

Retelling Hillsborough: A critical stylistic analysis of witness statements

Patricia Canning

9.1 Introduction

This chapter considers retellings of the Hillsborough Football Stadium Disaster through analyses of witness statements taken for the investigative process. It examines linguistic strategies, namely negation and ‘disnarration’ (Prince 1988) in statements scripted by the presiding police forces that led the initial investigation. Ultimately, it argues that ‘retelling’ is an institutional practice in most UK and European statement-taking contexts. That is not to say such practice is sinister or even intentional. Rather, it is often so because the production of a witness statement involves both what has been variously called ‘entextualisation’ (Bauman and Briggs 1990) and ‘recontextualisation’ (Linell 1998), which is the recapitulation of an oral narrative (in this case spoken by a witness) into a textual product for use in a different discourse context. Although Ministry of Justice (MOJ) guidelines advise law enforcement that ‘[t]he witness statement must, **if practicable**, be in the intended witness’s own words’ (2011: 18.1, my emphasis), this is rarely the case in practice. Typically, a witness statement is a dialogic, co-constructed story (Bakhtin 1981, 1984) between the witness and the statement-taking police officer reproduced ‘on-line’ (face to face) and in writing. Police often interrupt or ask questions to ‘steer’ the process, which controls the flow of information to some extent (Shepherd and Milne 1999). The process is often ‘managed’ by the presiding officer(s) to achieve best evidence (Jönsson and Linell 1991, MOJ). The resulting textual account is typically ordered in a formulaic, chronological sequence to reflect events as they unfolded.

Current UK police training guidance on taking witness statements is vague (compared to the taking of suspect statements). However, general practice in the UK requires that ‘vulnerable’ (Youth Justice and Criminal Evidence Act 1999) and

'significant' witnesses are routinely audio-recorded (Ministry of Justice 2011). Therefore, aside from any notes made during the statement-taking process, the final statement is the only extant record of the witness's oral account. When considering other forensic evidence, such as blood samples, DNA or fingerprints, protocols maintain evidential integrity, guarding against potential contamination, loss or corruption. There are, however, few safeguards in place to preserve the integrity of the witness's account (Clarke and Milne 2001; Shepherd 1995). A lack of scholarly research into the production and reception of statements by *witnesses* as opposed to *suspects* (Malsch et al. 2018)¹ compounds the issue. Indeed, much research tends to focus on the investigative interview (Poyser and Griffiths 2013).² Findings show that while there have been improvements in practice, the interview quality remains poor (Clarke and Milne 2001) not least because corresponding handwritten accounts are 'full of inaccuracies' (Smith and Milne 2018). Additionally, witness statements are negotiated so sources of information contained therein are 'systematically blurred' (Jönsson and Linell 1991: 434). Research in the Netherlands has shown how this is problematic for the witness, as the intended reader, often a judge, can treat it as a verbatim account by the witness when it is not (Komter 2012). Moreover, according to an ex-police chief, the '**witness** is the most vulnerable interviewee' (my emphasis) as they tend towards cooperation and validation of the interviewer's suggestions (McLean 1995: 117).

A witness is defined in Black's law dictionary (Garner 2019) as 'a person who has knowledge of an event' and judicially as a 'central lead' in investigations (Milne and Shaw 1999: 128).³ The primary purpose of a witness statement is to capture this knowledge. The statement often operates metonymically, 'standing in' for the witness in court as 'evidence-in-chief' (Milne and Shaw 1999: 128). But a statement may also *construct* knowledge, 'standing in' for the institution that helped create it and whose voice is embedded within it. As a result of this dialogicity a witness statement may inadvertently tell more than one (version of a) story. Using data from statements given within days of the disaster by seventeen residents from around Hillsborough stadium I develop previous research in the UK (Coulthard 1994, 2004; Haworth 2017; Rock 2001) and in Europe (Jönsson and Linell 1991; Komter 2012 and Malsch et al. 2018) arguing that dialogicity can function to steer the witness's narrative along institutionally sanctioned lines with powerful ideological consequences. In so doing I will make a case for the utility of stylistic analyses for understanding how institutional discursive practices may inadvertently or otherwise recast witnesses' stories. Such recastings can compromise the evidential value of a witness's testimony and the very institution whose responsibility it is to preserve and protect it.

