Explorations of the dialectical relationship between law as it is encoded in language and the language that encodes it have been enhanced by the rise of interdisciplinary studies, particular by the intellectual foothold that linguistics has gained within the legal field (Tiersma and Solan 2012: 1). Courtrooms are important sites for assessing the effectiveness of legal language, and this volume on the discourse of judges, part of a series titled Law, Language and Communication that promotes original and interdisciplinary viewpoints in law, language and communication, seeks to map out recent breakthroughs in the study of judicial discourse in an evolving legal world (p. 18).

Edited by Stanislaw Goźdź-Roszkowski and Gianluca Pontrandolfo, the book aims at an in-depth examination of the critical role of language in judicial settings, linking mainstream and emerging theories and methods by assembling academics and practitioners from diverse backgrounds. While constituting a rich resource in legal linguistics and judicial discourse, it also identifies a need for further explorations of emerging issues. The volume targets legal linguists and
judicial specialists, as well as related scholars with an interest in this area, and it delves into a wide range of core questions about how law is made and performed in the courtroom.

Organised thematically, the book is divided into four major parts: constructing judicial discourse and judicial identities (part I); judicial argumentation and evaluative language (part II); judicial interpretation (part III); and clarity in judicial discourse (part IV).

Part I consists of five chapters on how judicial discourse is linguistically constructed. In order to profile the judicial variation of the English Eurolect, the first chapter, by Łucja Biel, Dariusz Koźbiał and Dariusz Müller, compares judgments in a corpus of UK Supreme Court (UKSC) decisions with a corpus of EU regulations during a ten-year period from 2010 to 2019. This chapter demonstrates the existence of a judicial English Eurolect with a unique hybrid style and provides a descriptive corpus of data on this hybridisation. In chapter 2, Magdalena Szczyrbak explores diachronic developments in the evidential and discourse-organising role (p. 27) of passive structures using *say* and *tell* in US Supreme Court opinions. She observes how judges’ writing seems to be moving away from impersonal discourse towards a more personal style, as evidenced by data showing a surge in the frequency of the use of *we are told* in the course of the 20th century and a continuous decline in the frequency of the use of *it is said*. The following chapter, by Margarete Flöter-Durr and Paulina Nowak-Korcz, deals with the issue of standardisation in judicial discourse. Standardising usage is a normative social practice underpinned by powerful and changing ideological forces (Coupland and Kristiansen 2011), and this research analyses it on both linguistic and legal levels and in terms of notions related to both positive and procedural law. It thereby highlights two components of standardisation: specialisation linked to a field of reference, and the linguistic and discursive features emerging from textual analysis. At the European Court of Human Rights (ECtHR), consensus often serves as an interpretive tool for the Court’s legal reasoning in cases that are not clearly covered by the Court. From the practice of case law, however, the Court seems to use a variety of formulations, such as ‘European consensus’, ‘international consensus’, ‘common trend’ and ‘international trend’ to convey the same meaning, making the notion of consensus elusive and confusing (Vetrovsky 2019). In chapter 4, Anne Lise Kjær examines the meaning and use of the concept of *consensus* in case law from a corpus-linguistic viewpoint, concluding that the Court clearly distinguishes the terms *consensus* and *trend* and has favoured the former over time. The issues raised in this study reflect that the different phrasings of consensus arguments mirror the Court’s authority over the Member States and its legitimacy among them. In chapter 5, Ruth Breeze uses framing analysis supplemented by corpus-
assisted discourse analysis to uncover how a ruling of the presiding Supreme Court judge, Baroness Hale, was woven into public debates about Brexit and democracy in media coverage, while reflecting on how mainstream news media reports have traditionally been trusted by the public. In general, part I offers a thorough grounding in multidisciplinary approaches to judicial discourse and the identity construction of judges.

The four chapters of part II are concerned with judicial argumentation and evaluation in the decision-making process of judges. First is Martina Bajčić (chapter 6), who directs her focus on the potential application of parallel corpora in judicial decision-making and by extracting arguments from analysed case law explores whether parallel corpora can facilitate the multilingual interpretation of EU law. Legal justification is both a communicative and an argumentative activity type, communicative in the sense that judges seek to persuade various audiences, including parties, media and the public, and argumentative in the sense that judges need to provide arguments to back up their decisions (p. 99).

On this premise, Stanislaw Goźdź-Roszkowski (chapter 7) integrates the study of evaluative language into the argumentative reality of legal justification to shed light on the discursive practices employed by judges to validate their decisions. The findings in this chapter demonstrate how language expressions and argumentation strategies interact and rely on one another, thus contributing to our comprehension of how judges make their decisions and how legal justification is constructed. In chapter 8, Davide Mazzi employs a combination of quantitative and qualitative analysis to present a discourse perspective on the use of causal argumentation in the context of a corpus of Supreme Court of Ireland judgments on the timely issue of data protection. This study confirms the flexibility of causal argumentation as a reasoning tool and its connection to valid legal standards on two main levels. He suggests that future research could include additional case categories to produce a broader-based corpus analysis of argument patterns.

