

The Language of Sexual Crime.
Janet Cotterill (ed.) (2007)

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Reviewed by Shonna Trinch

Janet Cotterill and the contributors to her edited volume, *The Language of Sexual Crime*, cover much ground in just 236 pages of text. The twelve chapters span many geographic areas, examine a variety of legal settings, introduce us to a number of different types of speakers and delve into an array of interesting and important linguistic topics. All this diversity in the volume is unified by its treatment of language about criminal activity that in one way or another involves assaults that are sexual in nature. We learn about how law and language issues affect and influence the adjudication of sex crimes in England and Wales (for example, Grant and Woodhams, Benneworth, Aldridge), but contributors also focus their analytical attention on the U.S. (Berk-Seligson, Tiersma, Ponterotto), Canada (Ehrlich, Wood and MacMartin), Israel (Bogoch), Scotland (Mooney), Ireland (Breen, O'Keefe), and Hong Kong (Gibbons and Leung). The legal settings studied range from police interviews, trial and appellate decisions, and courtroom settings. The law is also examined as it is referred to in media accounts of rape in compelling and interesting ways. The speech of judges, articles written by journalists, the language of prosecuting and defense attorneys as well as the narratives of victims and defendants make up the data. This group of researchers investigates the language of sex crimes by covering linguistic terrain

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from confessions, reported speech, questions, corpus linguistics, and narrative sequencing, to lexico-grammatical features of stance, linguistic processes used to 'other' victims, such as naming and normalizing strategies, the deployment of stereotypical rape myths that function as scripts in the courtroom, and the lack of vocabulary to talk about sexual violence that results in normative discourses of sex and sexuality.

Perhaps one of the most important points that the collection shows us is how pervasive and widespread sex crimes are and just how useful linguistics can be to shedding light on this unfortunate fact of human experience. In these twelve short chapters, we are reminded that sexualized crimes are committed by adults and by older children against younger children, by men that have been acquainted with or on a date with a woman, by men that are strangers to the women they victimize and by men that befriend children in order to gain access to them so that they can take advantage of them sexually. Child sexual abuse occurs in domestic and public spheres at the hands of parents, family members and those to whom parents entrust the safety of their children such as priests and teachers. Occasionally women perpetrate sex crimes as well.

The volume poignantly emphasizes that there is still a great deal of work to be done to advocate for victims of sexual violence. The twelve chapters in the *Language of Sexual Crime* illuminate how little is understood in law and culture about the ways in which gendered ideologies influence judges, juries, defendants and victims. Several of the writings make this point. Annabelle Mooney perhaps says it best: '...issues around rape in the law, in the media and in society generally are far from settled. Further ... neither rape nor the law is singular. The 'law' does not have a stance on rape as such; it has a variety of voices, a history of decisions and personalities and a number of pressures working from the outside and from within' (Mooney: 198). In other words, these articles reveal that old fashioned victim-blaming is too alive and well, that traditional cultural meanings of rapists, rape victims, stranger rape and 'women scorned' ensue. Alcohol (ab)use continues to absolve men of any responsibility for not understanding consent or its absence, while upholding the prejudice that women that drink alcohol are plain and simply rapeable. Notions that 'utmost resistance' is a reasonable yardstick against which to measure the veracity of a woman or child's claim to sexual violation remains firmly in place. These stereotypes and the mythology that surrounds sexual abuse ultimately shrouds the possibility of rape as existing at all in a veil of suspicion. Below I will briefly outline the content and merits of each chapter.

Grant and Woodhams do an interesting analysis that takes up a theoretical point made by Ehrlich, namely that at a conceptual level non-stranger rape may in fact have more in common with everyday hetero-normative consensual sex than it does with stranger rape (Ehrlich, Chapter Seven). Grant and

Woodhams devise an innovative study utilizing corpus linguistics to see how the language of the accused in date rape cases compares to the language of consensual partners that convince women in first date situations to have sex. Though the study design makes some assumptions about women and sex in first-date situations and the discourse of the men in both groups is represented through reported speech by the women that are telling the story, Grant and Woodhams convincingly argue that, if perfected, this methodology might add to our forensic ability to attribute innocence or guilt in date rape situations.

