The Construction of Identities in the Criminal Courtroom: Criminals, Victims and Crimes as Construed in Scottish Judges' Sentencing Statements

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1 Introduction

Within the courtroom context, there are a number of key individuals who conduct the majority of the interaction. These include the obvious participants: judge, lawyers, (barristers and solicitors in the UK), witnesses, defendants, interpreters and jurors. Added to these are the peripheral participants: court ushers, attendants, security officials, court reporters and so on. Finally, there are a number of 'unofficial' individuals present in the courtroom, comprising members of the public gallery, who may be relatives or friends of the victim/witness/defendant as well as journalists attending the trial to report on its progress, outcome and any ensuing dramas. The majority of these 'peripheral' participants are present in a non-verbal context; in other words, they do not contribute to the discourse of the court and their contributions, if any, are not recorded in the court record. It is important to note that these participants are divided into two significantly different categories, both in terms of legal training and power to engage verbally during the trial, although these do not necessarily correspond. These differences are hierarchical and are summarised in Table 1 below:

Table 1 Relations between the level of legal training/seniority of courtroom participants and their level of interactional rights

Level of legal training/seniority	Level of interactional rights (ranked from highest to lowest)
judge barristers solicitors interpreters jurors	judge barristers solicitors expert witnesses witnesses/defendants during examination-in-chief witnesses/defendants during cross-examination interpreters jurors

There are a number of interesting aspects to this hierarchical depiction. Firstly, the judge, barristers and solicitors are listed in the same sequence in both groups; in other words, their interactional potential is commensurate with their legal training and seniority. The second group of interactants, the *lay* people involved in the trial (witnesses/ defendants/ jurors), have both the least amount of legal training and the fewest interactional opportunities. Even within the category of witness, there are some significant differences since witnesses during examination-in-chief will have greater opportunities to speak than when they are more tightly controlled during cross-examination.

It is significant that jurors are included in both categories since their level of legal training, i.e. none or very little, is crucial to their role. Their status as non-legal laypeople is what determines their right to function as jurors, although as the diagram indicates, their interactional status during the trial is very low, almost non-existent, except for their right to send written questions to the judge if a point of clarification requested.

Not only is identity representation significant depending upon who the interactants are, but also the phase of the trial concerned is also highly significant (see Table 2):

Table 2 Breakdown of trial phases, their interactional status and participants

Trial phase	Interactional status	Participants
opening statements	monologic	barrister/lawyer
witness direct examination	dialogic	barrister/lawyer plus witness/defendant
witness cross-examination	dialogic	barrister/lawyer plus witness/defendant
closing statements	monologic	barrister/lawyer
summing up	monologic	judge
jury instructions	monologic	judge
judgement/verdict	dialogic	judge/chairperson of jury
victim impact statements	monologic	victims' families/friends
sentencing	*monologic*	*judge*

In this article, I will concentrate on a single phase of the trial, and a single participant: the sentencing statements produced by the judge at the

very end of the trial. This follows the jury's verdict, and any victim impact statements provided by families or friends. As will be discussed below, all of the trial participants detailed above represent the audience for this statement. In many respects the sentencing statement is arguably the most significant phase of the trial since it carries the most legal weight and has the greatest impact on the defendant(s) involved. It is here that the respective identities of the trial participants are definitively outlined following their construction in direct and cross-examination. The adjudication of the judge provides the definitive construction of identity for the victim, perpetrator and witnesses, as adjudicated by the judge.

The data examined were drawn from sentencing statements produced by judges in Scotland during the period Sept 2011 to July 2012. The corpus comprises 75 statements (approximately 35,000 words[1]) produced by judges in Scottish High Courts, with offences ranging from murder, rape and assault to possession and supply of drugs, theft, mugging and domestic violence. The data present a relevant and recent representation of the ways in which crime, criminals and victims are construed by judges in the current Scottish legal system. The data were analysed using different corpus analysis methods, including *collocate* and *concordance* work, combined with more general qualitative discourse analysis methods, all within the broad framework of the analysis of the notion of appraisal (specifically the category of 'judgement' and social sanction) within systemic functional linguistics. (Martin & White 2005; Martin 2000). These concepts will be exemplified below.

2 Definitions of Concepts

2.1 The Judge's Sentencing Statement

After weighing up all the evidence in the case, heard from both examination-in-chief and cross-examination, the judge in each instance is given time to consider his guilty verdict, any aggravating or mitigating circumstances, as well as opinions put forward in victim impact statements (this last category of statements is the subject of Cotterill, *in preparation*). Having done so, the judge will formulate a sentencing statement which not only expresses the determination of the length of sentence, if any, to be served, but also sums up the nature of the crime and its participants, both victim(s) and perpetrator(s). As a discourse event, this is therefore highly significant. Not only is it the final 'on record' piece of speech produced in the court, but it is also the main

[1] 34,911 to be precise.

piece of 'news' which is generally reported by the press. The representation and identity of both victim and perpetrator is therefore crucial.

2.2 The Duality of the Judge's Identity and Role at Trial

The most obvious function of the trial court judge is to act as the legal adjudicator in terms of general court discipline and during the sentencing phase of an ultimately guilty defendant's trial. This is the primary and clearest function and identity of the trial judge. However, despite the fact that he is operating within the tight boundaries of The Law, codified over centuries of writing and rewriting, there still remains some considerable discretion within this framework.

It is vital during the witness examination phase of jury trials that the judge remains ostensibly neutral, representing The Court and by extension The People (this is even explicitly acknowledged in US trials where the trial is referred to as *The People* v XX). In Goffman's (1981) terms, it is crucial that the judge retains this air of 'objectivity' towards the evidence, since within British legal contexts, the defendant is said to be 'innocent until proven guilty'. As Jackson (1995: 78) observes, 'the judge engages in a variety of speech behaviours in the course of the trial designed both to communicate particular messages and rulings, *and to signify, above all, the presence of an objective, neutral adjudicatory body*' (my emphasis).

This is also of crucial importance during the summing up, an element relatively rare in other adversarial legal systems around the world, but obligatory within UK jurisdictions. The summing up is the stage of the trial where the judge provides the jury with a summary of the evidence from both sides. As I (Cotterill 2003), Phillips (1998), Solan (2003), and most recently, in the England and Wales context, Heffer (2007) have shown, this is in fact by no means neutral in its orientation, but must remain free of at least overtly evaluative language. This restriction is, however, removed once the jury has returned a guilty verdict. This is not only indicated by the evaluative and often emotive language produced by the judge, but also by the witness impact statements which follow a guilty verdict, a fairly recent inclusion in criminal trials in the UK.