The research designed by María José Marín Pérez in chapter 9 sets out to fill a gap in corpus-based comparative research within the legal field. Framed within corpus-based discourse analysis, it compares the legal systems of Spain and the UK to provide insights into the linguistic landscape of immigration as perceived through the lens of the judiciary. Observing the context of terms such as child/children or vulnerable in the British corpus and family in the Spanish corpus, it highlights the legal challenges that surround migration in both the Spanish and British legal systems. Overall, part II adds new dimensions to the discussion concerning judicial arguments and evaluative language.

The chapters in part III are more theoretically focused and are authored by legal professionals, in contrast to the preceding two parts that draw primarily on empirical foundations. In chapter 10, Jessica Greenberg applies a methodology
derived from linguistic and legal anthropology to analyse the contextual and ideological aspects of language as opposed to its denotational content (p. 147). In order to explore how judicial language ideologies influence the way courts regulate speech and freedom of expression, several key cases at the ECtHR are examined, leading to the conclusion that an understanding of rights must take into consideration beliefs regarding speech as a collection of social connections and textual and interpretive practices. In chapter 11, Joanna Kulesza examines two recent Polish cases to investigate the relationship between legal dogma and language semantics in the context of freedom of artistic expression and protection of third-party religious beliefs. She suggests that political artistic expression requires a heightened level of state protection, especially in times of conflict. In chapter 12, Kathryn M. Stanchi explores the language in which racism is discussed in the US Supreme Court, focusing on the terms ‘racism’, ‘racist’ and ‘white supremacy’, and concludes from the word patterns that emerge that the Court rarely accepts responsibility for its own complicity in perpetuating racism. She argues that justices must unequivocally label and identify racism, including in the language of its own pronouncements, in order to address the problem. In chapter 13, Anna Tomza-Tulejska and J. Patrick Higgins discuss several leading approaches through which American legal theorists interpret the meaning of words in the Constitution, including textualism, originalism, intentionalism and judicial activism. They reach the conclusion that emerging judicial behaviourism is a more concise and accurate standard for interpretation as it reconciles the four above-mentioned interpretive approaches. In chapter 14, Marek Jan Wasiński explores whether interdisciplinarity could enhance the scientific value of legal studies of international judicial decisions. He offers a critical overview of the normative jurisprudence that dominates research on international adjudication and sees a need to bridge the gap between the normative stance and other approaches, arguing, for instance, that a synthesis between normative and empirical legal studies is possible and indeed necessary to ensure a comprehensive understanding of the law. In a nutshell, part III maps out a theoretical picture of the study of judicial interpretation, which is vital to both the research of law and legal linguistics.

Part IV, the final section of the volume, showcases an important and topical issue: ‘Clarity in judicial discourse’. In chapter 15 James Brannan addresses claims about the inaccessibility of judgments of ECtHR by examining the language of the case law it disseminates and concludes that the linguistic and stylistic choices it employs often support effective reception and implementation. Then, in the last chapter of this collection (chapter 16), Antonio Mura and Jacqueline Visconti provide a detailed summary of the achievements of an Italian project to improve precision and clarity in court proceedings, reminding us that legal participants
favour clarity in legal language because of the gravity of legal consequences (Wagner and Cacciaguidi-Fahy 2008: 206). They make two recommendations for further research: one is to examine the relationship between concision and clarity in language and to explore how each influences fairness in trials, and the other is to expand the scope of research to encompass a comparison of different legal systems.

Contributing a substantial and varied group of studies, this volume serves the objectives of the series by providing a thorough and current analysis of judicial discourse and highlighting its interdisciplinary character, extent and reach. Perhaps the most striking feature of the volume is its multidimensional exploration of discourse. Beginning with an investigation of the process of constructing judicial discourse and judicial identities, moving on to the study of judicial argumentation and evaluative language, and following up with contributions on judicial interpretation and judicial clarity, the clear structure gives the reader an overarching view of the book's thematic direction and theoretical and methodological orientation. There are also links to other research on judicial discourse. Few monographs have delved into the complexity of judge discourse from multiple angles, and this edited volume fills a research gap by interpreting and constructing judicial discourse at different phases of its construction, as well as in different contexts, hence revealing the multifaceted nature of judge language.

It is worth noting that this analysis of courtroom discourse, while shedding light on the significant variance between the standard norms of verbal interaction and the legal norms in different legal systems, focuses on courts in European and US jurisdictions. The issues it explores about how law and discourse operate in the courts could therefore benefit by expansion into other judicial cultures, such as the discursive effects of bringing citizen judges into Japanese courts (Okawara 2012) or ongoing studies of Chinese internet courts (Ye, Cheng and Zhao 2019).

To conclude, this book is an invaluable and insightful resource for legal linguistics focused on the discourse of judges, contributing not only to macro studies of legal communication, such as the characterisation of courtroom language as a special discourse type and the idea of judicial discourse communities, but also to micro examinations, such as those highlighting stylistic features, linguistic functions, meaning management or targeting specific types of judicial cases. Its accessibility gives it the potential to become a long-lasting and practical reference for linguistic scholars and legal practitioners with an interest in courtroom discourse, judicial decisions and multidisciplinary approaches.

References


