymmetrical speech system. [This] also illustrates, more theoretically, the difference between law as a system of formal rationality—and by analogy a formal pre-allocation system—versus the law in action, the discourse of law as a strategically emergent co-construction, and the tension between these. (91)

Much as James Scott (1990) has directed our attention to the moments of resistance discovered and created within the interstices of top-down state power, M&G point us toward the power of nonverbal signaling in creating such moments within heavily structured legal settings. And also like Scott, they direct us to the small, seemingly mundane details of these encounters. The witness in this case took a long discouraging silence and filled it with nonverbal signals that reinterpret that silence as acquiescence. As she nods her head, she creates a situation in which she seems to have docilely awaited permission while also quite assertively indicating her right to it. As M&G note, even as such moments operate within institutionally structured discourse, they actually become part of the interactional ‘architecture’ of the courtroom: ‘they shape intertextual and ideological relations, reconfigure participation roles, and recalibrate the historical circulation of utterances and epistemic stance’ (89). The authors go on to give a detailed analysis of the ensuing exchange, showing how struggles over much larger issues play out in seemingly tiny details of multimodal exchanges.

Motivation, control, and credibility in courtroom practice. In Part II, M&G dig more deeply into the interplay of social contexts, identities, and communicative practices in courtrooms. They continue to delve into the same rape trial discussed in the previous section of the book. Chs. 5 and 6 pay particular attention to hand gestures and body position as embodiments of the core messages that a witness and an attorney seek to convey. In Ch. 5, the woman identified as rape victim in this trial seeks forcefully to rebut accusations that she had ulterior motives in making her claim. Those attacks on her motivation included that she was neurotic about men, that she felt spurned when her alleged attacker did not invite her to stay after a sexual encounter, that

1 ‘Cross-examination’ involves an attorney questioning a witness for the other side, whereas ‘direct examination’ involves an attorney questioning their own witness.
she was mentally ill, that she sought publicity, and other gendered allegations familiar to feminists who have written about the ‘second assault’ that rape victims often endure (this time on their characters) when taking their claims to court (Williams & Holmes 1981). Using a clever rhetorical turn, the victim agrees that she had ‘ulterior motives’, but proceeds to describe (and embody) her motivation as that of a protective motherly woman, who does not want other women to be victimized—and who wants justice done. M&G again insist that readers grasp the vital role of multimodal actions because they ‘display how the law is not only talked but embodied into being as well’ (124).

Thus, in a set of moves that the authors describe as ‘the emergent organization of maternal identity’, the victim turns the tables using gesture and other modalities to claim her voice during an exchange with her own attorney. Beginning with indignant protestations that what the accused did was wrong, she moves to the statement ‘I have a child’—accompanied by a shift in gaze and a fluid set of hand movements. Contesting implicit characterization of her as a sexually promiscuous woman, she uses bodily stance in combination with other communication (pragmatic and propositional structure, beat gesture indicating implicit spatial metaphor) to recast her gendered identity as maternal as well as ‘to activate epistemic stance, and build creative accusatory accounts in sociolegal performance’ (117). The remainder of this rich analysis continues a brilliant dissection of the many layers at work in this victim-witness’s performance of protective rather than sexual female identity using grammar and poetics, while working between legal and social identities as well as stances in the interplay of gesture, intonation, speech, and body position. The authors track beat gestures as part of this rich tapestry, their analysis echoing the courtroom performance in its bravura display of linguistic know-how.

The remaining two chapters in this section similarly tackle the dense multimodal underbrush of courtroom discourse. Ch. 6 may seem familiar to readers of M’s previous work, as he has already scrutinized the linguistic process of ‘nailing down an answer’ in detail (and in this same trial). But the renewed attention with his coauthor to this phenomenon is nonetheless quite rewarding, as the two analysts can build from what we already know about the process—and instead drill down on the new question of the crucial role of multimodal conduct. (This is to some extent true in other parts of the volume as well.) Here the defense attorney exerts control over a rebellious witness using, among other multimodal resources, beat gestures of his own (144–46). Ch. 7 integrates a new level of multimodal conduct, examining how ‘artifacts, audio recordings, and transcripts’ are integrated into courtroom communication in ways that have crucial consequences for the credibility of witnesses (153).

