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## 'Regina v John Terry': The Discursive Construction of an Alleged Racist Event

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## ***Regina v John Terry: The Discursive Construction of an Alleged Racist Event***

### **Abstract**

This article explores the conformation in discourse of a verbal exchange and its subsequent mediated and legal ramifications. The event concerns an allegedly racist insult directed by high profile English professional footballer John Terry towards another player, Anton Ferdinand, during a televised match in October 2011. The substance of Terry's utterance, which included the noun phrase 'fucking black cunt', was found by a Chief Magistrate not to be a racist insult, although the fact that these actual words were framed within the utterance was not in dispute. The upshot of this ruling was that Terry was acquitted of a racially aggravated public order offence. A subsequent investigation by the regulatory commission of the English Football Association (FA) ruled, almost a year after the event, that Terry was guilty of racially abusing Ferdinand. Terry was banned for four matches and fined £220,000.

It is our contention that this event, played out in legal rulings, social media and print and broadcast media, constitutes a complex web of linguistic structures and strategies in discourse, and as such lends itself well to analysis with a broad range of tools from pragmatics, discourse analysis and cognitive linguistics. Amongst other things, such an analysis can help explain the seemingly anomalous - even contradictory - position adopted in the legal ruling with regard to the speech act status of 'fucking black cunt'; namely, that the racist content of the utterance was not contested but that the speaker was found not to have issued a racist insult. Over its course, the article addresses this broader issue by making reference to the systemic-functional interpersonal function of language, particularly to the concepts of modality, polarity and modalisation. It also draws on models of verbal irony from linguistic pragmatics, notably from the theory of irony as *echoic mention* (c.f. Sperber and Wilson, 1981; Wilson and Sperber, 1992). Furthermore, the article makes use of the cognitive-linguistic framework, Text World Theory (c.f. Gavins, 2007; Werth, 1999) to examine the discourse positions occupied by key actors and adapts, from cognitive poetics, the theory of mind-modelling (c.f. Stockwell, 2009) to explore the conceptual means through which these actors discursively negotiate the event.

It is argued that the pragmatic and cognitive strategies that frame the entire incident go a long way towards mitigating the impact of so ostensibly stark an act of racial abuse. Moreover, it is suggested here that the reconciliation of Terry's action was a result of the confluence of strategies of discourse with relations of power as embodied by the media, the law and perceptions of nationhood embraced by contemporary football culture. It is further proposed that the outcome of this episode, where the FA was put in the spotlight, and where both the conflict and its key antagonists were 'intranational', was strongly impelled by the institution of English football and its governing body both to reproduce and maintain social, cultural and ethnic cohesion and to avoid any sense that the event featured a discernable 'out-group'.

## Keywords

### Introduction

On Sunday the 23<sup>rd</sup> of October 2011, English Premier League football teams Chelsea and Queen's Park Rangers (QPR) met at Loftus Road, the home ground of the latter club. The score of that match faded into insignificance in the face of an angry exchange between the Chelsea player, John Terry, and the QPR player Anton Ferdinand. Then captain of both Chelsea and the English national side, Terry uttered words that (incontrovertibly) included the phrase 'fucking black cunt' (Riddle, 2012: 2). An allegation that Terry had committed a racially aggravated public order offence was referred to the London Westminster Magistrates' Court (LWMC), the deliberations from which were published in July of 2012. The Chief Magistrate, Howard Riddle, found in favour of Terry, although a subsequent non-criminal investigation by the Regulatory Commission of the English Football Association later ruled, in September of the same year, that Terry was guilty of racially abusing Ferdinand (*The Football Association and John George Terry* [FAJGT], 2012: 62). Terry was then banned for four matches and fined £220,000. Our analysis focuses on the written legal rulings by both magistrate Riddle and by the FA's Regulatory Commission. We offer comments on the discursive frame that embraces this event and on the progression and shift in discourse between both rulings. Where relevant, we comment on the television footage as it intersects with the legal rulings, but we make no evaluative assessment of procedures of law or of the court proceedings that form the legal underpinnings of this event. In particular,

we do not contest, nor imply any contestation, of the legally binding judgments of both the FA Commission and the Westminster Magistrate's Court.

Footage of the episode, often in edited or in scatological manipulations of the original visual text, exists on the internet and readers of the present article can easily find it at several locations on the web. Obviously, the footage was made available at both hearings, and the recordings formed 'a central part of the evidence' (Riddle, 2012: 1). The encounter between the two players on the field lasted approximately 40 seconds in real time, with Terry's contentious utterance taking 6 seconds, although at a key moment the view of Terry's face is obscured by the movement of teammate Ashley Cole across the screen. Figure 1 is a line drawing depicting Terry as he directs his utterance, leftwards on screen, towards an out-of-shot Ferdinand. This is the moment just before Ashley Cole, in the foreground, moves in between the camera and Terry.



*Figure 1: John Terry and Ashley Cole*

**INSERT FIGURE 1 AS CLOSE TO HERE AS POSSIBLE**

What was alleged to have been uttered during the brief obscured sequence was speculated upon at both hearings. Evidence from three professional lip readers was considered at the LWMC hearing, and agreement was reached about the words that *could* be read from the footage. These were:

‘Yeah and I [short obstruction by Cole] you / ya fucking black cunt [pause] fucking knobhead’

Significantly, the lip readers were unable to comment on tone of voice or, in the magistrate’s words, on *how* the words were said (Riddle, 2012: 4, our emphasis).

Our initial analytic focus is precisely on the issue of *how* these words were said. Moreover, a significant part of both defence and prosecution evidence was implicitly orientated towards interpretation of speakers’ and hearers’ understanding of utterances, although obviously none of the parties involved in this interpretation articulated, through any rigorous model of discourse pragmatics, the strategies of language they were probing or contesting. It is our position therefore that the toolkits of pragmatics, cognitive linguistics, and critical discourse analysis are well-equipped to ‘unpack’ this discursive event. The present study furthermore complements a growing body of research that explores the intersections between language, discourse and sport. This research includes, for example, Adetunji’s (2013) analysis of the interactive strategies used among groups of football fans, McDowell and Schaffner’s (2011) study of gendered discourse in a reality TV sport show, or Bishop and Jaworski’s (2003) exploration of the print and broadcast reception of a football game between Germany and England in 2000. Given the constraints posed by participant observation, explorations of on-field linguistic interaction are rare, although Meân (2001) was

able to explore gender identities through recordings of the on-field officials in both men's and women's football matches. Our overall theoretical stance aligns well with the position adopted by Meân and Halone (2010: *passim*) both on the legitimacy of the many interconnections between sport, language, and culture and on the social and cultural significance of these interconnections as a site for scholarly theory and research. Where the present study, it is hoped, makes an original contribution is through its synthesis of discourse analysis and judicial ruling, all of which is set in the context of the, as noted, relatively rare on-field linguistic data.