9.2 Background

On 15 April 1989, Liverpool Football Club played Nottingham Forest in a semi-final at Hillsborough Stadium, in Sheffield, UK. Over twenty-three thousand fans queued at the Leppings Lane end of the ground to enter via a restricted bottleneck long identified as a serious hazard. Before the 3.00 pm kick-off the arrival of fans outside the stadium led to congestion and crushing as the turnstiles could not process their entry. The police match commander, David Duckenfield, ordered the opening of an egress gate directly opposite a tunnel leading to the central enclosed spectator 'pens', thus relieving the crush. However, these 'pens' were already full to capacity. Over two thousand fans, unfamiliar with the stadium's layout, but visible to police on CCTV (and from the elevated control room), descended the tunnel unpoliced and unstewarded into the backs of the fans on the terrace into a deadly crush. By the time the match kicked off at 3.00 pm, men, women and children were being crushed to death. At 3.06 pm the match was abandoned. Within minutes, Chief Superintendent Duckenfield falsely instructed the Football Association chief executive that Liverpool fans had forced entry and caused the crush. This precipitated a retelling of Hillsborough that was to become institutionally cemented through the media (Scraton, Jemphrey and Coleman 1995; Scraton 1999a, 1999b, 2004; *The Sun* 1989).

In the following police investigation, over 3,350 witness statements were collected, initially by South Yorkshire Police (SYP) and subsequently West Midlands Police (WMP). A judicial inquiry in 1991 returned a verdict of 'accidental death', and a criminal investigation followed. In the thirty years since, independent research reports (Hillsborough Independent Panel Report (HIP) 2012), a drama-documentary (McGovern 1996) and academic analysis (Scraton 1999a) have challenged official accounts of the disaster and have revealed that police statements had been systemically reviewed and altered. In 2016 a new inquest formally exonerated fans and returned a new verdict of 'unlawful killing'. The disaster, one of the worst football stadium disasters of our time, claimed the lives of ninety-six men, women and children.⁴

9.3 (Co-)Constructing witness narratives

Labov (1972) and others⁵ have shown that oral and written narratives are constituted by identifiable linguistic properties and structural elements.⁶ Witness statements serve an evidential function and so it is perhaps not surprising

that ‘orientational’ elements (Labov 1972) such as time adverbials (Fox 1993: 187–8) often assume greater significance than in other discourse situations (Rock 2001; Komter 2012). By way of example, Rock (2001) cites an interview extract that was reconstructed by police in which it took eight conversational turns to establish the timing of a suspect-witness’s arrival at a friend’s house, agreed upon as being ‘probably after 3[pm]’ (2001: 55). This dialogic exchange was reconstructed in the written statement as follows: ‘On the 5th [month name] 2000 **at about 3pm** I was a [sic] friends [sic] house called Jerry’ (2001: 55). The officer’s determination of timing in the written record is more specific than in the witness’s oral description. Additionally, temporality is considered more salient by the officer than by the witness as the former not only introduces it but revisits it later in the interview (2001: 56). While the officer may have collapsed the heavily modalized dialogic exchange into a simple assertion for economic purposes (i.e. to be informative or be seen to have produced a ‘good statement’) (Jönsson and Linell 1991; Shepherd 1995), the interactional exchange that resulted in negotiating this orientational detail is completely lost in the written report (Komter 2012; Malsch et al. 2018).

Labov and Waletzky (1967) argue that evaluation is a fundamental element of experiential narratives as it justifies their ‘reportability’ (Labov 1972: 366). Additionally, evaluation encodes the speaker’s stance (Martin and White 2005), for example, through pejorative, honorific, formal or informal lexis; compare, for example, the use of ‘vomit’ versus ‘sick deposit’ (WMP 1990: 1396).⁷ Comparatives also evaluate, for instance, ‘[t]he **only difference** from last year’s semi-final was the sheer volume of fans coming at such a late stage in the proceedings’ (WMP: 1376, my emphasis here and throughout the chapter). Additionally, research shows that police personnel have an identifiable institutional register known as ‘policeseak’ (Coulthard and Johnson 2007; Fox 1993; Hall 2008), a particular variety of language use that incorporates, among other things, formal lexis, formulaic phrases (Larner 2011) and over-explicitness. Some of these features can be discerned in two examples taken from the Hillsborough corpus which describe the deadly crush – one is from a football fan and the other is from a police officer:

- (a) ‘I found that I was having great difficulty in breathing, not being able to expand my chest so I ended up sucking in air to breath [sic]. By this time there was a lot of moaning, the screams had died out. I saw several people, I don’t know who they are, had passed out. These were all blokes about my own age.’ (Survivor, pen 3, statement SYP000000020001)⁸

- (b) ‘The crowding was very tight and it was becoming difficult to raise my arms from my sides. To be closely compact [*sic*] was becoming claustrophobic [*sic*] and because we were so close, the smell of stale ale on the breath of the supporters was strong.’ (South Yorkshire Police Constable, statement SYP000082950001)

While (a) foregrounds material action (Halliday 1985) through informal lexis and syntax, ‘so I ended up sucking in air’ and refers colloquially to ‘blokes’ (males),⁹ (b) displays greater lexical formality and backgrounds the ‘doing’ through nominalizations ‘[t]he crowding’ and grammatical complements, ‘closely compact’. The latter also includes an incongruous reference to alcohol, which is foregrounded (van Peer 1986). The ‘smell’ of ‘stale’ alcohol during a deadly crush (when bodily fluids were being excreted by the dead and dying) seems disproportionately ‘newsworthy’, so its ‘telling’ may be directed towards a ‘super-addressee’ (Bakhtin 1986: 126–7) not immediately present during the discourse situation. Ultimately, this could be a jury, who in turn may infer causality between alcohol and the crush to make sense of what is arguably a co-textually anomalous inclusion (see, for example, Sanford and Emmott 2012).

As a starting point then, *that* a witness chooses (if indeed it is they who choose) to report is itself an act of evaluation. Furthermore, *how* their oral reports are recapitulated or ‘recontextualized’ (Linell 1998) for use outside the contemporaneous discourse context may be influenced by the institutional stance of the statement-taking officer. Indeed, it raises the question: whose narrative (and by extension, stance) is recorded and preserved in the written record? Is all content attributable to the witness? If not, are embedded (institutional) voices discernible? What are the implications of such ‘blurring of source distinctions’? (Jönsson and Linell 1991: 434). Who decides what is reportable? The following sections address these questions.

9.4 Retelling witnesses’ stories

In its report, the Hillsborough Independent Panel (2012, chapter 12) exposed the presence of ‘other’ voices in witness statements through deletions and amendments. However, there are more subtle linguistic cues that give rise to embedded voices that, to date, have received little attention (but see Canning 2018). One such indicator is negation, typically understood as the denial or

refutation of an expressed or implicit proposition or expectation. In English, negation is marked (Horn 1989) and 'all things being equal' deemed to be 'less informative than their positive counterparts' (Leech 1983: 100). This view is rooted in Aristotelian logic, which *a priori* posits the affirmative as a preferred and necessary antecedent for its denial ('affirmation explains denial just as being is prior to not-being' (*Metaphysics* 996b 14–16)). Its occurrence points to what Karttunen calls a '*sensus communis*', 'inform[ing] people of the beliefs they are supposed to hold and the expectations they are supposed to have of particular events and of particular kinds of people' (2008: 426). Karttunen's study also holds that negation 'only' makes sense 'if an explicit (co-textual) or implicit (contextual) expectation or claim is being refuted' (2008: 423). However, the adverb here is misplaced; making sense of negation is not predicated 'only' on explicit or implicit expectations or claims, but rather needs only to satisfy the precondition of *plausibility*. In this way, negation can help steer us to the very expectations it refutes and the addressee (whether a jury, judge, layperson) need not have held or been aware of the expectation prior to encountering the negation in order to make it make sense.¹⁰