Of particular interest to linguists interested in analyzing poetic function is the beautifully constructed argument in this chapter surrounding material evidence in court. As M&G convincingly demonstrate, ‘there is no a priori reason to limit the poetic function to language or verbal artistry’ (21; see also p. 176). The closing chapters in the book extend Roman Jakobson’s foundational insights regarding poetic function to incorporate multimodal signaling in novel ways.2

GESTURE AND COURTROOM INTERACTION ‘IN CONVERSATION’. The final three chapters of the volume make a case for the mutual benefits to be gained by putting research on gesture and on courtroom interaction into ‘conversation’ with each other. In a nicely poetic gesture of their own, M&G conclude the book with a searching analysis of a closing argument in the trial that is the subject of the book. Ch. 8 introduces the concept of ‘material mediated gestures’ (181) to aid in a deeper analysis of how material objects and gesture meld to powerful effect in courtroom oratory.

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2 There has been previous important work on the intersection of gesture and poetics, also building from Jakobson (see e.g. Lempert 2011). In an article published the same year as this book, Michael Lempert welcomed M&G’s project as an astute analysis of ‘more elaborate cases of poetic-(meta)pragmatic diagrammaticity’, citing an earlier article from their study (Lempert 2018, Matoesian & Gilbert 2016). This volume brings added depth in its volume-length treatment of the intersection of spoken language and gesture; as the authors cogently argue, the discursive parameters of in-court communication are also helpful in pinning down aspects of how that intersection works.
Ch. 9 digs further into the effects of gesture on semantic or referential content often imagined as interpretable apart from speakers’ physical movement. Ch. 10, formally the conclusion of the book, extends the analysis in the previous two chapters further, expanding the already searching study of ‘beat gestures’ in those chapters to focus on in how a particular form of beat gesture ‘not only serve[s] a pragmatic function but convey[s] residual semanticity, or aspects of content as well’ (232, emphasis in original).

It is difficult to select a particular segment of this final section as an example of the overarching message, because the text so artfully mirrors that message—which is that segmenting off particular kinds of gestures is itself analytically limiting:

we have seen that rhythmic, iconic, and deictic functions are not empirically isolable at certain moments in the unfolding interaction. … we have called into question the idea that beats, and other related taxonomies that are found in gesture studies today, necessarily constitute a type. Occasionally, one type of gesture may integrate not only with speech, but also with another gesture and thereby fuse into emergent—multifunctional—gestural forms to manage the interactive task at hand. (227)

Thus the core message of these final chapters brings us full circle to the double question posed at the outset of the book: can the study of gesture in legal settings advance theory and method in the two most adjacent fields of study: the law-and-language field, and the field of gesture studies? We see in this culminating set of chapters an affirmative answer on both sides of the question, across many layers of both fields. For gesture studies, the contribution lies partially in the way these authors dissect the multifunctional dimensions of gesture: for example, ‘how they may, at certain moments, function both imagistically and rhythmically’ (234). An additional contribution that is not highlighted—but that is richly demonstrated throughout the book—is the way these analyses link gesture to the particular forms of institutional power enacted in and through courtroom communication. On the other side of the coin, M&G amply demonstrate the crucial contribution of multimodal communication in legal language—from establishing shared epistemological assumptions in courtrooms through struggles over truths decided via assessments of a witness or lawyer’s fundamental identity, veracity, authority, authenticity, embodied performance, and more.

