

## REVIEWS

**Cheng, L., & Machin, D. (Eds.) (2024) *The law and critical discourse studies*. Routledge. 114 pp.**

While critical discourse studies (CDS) involve widespread applications in humanities and social sciences, barriers exist in applying CDS to law, which positivists view as a distinct and autonomous system (Rajah, 2018, p. 480). However, the volume, *The Law and Critical Discourse Studies*, presents a significant interdisciplinarity by integrating CDS with the study of law and legal discourse. It explores how language in legal discourse exercises discursive power in legal practice and also highlights that CDS serves as a valuable toolkit for uncovering issues of social justice and social values within specific legal contexts.

The volume is organized into two parts, comprising one introductory section and seven chapters. The editors of this volume are prominent scholars in the field of discourse studies, Le Cheng, focusing on legal discourse and semiotic studies, and David Machin, specializing on multimodal analysis and critical discourse studies into new media. The chapters contributors include various scholars with diverse educational backgrounds from different countries and areas of expertise, including specialized fields in law, such as comparative law, land law, and sociology, policy studies and language research. These scholars offer robust support for the interdisciplinary inquiry on critical discourse studies.

In the introduction, Cheng and Machin outline the central theme of the book: the bridging of legal research with CDS, and the presuppositions embedded within legal discourse. The aim of the book is to reveal the socio-political and ideological factors embedded within the language used in legal contexts. It focuses on discussing the ideological traits of legal discourse, the discursive dynamics involved in legal application and interpretation. This includes an exploration and examination of the evolving nature or temporal significance of legal usage and understanding, and the dynamic interactions that occur among various legal actors within legal proceedings that influence the outcome of cases.

In Chapter 1, Popiel conducts a case study of the AT&T-Time Warner merger lawsuit to analyze how language is employed by various stakeholders – government, defendants, and courts – to interpret and apply US antitrust law. Using an interpretive critical policy framework, the author argues that both the trial and the appeal courts supported the merging parties, indicating the role of courts in shaping the digital media market. As evidenced by the courts’

approval of the merger, the chapter reveals the complexities and contradictions inherent in this legal framework: while it purports to protect competition, it often inadvertently shields dominant firms. The analysis critically engages with the neoliberal political context surrounding US antitrust jurisprudence, illustrating how legal arguments often obscure the strategic choices made by courts that ultimately benefit dominant market players. Popiel's examination of legal documents demonstrates that the discourse surrounding competition often masks significant anticompetitive outcomes, particularly for smaller competitors in video markets. By approving the merger, the courts not only facilitated market consolidation but also reinforced existing power dynamics favoring incumbents over emerging competitors, thus questioning the efficacy of antitrust law in promoting genuine competition in rapidly evolving digital markets.

In Chapter 2, Dolhare and Rojas-Lizana analyze a pivotal constitutional judgment by the Plurinational Constitutional Court of Bolivia, which holds the supreme authority in interpreting and applying the nation's 2009 Constitution. The chapter focuses on addressing the disputes of Indigenous Peoples' rights to consultation on legislative matters affecting their ancestral lands. Combining Case-Law Analysis (Hall & Wright, 2008) with CDA, the authors explore how the Court interprets and applies the concept of 'Vivir Bien' (VB, or Living Well), a deep-rooted Indigenous cosmovision that emphasizes living in harmony with nature and community well-being. The analysis of linguistic resources and discursive strategies show a divide in the court's approach; the majority opinions favor Western liberal constitutionalism, while the minority opinions advocate for an Indigenous-based communitarian approach to resolve the legal dispute. The authors highlight that judges selectively foreground and background various aspects of VB principles, indicating a hierarchical application that diverges from the Constitution's intent. This discrepancy underscores a broader gap between the formal incorporation of VB into legal frameworks and its practical application in judicial decisions, suggesting that despite constitutional advancements, the judiciary often reverts to entrenched Western legal frameworks. Critically, the analysis suggests that while the court's majority opinion seeks a balanced discourse, it often fails to fully embrace the transformative potential of VB, which advocates for decolonization and social equity. In contrast, the dissenting opinion articulates the need for Indigenous epistemologies to be prioritized in legal interpretations, emphasizing that true adherence to VB requires dismantling colonial legacies embedded within existing legal structures. This chapter thus offers crucial insights on how language and discourse shape legal realities and influence legal outcomes within a post-colonial context.

Neller in Chapter 3 employs an ‘Intertextual genealogy’ framework (a constructivist approach within CDA) to investigate the distinction between racial and religious hatred in the UK’s Public Order Act of 1986. This constructivist approach challenges traditional interpretivist methodologies by emphasizing the context-dependent nature of meaning construction. By tracing historical and textual interconnections across legislative provisions, parliamentary debates, and the Mandla case judgments, Neller uncovers how contemporary legal interpretations have evolved and been problematized over time. The study reveals a significant discrepancy: while parliamentary discourse often views that race is an immutable characteristic, judicial interpretations acknowledge its mutable and socially constructed nature. This discrepancy indicates that the law, despite attempting to tackle inequalities, may inadvertently reinforce them. Neller calls for a re-evaluation of legislative language regarding hate crimes, advocating for a more inclusive and flexible understanding of both race and religion in legal contexts. By interrogating these distinctions, he not only reveals systemic biases but also opens avenues for potential legal reforms that could better align with evolving societal values and promote genuine equality among diverse communities.

