

Book Review

The Language of Murder Cases: Intentionality, Predisposition and Voluntariness

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*The Language of Murder Cases:
Intentionality, Predisposition and Voluntariness*
Roger W. Shuy (2014)
New York: Oxford University Press

This review focuses on Roger W. Shuy's book *The Language of Murder Cases*. Roger Shuy is the director of Roger W. Shuy, Inc., an organisation that provides forensic linguistic analysis and services, and Emeritus Professor of Linguistics at Georgetown University. In this book he talks about famous murder cases where the defendant's language was almost the only incriminating evidence. The author explores the issues of intentionality, predisposition and voluntariness in murder cases, arguing that these are very subjective terms: in legal language they are vague (perhaps deliberately) and open to interpretation by the prosecutors, defence lawyers, judges and the jury. A murder suspect's words uttered during a conversation with a friend who is wearing a microphone (a common practice in the United States used to get evidence), during the stressful event of a police interview, or in court where the defendant is put at a linguistic and cultural disadvantage the moment they step in, are often considered 'the smoking gun'. However, if the terms to define the willingness to commit murder are vague, how can we be sure that we correctly interpret the utterances these terms can be applied to? This is an important question that this book tries to answer.

In the beginning of the book, Roger Shuy outlines various laws related to murder and talks about different types and degrees of murder including attempted murder, manslaughter, solicitation to murder and entrapment. Next, the author lists fifteen murder cases for which he and his colleague Robert Leonard, a professor at Hofstra University and the director of Robert Leonard Associates, provided linguistic evidence. He

starts with the Unabomber case where the intent to murder was obvious but the author was unknown. Next, he outlines the case of anonymous letters which contained threats to bomb a women's medical clinic in Gary, Indiana. Here, the intent to murder was only apparent and, in fact, in the end it transpired that the author of the threat letters did not intend to kill anyone. Thus, the author immediately lets the reader know that the issues of voluntariness, premeditation, predisposition and intentionality are not always as clear-cut as they seem to be.

The rest of the book focuses on the most prominent cases spanning over three decades of Roger Shuy's work on civil and criminal law cases. He examines cases where the intentionality and predisposition as well as voluntariness were not very clear as the crime was only referred to as 'it' or 'the thing', and mostly by the informant who was wearing a wire to help the police catch the suspect inculcating themselves. Shuy demonstrated that the suspect was most likely referring to something unrelated to the alleged crime. The author then outlines very complicated and controversial cases: can the confessions of suspects who are under the influence of alcohol or drugs be considered valid in court? What about mentally incapacitated subjects? Or children and underage witnesses and suspects? What about emotionally distraught individuals? The author shows that the significance of these factors should not be underestimated.

Roger Shuy also references his other works, such as *Creating Language Crimes* (2005) and *The Language of Perjury Cases* (2011), where one can read more about the cases described in the current book. *The Language of Murder Cases* raises awareness of a range of serious issues and shows that judicial matters should be approached with utmost care and the phrase 'beyond reasonable doubt' is more than just abstract words that are hard to define. In fact, perhaps these words should be subjected to the 'I know it when I see it' test (the words were famously uttered during the *Jacobellis v. Ohio* case concerning the issue of obscenity). However, due to the ambiguous nature of these words, both the meaning of 'reasonable doubt' and the fate of the defendants are subject to the jury's decision, which is partially based on the critical language awareness of the prosecutor, the defence lawyer, and the judge.

This book is a great resource for those studying forensic linguistics and working in the area of law enforcement and in courts. *The Language of Murder Cases* makes a great introductory textbook that covers a broad range of topics. The author provides a good overview of each case and leaves the reader with a lot to think about. It can be read by individuals who are training to become police officers, as well as law, criminology and forensic science students and linguistics students – not only those with an interest in forensic linguistics, but also those exploring issues of power in sociolinguistics and those studying discourse analysis. Both students and legal practitioners will find this book interesting and useful as it draws the readers' attention to the kind of language awareness needed for the judicial system to be just.

To conclude, this is a book that definitely brings a valuable contribution to the discipline of Forensic Linguistics. It links theory with practice and shows that in many cases (and specifically murder cases) a linguist's expertise can be just as important in court as a legal professional's expertise. Throughout the book, the author demonstrates that being a native speaker of English does not necessarily allow a judge, a prosecutor, or a member of the jury to be certain about their interpretations of the defendants' or witnesses' words. The author draws the readers' attention to a number of important issues

in the legal process and one can hope that in the future these issues will be analysed in more detail; individuals who have undertaken training in forensic linguistics will work for the police and become legal professionals; linguists around the world will teach police officers, prosecutors, defence lawyers and judges how to increase their linguistic awareness and think more analytically about their mother tongue; and, finally, bringing a linguistic expert witness to testify in court will become common practice.

References

- Shuy, R. (2005). *Creating Language Crimes*. New York: Oxford University Press.
Shuy, R. (2011). *The Language of Perjury Cases*. New York: Oxford University Press.