Concluding observations. It is not a criticism but a compliment to the authors to say that I would have liked to hear more about some of the issues they raised—with full awareness that no one book can cover everything (and this book covers a great deal). One of those issues is the question of linguistic ideology, which is touched on at a number of points in the volume. I was left wanting to know more about how they would bring together the several strands of their thought on this topic, in part because they leave us with some intriguing overarching questions. M&G deal explicitly with questions of linguistic ideology in only a few chapters, although one can trace aspects of linguistic ideological impacts threaded throughout the book. Ch. 4 stresses the key role of linguistic ideology in making sense of the attorney’s approach, as it interacts with the witness’s attempt to fight that ideology using multimodal resources. Here an apparently neutral legal-linguistic ideology surrounding ‘inconsistent’ testimony in fact relies on deeply sexist constructions of women’s sexuality: women must be either entirely asexual or sexual beings and therefore complicit in the claimed rape (78–81). If a woman admits to some sexual interest in a man, the statement is deemed inconsistent with her claim that he raped her; but this deeply coded assumption is naturalized through a surface metalinguistic ideology surrounding truthfulness and consistency in witness speech. When mobilizing a full panoply of multimodal resources, the prosecutor still has an uphill struggle in trying to locate a nonexistent ‘middle position’ within the dominant ideological matrix. In Ch. 6, the authors allude to the crucial role of linguistic ideology in multimodal struggles not only in the ‘now’ of ongoing courtroom struggles, but also in how current speech creates a map, a kind of shaky path dependence, for what happens next (128). These two themes—linguistic ideological constructions of (i) consistency and (ii) narrative time (how the ‘now’ projects the future in ongoing discourse)—come together in Ch. 7. Here the authors examine how introduction of taped evidence creates inconsistency by ‘naturaliz[ing] a continuity between historical and current speech events’ (168). There are rich additional veins to mine here, looking from linguistic ideologies situated in larger social structures to those particu-
lar to legal institutions and cultures; perhaps the authors will find space in their future work to consider still more of this question.3

Along with its substantial contribution to both theory and method in the analysis of legal language, the book offers readers conversant with law-and-language research an engaging combination of technical detail and fun—indeed, dramatic—exposition. The authors’ excitement about the discoveries opened by their approach is palpable throughout the text. For example, in working through the complicated layers involved in the integration of material evidence into verbal in-court performances, their own narrative is structured around growing suspense and, indeed, genuine excitement:

Consider the multimodal fusillade of movement, props, gesture, gaze, civil inattention, silence, and speech co-constructed by Black and Mercer in the improvisational density of courtroom performance. Layering allusion upon allusion, both escalate the aura of evidential suspense and narrative intrigue—circling like an obsessive ceremony—that moves toward a moral crescendo ever beyond its reach. This microcosmic infrastructure of legal order emerges not only through the drama of spoken performance, but theater of material artistry as well. (177)

Throughout the book, there are many opportunities for readers to share in the authors’ evident delight at unpacking the truly astonishing details through which communication operates.

And indeed, M&G deploy an awesome array of analytic tools in their effort to convey just how rich and deep our communicative practices are. Readers who are unfamiliar with the full range of disciplinary backdrops from which those tools are drawn should not be intimidated, however, because the authors give us guideposts throughout. For example, when using the conversation-analytic concept of ‘transition-relevant place’, familiar to many from the signal article by Sacks, Schegloff, and Jefferson (1974), M&G drop a footnote glossing the term. This happens throughout the book, whose helpful footnotes take us into details of scholarship ranging from sociologist Robert Merton to semiotician Roman Jackobson to linguists Mary Bucholtz and Kira Hall. For those accustomed to skimming texts, I would advise a salutary shift in reading habits; this book requires and rewards a slower and more engaged read. That kind of reading is in fact a mirror of what the authors want us to appreciate—that each and every second of the time we are in communication with others, we are signaling at many levels, impossible to access consciously in real time. However, given all that we are learning about the power of implicit biases to skew our understanding, it behooves us to take the time to think back (and forward) in trying to track ourselves and others in the full range of what we are communicating.

It is not uncommon to ask ‘what works’ in examining legal language. Not unexpectedly, this teleological approach is the primary focus of trial lawyers and often of legal scholars writing about law. And indeed, it is reasonable for scholars of language in other fields to wonder which of the many aspects of communication analyzed by M&G ‘made a difference’ of one kind or another in particular legal outcomes. But there is an antecedent question that deserves attention: HOW is language working—what features should we even notice in shaping our studies? One does not have to find conclusive answers about the effects of gestures or body language to generate important analytical tools for examining the flow of discourse. This book takes a powerful step in showing us the value of developing forms of analysis that bring a fuller range of communication into consideration.

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3 At still another level, the authors indicate a way that linguistic ideology might affect our own research, when they ask why it is that multimodal conduct has gone relatively unexamined in studies of legal language to date. I started by suggesting that one possibility is the sheer volume of conduct requiring attention. But M&G also cite ‘the rather common misperception that gesture plays a subordinate role relative to speech’ (10), making through this volume a strong case against that misperception. That misperception is itself, of course, a product of linguistic ideology.


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