The first step in this analysis involves postulating three pragmatic strategies that might offer different accounts of the speech act status of Terry's controversial utterance, the raw linguistic elements of which are uncontested. The central paradox, we have suggested, lies in the use of racist words by a speaker who is subsequently deemed by law not to have issued a racist insult. Put another way, one might question how a participant in one discourse-world (see Gavins, 2007: 18-34) is assessed by participants in another discourse-world, in such a way that the LWMC hearing legally 'set aside' the interpretation that Terry's utterance at Loftus Road was directly and unequivocally threatening, abusive and insulting. From our perspective, then, only three possible, and largely mutually exclusive, interpretations in discourse remain: (i) that the eclipsed segment contains an explicit *denial*; (ii) that the utterance as a whole is an attempt at *banter*; (iii) that by violating the pragmatic condition of sincerity, the utterance as a whole is intended *ironically*. The 'denial' postulate assumes that the missing chunk is something like 'never called', such that Terry offers a rejection of an earlier charge

of racist abuse from Ferdinand: that is, 'I *never called* you / ya black cunt'. The pronoun to the right of the inserted sequence now becomes more of an issue, and interestingly, its status was disputed by counsel in the LWMC hearing. Two of the lip readers agreed that they might be mistaken and 'that "you/ ya" may be "a" or indeed a number of other similar sounds' (Riddle, 2012: 4). In short, defence counsel contended that 'ya' was 'a', prosecution counsel that it was 'you'. Clearly, the assumed speech act status of Terry's utterance will be altered accordingly, where the former construction, with its indefinite article, suggests perhaps a statement of generality, while the latter, with its second person direct address, intimates a vocative formula aimed squarely at his discourse-world co-participant, Ferdinand. However, the 'never called' scenario was played out largely in the social media and video sites that went 'viral' subsequent to the day of the match. Battle lines were drawn, predictably, in line with club affiliation, and unsurprisingly the 'never called' explanation appealed most to supporters of Chelsea Football Club. What is important is that the Chief Magistrate foreclosed on speculation thus: 'There are missing words and I have not been prepared to speculate as to what they may be' (Riddle, 2012: 5). The broader issue this raises, where Terry may be responding in some sense to an implied utterance from Ferdinand, will be taken up further below.

The second postulate is that the utterance is intended as banter. This pragmatic strategy, alongside teasing, inheres in a form of 'mock impoliteness', where the effects in discourse of a manifestly impolite surface form are mismatched with the interactive context (Culpeper, 2011: 208; Leech, 1983: 142-5; see also Bousfield, 2008; Bousfield and Locher, 2008). Of course, the mismatch

in discourse needs to be observed and ratified so that the status of an otherwise insulting utterance can be interpreted as unserious. This situated risk-taking on the part of the speaker explains the well documented social-solidary function of banter, where the pretend insults can only function between those who know each other well or in a discourse-world interaction where there is trust and a sense of in-group membership.

There is no doubt that banter as an interactive strategy is enshrined in the discourse of sport and the well-attested badinage that embodies communication between both fans and players hardly needs academic confirmation (although see Adetunji, 2013: *passim*). However, key factors of the discourse-world context in this case militate against, and ultimately invalidate, this interpretation. The LWMC ruling clearly directs the court to form the view from Terry's 'demeanour' at the time of utterance that he was undisputedly 'angry' (Riddle, 2012: 3-4). The context of an angry exchange is not a natural predisposition to banter, nor is the inclusion in the utterance of an explicit allusion to race, which, within the parameters of social actor analysis, constitutes 'identification' (van Leeuwen, 1996: 54). In terms of the taboo or 'out-group' implications of such a reference to colour by a white speaker, Billig (2001: 269) highlights the problems of social acceptability that relate to interaction involving references to race, and of the risk of the negative ethnic stereotypes that accrue from attempts at light-hearted humour.

The third position, that the words can be construed as ironically framed, is more promising because it resonates with the argumentation developed by the legal professionals involved in both hearings. Moreover, there is evidence in linguistics research for the existence of clear points of intersection between legal

rulings and the assessments by judges and lawyers of certain forms of language being used ironically or insincerely. For instance, Little (2009), citing a tort involving unwanted 'banter' from a company foreman to another employee, shows how a speaker's claim to be using humour or irony can 'inoculate allegedly harassing communications from liability' (Little, 2009: 1278-9). Similarly, Simpson and Mayr (2009) draw attention to the case of a British lawyer who was dismissed from her job for using, what her employment tribunal conceded, was a piece of manifestly ironic discourse (Simpson and Mayr, 2009: 26-7). In the following section we offer a more detailed account of both irony and its potential repercussions for the Terry case.

### **Irony and '[you / ya] fucking black cunt'**

This is not the place to undertake a detailed review of the huge body of research on the pragmatics of irony. Suffice it to say, irony in discourse presents and manifests in many tropes, modes and categories and can be approached and classified with a range of frameworks of analysis. (See the overviews in, for example, Clark, 2013; Dynel, forthcoming; Simpson, 2011.) For the purposes of the present analysis, we draw on the particular framework that is Sperber and Wilson's model of irony as *echoic mention* (e.g. Sperber and Wilson, 1981; Wilson and Sperber, 1992). This framework is built on the logical distinction between *use* and *mention* such that a speaker may echo ironically another speaker's discourse by mentioning or repeating their utterance. Consider an 'ironic' exchange such as the following:

A: I'm tired.☒

B: *You're* tired! And what do you think *I* am?☒

(after Sperber and Wilson, 1981: 306, original emphasis)

Here, the proposition *A is tired* is *used* by the speaker in the first part of the exchange but is explicitly *mentioned* in B's response in the second. The 'mention' version indicates that the previous utterance has been heard and understood, and expresses the hearer's immediate reaction to it. As Sperber and Wilson cast it, the use-mention distinction is such that *use* of an expression involves reference to what the expression refers to, while *mention* involves reference to the expression itself (Sperber and Wilson, 1981: 303). In other words, an utterance is echoic if it is intended to be understood as implicitly attributing a thought or utterance with a similar content to someone else (Clark, 2013: 281-2). The echoed form also implicitly conveys the speaker's attitude to that thought or utterance.