Negation-led sense-making can have great evidential impact in a high-stakes discourse setting like a police investigation. Given the infinite number of things that do not happen, when one of them is reported it is afforded special significance ('newsworthiness'). In this way, negation can be more informative than affirmation (Jordan 1998; Leech 1983). By way of example, imagine being told a story about an accident that required the attendance of the emergency services in which the ambulance driver '**did not know** the way to the hospital'. This negated information is considered newsworthy as being an ambulance driver carries with it a schematic expectation that one would know the route. Thus, the negated clause is tellable; as Jordan puts it, 'in general, writers indicate what is *not* there only when there is a reasonable expectation that it *is* there and also when it is important for readers to know of its absence or its invalidity' (1998: 717, italics in original; see also Werth 1999: 120). As this story is part of a police investigation into Hillsborough, the not knowing has higher stakes given its potential impact on a possible prosecution case. Consider the relative redundancy or uninformativeness of the affirmative in the same scenario: 'the ambulance driver knew the way to the hospital'. Without a specific context the affirmative could hardly be deemed newsworthy. Telling what did *not* happen or what was *not* the case, then, invokes the very state of affairs it denies – the *sensus communis* (that the ambulance driver *did* or *should* know how to get to hospital). Additionally, it is likely to motivate us to negatively evaluate the competency of the ambulance driver.

9.5 Negotiating narratives: Telling it like it wasn't

Following the first inquiry led by Chief Justice Taylor, the West Midlands Police (WMP) compiled a report for the Director of Public Prosecutions (DPP) (1990). It included seventeen residents' statements, which comprise my corpus,¹¹ in which residents establish their ethos as proximate authorities, either by reporting their locations in relation to their proximity to the ground, 'Our house is situated off Leppings Lane' (WMP: 1350), or by explicitly narrating their ethos as credible witnesses: 'On cup semi final day **I am used to** the large numbers of supporters who attend our locality for the event ... **as is usual on these occasions** I saw 200 or 300 football supporters' (WMP: 1395); 'I am **quite used to** Football fans on [*sic*] visiting ... to seeing them stop off at [redacted] Pub' (WMP: 1398). Having established credibility, these witnesses secure valid 'speaking rights' (Heffer 2005). This and the forensic discourse situation itself (i.e. giving a statement to police) confer 'tellability' (Sacks 1995) or newsworthiness on what is subsequently reported.

There are a total of 143 occurrences of overt negation across the seventeen statements included in the WMP report and they are categorized in Table 9.1:

Table 9.1 Types of negation in residents' statements

Type of negation	Frequency (n)	Explanation
Informative	31	'Informative' refers to their co-textual or contextual relatedness in the narrative. These negations can be reasonably expected to occur in the course of the 'telling'.
Epistemic (bound)	13	This refers to witnesses' ability to 'know' or 'see' goings-on. By 'bound' (Emmott 1997) I mean that their relevance and relatedness are supported pragmatically, either contextually or co-textually, earlier in the narrative.
Epistemic (unbound)	24	As above, but for which there is no anaphor and, as such, are more marked than the previous type.
Tautological	25	These negations restate affirmative clauses (or vice versa).
Paralipitic	20	<i>Paralipsis</i> is a rhetorical term that means saying what you cannot or will not say. These negations are explicit statements of what the witness cannot report.
Infelicitous	19	This type concerns denials of actions, states or events (as opposed to denials of what the witness has seen (epistemic) or can say (paralipitic)) but which has low or no contextual/co-textual relevance or relatedness.
Metanoic	11	Another rhetorical term <i>metanoia</i> concerns the correction of a proposition or claim during a speech. It refers here to negations that correct or mitigate the extent or force of actions, events or states.

Of these 143 negations, thirty-one are reasonably 'informative' such as 'They [fans] **do not** normally like to park in our road' (i: 1345).¹² A further thirty-seven relate to epistemic distance; thirteen of these are 'bound in' (Emmott 1997: 123) satisfying what Wason calls a 'context of plausible denial' (1965: 7): 'I **don't know** the specific place she told me' (iii: 1358). The remaining twenty-four are unbound and thus appear to be prompted: 'I **don't think** there was one who was not holding a can of alcohol' (i: 1348), 'I **did not see any loitering** with the exception of several fans who were openly urinating in the road' (xii: 1396, said of fans 'rushing' to the match). Expressions of epistemic commitment would not be unusual in witness statements as the discursive practice of evidence-gathering often incorporates the pursuit of clarity. This manifests linguistically in over-explicitness or over-specificity (Fox 1993: 188), which often indicates questioning or 'probing' by the officer (PEACE guidelines)¹³ (College of Policing). However, these twenty-four epistemic negations overwhelmingly concern pejorative behaviours; in fact, all but one of them indicates probing of Liverpool fans drinking or carrying alcohol, urinating or arriving late:

- (c) 'I **saw no damage** caused to the bus or **no person** threatened **at all** as we negotiated the crowd in Leppings Lane. I **saw no people** selling tickets close to the ground.' (iii: 1357)
- (d) 'I **did not see** any of the supporters drinking beer at this time.' (iv: 1360)

Up to this point in (c) there is no mention of damage, threatening behaviour or ticket-selling so inclusion of these disnarrated events is odd. Indeed, narrative cohesion is attempted a few sentences later with: 'I feel that the trouble was caused on the day by the late arrival of supporters to the ground' (1357). Similarly in (d), the reference to 'not see[ing] supporters drinking beer' has not been bound in and its co-textual position (it follows orientational material) carries no expectation for encountering 'drinking' or 'beer'. Therefore, it indicates undocumented questioning. The adjunct 'at this time' binds in the expectation of beer-drinking at a later time and indeed we are told: 'I saw that the cans they were drinking from were beer cans ... They were still just talking to each other **and not misbehaving**' (1360).

Eleven negations are examples of 'metanoia' that either correct earlier affirmative statements, 'when I said the gates were being pushed, I **didn't see** the fans pushing it' (x: 1390), or mitigate propositions with scalar concessives, 'they were boisterous **but not** unruly [*sic*]' (ii: 1351). All of these eleven instances establish 'positive-assessment' relations (Jordan 1998: 717), in that they deny (through correction or mitigation) the occurrence or extent of

pejorative behaviours: 'they were drinking from beer cans but **weren't** causing any problems' (vi: 1369); 'I say "selling tickets" **I didn't** actually see him pass the goods over' (ii: 1350). All of the instances of metanoia invoke pejorative actions before denying their extent or occurrence.

A further function of negation in the statements seems to be for emphasizing pejorative behaviours or the expectation of pejorative behaviours, making them more prominent than they may otherwise have been originally reported. I classify these as 'tautological' negations as they exhibit re-statement through a structural pattern of 'affirmative $\approx$ negative' where the first clause or sentence is affirmative, followed by a negative clause or sentence that conveys more or less the same semantic content as its antecedent. Consequently, the negation could be considered semantically redundant. There are twenty-five tautological negations and seventeen (68 per cent) of them establish 'negative-assessment relations' (Jordan 1998: 718), presenting Liverpool fans unfavourably. The following four examples are illustrative:

- (e) 'The supporters were **all** holding their tickets which **had not been handed in**. During the following hours I was shown literally dozens of complete tickets which **had not been handed in** at the gates.' (i: 1347)
- (f) 'I could see small groups of supporters who **all** had cans of beer in their hands ... They all seemed to be in good spirits but there were very few who **had not got** a can of beer with him.' (i: 1346)
- (g) 'there were hundreds of Liverpool supporters making their way down Halifax Road. **They were not restricted** to the footpaths and were walking in the road holding up the traffic.' (iii: 1355)
- (h) 'The lad was on his own, **there was nobody else** with him, or in the area.' (iii: 1358)

All of these examples affirmatively present information that is then stated negatively with the exception of (g) which reverses the structure so the negative is stated first. In (e) the *context* (Jordan 1998; Pagano 1994) renders the negation informative (at such matches tickets are surrendered upon entry). Notably, the witness is referring throughout this example to fans outside the ground after the disaster occurred and so the tickets that are claimed as seen should have been surrendered. The inference then can be drawn that fans 'forced' their way in (in keeping with the dominant police and media narrative). All of these examples (e–h) function to foreground explicit or implicit negative-assessment relations when referring to Liverpool fans. Example (h) appears neutral enough; however, the 'lad' is preceded by 'The lad was urinating against the garages ... he

continued urinating for approximately three minutes. I formed the opinion that the lad must have been drinking for a long time prior to him needing to urinate.'