Hitherto, it has not been possible for lawyers to refer to the defendant's previous criminal record (if any). There is a UK act from 1898 which rarely allows information about the defendant's similar convictions to be disclosed to the jury, known as 'similar fact evidence'. The current UK government plans to extend this type of evidence, to mean that lawyers are permitted in certain circumstances to disclose the

fact that the defendant may have previous convictions within the same criminal charge category. However, this legislation proposal is controversial, with opponents such as the human rights group Liberty stating that:

> There's no doubt that revealing previous convictions significantly influences and alters the minds of jurors. We already have in place means to bring forward evidence of previous convictions if there is a stark comparison between earlier cases and current prosecutions. If the opening of a prosecution case is simply a run-through of all the bad things a person has done, the chances of successfully defending that person are greatly diminished[2].
> (Statement by Mark Littlewood, campaigns director of Liberty, Aug 6, 2012)

Although during the course of the trial the judge is required to appear neutral and dispassionate, following on from a guilty verdict, s/he is freed from the constraints of apparent neutrality. As Heffer states, one of the jobs to be carried out by the judge is not only to pass sentence on the defendant (surely one of the more powerful speech acts in existence, particularly in the US and other countries where this sentence may even include the death penalty), but also to 'justify the coming sentence in terms of the court's "responsibility to see that people are deterred from that sort of behaviour"'. Heffer's (2005) analysis of England and Wales data found that this justification tends to follow a narrative structure, 'with a series of conduct premises leading to a sentencing conclusion' (Heffer, 2005: 90). This follows on from the adjudication of the jury. As Heffer continues:

> The jury is making a double judgement with a guilty verdict: 'they are not just making a decision about the facts in the case, they are also implying two moral judgements about the defendant: that he is dishonest and he pleaded not guilty, and that he is morally reprehensible, since he has been found guilty of a crime. (Heffer, 2005: 131)

De Carvalho Figueiredo (2002), in discussing sentencing in rape trials, refers to the judge as having as a 'pedagogical role' during this phase. She invokes a Foucauldian aspect to the sentencing statement, reminding

[2] http://www.dailymail.co.uk/news/article-89556/Previous-convictions-law-changed.html#ixzz22lxVq3aC

us that sentencing in court replaced the 18th-century tradition of public floggings and even hangings in public arenas. This method of 'justice' is still carried out in some countries around the world. Thus, the discursive practices of judges can be interpreted as:

> tools in a complex pedagogy of behaviour constructed and realised through legal discourse, a pedagogy which aims to supervise, discipline, educate and control the way men andwomen behave socially and sexually. (De Carvalho Figueiredo 2002: 262)

Both Matoesian (1993, 2001) in the American context and Ehrlich (2001) in the Canadian, discuss the role of the jury trial system in North America in 'educating' the public about appropriate and inappropriate attitudes towards sex, sexual crime and the resulting criminal trial process. De Carvalho Figueiredo (2002) describes this duality as 'two forms of penality at work: *the penality of the law* – legal rules, the opposition of 'legal' and 'illegal' acts and so on etc – and *the penality of the norm*. As we will see below, this has been codified within systemic functional linguistics as *appraisal theory*, and specifically, the subcategory of (appropriately enough) 'judgement'.

During the sentencing phase, the judge has the opportunity to become evaluative and explicitly judgemental. Judges not only attend to the direct trial participants, but also to the additional addressee of the 'man at-large', advising him of the right moral path to take. In Bakhtinian terms, the sentencing speech is highly heteroglossic, or multiply voiced (Vice 1998: 18). Just within the courtroom itself, there are multiple audiences for this element of the trial, as outlined above. I discuss some of these multiple audiences in Cotterill (2003).

The sentencing statement is particularly interesting in terms of identity construction and multiple audience design. Firstly, this is one of the few occasions when the judge will address the defendant directly. In addition to the defendant, in a crime where there is a victim present in the courtroom, the judge must also attend to this secondary but not secondarily significant addressee. If the victim is not present (for example in a murder case), the family of the victim is often in court for the verdict and sentencing of the guilty defendant, and may have just provided a victim impact statement (see Cotterill *forthcoming*). The jury are also part of this phase, since it is here that the judge will typically thank the jury for their service and for their deliberation. Of course, the assembled public gallery, including any press reporters present, will also be included as implicit non-legal audience members. Finally, there is a potential (at this time external) further audience - the appeal courts - if

the guilty defendant decides to appeal the conviction or the length of the sentence. Bell's (1991, 1997) concept of *audience design* is of course significant in this context, since the judge will need to try to attend to all of these actual and potential, past, present and future addressees in his sentencing statement.

This article shows how the judge conceptualises both him/herself and the trial participants, and also often iterates a 'social deterrent' element in his/her sentencing statement. It also discusses the extent to which he/she will evaluate and describe the behaviour of the defendant and the nature of the crime and represent this as morally reprehensible.

2.3 The Law of Sentencing

The law surrounding the actual sentencing is of course largely standardised and formulaic. The (in this case Scottish) Sentencing Council[3] describes the speech act of sentencing thus:

> An offender is sentenced after he or she has either:
>
> - pleaded guilty to a criminal offence; or
> - been found guilty of a criminal offence following a trial.
>
> The judge or magistrate will decide the appropriate sentence for the offence committed by taking into account a number of different factors including the facts of the case, the maximum penalty and any sentencing guidelines.

These guidelines, of course, constrain the type and amount of the sentence imposed upon a guilty defendant or defendants. These are provided in the recent Criminal Justice and Licensing (Scotland) Act 2010.[4] According to the act:

> Sentencing guidelines may in particular relate to—
> (a) the principles and purposes of sentencing,
> (b) sentencing levels,
> (c) the particular types of sentence that are appropriate for particular types of offence or offender,
> (d) the circumstances in which the guidelines may be departed from.

