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The Strategic Animation of Race in Courtroom Discourse

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Friday, September 22nd, 2017
9:45 a.m. to 11:00 a.m.
Room 2203 Dunton Tower

The communicative event of the trial is a highly intertextual one—written documents, verbal statements and audio or video recordings from previous depositions, affidavits, and interviews, are often quoted, indirectly reported, reframed or summarized within trial contexts, often in strategic ways. In this paper, I draw upon audio-taped recordings from an American rape triaI, Maouloud Baby v. the State of Maryland (2004), in order to examine the way that an accused's police interrogation is strategically recontextualized within a trial setting by a cross-examining lawyer. In directly quoting and animating excerpts from the police interrogation, the cross-examining lawyer is ostensibly maintaining a strict separation between himself, the quoting speaker, and the accused, the quoted speaker. However, following work by Voloshinov and Bakhtin, I argue that the cross-examining lawyer's animation of the police interrogation is 'double voiced.' While positioning himself as a mere animator of the accused's voice, the cross examining lawyer's animation does evaluative work simultaneously; it is used, I suggest, to negatively assess the accused and to undermine his credibility. First, the lawyer re-enacts particular kinds of speech events from the police interrogation—lies that the accused acknowledges he told during the police interrogation. Second, in the course of repeatedly animating these lies, the lawyer also calls attention to the nature of the accused's speech—specifically, features of African American Vernacular English that index the racial category of the accused and the negative social meanings that can be invoked by this category in the context of the United States. Ultimately, I argue that the lawyer's interpretive and evaluative work vis-à-vis the accused is facilitated and enhanced by linguistic ideologies that obscure the 'double-voiced' nature of reported speech.

Dr. Susan Ehrlich is a Professor in Linguistics in the Department of Languages, Literatures and Linguistics, York University. She specializes in the areas of discourse analysis, language, gender and sexuality and language and the law. Recent books include *Discursive Constructions of Consent in the Legal System* (co-edited with Diana Eades and Janet Ainsworth), Oxford University Press, 2016 and The *Handbook of Language, Gender and Sexuality*, 2nd edition (co-edited with Miriam Meyerhoff and Janet Holmes), Wiley Blackwell, 2014.