

Malcolm Coulthard and Alison Johnson 2007: *An Introduction to Forensic Linguistics: Language in Evidence*. London and New York: Routledge. 237 pp. ISBN 978-0-415-32023

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In many countries around the world Forensic Linguistics is now a well defined, well established discipline which seeks to uncover and establish the existing interplay between linguistic and legal issues. The discipline of 'Forensic Linguistics/Language and the Law' has consolidated in the last twenty years from the point of view of both research and teaching programmes, and through this consolidation the discipline has emerged as multidisciplinary in nature.

Many forensic linguists like to trace the birth of Forensic Linguistics back to the publication in 1968 of *The Evans Statements: A Case for Forensic Linguistics*, by Jan Svartvik, who showed that the disputed parts of Evans' confessions were linguistically very different from the non-disputed parts. Also, as Coulthard and Johnson mention (5), "almost 20 years earlier, the term *forensic English* was used by F.A. Philbrick in the title of his book on legal English, *Language and the Law: the Semantics of Forensic English* (1949), but the phrase was never taken up".

During the sixties, the seventies and the eighties, mainly in the US and Canada, lawyers, judicial police and other professionals devoted to the investigation of crime had been requesting linguists to use their expertise in relation to issues which have to do with the interface between language and the law. However, their performance was isolated and their methodology not established within parameters of validity and reliability. In Europe pioneer studies on Forensic Linguistics can be traced back to 1985, primarily in Birmingham, when experts were called into court to contribute their expertise in handwriting analysis and authorship attribution of both spoken and written texts. Thus, forensic studies in the UK were in their infancy and in other countries such as Spain they were non-existent, except for certain isolated practices by university scholars such as Enrique Alcaraz, who contributed to Forensic Linguistics in the area of legal translation and interpreting.

Prior to the founding of the International Association of Forensic Linguists (IAFL), forensic linguists, mainly from Europe, met at conferences in diverse European universities between 1988 and 1992. The First British Seminar on Forensic Linguistics, which took place at the University of Birmingham in 1992, assembled delegates from Australia, Brazil, Eire, Holland, Greece, Ukraine and Germany as well as the UK. Among them there was consensus that an international association was needed and thus it could be said that from that seminar the IAFL was born (<http://www.iafl.org>).

However, it was not until the nineties that Forensic Linguistics emerged more forcefully. The experts' performance became much more professionalized; there was an outstanding increase in the publication of articles and chapters on a number of forensic

linguistic themes, whose content was much more methodologically grounded than before; the *International Association of Forensic Phonetics* (now named the *International Association of Forensic Phonetics and Acoustics*) was founded in 1991 and the *International Association of Forensic Linguists* was backed and founded by Malcolm Coulthard in 1992. Finally, also under Coulthard's leadership, a journal of Forensic Linguistics/Language and the Law was created in 1994. The journal underwent several changes of title and publishers and is now published by Equinox as *The International Journal of Speech, Language and the Law*. With the turn of the century Forensic Linguistics came of age: Firstly, our journal has reached its 15th year of publication and many articles on Forensic Linguistics/Language and the Law have been published in specialist journals; Second, Eight biennial IAFL conferences and many other regional conferences have been held. Third, a number of Forensic Linguistics laboratories, centres, sites for language and the law (http://www.forensiclinguistics.net/cfl_fl.html; <http://www.languageandlaw.org>; <http://www.iula.upf.edu/forensiclab>), government funded police laboratories and agencies have emerged around the world in order to ensure reliable methods in linguistic identification and analysis. Moreover, several universities around the world now offer graduate courses in Forensic Linguistics, while specialist Master's courses are at present being offered in this discipline at the universities of Cardiff, Aston and Pompeu Fabra. Finally, it is possible to speak of a state of the art in the literature on Forensic Linguistics, with the publication of volumes on particular subjects, edited volumes and introductions to various aspects of the discipline. Most authors, however, have opted to develop either their specific linguistic or legal aspects, while a few reflect the above-mentioned multifaceted growth and diverse nature of the discipline.