A significant theoretical feature of the Sperber and Wilson model, picked up by many commentators, is their stipulation that *all* ironic language usage is reducible to the echoic formula. There have been a number of cogent and detailed critiques of this rather problematic provision in the echoic mention model (see for instance Clark and Gerrig, 1984; Giora 1997; Kreuz and Glucksberg, 1989: 374-6; Toolan, 1996: 184-192; Utsumi, 2000: 1780-82). The position taken in the present article is that there are qualitatively distinct forms of irony of which the echoic type numbers but one. That said, and as we attempt to demonstrate below, the echoic model offers significant explanatory potential when applied to the discourse that frames the *R v John Terry* episode.

Although the term *irony* is never mentioned explicitly, a key question in the LWMC verdict, posed early on by magistrate Riddle, comes very close to capturing

the essence of our third postulate about the potential speech act status of Terry's utterance:

The question for me is whether I am sure that the words were used as an insult, or whether it is possible, as the defence assert, that he was, or believed he was, merely repeating an allegation made to him, and dismissing it.

(Riddle, 2012: 3)

In all but name, the case for the defence is embedded in a framework of echoic irony. That is to say, the feature of Terry's utterance with the potential to block an interpretation of racism is the possibility, entertained by the court, that he is *echoing* some anterior utterance by Anton Ferdinand. The gist of what Ferdinand was alleged to have said to Terry on the pitch was an accusation; specifically, that Terry had previously called him a black cunt. Terry's echo of this accusation therefore signals not concurrence but rejection: Terry 'mentions' Ferdinand's purported accusation only to communicate his distance from it. In keeping with the general function in discourse of echoic irony, the attitude expressed through the attribution of an utterance to another speaker is normally negative (Clark, 2013: 282). In other words, the speaker mentions the utterance not to approve or endorse it, but to disown and dismiss it, even contemptuously or sarcastically so. The possibly echoic standing of Terry's words was deemed enough by the court to render at least inconclusive the intended meaning of his use of the phrase 'you / ya fucking black cunt'. This was enough for the LWMC to resolve the conundrum that racist words were not *used* in a racist way. Even though magistrate Riddle later in the ruling considered it 'highly unlikely' that Ferdinand actually made this accusation on the pitch, he ruled that it was possible that 'Mr Terry believed at the time, and believes now, that such an accusation was made' (Riddle, 2012: 14).

Accordingly, it was therefore possible that what Terry said was ‘was not intended as an insult, but rather as a challenge to what he believed had been said to him’ (Riddle, 2012: 14-15).

What happened in and through discourse to the LWMC position during its transformation into the language of the FAJGT investigation receives attention further below. However, there remain certain aspects of the Terry-Ferdinand exchange, as a spoken discourse-world encounter, that require some commentary here. The LWMC ruling makes it clear that lip-reading interpretations were not conclusive and that aspects of body language were not accounted for, other than to consolidate the broad assumption that Terry was angry. This legal position has implications for the echoic model of irony employed here. The Sperber and Wilson model has been built and disseminated largely on the basis of invented, context-less examples. Such examples invariably fit neatly the thrust of the argument advanced by the researchers (a perceived weakness in the model which has been targeted by the linguists referenced above). The world of real discourse is undoubtedly more messy, indeterminate and open-ended than the tenets of the echoic model would lead us to believe. However, there has been subsequent research on the acoustic qualities of aggressive forms of irony such as *sarcasm* (e.g. Kreuz and Roberts, 1995; see also Anolli et al, 2000; Bryant and Fox Tree, 2005). This work suggests that there is a particular articulatory setting and tone of voice associated with the physical manifestation of this strategy as discourse and therefore, by imputation, with the sort of ironic delivery ascribed to John Terry’s utterance. What follows are some observations on the interrelationship between the vocal features of spoken sarcasm with the interpretations of the LWMC.

Caucci et al (2014: *passim*) point out that ‘nonsarcastic’ utterances are typically louder on average than sarcastic utterances. They add that the prototypical make-up of a sarcastic utterance will include a continuative particle like ‘oh’ or ‘uh’ alongside an adverb-adjective pairing, as in ‘Uh, yeah’ or ‘Oh, that’s just great!’. Locating sarcasm specifically in the echoic mention model, Kreuz and Glucksberg characterise sarcasm as an especially crude form of verbal irony (1989: 374). In a nod towards Sperber and Wilson, they coin the expression *echoic reminder theory* for situations when a speaker alludes to, and critiques, some originating state of affairs (1989: 375). Thus, Terry’s utterance, to be construed as sarcastic, would need to ‘remind’ Ferdinand of his assumed antecedent accusation and in doing so signal Terry’s sarcastic disapproval of it. Revealingly, however, Kreuz and Glucksberg establish a clear direction of travel in their assessment of the affective dimensions of sarcastic utterances: only a *positive* statement can function as an ironic evaluation of a negatively perceived person or event (1989: 376). In other words, Terry’s utterance would be much more readily interpreted as sarcasm if he had couched it in the sort of formula described by Caucci et al (2014) above; that is, through positively-framed syntactic forms such as ‘nice one mate’ or ‘yeah, just fuckin’ great’. Moreover, Rockwell’s reading of the vocal cues of sarcasm (2000) militates further against any credible interpretation (arising from linguistic analysis) that Terry intended his words to be ironic. For a start, Rockwell demonstrates that sarcasm is conveyed by a voice setting that, *inter alia*, shifts to a slower tempo and to a lower pitch level (2000: 483), yet even a rudimentary glance at the footage shows that Terry’s vocal delivery is anything but ‘lower and slower’. Moreover, Rockwell offers for discussion the suggestion that sarcasm is

invoked in situations of moderate 'dislike' where it is used to indicate negative emotion. If however, the dislike is greater, then this 'might be expressed in a form much stronger than sarcasm, such a direct insult or an expletive-filled outburst' (Rockwell, 2000: 492). Paraphrasing this position, sarcasm therefore gives way to pointed abuse in verbal encounters which are epitomised by *intense* dislike or resentment, abuse which might very well inhere in an expletive-filled utterance like 'you / ya fucking black cunt'.