However, there is considerable leeway on the part of the judge in determining the precise nature of the sentence handed out to the

[3] http://www.scotland.gov.uk/Topics/Justice/legal/criminalprocedure/17305/Responses

[4] http://www.legislation.gov.uk/asp/2010/13/part/1/crossheading/the-scottish-sentencing-council/enacted

perpetrator of the crime. The guidance on sentencing for rape presented below, for example, provides an illustration of the range of sentencing options open to the judge, dependent on the nature of the crime:

Type/nature of activity: Repeated rape of same victim over a course of time or rape involving multiple victims

- Starting points: 15 years custody
- Sentencing ranges: 13 - 19 years custody

Type/nature of activity: Rape accompanied by any one of the following: abduction or detention; offender aware that he is suffering from a sexually transmitted infection; more than one offender acting together; abuse of trust; offence motivated by prejudice (race, religion, sexual orientation, physical disability); sustained attack

- Starting points: 13 years custody if the victim is under 13
  Sentencing ranges: 11 - 17 years custody
- Starting points: 10 years custody if the victim is a child aged 13 or over but under 16
  Sentencing ranges: 8 - 13 years custody
- Starting points: 8 years custody if the victim is 16 or over
  Sentencing ranges: 6 - 11 years custody

Type/nature of activity: Single offence of rape by single offender

- Starting points: 10 years custody if the victim is under 13
  Sentencing ranges: 8 - 13 years custody
- Starting points: 8 years custody if the victim is 13 or over but under 16
  Sentencing ranges: 6 - 11 years custody
- Starting points: 5 years custody if the victim is 16 or over
  Sentencing ranges: 4 - 8 years custody

In addition to these complex criteria, the judge may also take into consideration, in line with *R v Millberry [2003] 2 Cr.App.R.(S) 31*:

- The degree of harm to the victim
- The level of culpability of the offender
- The level of risk proposed by the offender to society

In a somewhat controversial statement, the Crown Prosecution Service (CPS) instructs judges that "while rape will always be a most serious offence, its gravity will depend very much upon the circumstances of the particular case".

2.4 The Language of Sentencing

As I have shown, the judge has considerable discretion in determining the precise nature of the sentence given. However, the issue of significance to this article is not the *legal* flexibility, but rather the *linguistic* latitude available to the judge during the sentencing phase in talking about the crime, its victim(s) and its perpetrator(s). Judges are given very little guidance about the actual language to be used during the sentencing statement, apart from being told that 'once the sentence has been decided it must be stated in open court. The court must also explain, *in ordinary language*, the reasons for the sentence and the effect of the sentence on the offender (Scottish Sentencing Council website). Guidance on precisely what 'ordinary language' means in practice is not provided (see Tiersma, 1999 and Heffer, 2007 *inter alia*) for details of the differences between legal and lay language.

In his book on trial narratives, Heffer (2005: 89-90) describes the role of the judge in his sentencing remarks, as being to

> pull together the threads of the prosecution's narrative and legal constructions, but also extend both the scope of that narrative and the scope of the law by fitting the defendant's individual conduct within a more moral sanction against certain behaviour in society.

Heffer concludes that the judge in sentencing 'brings the case back to an everyday "narrative" understanding of the world: behaviour is described subjectively and strongly' (2005: 90). This is an element strongly expressed by The Judiciary of Scotland in their mission statement: 'In cases where there is public interest or where the sentence may be complicated or controversial, the judge may decide to make the sentencing statement more widely available' (Judiciary of Scotland website: Sentencing Statements).

The current article draws on and extends the work of Heffer (2007). Heffer applies the appraisal model across the trial context, explaining and exemplifying the ways in which the behaviour of defendants is judged in court. In this article, as noted above, I focus solely on the sentencing phase of the trial using Scottish data and extending the model presented to include corpus linguistic work on collocations and concordances related to the Scottish sentencing statements.

3 Theoretical frameworks

3.1 Systemic Functional Linguistics: Appraisal, Judgement and Social Sanction

Within systemic functional linguistics, the mode of analysis named *appraisal* is highly appropriate to this type of legal discourse. Within the system of appraisal, the notion of *judgement* (a linguistic, rather than a legal term in this instance) expressing social endorsement or otherwise of human behaviour is an ideal model to apply to the data. I will briefly summarise this aspect of appraisal.

As an extension to Halliday's (1994) model of systemic functional linguistics (SFL), a number of Australian linguists developed a model of what they termed APPRAISAL (White 1998, Martin 2000). White (1998) refers to this system as "The Language of Attitude, Arguability and Interpersonal Positioning[5]". Whilst the majority of the work on appraisal has dealt with journalistic, educational and medical texts, it is an obvious extension of the work to apply it to the legal context done by Heffer (2007), analysing trial data from England and Wales. Thus, under the category of judgement, behaviour may be assessed as moral or immoral, as laudable or deplorable (in the sub-category of social *esteem*), as legal or illegal, as socially acceptable or unacceptable (clearly in the category of social *sanction*), were the consequences are not simply disapproval and disagreement but the breaking of ratified laws within the respective country and legal system.

The appraisal system comprises three essential elements: Attitude, Affect and JUDGEMENT. White (1998) [6] describes *judgement* as 'encompass[ing] meanings which serve to evaluate human behaviour positively and negatively by reference to a set of institutionalised norms'. Clearly in this context, the institutional norms which constrain that evaluation are those of the (in this case Scottish) legal system, as White (1998), codified and clearly documented in case law. In the construction of identities in court However as discussed above, the discretion given to the judge in applying this law and particularly in expressing opinions which go above and beyond the basic legal sanction applied at sentencing is the focus of attention here.

Within the system of appraisal, judgement may assess behaviour 'as moral or immoral, as legal or illegal, as socially acceptable or unacceptable, as laudable or deplorable, as normal or abnormal and so

[5] From http://www.grammatics.com/appraisal/ p1

[6] From *An introductory tour through appraisal theory 11*, available at http://www.grammatics.com/appraisal/appraisaloutline/framed/AppraisalOutline-10.htm

on' (White, 1998)[7]. In this instance, the sentencing phase of the trial, whilst ostensibly and largely focusing on the legality or illegality of the charge faced by the defendant, also contains a strong element of judgement in its sense of immorality and social unacceptability. This may be expressed across the span of language choices, hence:

1. adverbials - *justly, fairly, virtuously, honestly, pluckily, indefatigably, cleverly, stupidly, eccentrically*
2. attributes and epithets - *a corrupt politician, that was dishonest, don't be cruel, she's very brave, he's indefatigable, a skilful performer, truly eccentric behaviour*
3. nominals - *a brutal tyrant, a cheat and a liar, a hero, a genius, a maverick*
4. verbs - *to cheat, to deceive, to sin, to lust after, to chicken out, to triumph*

(White 1998)[8]

Martin (2000: 154) outlined two principal subcategories of judgement:

> social *esteem*, comprising: *normality* (usuality), *capacity* (ability)and *tenacity* (inclination)
> and
> social *sanction* (the area of most obvious applicability to this study), comprising:
> *veracity* (probability/truth) – is this person honest?
> *propriety* (obligation/ethics) – is this person ethical?