The three basic Forensic Linguistics areas which have seen publication in the last twenty years or so are the language of the law, the language of the judicial process and language as evidence. In the area of the language of the law, the most outstanding volumes (some collective) on the list, by no means exhaustive, are: Alcaraz and Hughes (2002), Kniffka (2007), Levi (1994), Mellinkoff (1982), Schane (2006) and Tiersma (1999). Several monographs and collective books have also been published in the area of the language of the judicial process, including: Berk-Seligson (1990), Conley and O'Barr (1998), Cotterill (2003), Edwards (1995), Heffer (2005), Laster and Taylor (1994), Kurzon (1997), O'Barr (1982), Rock (2007), Shuy (1993, 1998, 2005), Solan (1993) and Stygall (1995); finally, in the area of language as evidence several volumes are worth mentioning: Eades (1995), Ehrlich (2001), Foster (2000), Haenlein (1999), Hollien (2001), McMenamin (1994), Nolan (1983), Rose (2002) and Shuy (2002), among others.

One of the most recent comprehensive books on Forensic Linguistics which reflects its international conceptual growth and diverse nature is without doubt Coulthard and Johnson's *An Introduction to Forensic Linguistics: Language in Evidence* (Routledge, 2007). This book cuts across both the legal and the linguistic aspects involved in the discipline and goes beyond the existing boundaries resulting from the diversity of judicial systems, although it focuses primarily on Common Law cases. Most importantly, it is a comprehensive account of the multidisciplinary nature of the

discipline and as such is addressed not only to devoted forensic linguists and linguists in general, but also to forensic practitioners and students of Forensic Linguistics.

The book is organised into two parts, with five chapters each. Part I ('The Language of the Legal Process') deals with the language of the legal and judicial process and is clearly the more legally and judicially oriented of the two. Part II ('Language as Evidence') refers to language used as evidence and is the more linguistically oriented part of the book.

As the authors explain in their introduction, Part I "offers a thorough grounding in forensic approaches to language analysis" (9). Chapter 1 ('Approaching a Forensic Text') begins with a pedagogical description of the nature of forensic texts and of the diverse theories, methods and tools which are relevant to forensic textual analysis. It also includes a useful practical study of three different types of texts, which are analysed from the point of view of schemas, quantitative observations of the speaker's control and topic movement, Grice's cooperative principle and Maxims, and Austin's and Searle's Speech Act Theory.

Chapters 2 and 3 deal with related topics; chapter 2, entitled 'The Language of the Law', includes a thorough study of legal texts, taking different units of analysis (statutes, contracts and other legal sub-genres such as police cautions, and interrogation and cross-examination) and considering them from the point of view of legal style and register. Probably the most interesting outcome of this chapter is the conclusion that legal styles are also context-bound, that is, "related to use, functions and activity" (41). Chapter 3 ('Legal Genres') explores the mechanisms of genre production and, by looking in detail at data on police interviews and on courtroom interviewing, concludes that "Genres are domain specific" (55).

Chapter 4 ('Collecting Evidence: Calls to the Emergency Services and First Encounters with Witnesses and Suspects') is at once theory-building and concerned with methodology. It is a theory-building chapter in that it retrieves concepts in-built into Speech Act Theory, conversational analysis, Speech and Writing distinctions and narrative analysis and applies them to forensic linguistic analysis. It is a methodological chapter, since it presents different approaches to evidence collection by exploring first encounters in emergency calls, plicespeak, lawyerspeak and interviews with vulnerable victims such as children and rape victims.