In sum, the analysis of discourse presented here does, in the specific context of the encounter, tend to militate against the interpretation that Terry intended his words to be ironic. However, the principal focus thus far has been on Terry, yet he is only one of a number of participants who play different discursive roles in the event. An important matter is the part Terry's assumed antagonist, Anton Ferdinand, plays in the construction of the episode; another is the role of teammate Ashley Cole who offers corroborating (but as will be observed later, far from compelling) evidence in the aftermath of the on-pitch confrontation. Moreover, and as we signalled earlier, an important question concerns the discursive transformation from the magistrate's position into that of the FA investigation. The next section will not only chart this discursive transformation but, drawing on a further set of analytic models, will also explore the cognitive positioning of the other participants in this discursive event.

### **Mind-modelling as a strategy for discursive reconciliation**

In his July 2012 ruling, the Chief Magistrate reports that he has received a 'substantial volume of unchallenged evidence from witnesses' (Riddle, 2012:

2) to confirm that Terry is not a racist and that he understands why Terry wishes to make this point, his reputation being at stake. However, as we have already noted, he is careful to establish from the outset of the ruling that he is concerned only with assessing the intent behind Terry's discursal choices on October 23<sup>rd</sup> 2011, rather than with an evaluation of his character as a whole. With this in mind, it is interesting to observe that Riddle's representation of the evidence which was put before him over the course of the court proceedings does in fact include several extensive evaluations of character. However, the first and most lengthy of these evaluations does not focus on the accused, John Terry, but on Anton Ferdinand. The extract below, taken from Riddle's judgement, concerns the evidence provided by Ferdinand, evidence within which the Chief Magistrate has just outlined a number of discrepancies. He goes on to make a number of assessments, not only of the player's character, but also of the possible motivations he had for certain behaviours and choices, as follows:

In his final submissions Mr Penny describes Mr Ferdinand as 'brave' for giving evidence. I think this is a reasonable description. I am satisfied that he would have preferred not to be involved in this trial at all. I am satisfied that there was little or no good reason for him to lie about the central issue in this case. Mr Penny provides good reasons for that conclusion. While there are indeed discrepancies in his evidence I think it is unlikely that on the central point he is lying. I have no significant doubts about his integrity. There are doubts about what he said at the time of the second fist pumping gesture. He may easily have misremembered. I also have a doubt when he says he was unaware of the crucial comment made to him by John Terry. They were directed at him. He had had eye contact with Mr Terry and may well have been looking for a reaction from him. I accept his evidence about this may well be true, as he turned his attention back to the game. However, I cannot discount the possibility that he was aware of the comments directed at him, and found it easier to say that he wasn't. If that is the case it would be wrong of him, but understandable. To make it clear, I

am not saying he was aware, just that he may have been, despite his evidence to the contrary.

(Riddle, 2012: 6)

There are a number of particularly noteworthy components within this paragraph. First of all, Riddle reports that Penny has described Ferdinand as 'brave' and adds that he finds this a 'reasonable description'. He then goes on to make a series of speculations about Ferdinand's state of mind both during the incident on October 23<sup>rd</sup> and during the court case, commenting for example that '[Ferdinand] would have preferred not to be involved in this trial at all', '[Ferdinand] may have been looking for a reaction', and that he cannot 'discount the possibility that [Ferdinand] was aware of the comments directed at him, and found it easier to say that he wasn't'. Each of these speculations involves some degree of what has elsewhere been termed 'mind-modelling' (see Stockwell, 2009).

The concept of mind-modelling has been put forward within the discipline of cognitive poetics to refer to the common ability of readers of literary texts to formulate cognitive models of characters' thoughts, motivations, perspectives and belief-systems on the basis of textual and contextual information. Although intended to account specifically for readers' experiences of literary text-worlds, the notion of literary mind-modelling itself is a development of cognitive-psychological accounts of real-world behaviours. It builds upon the concept of 'Theory of Mind' (ToM): the capacity to understand that other human beings have a mind which operates similarly to one's own and to impute different beliefs about the world to others (see Belmonte, 2008). ToM was initially and most prominently adapted for literary theory by Zunshine (2003, 2006). However, Belmonte (2008: 192) notes that Zunshine's reinterpretation of the concept to refer to a temporally extended,

offline process applied during reading departs significantly from the original psychological use of the term to explain an online, real-time process applied during the act of interpreting human behaviour. Stockwell's (2009) use of a completely different term, 'mind-modelling', is thus a deliberate attempt to distinguish between these two processes, with mind-modelling encompassing more than an online evaluation of the behaviour of others and including non-belief domains such as the imagined desires, wishes, and physical needs of others, as well as consideration of the respective feelings of characters towards each other, often filtered through narration or authorial voice (Stockwell, 2009: 140).

This broader conception of our ability to model the mental processes of others has obvious value in understanding Riddle's necessary recourse to character construction and assessment in his judgement on the case of *R v John Terry*. As in all legal proceedings, the Chief Magistrate, having not been present in the immediate environment of the discourse event in focus, must base his decision-making on a range of textual submissions made by a variety of narrators at other spatio-temporal points in the process. This narrativisation of the event under consideration through an assortment of different perspectives, although based on real-world occurrences, bears ontological similarities with literary fiction. The cognitive discourse framework of Text World Theory (see Gavins, 2007; Werth 1999 for comprehensive accounts) offers a helpful means of understanding this ontological structure and its implications for the processing of the discourse as a whole.

Text World Theory provides a unified analytical framework through which the textual and conceptual structures of discourse can be examined within the

context of their production and reception. At various points so far in this article, we have already referred to the immediate situation surrounding Terry and Ferdinand during their encounter at Loftus Road as a 'discourse-world' (see Gavins, 2007: 18-34), a Text World Theory term which recognises that the discourse itself will be governed not only by elements of the physical setting (e.g. a football pitch, the football players, a referee and crowd during a major league game), but also by the personal and cultural baggage each participant in the discourse brings with them to the event (e.g. their knowledge, their beliefs, their perceptions and opinions). As we have already seen, the recreation of this discourse-world in its full detail and complexity is practically impossible *post-hoc* and it is precisely the unique and subjective experience of the discourse by the participants which lies at the heart of the *R v John Terry* case. Furthermore, as Terry and Ferdinand communicated within their discourse-world environment, they both produced 'text-worlds': mental representations of the discourse created not only from the language they encountered, but influenced by their individual backgrounds and beliefs (see Gavins, 2007: 35-72). Both the original discourse-world and its consequent text-worlds are inaccessible to Howard Riddle except through the textual, narrativised representations made of the event by participants within a separate discourse-world, that of the LWMC court case, taking place at a later time and in a different location. This discourse-world is governed by a separate set of contextual factors and influences, despite being populated by some of the same discourse participants: it includes, for example, John Terry, Anton Ferdinand and Ashley Cole, but not the entire Loftus Road stadium crowd; these participants have very different expectations and motivations within the

environment of Westminster Magistrates' Court than they would have on a football pitch. Thus, the only way the magistrate can possibly reach a judgement on the intentions behind John Terry's uncontested use of the words 'fucking black cunt' on October 23<sup>rd</sup> 2011 is through the same sort of textually-based modelling of the minds involved in the incident as the reader of a literary narrative would undertake, albeit within a very different interpretative frame.