Martin (2000: 155-159) expresses this as 'the norms about how people should/shouldn't behave'. The judge in the courtroom, particularly during the sentencing phase of the trial, is surely the ultimate expression of this phenomenon. Clearly by the time the trial reaches sentencing, following a guilty verdict from the jury, these two questions have been effectively answered in the negative, since the individual(s) concerned have been convicted of the relevant crime(s) as defined by Scottish law.

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[7] From *An introductory tour through appraisal theory 6*, available at http://www.grammatics.com/appraisal/appraisaloutline/framed/AppraisalOutline-05.htm

[8] *An introductory tour through appraisal theory*, available at http://www.grammatics.com/appraisal/AppraisalOutline/Unframed/AppraisalOutline.htm

3.2 Corpus Linguistics[9]

Employing the tools of corpus linguistics allows the analyst to process a large amount of data (in this case some 35,000 words) by using specific search terms along with word frequency lists, collocations and concordances.

The notion of *collocation* was famously described by Firth (1957: 11) as "know[ing] a word by the company it keeps", and refers to the co-text surrounding a particular term, or words which commonly occur alongside it. The theory of collocation was developed extensively by Sinclair (1991) and many others and gives us a useful lens through which to analyse the lexis used by the judge. So, for example, not only might an act be described using its legal title, so 'murder', 'burglary' or 'assault', but also may be described as a 'despicable crime'. Through the use of evaluative descriptors such as these the judge is expressing clearly his/her ideology and social sanction assessment of the crime.

By extending the analysis of collocates to include concordance lines, it is possible to gain an overview of the data in a way not possible without corpus linguistic methodology. In addition to this, the concept of semantic prosody is also significant (Louw 1993; Cotterill 2001), applied to the adversarial courtroom setting. The systemic judgement categories described above (social sanction/veracity and social sanction/propriety) may of course be expressed either positively or negatively, hence given an indication of prosody. Given that this corpus consists of judges 'sentencing statements to guilty defendants, it might reasonably be expected that the majority of the lexical items used would be negative in terms of their semantic prosody'.

3.3 Necessary, Sufficient and Optional Components of the Judicial Sentencing Statement

It is useful, before analysing the data in detail, to first provide a sample sentencing statement taken from the corpus, both for those not familiar with the Scottish legal system, and, in research terms, to provide an example of a generically archetypal statement (if such a thing exists). Although it is very difficult to talk of the sentencing statement in terms of a specific generic structure, the majority of statements contain two essential elements. As well as summarising the nature of the crime, its participants (victim, perpetrator and any eyewitnesses) and the effect of the crime on the victim, all of which are presented in narrative form, the judge must also produce the speech act of denominating the actual

[9] For this analysis I am using Laurence Anthony's *Antconc* program, v 3.3.5w (beta). This is freely downloadable at: http://www.antlab.sci.waseda.ac.jp/antconc_index.html

sentence length. These are both clearly accomplished by the judge in the example below:

Case heading with defendant's name	HMA[10] v RITA HEYSTER
Summary of court details, name of judge, sentence imposed, offence charged	At the High Court in Edinburgh Lord Brailsford sentenced Rita Heyster to four years and six months imprisonment after she was found guilty of attempting to defeat the ends of justice[11] in relation to the death of Carol Jarvis.
Preamble	On sentencing Lord Brailsford made the following statement in court:
Summary of the trial, significantly the details of the charge and justification for that charge. This could be seen as a form of 'orientation'.	You were found guilty by a jury after a lengthy trial of attempting to defeat the ends of justice by repeatedly failing to notify the police of the death of Carol Jarvis, concealing the body of Carol Jarvis and thereafter attempting to flee from the scene of these matters. This conduct did have a practical, and pernicious, result in that the delay in discovering the body of Carol Jarvis caused deterioration in the condition of the body of that unfortunate lady and prevented ascertainment of the cause of her death. I have no doubt, having heard the evidence in the case, that the delay also occasioned acute distress to the children of Mrs Jarvis who were unaware of her whereabouts during this time.
Matching of the evidence to the criteria of the charge and assessment of where the guilty verdict sits on the scale of sentencing options available to the judge	This conduct plainly constitutes an attempt to defeat the ends of justice at the higher end of the scale of gravity of offences of this sort.

[10] In the High Court in Scotland, HMA refers to Her Majesty's Advocate. Note that the sentence is presented here have not been optimised, since they are on the public record.

[11] Referred to as 'perverting the course of justice' in the England and Wales legal system

The judge goes through aggravating and mitigating factors, all of which have led him to determine the appropriate sentence. Another form of 'evaluation'.	As is made clear from the social enquiry report you do not accept your involvement in this offence, despite the verdict of the jury. In mitigation I accept that you were of previous good character. I also accept that this conduct, and the relationship you had with Harry Jarvis, has caused you loss of contact with your own family and, it would seem, the loss of your home. I also accept that you were probably vulnerable when you met Harry Jarvis, that he was devious and manipulative, and that you were unduly and harmfully influenced by him. I also acknowledge, and accept the mitigatory value, of the fact that you have been assessed as of low risk of causing harm to others in the future.
And the final 'coda'- what does it all mean for the defendant in terms of sentence? Note also that the verbalisation of the sentence is a speech act with a profound impact for all parties concerned, most of all the convicted defendant.	I take all these factors into account in passing sentence of four years and six months imprisonment, backdated to the 13 July 2011.

There is however a third, albeit optional, element to sentencing statement, whereby the judge uses it not only to admonish the individual defendant or defendants before the court, but extends this commentary to the wider society at large, as we have indicated. This third highly subjective and evaluative element is the primary focus of this article and will be exemplified using data extracts from the corpus. Thus the identities of the participants in the trial are not restricted to those attending court, but are held up as examples to society at large. The identities constructed during the trial and subject to the scrutiny of the media sometimes even results in a kind of criminal shorthand being constructed.