The last chapter in Part I, Chapter 5, 'Order in Court', includes an insight into the courtroom by looking at the trial context as an overall genre which is structured around two discourse types, the narrative or story-telling type in the Labovian tradition, and the questioning type, documented in the analysis of examination-in-chief of witnesses and also in the analysis of cross-examination transcripts. Other courtroom interactions referred to include the interrogations of child and other vulnerable witnesses, following the analysis of complex questioning proposals.

Part II ('Language as Evidence') begins with Chapter 6 ('The Work of the Forensic Linguist'), in which Coulthard and Johnson examine examples from authentic cases and discuss the problems encountered and the techniques applied in the analysis of linguistic evidence of very different nature: phonological, morphological, syntactic, lexical, discursual, textual and pragmatic. They also consider the recording of interaction in written form, the narrative analysis of disputed statements and

courtroom contexts in which either the defendant is a non-native speaker, with subsequent problems in language comprehension and production, or the question is that of determining the nationality of people claiming refugee status.

Chapter 7 ('The Work of the Forensic Phonetician and the Document Examiner') is an overview of the applied work of the forensic phonetician, which considers both auditory and acoustic approaches to tape-recorded data, briefly refers to speaker profiling, looks at speaker identification practice in detail and also comments on the ins and outs of voice line-ups and naïve speaker identification. This chapter ends with a reference to the work of the document analyst and makes an insightful distinction between graphologists (*grafólogos*, in Spanish), not equivalent to phonologists as the term seems to imply, and handwriting analysts (*calígrafos*, in Spanish), which is useful in the Spanish context to understand which of these areas falls within the scope of Forensic Linguistics and which is less scientifically grounded.

Chapter 8 ('Idiolect and Uniqueness of Encoding') is on authorship attribution. This chapter gives clues as to how to discern who the author of a particular text is. It begins with a historical account of the interest in authorship attribution, making references to early Greek philosophy and authorship attribution of religious texts, of certain of Shakespeare's plays and of eighteenth-century political texts. It also includes an overview of new and not so new approaches to authorship attribution, including a critical analysis of the Cusum technique. This chapter devotes one section to specific analyses in terms of the mistakes and errors, consistency and resemblances found, and ends with a presentation of a case report (the Derek Bentley case), which is considered from the point of view of the presence of single or multiple narrators, due to a possible alteration of the text, and a corpus assisted analysis of register.

Chapter 9 ('On Textual Borrowing') is an analysis of plagiarism which includes an overview of its history, followed by a reference to plagiarism in education, where unacknowledged use of published texts is not infrequent. The chapter goes on to analyse the issue of whether or not writers repeat themselves and ends with a suggestive discussion of the evidential value of single identical strings, above all in terms of their length.

The last chapter in the second part of the book is entitled 'The Linguist as Expert Witness', and includes an interesting discussion on the role of the expert witness when giving evidence in court, which involves primarily the expression of opinion, both semantically and statistically expressed. This chapter also includes an analysis of the situation of admission of evidence by the court in different countries, in particular Australia, Britain, and the United States, discussing how this evidence can be used by both prosecution and defence in civil and criminal cases.

Returning to the formal contents, the book begins with a ground-breaking introduction and, although there are no general concluding remarks (something which could be open to criticism), each chapter ends with useful summarising conclusions, which in most cases orient the reader towards the following chapter. Furthermore, each chapter includes a section of further reading and a number of research tasks, while the book as a whole contains a complete reference list and a subject and author index. The additional value of this book is that it is framed around the application of recent theoretical, methodological and practical insights within the field of Forensic

Linguistics/Language and the Law about how forensic linguists and expert witnesses work and perform their activity.

Therefore, it is possible to claim that Coulthard and Johnson's *An Introduction to Forensic Linguistics: Language in Evidence* is not merely a comprehensive introduction but is also a handbook, or better, a textbook covering the main topics and areas in Forensic Linguistics/Language of the Law, which will surely become an excellent reference volume for both linguists and law scholars interested in the interface between language and the law, as well as for students of Forensic Linguistics courses.