Of the twenty-five tautological negations, there are six (24 per cent) that establish positive-assessment relations of which the following are examples:

- (i) 'The atmosphere [between police and Nottingham Forest supporters] was one of good humour. **There appeared to be no ill feeling** between the [Forest] supporters and the police.' (iii: 1354)
- (j) 'I saw groups of supporters standing around on pavements talking. **They were not misbehaving** at all.' (iv: 1360)

Example (i) here is referring to the opposing team's fans, Nottingham Forest. As Labov has argued, comparative statements often signal evaluation – here the Nottingham Forest supporters' positive behaviour (and hence positive-assessment) is foregrounded as being in contrast to the reported behaviour of Liverpool fans, thus implicitly negatively evaluating the latter. Example (j) is interesting for the additional emphasis supplied by the adverbial adjunct 'at all' as there is no mention of 'misbehaving' up to this point – it has not been 'bound in'. The negation itself could encourage the expectation that fans would 'misbehave'. In Werth's words, the 'very act of denying it brings it into focus' (1999: 251). The negation, therefore, may indicate that it is an answer to an undocumented question in which case the topic of 'misbehaving fans' has likely been introduced as part of the 'probing' protocol and thus formed part of an off-record discussion. The probing of topics is part of police interviewing and of the statement-taking process both for suspects and witnesses. Therefore, it is not necessarily unusual to find what appears to be a focus on pejorative behaviours in a witness statement through negation of undocumented questions. However, what is significant in the Hillsborough corpus is that the attention paid to Liverpool fans' behaviours, from arrival time, to drinking alcohol, to urinating, is not given to Nottingham Forest fans' behaviour, nor is there any focus on the actions of the police in spite of Lord Justice Taylor's finding that the primary cause of the disaster was a 'failure of police control' (Taylor 1989).

Many of the examples discussed thus far are what Prince (1988) calls 'disnarration' (stating something that did not happen). Disnarration is important in the elicitation and production of witness narratives as it confers 'tellability' which, according to Prince (1988: 1), is 'assessed' differently depending on the discourse situation ('one narrator's unnarratable can very well be another's narratable' (1988: 2)). In forensic contexts it may be reasonable to clarify what did not happen and so some disnarrations may fall within the 'threshold of

narratability' (Prince 1988: 1). However, many of the disnarrated occurrences in the seventeen residents' statements do not; instead they 'contribute' to borrow Prince's phrase, 'to the development of a theme' (5), namely the hooliganization of Liverpool fans. There are nineteen specific instances of disnarration that are especially marked because they deny propositions or expectations for which 'reasonableness' is not so easily attributed. I have classified this type as 'infelicitous', although in three of them their 'reasonableness' is explicitly expressed or explained:

- (k) 'As we travelled along the road I saw that **there were no supporters** walking down to the Halifax Road, even though this is the route the supporters have to take to ensure segregation of their correct end of the ground, Leppings Lane.' (iii: 1355)
- (l) 'I also noted that in view of the situation at Leppings Lane the [Liverpool] supporters at the two pubs I had seen **would not make** the start of the game.' (iii: 1357)
- (m) 'I have lived here for three years and whenever there is a big match I have a walk up to the ground to see the supporters but I have **never** seen anything like the crowd outside the turnstiles. **I am not a football supporter and do not attend** any matches.' (iv: 1364)

These examples 'show why the narrative is tellable' (Prince 1988: 5). Both (l) and (m) share the structure of 'basis for denial' > denial (Jordan 1998: 722) while (k) reverses the structure. The embedded sentence in (k) beginning 'even though' provides justification or basis for the denial by explicitly stating the presupposition. In examples (l) and (m) the basis for denial is foregrounded perhaps to build the witnesses' ethos as providing a credible deduction in (l) and comparative (and thus, evaluative) evidence of fans' behaviour in (m). Either way, the over-explicitness is foregrounded, particularly as (l) is hypothetical. The two negated clauses in (m) are co-textually incongruous – perhaps they too are functioning ethically to confirm a lack of allegiance to either team and thus imply neutrality. Thematically, these extracts all relate to the dominant 'late arrival' narrative promulgated by the police and media (HIP 2012, *The Sun* 1989). In the remaining fourteen (74 per cent) of the nineteen examples¹⁴ there is no co-textual explanation or basis for the denial (like the previous three, they have no anaphor and are unbound) and so their appearance is marked. The following is an example:

- (n) 'On Saturday (150489) most of the supporters I spoke to left and **didn't cause** any trouble.' (vii: 1371)

Again, here, as in (j), the topic of pejorative behaviour ('misbehaving', 'trouble') is disnarrated; it has been introduced only in order to negate it (Werth's 'negative accommodation', 1999: 254; Martin and White 2003:118). A similar deduction can be made from (o) below:

- (o) 'I had on more than one occasion, to go outside and tell some of the supporters to go elsewhere when they wanted to use our [redacted] as a toilet. **There was no responsive aggravation** to this and they turned and walked away.' (xvii: 1413)

Incidentally, of these nineteen infelicitous negations, over half ($n = 10$) establish positive-assessment relations by denying what appears to be an unstated proposition or allegation that if agreed with would reflect badly on Liverpool fans.¹⁵ Given that all nineteen of them deny pejorative actions relating to alcohol, late arrival of fans or misbehaviour, these negations do not foreground fans' negative actions – but rather the *expectation* of negative actions. To quote Werth again, 'the negation introduces not only the denial of the expectation, but also the expectation itself' (1999: 255). Therefore, such infelicitous negations may well point to an institutional preoccupation with eliciting evidence (through probing topics) that accords with its own ideological expectations.

Finally, in 23 of the 143 cases of negation across the statements, the negated element relates to the witness's (in)ability to commit to an unstated proposition. All are mediated through meta-narration in which the witness explicitly disclaims for the record: 'I saw at least ten of them [fans] come over the small wire fence and urinate against the walls of the garages. **I can't say for sure** what fans they were **but** I could hear the odd "scouser" accent' (vi: 1369). The meta-narration 'I can't say for sure' explicitly expresses the witness's lack of epistemic commitment yet is followed by a concession ('but ... ') that unequivocally reverses the negation by encouraging the inference that the urinating men were Liverpool fans. I classify these as 'paralipic' negations (from the rhetorical term 'paralipsis'). Some indicate officers' attempts to elicit as much orientational material as possible: '**I don't feel that I can say** much more' (x: 1390) and '**I could not describe** a particular person who did this **but** there were a lot of fans who were doing it' (viii: 1375); 'he appeared to have an Irish accent, **I can't really describe** him other than a white male in his forties wearing dark clothes' (x: 1389). However, in all instances the negated component appears to be the result of questioning along a key theme of pejorative behaviour. The following six examples are illustrative:

- (p) ‘**I can say there no [sic] supporters** in the area of the large blue solid gate which is marked as “C” on the plan. **I cannot say** whether the gate was open, or closed.’ (iii: 1356–7)
- (q) ‘**I am not in a position to say** whether the people in Leppings Lane had tickets to get in.’ (iii: 1357)
- (r) ‘Due to the amount of people at the gate **I cannot say** whether any cans of beer were being carried or drunk.’ (iii: 1357)
- (s) ‘I saw seven to eight youths standing on the forecourt drinking from pint glass [sic], the youths were shouting full of high spirits for the game **but I wouldn’t describe** them as drunk.’ (x: 1382)
- (t) ‘**I could not say** how long these [Liverpool] fans had been in the Pub but I would estimate a group of twenty left, all in high spirits.’ (xiii: 1399)
- (u) ‘**I can’t say** which team they supported but at that time, so close to the kick off and that location being the part of the ground reserved for the Liverpool supporters, I presumed that they were supporters of Liverpool.’ (xvi: 1409)

Effectively, witnesses are emphasizing (through meta-narration) that which is being disclaimed as well as the act of disclamation thus further distancing themselves from the implicit expectations. Therefore, it would be reasonable to assume that such themes or ‘topics’ (and their corresponding expectations) have been introduced and thus rendered newsworthy by the interviewing officer rather than the witness. Put another way, the negations (manifested through negative accommodation) suggest topic control, with the result that expectations of fans behaving badly are introduced in a backgrounded way by the police interviewer.