An example of this is the 2008 trials of John Darwin and his wife Anne (*R v. Darwin*). The case concerned the disappearance and claimed death of John Darwin in an elaborate insurance scam. Anne Darwin claimed that her husband had gone missing whilst out canoeing. He reappeared in 2007, following a change in the Panamanian law (where he had been hiding out), faking a case of memory loss. The couple were found guilty and imprisoned for between six years and three months and six years and six months. From that day on, the case has been referred to as 'The Canoe Man' case, and a Google search for this term brings up nine of the first 10 hits talking of the case, a powerful and long lasting image in the minds of readers.

4 Results and Discussion

It is of course not practical in an article of this length to explore the data fully. However the use of corpus linguistics does provide us with an overview of the data and elucidates some of its more salient aspects. In order to do this, I will present and discuss a series of results from mining the corpus using a range of different lexical tools, beginning with the word frequency list, which has been edited for ease of reading by removing function words. Although this only provides a basic overview of the data, it nevertheless gives indications of the general orientation of the judges' statements overall and is a useful starting point.

4.1 Word Frequency in Judicial Statements

Most predictably, many of the most frequent non-function words which occur in the corpus relate to the court, the trial, the crime, etc. Thus an edited version of the first 100 or so lexical words which are thrown up by the analysis is as follows (Table 3):

Table 3 Most frequent lexical words

#Word Types[12]: 3346

#Word Tokens: 34160

Ranking	Tokens	Lexical Item
18	254	sentence
20	247	years
31	170	court
33	138	guilty
36	126	period
37	123	imprisonment

[12] 'type' refers to the number of different individual word forms; 'token' refers to the number of occurrences of that word in the text analysed.

38	113	months
40	110	charge
41	105	case
56	73	lord
57	72	high
58	69	circumstances
61	67	following
62	67	life
64	66	imposed
66	65	order
67	64	sentenced
69	63	account
70	62	pled
71	61	punishment
73	60	offence
76	58	plea
77	58	sentencing
78	57	serious
80	55	risk
81	54	driving
82	54	impose
85	51	convicted
90	50	statement
93	49	prison
97	46	custodial
98	46	fact
101	45	charges
103	45	murder
104	45	report
106	44	death

Studying these results, there is nothing particularly unexpected or out of the ordinary in this list. They are simply words which relate to the functioning of the court, the trial which preceded the sentencing, the crime committed and details of the sentencing itself. However, also included in the word list are a series of more subjective, evaluative and judgemental terms (Table 4):

Table 4 Subjective, evaluative and judgmental lexical words

Rank	Tokens	Lexical Item
213	21	dangerous
421	10	abuse
439	10	gravity
459	10	tragic
469	9	excessive
496	9	sustained
499	9	violent
500	9	vulnerable
570	7	danger
614	7	seriousness
643	6	devastating
734	5	brutal
751	5	depraved
757	5	distress
782	5	inadequate
846	5	terrible
897	4	despicable
1013	4	retribution
1042	4	terrifying
1057	4	wrong
1084	3	appalling
1172	3	extreme
1192	3	grossly
1198	3	horrific
1247	3	notorious
1329	3	subjected
1330	3	suffering
1345	3	troubling
1356	3	volatile
1389	2	anguish
1513	2	defiance
1519	2	deplorable
1623	2	harassed
1624	2	hatred
1630	2	hostility
1633	2	humiliation
1646	2	inflicted
1660	2	irresponsible
1727	2	mutilated
1806	2	recklessness
1824	2	remitted
1825	2	remorseless
1827	2	repeated
1861	2	seriously
1862	2	severity
1863	2	shameless
1923	2	unacceptability
1924	2	unacceptable
1930	2	unsuitable
1932	2	unwilling
1947	2	wicked
1949	2	wilful
1961	1	abhorrence
1969	1	abused
2012	1	aggressive
2040	1	antagonism
2074	1	astonishing
2081	1	awful
2111	1	bigoted
2131	1	brazen
2151	1	callous
2152	1	callousness
2153	1	calmness
2160	1	carelessness
2184	1	chilling
2232	1	connivance
2275	1	cruelly
2283	1	cynical
2284	1	cynically
2287	1	dangerously
2309	1	degradation
2310	1	degrading
2330	1	destroyed
2331	1	destruction
2336	1	devastation
2339	1	deviant
2362	1	disgusting
2363	1	disorderly

2369	1	disregard
2371	1	distraught
2372	1	distressing
2447	1	exploited
2502	1	frenzied
2503	1	frenzy
2507	1	frightening
2583	1	horrifying
2584	1	horror
2595	1	immature
2619	1	indignity
2623	1	inexcusable
2636	1	insidious
2654	1	intimidated
2655	1	intimidation
2659	1	invidious
2707	1	lewd
2711	1	libidinous
2738	1	manipulated
2743	1	massive
2753	1	merciless
2795	1	neglecting
2796	1	negligent
2832	1	outrage
2833	1	outrageous
2840	1	overwhelming
2912	1	preyed
2913	1	preying
2932	1	profoundly
2982	1	recklessly
3053	1	sadly
3062	1	scourge
3073	1	selfish
3074	1	selfishness
3087	1	shocking
3131	1	staggering
3134	1	startling
3151	1	subjecting
3169	1	surprising
3178	1	suspicious
3210	1	threatening
3233	1	troubled
3248	1	uncontrolled
3269	1	unscrupulous
3293	1	vicious
3329	1	wilfully
3343	1	wrongly

Although these terms occur far less frequently than those relating to the court and the trial process, taken as a whole, there are nevertheless multiple occurrences of this type of lexical item. Moreover, they are highly significant given their status as judgements of 'social sanction', one of the two components of judgement in systemic functional linguistics (the other being social esteem). Added to this, their evaluative load and negative semantic prosody makes the judge's sentencing statement anything but neutral in orientation. It seems from this word list that virtually 'anything goes' when the judge is given free rein to describe the criminal or the nature of the crime committed, and notable statements by judges are often thought to be newsworthy and appear across the media. These expressions of negative social sanction are particularly valuable as soundbites for the media, insofar as they present a definitive representation of the personality and behaviour and therefore identity of each of the participants in the respective crime. Since the majority of the population have not attended the trial, the only way in which they are given access to the identity construction of victim and perpetrator is through published reports from court, most of which compromise a summary presented and constructed by the judge.

