

***Communicating Rights: the language of arrest and
detention. Frances Rock (2007)***

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Reviewed by Ikuko Nakane

Communication of rights in police custody has been explored from a variety of perspectives. This book approaches rights communication in England and Wales from a sociolinguistic perspective, combining discourse analysis and ethnographic interviews. In my view, this book is exemplary work by an applied linguist who successfully demonstrates not only the real context of communication in detention but also how language and law researchers can bring positive changes to legal processes. Complemented by illuminating accounts from officers and detainees, Rock's analysis of written rights and spoken communication of rights offers valuable insights into the realities of communicative practice in police custody.

The book contains four parts with two core parts dedicated to an examination of rights communication: Part II concerns written text, *Notice to Detained Persons*, and Part III spoken text, *Police Cautions*. Part I provides an introduction (Chapter 1) and background (Chapter 2) to the research. In Chapter 2, key concepts and outlines of the author's sociolinguistic approach are introduced. First, the focal issue of rights communication – comprehension and compre-

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hensibility – is discussed. It is argued that a ‘transmission’ view does not allow an appropriate understanding of the complex processes of comprehension, as it treats texts and their recipients rather one-dimensionally, as detached from their social contexts. The alternative that Rock adopts here is a sociolinguistic approach, which can account for impacts of different social contexts, including the influence of the interview itself on the data. In this approach, the rights text is not ‘transmitted’ but ‘reformulated’, ‘recontextualised’ and ‘transformed’. The last part of Chapter 2 outlines aspects of transformation relevant to the book: multifunctionality, polyvocality and intertextuality as well as the constraints placed by organisational power.

Part II explores written rights communication, examining transformation of the *Notice to detained persons* – the ‘parent’ or ‘source’ version used between 1995 and 2004 – which in this book is referred to as the *Notice*. Rock principally examines the transformation of the *Notice* by a working Custody Sergeant who conducted research and revision with a Home Office grant. (His revised version became a basis for the current version of the *Notice* used across England and Wales.) The Sergeant revision is compared with revisions made by five Information Design professionals, or ‘expert writers’ (43). In Chapter 3, *Introducing Written Rights Communication*, the *Notice*’s legal and textual background is given, followed by background information on the Sergeant’s revision and the Government’s revision (which is the version which the author and the Sergeant submitted to the Home Office).

The transformation of written rights text is explored in the next four chapters. The focus of analysis develops from micro-level language use to discourse organization, and extends to the administration and reception of the text. Chapter 4, *Working with Syntax and Lexis in Writing*, examines lexicogrammatical transformation of the *Notice*. The syntactic level of transformation involved avoidance of grammatical metaphor, in particular nominalisation, avoidance of passives, alteration of ambiguous modals such as ‘may’ to ‘can’, and clause relations. In terms of lexico-semantic transformation, jargon and register were addressed, but surprisingly, some of the detainees who read the Sergeant’s revised version were still confused about the *Code of Practice*. Consequently, Rock points to the need to address the issue of comprehension by going beyond revising the written rights. Similarly, the complexity of revision is highlighted by the views of some detainees who find such revision patronising.

The next level of text transformation, discourse organisation, is addressed in Chapter 5, *Working with Organisation in Writing*. The first part of this chapter provides analysis of revisions related to sequencing of paragraphs within the section on the right to access legal advice. Through a resequencing of paragraphs and highlighting the functions of the text, based on the suggested revisions by the Sergeant and other enterprise revisers, with detainees’

comments, the Government revision transformed a somewhat compromised presentation of the detainees' right to receive legal help into a more positively presented encouragement. In the second part of this chapter, text transformation is explored in terms of macro-level discourse organisation of the *Parent Notice*. Two major issues are addressed here: 1) sections referring to restrictions contained in the main body of the rights text; and 2) cross-references to the *Codes of Practice*. Concerning the first issue, Rock pointedly observes that the *Parent Notice* presented contradictory suggestions for exercising and withdrawing rights at the same time, potentially giving a false impression that detainees are not guaranteed rights. The second macro-level issue addressed is that of intertextuality. Rock challenges the assumption in the *Parent Notice* that the detainees know what the *Codes of Practice* are and that the cross-references will stay in the minds of detainees until they reach the relevant parts. While this issue was addressed in the revision process, there were still detainees who were too nervous to deal with the *Codes* or who simply did not see their relevance. This leads Rock to probe, in the two subsequent chapters, how revised rights texts are received by detainees and how the text-external context of detention impacts on rights communication.

Chapter 6, *Working with Context: Rights Texts in Custody*, offers insights into the impact of rights text revisions on detainees' comprehension and reactions in the actual context of detention. Here, Rock reports how features of the Sergeant's revisions were derived from his detainee-oriented perspectives, juxtaposing them against detainees' reactions. These revisions improved detainee comprehension, highlighting the importance of the ethnographic approach in examining rights communication. However, detainee interviews also reveal that they did not necessarily read the rights. Although the sample is small, disturbingly more than half of the interviewed detainees did not read the *Notice* at all, and there were many 'partial readers'. Furthermore, 'novice' detainees, who most needed to understand their rights, were found to be the least thorough readers.

Following this, Chapter 7, *Off the Page: Detainees' Reading Practices*, explores why a disturbingly large proportion of detainees do not read the rights text and why rights are waived by detainees. First, problems associated with those who cannot read are addressed. Oral or audio-visual modes of communication are encouraged, but nevertheless Rock claims that 'detention dismantles networks' (109) of literacy support for detainees who tend to read alone or attempt to be self-sufficient. Next, she discusses the reasons given by interviewees who can read but who choose not to. For novices, it is suggested, the stress and trauma of their detention is so great that some cannot bring themselves to read on their own, while for regulars, choosing not to read the *Notice* can be a performance of their experienced detainee status. It is recommended that rights be introduced

through public discourses as well as multimodal media such as DVD/VIDEO or online tools. Finally, the chapter addresses an important question of rights waiver. The chapter concludes with a suggestion that responding to the diversity of detainees' reading practices and reactions to revisions is the key to improved rights communication.