In Chapter Two, Susan Berk-Seligson also does a comparison. Investigating the speech act/speech event of a confession in a police interview, Berk-Seligson looks at how a suspect accused of both rape and murder admits to having stabbed a woman, but emphatically denies having raped her. Berk-Seligson introduces the notion of culture into her analysis. She argues that this Latino could not have admitted to sexually assaulting his victim, possibly because according to rules of *machismo* 'real men' do not need to rape women. The data Berk-Seligson presents is noteworthy because the Spanish used by the officers is truly incomprehensible. In reading the transcripts, it is difficult to determine what the suspect understood the officers to be saying.

Analyzing police interviews from the perspective of discursive psychology, Kelly Benneworth in Chapter Three shows how the police can use a particular linguistic strategy to secure confessions from suspects accused of child sexual abuse. Benneworth notes that because there is a great deal of taboo surrounding the subject of child sex abuse, interviewers must mitigate the offensive nature of the interaction by introducing what she calls 'emotional discourse'. Her data show how officers appear to empathize with the suspect. This strategy then allows the suspect to confess the crime and to create an elaborate emotional history that minimizes his own blame.

In keeping with the comparative theme, Michelle Aldridge in Chapter Four looks at how child victim-witnesses are questioned in police interviews and in court by defense attorneys. Her study, like many of those in this edited volume, speaks to the fact that law enforcement personnel and legal professionals get more linguistic cooperation from suspects, victims and witnesses when they attempt to connect with these interlocutors in human ways. Aldridge's piece deconstructs for the reader the fact that defense attorneys perform their hostility to witnesses not only because they represent the defendant, but also as a strategy in that defense. Hostile questioning, for example, will not elicit cooperative answers or cooperation. When child witnesses do not have much to say in cross-examination, they look bad and cannot defend themselves against the doubt that defense attorneys introduce. Hostility then is a strategy to dismantle victim testimony.

In Chapter Five, Peter Tiersma introduces a revolutionary antidote to the contentious rape laws that many scholars have claimed unfairly benefit rapists and further victimize women. Laws available in the U.S. to prosecute rape require proof that a woman did not consent to having sex. Therefore, by design, these laws force juries and judges' attention on the woman's state of mind at the same time as they keep juries and judges ignoring the state of mind of the perpetrator. Tiersma argues that as is the case with consent for victims of extortion, consent to a sexual act can be both voluntary and involuntary. Therefore, according to Tiersma, the important issue really should not be whether the victim consented, but rather why she consented in the first place. Along these lines, Tiersma calls for equal treatment in law and on the stand for those accused of rape as is the case for those accused of other crimes. Specifically, he argues that *mens rea*, or the defendant's intent or state of mind when performing the act, be considered and examined in rape cases the way it is in other criminal cases.

Chapter Six is written by Diane Ponterotto, and she conceptualizes the discursive trap of rape trial protocols as repertoires of *complicity vs. coercion*. In an incisive analysis, Ponterotto shows how ideologies of patriarchy, gender and sexuality come together to make it plausible that the same woman that agrees to be a witness for the state in a rape trial was conniving and sex-craving in one moment (on her way up to the dorm room with the defendant) and then too demure and pitiful to have merely wanted to have sex with him with no relationship strings attached. Hence, the age-old 'woman scorned' stereotype continues to resonate throughout courtroom logic. Ponterotto's linguistic analysis examines the way defense attorneys use repetition to suggest that the victim is the person in the equation that initiated everything from the sexual encounter to the rape trial itself. Her analysis begs the question of what would happen if defense attorneys were not allowed to repeat lines like, 'you went up to his room with him.' In her data some variation of this semantic content shows up in the cross-examiner's speech no less than 13 times. Ponterotto's linguistic analysis is entwined with a complicated theory of rape scripting and memory that makes a powerful argument against the possibility that under such conditions there could be a 'fair' trial where victims of rape are concerned.

In Chapter Seven, Susan Ehrlich's discourse analysis suggests that victims of sexual violence are at a disadvantage long before trial because there are such limited linguistic repertoires for expressing sexual abuse. Not only are men seen to be naturally sexually aggressive, but women, even those clearly victimized because they were sexually assaulted by a parent when they were very young, have a hard time expressing violence and non-consent in their testimony. Ehrlich shows how the language used to enact criminal sex acts by perpetrators is adopted by victims to testify about sexual violence. In this study, Ehrlich

shows how a victim of child sexual abuse continues to talk about ‘having had sex’ with her father as if she consented to the activity. This is excellent analysis because it illustrates how culturally hegemonic meanings make their way into the courtroom.