9.6 Summary

Topics are often introduced in forensic statement-taking contexts through questioning or conversational turns (Sacks 1995; Sacks, Schegloff and Jefferson 1974; Shuy 1982) and the power asymmetry between police scribe and lay-witness places the latter under ‘obligation’ to respond (Frankel 1984). Whoever controls topics, usually the more powerful discourse participant (in the forensic context here, the police officer) determines what gets discussed and what does not (van Dijk 1996: 86). In the corpus under analysis, topic control suggests that witnesses have been probed to elicit negative appraisals of Liverpool fans. Given that the police response to the disaster was also under scrutiny, it seems odd that the

topics probed in these 'representative' residents' statements are disproportionately oriented to Liverpool fans' behaviour yet do not include references to the behaviour of the police. Moreover, many of the negations give rise to pejorative behaviours through denying or mitigating their occurrence, indicating that the expectation of such behaviours has been introduced into the discourse situation by someone other than the witness. This potentially reframes the witness's testimony that is then (re)presented as a single, monologic story, both before the court and in the community. Once that occurs, these institutionally controlled and ideologically loaded stories are in danger of being recapitulated and remembered as historical fact. Therefore, it is vital to preserve the integrity and transparency of telling and recording witnesses' testimonies to ensure the integrity and transparency of history.

Notes

- 1 Additionally, see Griffiths, Milne and Cherryman (2011); Jönsson and Linell (1991); McLean (1995); Poyser and Milne (2015); Lamb et al. (2000).
- 2 The following studies are instrumental: Shepherd and Griffiths (2013); Westera, Kebbell and Milne (2011); Aldridge-Waddon (2010); Aldridge-Waddon and Luchjenbroers (2007); Heaton-Armstrong, Shepherd and Wolchover (1999).
- 3 Kebbell and Milne (1998); Sanders (1986); Zander and Henderson (1993).
- 4 At the time of going to press, David Duckenfield was found not guilty of gross negligence manslaughter in 2019: Sheffield Wednesday's health and safety executive at the time, Graham Mackrell. The SYP match commander, David Duckenfield, stood trial for ninety-five counts of manslaughter, but the jury could not agree a verdict. The ninety-sixth person to die following the disaster, Tony Bland, suffered severe brain damage and remained in a persistent vegetative state for almost four years after Hillsborough. His life support was withdrawn to allow him to die with dignity on 3 March 1993.
- 5 Bell (1991); Galtung and Ruge (1965); Labov and Waletzky (1967); Propp (1968); Todorov (1977).
- 6 Witness statements also exhibit patterns and as they originate as oral narratives the model proposed in Labov (1972) and Labov and Waletzky (1967) is particularly serviceable, specifically the structural components of 'orientation' (the 'who', 'what', 'when' and 'where') and 'evaluation' (the 'so what?').
- 7 The references here and throughout refer to the West Midlands Police report, Part IV, to the Director of Public Prosecutions (1989), followed by witness statement number (where applicable) and the page number within the report.

- 8 These references relate to the unique code given to documents disclosed to the Hillsborough Independent Report and which constitute the corpora shared on the www.hillsborough.gov.uk website (which has been temporarily withdrawn pending the current prosecution cases).
- 9 The negation 'I don't know who they are' indicates an embedded institutional voice which I will discuss later.
- 10 I agree with Tottie (1982) here, who claims that the negation itself can create the belief it seeks to deny. Jordan is more cautious when he says that a 'pragmatic understanding of negation must not be restricted to an assumption that the readers' presupposition has been created earlier in the text' either implicitly or explicitly (Jordan 1998: 711). He refers here to the contextual knowledge of the reader as instrumental rather than explicitly stated presuppositions. My point about plausibility is similar to Givón's (1993) claim that addressees are 'at least familiar' with the expectation implied or explicit in the negation.
- 11 There were hundreds of statements taken from residents. The WMP report offers no explanation for selecting the seventeen analysed here.
- 12 The roman numerals relate to the numbered statements (i–xvii).
- 13 The framework adopted for investigative interviewing and for eliciting a statement is called the 'PEACE' model, an acronym that translates as 'Plan and Prepare, Engage and Explain, Account Clarification and Challenge, Closure, Evaluation'. 'Probe' comes under the 'A' section, 'account clarification and challenge'. Hillsborough predates the framework; however, 'probing' has always been part of the investigative interview.
- 14 Two instances are neutral.
- 15 Seven establish negative-assessment relations.

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