Chapter 4 also addresses the issue of social inequality. Manalo Francisco discusses the Magna Carta of Women in the Philippines, a local adaptation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Applying Feminist Critical Discourse Analysis (FCDA), the author uses the gender relationality principle to clarify the debates over contentious provisions in the legislative proceedings. The study highlights discrepancies between the Philippine CEDAW translation and the original, particularly regarding reproductive health, gender definitions, and equal access to education. These differences are not merely linguistic but reflect deeper narratives shaped by pervasive Catholic doctrines and stark gender ideology disparities among legislators. Francisco’s work underscores the tension between progressive legal frameworks and entrenched cultural ideologies, suggesting that true gender equality in legislation is hindered by such ideological constraints. This study vividly illustrates how cultural and religious beliefs significantly influence interpretations and implementations of gender equality principles within a legal landscape.

In Chapter 5, Cheng et al. critically examine the BBC’s coverage of the politically charged legal case – US vs. Huawei/Wanzhou Meng, focusing on how the media recontextualized the lawsuit through legal language and foregrounded US legal processes, such as extraterritorial jurisdiction. The authors analyze 28 BBC news reports to reveal that the coverage not only emphasizes the US legal

proceedings but also subtly reinforces the US Department of Justice's narrative, casting China as a potential threat to Western interests. The study suggests that the BBC's framing inadvertently legitimizes the use of extraterritorial laws by the US, which are widely contested by other nations. By not scrutinizing the validity of these laws, the media's portrayal is argued to uphold hegemonic power structures that favor US interests. This analysis underscores how media representations of legal issues are entwined with broader sociopolitical discourses, influencing public perception and understanding of international relations.

Chapter 6 by Smith investigates an interview between a Royal Canadian Mounted Police officer and a female Indigenous minor who reported her sexual assault. Adopting a feminist approach and Discourse Historical Approach in CDA, the author identifies how the policeman's choices of lexical expressions and transitivity structures assert his dominance and skepticism, reflecting institutional authority and gendered power imbalances. The analysis reveals troubling patterns of female victim blaming, male perpetrator mitigation, and the minimization of the violent nature of sexual assault, which collectively contribute to a culture of silence in such crimes. Smith introduces 'discursive Yentling', a concept analogous to the Yentl syndrome, to describe the male-centric bias in the discourse around sexual assault. This framing suggests that the discourse surrounding sexual assault is not only shaped by legal frameworks but also by societal attitudes that prioritize male perspectives. By illuminating these discursive practices, Smith advocates for a reform in police interview techniques to create more supportive environments for victims while fostering feminist sensibilities within law enforcement.

Chapter 7, authored by Yu, conducts an interdisciplinary analysis of discourse in another sexual violence case in South Korea. Applying a framework that combines judicial rhetoric and argumentative legal reasoning inspired by Aristotle and Fairclough, the study examines the language utilized in legal decision-making processes and its impact on the perception of victims and perpetrators. Yu's analysis underscores how the rhetoric in sexual violence trials often reinforces gender biases, portraying female victims as less credible and male perpetrators as unjustly victimized. The findings also reveal the perpetuation of gender inequality and discrimination against female victims in East Asian legal contexts, reflecting a societal preference for patriarchal narratives. The study emphasizes the importance of challenging and transforming current legal narratives to amplify victims' voices and achieve fair representation in courtrooms. It calls for addressing these discursive biases and enhancing discourse strategies to foster equitable trials and advance social justice.

This book contributes significantly to the advancement of the interdisciplinary paradigm of combining CDS with the study of law and legal discourse. First, the chapters cover a diverse range of legal discourse genres, including legislative texts, courtroom discourse, police interrogations, and media reports on legal cases which also cover different legal processes in judicial practice. It thus sheds light on how legal discourse analysis uncover pressing issues in legal practice through linguistic evidence. Converging with the linguistic trend in the study of law (Goźdz-Roszkowski & Pontrandolfo, 2022), the volume presents complex linguistic phenomena in judicial discourse with a new perspective of applied linguistics, and reveals ideological, socio-political factors impacting on specific legislative interpretation and law enforcement.

Additionally, it addresses current social issues and crises. Given that both laws and CDS share same concerns on social inequalities, these chapters shed light on how CDS, as an analytic approach, reveals judicial tendencies of social inequalities within specific contexts. It underscores the practical value of how discourse analysts examine legislative interpretation, law enforcement and other legal practices through the process of legal discursive construction.

Methodologically, the collection primarily conducts detailed, thorough and insightful qualitative analysis. The researchers have refined and innovated current research analytical frameworks to adapt to specific legal text genres, advancing the development and application of the critical analytical theories. It also improves the applicability and effectiveness of the CDS approaches in legal discourse.

Despite its strengths, the book has minor shortcomings. While most chapters employ case study method, which may lack objectivity due to limited data, incorporating a corpus-based and cross-verification methodology (Egbert & Baker, 2020) could strengthen the findings. Moreover, using a multimodal discourse analysis approach to analyze judicial video-record discourse may yield further discoveries and insights.

Overall, this volume successfully bridges the fields of CDS and law. It delves into legal language and legal discursive construction, uncovering the conceptualization of legal language and the realization of discursive manipulation influenced by ideology and other socio-political factors. This book represents an in-depth advancement for CDS, law and applied linguistics, and especially benefits those interested in the interface research of law and linguistics.

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