In Hong Kong, we learn that even minors need to prove that they did not consent to sex. Researchers, Leung and Gibbons in Chapter Eight write about how ‘hostile’ child victim-witnesses are exceptionally vulnerable in sexual assault cases. They present two interesting sets of linguistic data to investigate this point. In the first data set, a judge mitigates the level of hostility he perceives in the defense attorney’s questioning. In the second, Leung and Gibbons introduce an interpreter’s discourse where the derision he feels toward the complainant is obvious. It is always interesting when advocacy and hostility come from legal actors other than the prosecution and/or the defense. The fact that the impartial judge becomes uncomfortable with the defense lawyers’ tactics and steps in, combined with the interpreter’s disdain for the victim, further corroborates much of the work in the volume that points to hegemonic cultural meanings of forced sex.

Bryna Bogoch brings to light an ‘Other’ kind of vulnerability for people that experience sexual assault. Bogoch reads two appeals cases with theory that suggests that anyone that is not an adult male Jewish Israeli is not considered to be a full-fledged person in Israel. Bogoch also makes the point that a high attrition rate for sexual assault cases proceeds straight to appeal, where they obtain a higher percentage of acquittals than other cases. According to her analysis, the chances of an acquittal are even greater when the victim can be construed as ‘other’. Her detailed analysis uses naming and exnomination to study how two appellate judges create a logic that favors male aggressive sexuality and normalizes female sexual passivity by selecting certain facts and ignoring other equally compelling or pertinent ones. We see with Bogoch’s study a good example of how ‘reasonable doubt’ does not exist in everyone’s mind in the same way. While it is clear from their writings that the judges in the two cases examined had doubt about the victims’ veracity, this analysis also makes clear that it is the judges’ own biases that lead them to this doubt; not their convictions that the accused’s rights were violated.

MacMartin and Wood do a comprehensive analysis of judges’ discourse on sexual abuse in 74 sentencing cases in Ontario, Canada, over a four-year period. While they find that judges often offer sexually-based reasons for the offenders’ criminal actions and the absence of collateral violence in sexual assault cases as other researchers before them had, they also note that judges do often discuss sexual assaults as being inherently violent. In their data, judges also seem to recognize as violence the emotional and psychological damage victims suffer. MacMartin and Wood state that their findings are a function of their methods.

From discursive social psychology, they examined what judges were saying/writing as a result of what they were doing. The researchers state also that they looked for variability in judges' discourse and they found it to be present.

Chapter 11 is an illuminating example of how far activists still have to go to eradicate rape myths and sexist notions of how men and women are supposed to have sex. Annabelle Mooney's 'When rape is (not quite) rape' illustrates quite brilliantly how the legal cards remain stacked against women in English-speaking courts and cultures. The data for this study are Scottish newspaper articles that report on a convicted rapist's appeal of his sentence in 2003. By examining how narratives become nested, the systematic erasure of the victim from the judicial discourse and the media discourse and the creation of the victim as blameworthy for drinking, for having had consensual sex with another man that same night, for falling asleep in her room – given that the rapist could get access to it – Mooney convincingly shows how it is very hard to hold men responsible for raping women.

The last chapter, written by O'Keefe and Breen, takes us to Ireland where the researchers also examine media representations of sexual assault. This time, however, they examine how child sex abuse is covered in Irish newspapers when it occurs as incest and then compares it with how child sex abuse is treated when it occurs in institutions designed to serve the public such as church schools or church orphanages. These researchers use corpus linguistics to study how newspaper articles take a stance on child sex abuse depending on the context in which it takes place. They find on each lexico-grammatical category examined that newspapers are more likely to malign child abusers from the Christian Brothers Children's Home than they were family members.

Together, these chapters illuminate how sexual abuse and rape are not uniform categories or singularly, easily defined crimes in law or in culture. Society and legal institutions and sometimes even researchers treat certain acts more severely than others. The linguistic data provided in this volume are illustrative in the way fine-grained language analyses can deconstruct some of the taken-for-granted 'truths' regarding men and women and sexual violence. The data also suggest that victims, irrespective of who they are, continue to meet with derision, disapproval and dismissal from some legal actors and even journalists that cover legal issues. The book would be of interest to linguists, sociologists, cultural anthropologists, victimologists, criminologists, discourse analysts and any number of legal or law enforcement professionals that work with people that have been victims of sex crimes. Rape crisis workers and other types of victim-survivor advocates may also find the volume quite useful. Additionally, I could see professors of Gender Studies, Sex and Culture or Violence against Women using the book in their courses.