The only potentially surprising element to this is the markedly different use of mind-modelling which Riddle employs in his discussion of the evidence put forward by Terry compared with that which he employs when assessing Ferdinand. Riddle does engage in the conceptual modelling of Terry at several points in his judgement. However, the suppositions he makes about the player's mental activity are comparatively brief and tend to focus solely on Terry's online perceptions during the match. For instance, in a paragraph reflecting on evidence from Terry that he suffered repeated taunts from other players over his affair with a team-mate's wife, Riddle comments: 'They did not anger him' (Riddle, 2012: 8); later in the judgement, he supposes that 'Mr Terry will have known' that there would be recordings of his encounters with Ferdinand (Riddle, 2012: 11); he goes to say that 'Mr Terry wanted to see and speak to Mr Ferdinand' (Riddle, 2012:12) after the match, and so on. Each of these instances of mind-modelling is limited to a hypothesis of Terry's state of mind at specific points during and immediately after the match. By contrast, in his much more extensive commentary on Ferdinand in the extract quoted above, Riddle appears to be more concerned with constructing a picture of this player's enduring character traits, as he concurs that he is 'brave' and goes on to say that he has 'no significant doubts about his integrity'. The

temporal boundaries around Riddle's mind-modelling of Ferdinand are much wider than those he establishes around Terry and encompass Ferdinand's motivations and reactions before, during, and after the match, through the run-up to the court case, and throughout the legal proceedings. Observations such as 'I am satisfied that he would have preferred not to be involved in this trial at all' and 'I cannot discount the possibility that he was aware of the comments directed at him, and found it easier to say that he wasn't', point to Riddle's broader modelling of Ferdinand's reliability as a witness and a wider-reaching assessment of his overall honesty.

In this way, Riddle can be seen to be distinguishing conceptually and linguistically between the contrasting participant roles he regards Ferdinand and Terry as inhabiting in the discourse-world of the court case. As defendant in the case, Terry's behaviour must be assessed within the spatio-temporal parameters defined by the alleged offence: a racial slur issued toward a black player during a football match. As Riddle states from the outset of his judgement, his key concern with Terry is not whether he *is* racist, in any temporally continuous sense, but whether he *acted with racist intent* on a particular occasion. Arguably, Ferdinand occupies an even more complex position in the environment of the court, being both the victim of and a key witness to the alleged act of racist abuse. As a consequence, Riddle's consideration of Ferdinand's evidence must necessarily involve a reconciliation of these two potentially conflicting discursal roles. This he achieves through a modelling of the player's mind both within the spatio-temporal boundaries of the alleged offence and beyond this, as the temporally extended phenomenon of perceived character. In other words, for the purposes of

the legal judgement, Ferdinand is granted a conceptual life beyond the alleged offence, where Terry, in effect, is not.

### **Modalised subjectivity and the burden and standard of proof**

It is further interesting to note the heavily modalised language that Riddle uses to frame his mind-modelling of both Terry and Ferdinand, as well as his final verdict on the case as a whole. An explication of the full range of modal expressions in English and the varied approaches to their classification in linguistics is beyond the scope of this article (for a selection, see Coates, 1983; Halliday and Matthiesson, 2013: 176-93; Nuyts, 2001; Palmer, 2001; Perkins, 1983; Portner, 2009). However, in the 243-word extract examined above, Riddle uses modalisation of one form or another a total of 21 times. As one might expect in an extended statement of subjective judgement and belief, epistemic modality is particularly prominent in these lines. Epistemic modality is usefully defined by Nuyts (2001: 21) as the linguistic expression of 'an evaluation of the chances that a certain hypothetical state of affairs under consideration... will occur, is occurring, or has occurred in a possible world which serves as the universe of interpretation for the evaluation process'. Riddle states, for instance, '*I think* this is a reasonable description', '*it is unlikely* on the central point that he is lying', '*I cannot discount the possibility* that he was aware' (our emphasis), and so on, as he summarises some of the evidence presented to him over the course of the proceedings and expresses the degree of confidence he has in it. However, the mind-modelling component of the passage also leads Riddle to embed the attitudes of others within the modalised discourse through which he expresses his own subjectivity. For example, he uses a boulomaic

modal lexical verb in his modelling of Ferdinand's wishes ('he would have *preferred* not to be involved in this trial at all' [our emphasis]). Often overlooked in a good deal of early research on modality, boulomaic modality is best understood as the means through which a speaker's relative like or dislike of a particular state of affairs is expressed (see, for example, Lyons, 1977; Nuyts, 2006; Perkins, 1983; Simpson, 1993; see also Giovanelli, 2013 for an extensive treatment from a specifically Text World Theory perspective). It is employed by Riddle here to demonstrate his own interpretation of Ferdinand's attitude to his participation in the hearing, alongside which Riddle also makes further use of epistemic modality in his speculations on Ferdinand's knowledge (e.g. 'He may easily have *misremembered*', 'he says *he was unaware*', '*he was aware* of the comments directed at him, and *found* it easier to say he wasn't' [our emphasis]).

The density of modal operators at work in Riddle's discourse becomes of crucial importance in his closing paragraphs, in which he states his final judgement on the case:

Weighing all the evidence together, I think it is highly unlikely that Mr Ferdinand accused Mr Terry on the pitch of calling him a black cunt. However I accept that it is possible that Mr Terry believed at the time, and believes now, that such an accusation was made. The prosecution evidence as to what was said by Mr Ferdinand at this point is not strong. Mr Cole gives corroborating (although far from compelling corroborating) evidence on this point. It is therefore possible that what he said was not intended as an insult, but rather as a challenge to what he believed had been said to him.