Part III contains five chapters which concern spoken rights communication, specifically the *Caution*. The first chapter (Chapter 8), *Introducing Spoken Rights Communication*, provides the background to the *Caution* and its transformation through officers' explanations. The 1994 change to the right to silence allows negative inference to be drawn from detainees' silence, and the officers' interview comments on how they perceive the changes are illuminating of the difficulties they experience in explaining the *Caution*. The data examined for Rock's study include 151 cautions across four police forces, and interviews with 48 police officers from one of the four police forces where the cautions were collected. Chapter 9, *Working with Lexis in Speech*, presents analyses of lexical reformulations of the *Caution*. The most significant finding here is that over a quarter of officers explained the interview as 'an opportunity to speak' (173), and that some officers used the wording 'fail or refuse' to speak which may have been a result of intertextuality (with the Codes of Practice). It is argued that these types of transformation 'cast silent detainees...negatively' (178) while encouraging detainees to speak and possibly risk prosecution.

In Chapter 10, *Working with Organisation in Speech*, sequence organisation of the *Caution* in officers' explanations is explored. The common pattern found was a sequence in which the third section of the original caution is reversed with the second (1-3-2 pattern). In this sequence, the negative inference of detainee silence is pushed back and instead the potential negative inference of speech is brought forward. Rock points out that the original formulation 'tends to encourage speech more obviously' (182) than other formulations in use. It is also demonstrated that officers often use metalanguage, especially referring to the 'tripartite' structure of the caution (52%), which facilitates monitoring of comprehension. Another intriguing aspect of sequencing that is addressed in this chapter is the role of a standardised paraphrase in transformation of the *Caution*. While the official paraphrase displayed in Force B encouraged the use of 1-3-2 pattern which discouraged silence less, the uptake was not guaranteed and furthermore, the officers' frequent use of flat 'animator' intonation made this approach 'an intoxicating way to trivialise rights information' (200). In contrast, Force A officers' flexible approach to their reformulations, without an official paraphrase, allowed them to be creative and interactive in their explanation of the *Caution*. Rock therefore recommends the introduction of a 'prompt sheet' which offers guidelines and opens up creativity.

Chapter 11, *Checking Comprehension*, addresses the process of comprehension check in the *Caution* delivery. The close evaluation of this process reveals that ‘understanding’ the caution means different things to different officers and detainees, and that the officers’ efforts appear to be driven by the need to satisfy institutional requirements for an official record showing that detainees understood the *Caution*. Another valuable insight into rights communication presented in this chapter is that the act of comprehension check is often mitigated, since the ‘routine contains powerful Face-Threatening Acts’ (211). However, detainees’ tendencies to indicate comprehension and officers’ efforts to save detainees’ face and thus mitigate the check, the analysis suggests, could undermine the importance of the comprehension check routine. It is in this type of analysis that the strength of Rock’s sociolinguistic approach to rights communication is demonstrated. Finally, through an analysis of co-constructed comprehension checks, Rock suggests that building on detainees’ recontextualisations may be an effective strategy for the future.

In Chapter 12, *Beyond Explanation: Using Cautioning*, other important functions of cautioning are discussed. Again, the sociolinguistic approach produces illuminating accounts of what detainees and officers do as social beings in this particular context of detention. Rock shows variously that cautioning can frame the ‘official’ nature of the interaction, can be used to provide opportunities for orientation for questioning, and can be used as a performance for the court or as a controlling device to exercise institutional power. Additionally, group membership is negotiated through the caution as each force develops their own version of caution explanation. Interestingly, detainees also exploit the caution procedure to show their orientation towards questioning, thus suggesting that the caution procedure can be used to challenge officers.

Part V, *Righting Rights*, contains two concluding chapters. In Chapter 13, *Description, Action and Uptake*, the findings presented in the book are summarised and their application is discussed. While emphasising the benefit of triangulation in her research by referring to some of its findings, Rock points out that the same action can be used to facilitate communication between lay persons and people in institutional authority or to manipulate lay persons in the institutional context of detention. Ultimately, she argues, one should still make recommendations but leave police officers some freedom and space for creativity. Following this, detailed recommendations are given concerning both the presentation of rights and procedures to follow. While Rock acknowledges these are ‘ideal world’ recommendations, she also claims that it is a moral decision whether society takes these seriously or not. Finally, in Chapter 14 *Epilogue*, the difficulties in terms of uptake and practical applications of research findings are mentioned, suggesting continuing cycles of transformation and complex yet critical tasks facing applied sociolinguists.

Communicating Rights makes a significant contribution not only to the field of language and the law but also to the UK justice system. Author Frances Rock should be applauded for her balanced yet sharp analyses of written and spoken rights communication, supported by her extensive repertoire of sociolinguistic tools for discourse analysis. The book demonstrates the value of paying attention to local as well as sociopolitical contexts through an ethnographic lens: the participants' relationships with the rights text and their positioning in the macro-and micro-level social contexts are insightful. The meticulous presentation of the book is also impressive. While the sheer volume and range of information presented are at times repetitive for a single monograph and the repeated cautionary notes, although justifiable, could mitigate what appear to be important findings and disorient the reader, these problems are associated solely with 'readability', and they are in fact indicative of the excellent quality of the research. I would recommend this book to scholars and legal professionals as a classic in rights communication. Finally, given the large number of second language speakers who are cautioned, it is important to extend this work into the multilingual and multicultural communication of rights.