In order to explore these relatively raw and decontextualised data in closer detail, we need to expand these descriptors, which come as White (1998) described in journalistic texts across the spectrum of forms - nominal, adjectival, adverbial. We need to expand the data and explore collocates, concordances and larger stretches of judicial discourse. I will aim to explore these issues in turn in the remaining sections of this article.

4.2 Collocates and Concordances of Criminal Activity

If we adopt a corpus linguistic approach to the data, and use concordancing software, we can begin to see patterns of co-occurring lexical items surrounding key terms. This type of analysis is extremely useful since it provides an overview of the key identificatory features of the discourse, as well as the overall orientation of the statement in terms of its key words in a word frequency list. This may be achieved by looking at each time the name of the defendant, for example, is mentioned and the co-occurring text surrounding it, in terms of social sanction.

In this article however, I will focus on the names of the crimes themselves and the co-occurring text describing those crimes which serves to construct a definitive description by the judge at the crucial part of the trial, the sentencing statement. It is here that the identities of all of the participants in the crime have been adjudicated by the judge and are presented to the court and more widely to society in general. These include the generic terms 'crime', 'offence', 'assault' and 'attack', as well as the more specific terms, such as 'murder', 'rape' and 'robbery'. For the purposes of this article, I

will limit the discussion here to an illustrative generic term 'assault', which occurs a total of 24 times in the data.

4.3 Judgement on 'assault'

Figure 1 below provides the concordance lines obtained from the data around the node 'assault':

1 of dishonesty, but ***you have three convictions*** for **assault** and I also note that you have no convictio
2 bitual. You have been convicted on indictment for **assault** to ***severe injury no fewer than three times***
3 ray Neilson after he pled guilty to one charge of **assault** and robbery and one charge of assault and
4 e charge of assault and robbery and one charge of **assault** and attempted robbery. On sentencing Lord
5 2 ***you were sentenced*** to 4 months imprisonment for **assault** to ***injury***. ***On 1 May 2007*** you were sentence
6 re sentenced in the High Court for ***two charges*** of **assault** and attempted robbery to 6 years imprisonm
7 ine months in prison after she pled guilty to the **assault** of Derek MacLeod on the 22 June 2011 at Wa
8 ssaulting Derek MacLeod to his ***severe injury***. The **assault** consisted of your ***striking him four times***
9 ated with no more than steristrips so in fact the **assault** was not as serious as at first blush it mi
10 lbeit ***the most serious*** of these, a conviction for **assault** to ***severe injury*** in the High Court which r
11 g a ***prolonged incident, to insult, intimidate*** and **assault** the young man who was so frightened by wha
12 lp him. ***Not satisfied with*** encouraging O'Neill to **assault** the deceased as a ***further attempt*** to intim
13 ve pleaded guilty to a ***serious*** charge because the **assault** on Christopher Knox ***was aggravated by*** the
14 er Knox and you ***minimised your involvement*** in the **assault**. In addition you ***showed no hint of remorse***
15 charge of murder, but murder requires proof of an **assault** with the intention to kill or an assault w
16 of of an assault with the intention to kill or an **assault** with such ***wicked recklessness*** as to be the
17 ncludes convictions (albeit at summary level) for **assault** to ***severe injury*** and assault. From the oth
18 t summary level) for assault to ***severe injury*** and **assault**. From the other information made available

19 ey, to a less serious but ***still extremely violent*** **assault** on Pauline Wright, who appears to have don
20 lat occupied by Mr Crichton and Miss Wright. The **assault** consisted of ***grabbing*** Miss Wright by the h
21 n the sheriff court for charges which include the **assault** of a police officer. In these circumstanc
22 ns, and having regard to the circumstances of the **assault**, I have concluded that ***there is no alternative***
23 mitted participating in an ***unprovoked and serious*** **assault** and ***must be punished accordingly***. There ar
24 to note that you have ***recently been convicted*** of **assault** to injury and are awaiting sentence. On t

This concordance list reveals some fascinating ways in which judges express the social unacceptability of the convicted crime, as they are contained in the co-text surrounding the term. Firstly, and perhaps most expectedly, we find many examples in the form of adjectival phrases, some of which already emerged in isolation in the word frequency list discussed above. The severity of the assault may be expressed by such *adjectival* means as:

extremely violent (line 19)
unprovoked and serious (line 23)
prolonged (line 11)
resulting in 'serious injury' (lines 2, 10, 17)
with such wicked recklessness (line 16)

or by the choice of a *verbal process* used to describe the assault, as in the victim being '*struck* four times ' (line 8) or '*grabbed*' (line 20). All of these examples illustrate the aim of the judge to communicate the level of violence involved, as well as its inherent unacceptability through its negative semantic prosody.

The behaviour or attitude of the convicted defendant following the assault is also evaluated in the data:

not satisfied with (line 12)
minimised your involvement (line 14)
showed no hint of remorse (line 14)

The unacceptability is also expressed by a further category of social sanction where the judge refers to The Law and the sentencing obligations presented to him. Thus, we find:

there is no alternative (line 22)
must be punished accordingly (line 23)
aggravated by (line 13)

One fascinating aspect which emerges from the concordancing of the data is that the evaluation and expression of social sanction communicated by the judge occur not only in these *qualitative* terms, in other words relating to aspects such as the severity or consequences of the assault, but are also expressed via more *quantitative* terms. This is achieved by either making reference to co-existing charges which were faced by the defendant, or, more commonly, to previous convictions for similar offences (as discussed above, which are still rare during the trial). This is extremely common in the data and occurs in several different forms including:

you have *three convictions* for assault (line 1)

… *habitual*. You have been convicted on indictment for assault to severe injury *no fewer than three times* (line 2)

he pled guilty to *one charge of assault and robbery and one charge of assault and* … (line 3)

… *one charge of assault and robbery and one charge of assault and attempted robbery*. (line 4)

… *In 2002 you were sentenced to 4 months imprisonment for assault to injury. On 1 May 2007 you were sentenced*… (line 5)
and so on.