(Riddle, 2012: 14-15)

The epistemic modality present in this paragraph expresses a relatively weak commitment of belief to a number of propositions, including that 'Mr Ferdinand accused Mr Terry on the pitch of calling him a black cunt', that 'Mr Terry believed...

that such an accusation was made' (which itself contains an embedded epistemic modal, modelling Terry's beliefs), and 'that what he said was not intended as an insult' (again, containing embedded deontic modality). In each case, Riddle chooses a modalised form over an alternative, non-modalised categorical assertion, consequently allowing for an element of doubt in his evaluation. In cognitive terms, he positions the modalised proposition at a greater epistemic distance from his own discourse-world than that which an unmodalised proposition would occupy. Text World Theory views all modality as world-forming and argues that linguistic instances such as those outlined above require a new mental representation, a 'modal-world' (see Gavins, 2007: 91-125), to be created in the mind of the hearer or reader through which the remote nature of the proposition can be conceptualised and understood. Figure 2 illustrates, through Text World Theory notation, how such epistemic distance is constructed in Riddle's discourse at this point.

To the far left of the diagram can be seen the text-world of Riddle's judgement, in which he positions himself, weighing up the evidence which has been brought before him over the course of the case and expressing his opinion on it. From within this, he expresses relatively weak epistemic commitment to three separate propositions, by using two epistemic modal lexical verbs, 'I think' and 'I accept', and the modalised adjectival construction, 'It is therefore possible that'. These can be seen emerging from the matrix text-world as epistemic ('EPS') modal-worlds. In each case, a remote conceptual space is created through which the epistemic distance of the proposition concerned can be expressed and understood. However, in each case this conceptual distance is not easily resolved,

as in each case a further instance of modal embedding occurs. For example, at the top of the diagram is shown the initial epistemic modal-world which is created when Riddle states 'I think' in the first line of the extract. Riddle then modalises what he thinks with a further epistemic adjectival construction, 'it is highly unlikely that'. This adds another layer of uncertainty to the core proposition that 'Mr Ferdinand accused Mr Terry on the pitch of calling him a black cunt', which has already been positioned remotely from Riddle in the matrix text-world as a product of his thinking, rather than a categorical assertion.

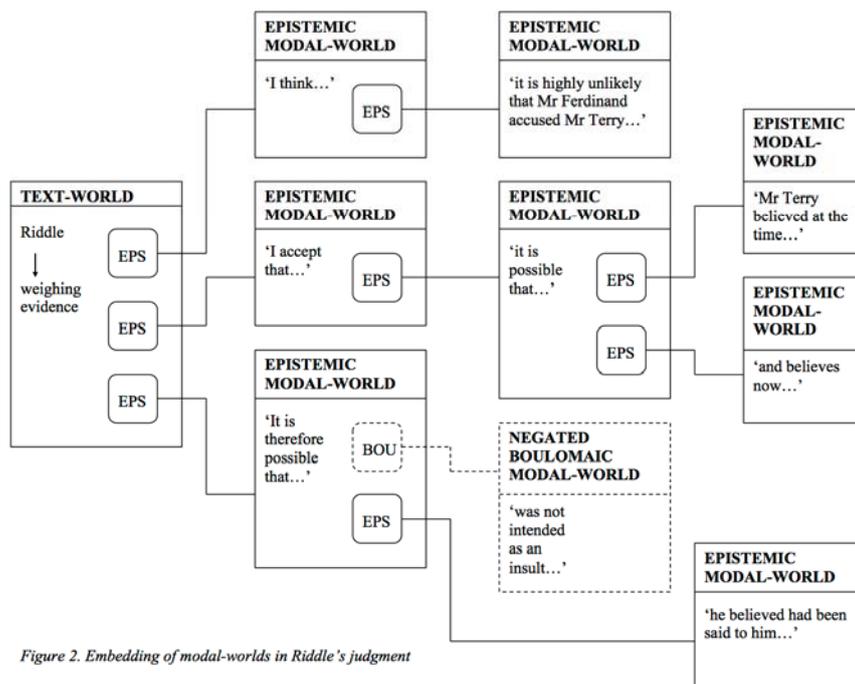


Figure 2. Embedding of modal-worlds in Riddle's judgment

**INSERT FIGURE 2 AS CLOSE TO HERE AS POSSIBLE**

A similar pattern of embedded modality occurs when Riddle makes the statement already touched upon earlier in this article as playing a crucial role in the possible interpretation of Terry's words as echoic irony: 'I accept that it is

possible that Mr Terry believed at the time, and believes now, that such an accusation was made'. Figure 2 now provides added detail of the conceptual structure relating to this statement, shown in the middle of the diagram. Once more, Riddle follows an initial epistemic modal lexical verb, 'I accept', with further modalisation, 'it is possible that', again creating one modal-world embedded within another. In this case, however, the embedding reaches a further remote point, as Riddle models Terry's state of mind at two separate temporal points: 'Mr Terry believed at the time, and believes now'. The modal-worlds which result are shown to the far right of Figure 2, the first bearing a temporal signature of October 2011, signalled by the simple past tense used, and the second relating to July 2012, signalled by Riddle's shift to the simple present. This, it could be argued, is the only point at which the Chief Magistrate appears to establish a temporal continuity in Terry's character. However, he articulates this not as a continuous process (as, for example, might be achieved in a construction such as 'Mr Terry has always believed...'), but by presenting two isolated temporal moments in distinct modal-worlds.

Finally, Riddle attempts to mind-model Terry a further time, by stating that it is 'possible that what he said was not intended as an insult, but rather as a challenge to what he believed had been said to him'. The consequent modal-worlds are shown at the bottom of Figure 2. Here, Riddle begins by embedding Terry's beliefs and intentions at the time he said the words 'fucking black cunt' within an epistemic modal-world which couches this mind-modelling as a possible interpretation only. He then creates a further two modal-worlds, the first of which ('what he said was not intended as an insult') is boulomaic in nature and also,

crucially, negated (signalled in Text World Theory notation through the use of a dotted line). In line with other cognitive-linguistic theories, negation is regarded from a text-world perspective as having a fundamentally foregrounding effect in discourse, since negated propositions must first be conceptualised as positive manifestations in order then to be 'unconceptualised' (see Hidalgo Downing, 2000a for a full explication; see also Gavins, 2007 and 2013; Gavins and Stockwell, 2012; Hidalgo Downing, 2000b; Lakoff, 2004; and Nahajec, 2009). Thus, in Riddle's final assessment of the intentions behind Terry's use of the words 'fucking black cunt', the assessment on which the entire court case hinges, the Chief Magistrate first positions Terry's defence as a possibility relatively remote from the text-world; he then chooses a syntactic structure which leads the positive proposition that Terry *did* intend the words as an insult to be conceptualised before its negative value can be understood. Furthermore, Riddle co-locates this negated modal-world with the epistemic modal-world containing Terry's belief about what had been said to him, provided as a motivation for his behaviour and also expressed as a possibility.