Works cited

- Alcaraz Varó, Enrique and Hughes, Brian 2002: *Legal Translation Explained*. Manchester: St. Jerome.
- Berk-Seligson, Susan 1990: *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. Chicago: U of Chicago P.
- Conley, John, M. and William M. O'Barr 1998: *Just Words: Law, Language and Power*. Chicago: U of Chicago P.
- Cotterill, Janet 2003: *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*. Basingstoke: Palgrave.
- Eades, Diana 1995: *Language in Evidence: Linguistic and Legal Perspectives in Multicultural Australia*. Sydney, Australia: U of New South Wales P.
- Edwards, Alicia B. 1995: *The Practice of Court Interpreting*. Amsterdam/ Philadelphia: Benjamins.
- Ehrlich, Susan 2001: *Representing Rape: Language and Sexual Consent*. London: Routledge.
- Foster, Don 2000: *Author Unknown: On the Trail of Anonymous*. New York: Henry Holt.
- Haenlein, Heike 1999: *Studies in Authorship Recognition - A Corpus-Based Approach*. Frankfurt: Peter Lang.
- Heffer, Chris 2005: *The Language of Jury Trial: A Corpus-aided Analysis of Legal-Lay Discourse*. Basingstoke: Palgrave Macmillan.
- Hollien, Harry 2001: *Forensic Voice Identification*. San Diego: Academic Press.
- Kniffka, Hannes 2007: *Working in Language and Law. A German Perspective*. Basingstoke: Palgrave Macmillan.
- Kurzton, Dennis 1997: *Discourse of Silence*. Amsterdam: John Benjamins.
- Laster, Kathy and Taylor, Veronica L. 1994: *Interpreters and the Legal System*. Sydney: Federation P.
- Levi, Judith N. 1994: *Language and Law: A Bibliographic Guide to Social Science Research in the U.S.A.* Chicago, Illinois: American Bar Association.
- McMenamin, Gerald R. 1994: *Forensic Stylistics: A Workbook*. California: California State University.
- Mellinkoff, David 1982: *Legal Writing: Sense and Nonsense*. New York: Scribners.
- Nolan, Francis 1983: *The Phonetic Bases of Speaker Recognition*. Cambridge: Cambridge UP.
- O'Barr, William M. 1982: *Linguistic Evidence: Language, Power, and Strategy in the Courtroom*. New York: Academic Press.
- Philbrick, F. A. (1949) *Language and the Law: The semantics of forensic English*, New York: Macmillan.
- Rock, Frances 2007: *Communicating Rights: The Language of Arrest and Detention*. Basingstoke: Palgrave Macmillan.
- Rose, Philip 2002: *Forensic Speaker Identification*. London: Taylor and Francis.
- Schane, Sanford 2006: *Language and the Law*. New York: Continuum.

- Shuy, Roger W. 1993: *Language Crimes: The Use and Abuse of Language Evidence in the Court Room*. (1st Edition 1993, Reprinted 1996.) Oxford UK and Cambridge USA: Blackwell.
- Shuy, Roger W. 1998: *The Language of Confession, Interrogation, and Deception*. Thousand Oaks, CA. and London: Sage.
- Shuy, Roger W. 2002: *Linguistic Battles in Trademark Disputes*. London: Palgrave.
- Shuy, Roger W. 2005: *Creating Language Crimes: How Law Enforcement Uses (and Abuses) Language*. New York: Oxford UP.
- Solan, Lawrence M. 1993: *The Language of Judges*. Chicago: U of Chicago P.
- Stygall, Gail 1995: *Trial Language: Differential Discourse Processing and Discursive Formation*. Amsterdam/Philadelphia: Benjamins.
- Svartvik, Jan (1968) *The Evans Statements: A case for forensic linguistics*, Gothenburg: U of Gothenburg P.
- Tiersma, Peter M. 1999: *Legal Language*. Chicago: U of Chicago P.

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