4.4 The Discourse of Judicial Identity

As a final illustration of both personal and public social sanction as a significant feature of judicial representation of criminal identity in sentencing statements, I will present a more detailed analysis of a single text drawn from the corpus, representative of this heteroglossic phenomenon. The transcript is presented below. The principal terms of appraisal, evaluation and, in systemic terms, judgement have been highlighted.

HMA v AISEA VUETIMAIDUBOU YARANAMUA

At the High Court in Aberdeen Lord Uist sentenced Aisea Yaranamua to seven years in prison after he was found guilty of attempted rape.

On sentencing Lord Uist made the following statement in court:

"You were convicted by the jury of having committed the crime of attempted rape of a woman in her own home in Helensburgh on 5 November 2010. You saw her in a pub in the course of the evening, targeted her, followed her home, forced your way into her house, pushed her into a bedroom where you attacked her by removing her clothing and subjecting her to sexual indignity and humiliation before attempting to have intercourse with her. The reason why you did not succeed in having intercourse with her was that the police arrived in response to her 999 call for help made when she had gone to the bathroom in the course of the incident. This was a determined, brazen and shameless crime which amounted to a terrifying ordeal for your victim, as was clear from the recording of the telephone call which she made to the police. As a result of what you did to her she sustained multiple bruises and abrasions and was left in a state of great distress.

You are now 35 years of age. I shall for present purposes ignore your one minor road traffic conviction and treat you as a first offender. I have considered the terms of the social enquiry report and all that has been said on your behalf in mitigation, but I cannot do other than view your conviction as one of great gravity calling for heavy punishment. This court must do all in its power to protect women from sexual attack by imposing sentences which deter such crimes. It is a most serious aggravation of this outrageous crime that your victim was attacked in her own home after you had followed her there and obtained entry to it.

The sentence which I impose is 7 years imprisonment from 12 December 2011".

The lexical items which expressed negative social sanction concerning the crime, and hence, to a greater or lesser degree of the perpetrator and any other participants, occur frequently throughout the statement. The defendant's behaviour is categorised verbally with him *targeting, forcing, pushing* and *attacking* her (lines 6/7) before subjecting her to *indignity and humiliation*. Thus, both the behaviour of the defendant and its effect on the victim are both clearly identified. She is further portrayed as suffering *a terrifying ordeal* (line in 11) leaving her with injuries and in a state *of great distress* (lines 13/14). It is made clear in the judge's sentencing statement that the behaviour of the victim is beyond reproach, and that of the defendant, now perpetrator, is identified as determined, brazen and shameless (line 11).

The fact that the judge is able to use such terms as those highlighted above shows that, as White 1998 concurs in a media context:

> The fact that the "Mum-to-be" story above is considered the objective reflects the commonly held view (in the media) that there is some fixed reality which can be observed and recorded without bias. (White 1998: 3)

The very fact of their being at least two conflicting versions of events through prosecution and defence accounts, and differing presentations of the identities of victim and perpetrator through character witnesses' testimony means that there are at least two diametrically opposed constructed identities in court. One of the judge's predominant roles is to adjudicate between these differing versions and decide which is more convincing and hence which identities he/she finds more persuasive in the case. His/her final judgement is presented in the sentencing statement at the end of trial.

There is no doubt that the judge in this case, which involved the attempted rape of a woman in her own home, is scathing of the behaviour of the convicted defendant, an engineer in the Royal Navy.[13] Quite unusually in the corpus, this judge does not convey a sense of the good character of the *victim* in this crime, although this did (and typically does) occur during the trial itself through the use of numerous character witnesses.

However, he does represent the behaviour of the *defendant* on multiple occasions. He refers to the way in which the victim was 'targeted' (line 7), conveying premeditation and planning on the part of the defendant. The judge refers to how he 'forced' his way into her house (also line 7), and 'pushed' her into a bedroom (line 8) before 'attacking' the victim, and (lines 8 and 23), carrying out the attempted rape. The fact that this attack was

[13] Available online at : http://www.bbc.co.uk/news/uk-scotland-glasgow-west-16651171

carried out in the victim's home is considered 'a most serious aggravation of this outrageous crime' (lines 22-23).

The offence itself is described as 'a determined, brazen and shameless crime' (lines 12 to 13) and 'outrageous' (line 22). The assault itself was preceded by the defendant 'subjecting her to sexual indignity and humiliation' (line 9). The effect of the offence on the victim is also conveyed. The judge refers to the 'terrifying ordeal' (line 13) faced by the victim, as well as describing her injuries as 'multiple bruises and abrasions' (line 15), leaving her in 'a state of great distress' (lines 15-16).

Although the judge is prepared to 'ignore' a previous road traffic offence, he nevertheless treats the crime as 'one of great gravity calling for heavy punishment' (line 20). The judge ends with a clear expression of the moral reprehensibility and unacceptability of the crime in a broader societal sense. He states that it is the responsibility, even obligation, of the judge and the court in sentencing, as representative of the wider community (The People), to 'do all in its power to protect women from sexual attack by imposing sentences which deter such crimes' (lines 21-22). The judge ends by sentencing the defendant to a period of 7 years' detention.

Thus, in a relatively short statement of only 378 words, the judge manages to convey a clear and overwhelming sense that this crime is completely unacceptable and must be punished by a significant custodial sentence, and also includes a note of public deterrent. This analysis illustrates the concentration of appraisal within the judge's sentencing statement.

The verdict in this case was widely reported in the media in January 2012, including on the BBC News website.[8] Interestingly, roughly one third of the report quotes the judge's comments directly, including those relating to the wider social deterrent of the conviction and sentence handed down to the guilty defendant.

5 Conclusions and Further Research Potential

This article has clearly illustrated the extent to which judges are highly evaluative in their sentencing statements. They are critical of a guilty defendant's character, typically contrasting the identity of the guilty defendant to that of the innocent victim. Moreover, trial judges' assessments of crime are typically severe and go beyond the simple expression of their circumstances of occurrence. Finally, judges frequently include a component of broader social sanction within their statements, which express the deterrent aspect of the conviction and resultant sentence. Thus, the identity of the perpetrator, and to a lesser degree the victim, is constructed within the context of the wider community, and an expression of deterrence is very

often included in the sentencing statement as the judge comments on the perpetrator's behaviour in a broader social context.