It is important to note at this point that the burden of proof in criminal proceedings in the United Kingdom typically lies with the prosecution, who must prove the case against a defendant beyond all reasonable doubt, the standard of proof in such trials. What Riddle's use of modality in his final judgement outlines are the points at which reasonable doubt remains in the prosecution's case against Terry. The possibility Riddle identifies, that Terry did not intend to use the words 'fucking black cunt' towards Ferdinand as an insult, however remotely this may be positioned in the overall conceptual structure of his discourse, necessarily means

that the Chief Magistrate must find the defendant not guilty of the charges brought against him. Specifically, on the basis of the criminal burden and standard of proof, Riddle finds that Terry is not guilty of using

threatening, abusive or insulting words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress and the offence was racially aggravated in accordance with section 28 of the Crime and Disorder Act 1998.

(Riddle, 2012: 1).

Even though Riddle states that he finds it 'highly unlikely that Mr Ferdinand accused Mr Terry on the pitch of calling him a black cunt', this epistemic modal-world exists on the same ontological level as that constructed by the defence's account of Terry's intentions and motivations and does not, therefore, negate this explanation of events as equally possible in Riddle's view.

In civil legal proceedings in the United Kingdom the burden and standard of proof differ from those in criminal cases. As we have noted several times already, following the resolution of Terry's criminal trial, and specifically following his admission that he used the words 'fucking black cunt' during the Loftus Road match, the Regulatory Commission of the Football Association held its own disciplinary hearing on the incident in September 2012 (FAJGT, 2012). The commission charged Terry with 'Misconduct pursuant to Rule E.3(1) of its Rules and Regulations, which included a reference to the ethnic origin and/or colour and/or race of Mr. Ferdinand within the meaning of Rule E.3(2)' (FAJGT, 2012: 6). The commission goes on to define the burden and standard of proof to which their hearing accords within their ruling on the case, as follows:

The burden of proving the charge rests with the FA... The applicable standard of proof shall be the flexible civil standard of the balance of probability. The more serious the allegation, taking into account the

nature of the Misconduct alleged and the context of the case, the greater the burden of evidence required to prove the matter.

(FAJGT, 2012: 9)

The shift here from the standard of reasonable doubt applied by Riddle in the criminal trial to a lower standard of the balance or preponderance of probability had significant consequences for Terry. Most interestingly, Riddle's use of modality in the earlier legal proceedings comes under extended, close scrutiny in the FA's ruling as they note, in particular, that 'Mr. Terry's credibility in the eyes of the Chief Magistrate appears to have had its limitations' (FAJGT, 2012: 31).

Over three pages in their judgement on the matter, the FA outline the ways in which they believe Riddle's lack of confidence in Terry's credibility can be 'found in the way the Chief Magistrate expressed [his] findings' (FAJGT, 2012: 25). Each of the examples of Riddle's language they go on to cite is a form of modalisation, as the FA quote the magistrate's repeated use of 'highly unlikely', 'inherently unlikely', and 'possible', concluding that

it is tolerably clear from the precise and careful language in which he couched the above findings that the Chief Magistrate would not have been satisfied, on a balance of probabilities, the Mr. Ferdinand did accuse Mr. Terry on the pitch of calling him a '*black cunt*'. In particular, his use of the words '*inherently unlikely*' in that context would obviously be inconsistent with a finding to the civil standard of proof that Mr. Ferdinand did use the words '*black cunt*' first.

(FAJGT, 2012: 27)

Indeed, the FA do not stop at a simple identification of the epistemic distance at which Riddle positions various propositions and an interpretation of his consequent ruling. Their own judgement on the incident between Terry and Ferdinand includes a point-by-point commentary on several of Riddle's

assessments, alongside a series of categorical assertions of the FA's contrasting evaluation of the evidence. The FA concludes the following points:

- (i) That Mr. Ferdinand did not accuse Mr. Terry of racially abusing him and did not use the word 'black' or any words that could have been heard, understood, or misunderstood by anyone to have any kind of reference to, or context with, skin colour, race or ethnicity. We are driven to conclude not just that it is *'highly unlikely'* that Mr. Ferdinand accused Mr. Terry on the pitch of calling him a *'black cunt'*, but that he did not.
- (ii) That Mr. Terry did not hear, and could not have believed, understood or misunderstood Mr. Ferdinand to have used the word 'black', or any word(s) that might have suggested that he was accusing Mr. Terry of racially abusing him.
- (iii) That Mr. Cole did not hear, and could not have believed, understood or misunderstood Mr. Ferdinand to have used the word 'black' or any other word beginning with the word 'B' that had any reference to, or context with, skin colour, race or ethnicity [...]
- (iv) That in the brief time that it took Mr. Ferdinand to advance up the pitch towards Mr. Terry, it is improbable that the focus of Mr. Ferdinand's abuse and insults of Mr. Terry would have changed so quickly from an allegation of an affair, to one involving skin colour, or race.
- (v) Apart from the initial phase of the incident as a whole, Mr. Terry and Mr. Ferdinand were never closer to one another than an estimated distance of 19 metres. In interview, Mr. Terry estimated the distance between them to be between 20 and 35 yards during the crucial phase of their exchange. Loftus Road is a small, compact ground. The crowd is close to the pitch. Witnesses comment on the noise that is generated, including Mr. Terry himself. Accordingly, when he turned to face the play, and prepare for the free kick, Mr. Terry would have seen the pumping fist gesture of Mr. Ferdinand, but it is unlikely that he would have heard anything that the latter may have been saying.

(FAJGT, 2012: 32-33)

In contrast with Riddle's language, the majority of this discourse is unmodalised.