Anecdotally, and interestingly, there is no real evidence from an analysis of statements in the corpus that an initial guilty plea results in more lenient treatment by the judge in terms of appraisal of the defendant's behaviour. There are still present a large number of expressions of negative social sanction, even if a guilty plea may be reflected in the final sentence. There is perhaps more attention paid to mitigating circumstances, lack or presence of previous convictions and assessment of the defendant's character by witnesses and references presented in court, and the resulting sentence is sometimes reduced as a result. However, there is very little difference in the amount or nature of appraisal of the criminal behaviour concerned. Judges are still keen to comment on the personal and social unacceptability of the conduct resulting in the criminal charge and conviction.

One aspect of judicial subjective evaluation, which it has not been possible to explore within this article, is the fascinating phenomenon of the non-verbal behaviour of judges, both during witness examination and the judicial phase discussed here. The extent to which sociolinguistic variables such as the age and gender of both judge and defendant influence these representations would also represent another potentially fruitful area of inquiry. All of these features go to construct the identity of the various participants in court for the jury, who adjudicate the case. Identities are created by first impressions (defendants almost always wear a shirt and tie for their appearance in the dock) as well as by verbal means. Of course the identities of the principal legal participants are clearly indicated from the outset, with their distinctive appearances, usually consisting of gown and wig (although this is under review and does not happen in cases involving children, where normal clothing is typically worn).

As Jackson (1995: 425) observed of a notorious British child murder case in the mid-90s, 'the victim's parents spoke of the conduct of the trial by Mr Justice Morland in terms which suggested the latter's successful communication of his sympathy, sensitivity and concern'. A further source of research focus would therefore be to examine the judges' interaction with lawyers during the trial. As McEwan (2003: 94) concurs, 'the relationship between judge and advocate … may colour the final outcome'.

In conclusion, this article has illustrated some of the subjective and evaluative ways in which judges are able to communicate within their sentencing statements the social unacceptability of the crimes and criminals which pass before them in court. The identities of all the individuals present in the courtroom have to be constructed linguistically and para-linguistically. The jury who, by their nature, must be naive participants in this process, are persuaded or dissuaded not only by the testimony given but also by the

guidance of the judge, who has the final word, not only on the law of the case, but also the construction of the identities of its participants.

References

Anthony, L. (2012). Antconc v. 3.3.5w (beta) concordancing software. Available at: http://www.antlab.sci.waseda.ac.jp/antconc_index.html

De Carvalho Figueiredo, D. (2002). Discipline and punishment in the discourse of legal decisions on rape trials. In J. Cotterill (ed.), *Language in the Legal Process*. Basingstoke: Palgrave. 260-274.

Cotterill, J. (2001). Domestic discord, rocky relationships: Semantic prosodies in representations of marital violence in the O. J. Simpson Trial. *Discourse & Society* 12(3): 291-312.

Cotterill, J. (2002). *Language and the Legal Process*. Basingstoke: Palgrave.

Cotterill, J. (2003). *Language and Power.* Basingstoke: Basingstoke: Palgrave.

Cotterill, J. (in preparation). "Our Lives Will Never Be The Same Again": A Study of Victim Impact Statements and their Recent Introduction into the British Criminal Justice System.

Ehrlich, S. (2001). *Representing Rape: Language and Sexual Consent.* London: Routledge.

Firth, J. R. (1968). *Selected Papers of J. R. Firth, 1952-59*. Bloomington: Indiana University Press.

Halliday, M. (1994). *An Introduction to Systemic Functional Linguistics* (2nd ed.). London: Hodder Arnold.

Heffer, C. (2002). "If You Were Standing in Marks and Spencers": Narrative and Comprehension in the English Summing-Up. In Cotterill (ed.). In Language in the Legal Process. Basingstoke: Palgrave Macmillan. 228-45.

Heffer, C. (2005). *The Language of Jury Trial: A Corpus-aided Analysis of Legal-Lay Discourse*. Basingstoke: Palgrave.

Heffer, C. (2007). Judgement in court: Evaluating participants in courtroom discourse. In K. Kredens & S. Goźdź-Roszkowski (eds.), *Language and the Law: International Outlooks*. Lodz Studies in Language, Vol. 16. Frankfurt am Main: Peter Lang. 145-179.

Kredens, K. and S. Gozdz-Roszkowski (eds.). (2007). *Language and the Law: International Outlooks.* Lodz Studies in Language series, vol. 16. Frankfurt am Mein: Peter Lang. 145-179.

Jackson, B. (1995). *Making Sense in Law*. Liverpool: Deborah Charles.

Louw, B. (1993). Irony in the Text or Insincerity in the Writer? The Diagnostic Potential of Semantic Prosodies. In M. Baker, G. Francis, &

E. Tognini-Bonelli (eds.), *Text and Technology*. Amsterdam: John Benjamins.157-76.
Martin, J. R. (2000). Beyond exchange: Appraisal systems in English. In S. Hunston, & G. Thompson (eds), *Evaluation in Text: Authorial Stance and the Construction of Discourse*. Oxford: Oxford University Press. 142-175.
Martin, J. R. and P. R. R. White. (2005). *The Language of Appraisal*. Basingstoke: Palgrave.
Martin, J. R. (2000). Beyond Exchange: APPRAISAL Systems in English. In S. Hunston, & G. Thompson (eds), *Evaluation in Text*. Oxford: Oxford University Press. 142-175.
Matoesian, G. (1993). *Reproducing Rape: Domination through Talk in the Courtroom*. Cambridge: Polity Press.
Matoesian, G. (2001). *Law and the Language of Identity: Discourse in the William Kennedy Smith Rape Trial*. Oxford: Oxford University Press.
McEwan, J. (2003). *The Verdict of the Court: Passing Judgement in Law and Psychology*. Oxford: Hart Publishing.
Phillips, S. (1998). *Ideology in the Language of Judges: How Judges Practice Law, Politics, and Courtroom Control*. New York: Oxford University Press.
Sinclair, J. M. (1991). *Corpus, Concordance, Collocation.* Oxford: Oxford University Press.
Solan, L. M. (1993). *The Language of Judges.* Chicago: Chicago University Press.
Stygall, G. (1994). *Trial Language: Differential Discourse Processing and Discursive Formation.* Amsterdam: John Benjamins.
Tiersma, P. (1999). *Legal Language.* Chicago: Chicago University Press.
Vice, S. (1997). *Introducing Bakhtin.* Manchester: Manchester University Press.
White, P.R.R. http://www.grammatics.com/appraisal/

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