Rather than positioning their view on the Terry/Ferdinand incident within remote modal-worlds of possibility and likelihood, the FA construct representations of the

event mainly at the text-world level. The ruling does, however, include three key epistemic modals: 'Mr. Ferdinand... did not use the word 'black' or any words that could have been heard, understood, or misunderstood'; 'Mr. Terry did not hear, and could not have believed, understood or misunderstood Mr. Ferdinand to have used the word 'black''; and 'Mr. Cole did not hear, and could not have believed, understood or misunderstood Mr. Ferdinand to have used the word 'black''.

Alongside the effect of the syntactic parallelism itself here, the epistemic operator 'could' is used in conjunction with negation in each instance, compounding the foregrounded nature of these statements, as outlined earlier in this article.

Negation is repeated throughout the summary, in fact, each time with the same foregrounding effect: 'Mr. Ferdinand did not', 'he did not', 'Mr. Terry did not', 'Mr. Cole did not', and so on. Only two other epistemic modals are used in this passage, when the FA states that it is 'improbable' that any insults from Ferdinand would have switched topics and that it is 'unlikely' that Terry would have heard Ferdinand anyway from his position on the pitch. In each of these cases, which are not accompanied by or embedded within negated syntactic structures, the modalisation is used to support a balance of probability that Terry's intention was to insult Ferdinand and that this abuse was racially aggravated. It is through this discursive construction of the event that the FA's guilty verdict on Terry becomes an inevitability, just as Riddle's contrary verdict on the same case was itself inevitable within its own legal framework and discursive system. What is highlighted by the comparison of the linguistic strategies employed by the participants in each situation and the consequent conceptual structures created in the separate LWMC and FAJGT hearings is not so much their inconsistency as

opposing judgements, but their inexorableness given competing and irreconcilable standards and burdens of proof.

### **Concluding Remarks**

Over the course of this article, the linguistic, pragmatic and cognitive strategies that structure *R v John Terry* – from the initial verbal encounter on the football field to its legal repercussions across two investigations – have been explored using a range of theoretical models. Our analytic toolkit has of necessity been both catholic and eclectic in order to probe initially the micro-dynamics of the exchange that activated the event and subsequently to position this exchange in the context of the broader, and ultimately opposing, positions in discourse adopted by the legal parties. Thus, the analysis has progressed from a preliminary focus on the pragmatic strategies of spoken discourse, exploring amongst other things speech acts, echoic mention and mock impoliteness, into a broader assessment of the development, as narrative, of the discursive event itself and of the different perspectives and experiences of each participant in the event. The exploration of narrativisation drew on models of modality and Text World Theory and was especially concerned with the legal system's conceptual mind-modelling of the participants Ferdinand, Terry and Cole. Of particular interest was the transition from the magistrate's mind-modelling and character construction into the discourse of the FAJGT document, which rejects the earlier assessment of LWMC and which concludes, on the balance of probability, that Terry's intention was after all to insult and that his utterance was racially aggravated. Moreover, as it develops, the narrative becomes progressively more self-reflexive and meta-

discoursal. For instance, the epistemic distance embodied in the LWMC ruling is addressed head-on by the FA, where a series of categorical assertions sit in counterpoint to the perceived lack of confidence in magistrate Riddle's assessment of Terry's credibility.

It is suggested throughout this article that the discursive event that is *R v John Terry* is situated at the confluence between language, discourse and society, and, moreover, that it is obfuscated by relations of power and authority through the media and the law. We also acknowledge that the event is further suffused by both issues of race and by perceptions of nationhood embraced by contemporary football culture. As noted, Terry was the then captain of the English national football team. Anton Ferdinand is the brother of Rio Ferdinand, another high-profile international footballer who was regularly vice-captain, and once selected to be captain, of the same national side. An injury to Rio Ferdinand in 2010 meant that Terry was re-instated as permanent England captain. However, the possible allegiances of Ashley Cole are more complex again: a black footballer and member of the same national side, but a member of the same club side as Terry and one who offered corroborating evidence for his teammate. This created a deeply problematic schism for the institution of English football and its governing body, with pressure both to reproduce and maintain social, cultural and ethnic cohesion, but to investigate robustly any event that might be construed as racist, and certainly, any event that might constitute a racially aggravated public order offence.

The positions adopted in this discursive event were arguably atypical in that they were cross-cut by the competing concerns of race, colour, and allegiance

to club and country. Unsurprisingly, these positions were compounded by the mediated reaction and commentary of football supporters, through blogs, tweets and other social media. Although we have no solid empirical evidence at this stage, a trend seemed to be that the hostility and abuse directed towards Terry on social media was in direct proportion to the degree of perceived rivalry between his and other clubs. It was probably no coincidence therefore that two fans of rival London club West Ham were arrested during a match against Chelsea in March 2013, for alleged coin throwing and for other verbal abuse directed towards Terry.

There is no doubt then that the case of *R v John Terry* captured the public imagination, in the sense that it was played out extensively through the discourse of sports pundits, football supporters and social commentators. Like Bishop and Jaworski (2003), we are interested in the discursive and representational practices (in sport) through which modern nations are imagined. However, where Bishop and Jaworski explore feelings of national belonging, the outcome of our study has been more to do with a sense of national disjunction that followed in the wake of this episode. Moreover, the findings of the present article do suggest that football authorities have considerable ground to make up when dealing in a consistent and transparent manner with alleged racism. For instance, Christenson (2012) notes that in instances of confirmed racist abuse by fans of national sides, the average fine imposed by European governing body UEFA is around £15,000.

Contextualising the paucity of such fines, Christenson (2012: 2) comments acerbically on the case of Danish international footballer Nicklas Bendtner, who celebrated a goal by revealing 'unapproved' underwear displaying the logo of an

Irish betting chain. Banned from a subsequent world cup qualifier, Bendtner's fine for such 'improper conduct' was £80,000.

In sum, it is hoped that the synthesis in this article of linguistic pragmatics, discourse analysis and cognitive linguistics enables a fuller understanding of the discursive event that played out as *R v John Terry*. The various theoretical models employed here have probed different aspects of its transformation in discourse, from football field through to the FA verdict. It has been our contention that the event constitutes a complex web of linguistic structures and strategies in discourse, best approached with a broad range of analytic tools. At the core of the analysis has been a focus on the discursively enigmatic assumption that racist words may be used by a speaker who is not racist. Finally, it is hoped that the present study complements the growing body of research work in critical discourse studies that explores the intersection between discourse, sport and culture.

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