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For this second edition of the widely acclaimed *An Introduction to Forensic Linguistics. Language in Evidence* authors Alison Johnson and Malcolm Coulthard have joined forces with David Wright to update and renew the contents. Having used the first edition as a textbook in an MA course in forensic linguistics a few years ago, I was curious to learn what revisions the authors had chosen to make in the ten years since the publication of the first edition. The book is divided into two parts, *The Language of the Legal Process* (chapters 2–5) and *Language in Evidence* (chapters 6–10). As in the first version, each chapter contains suggestions for research tasks that either make use of readily available data or instruct students on how to elicit original data themselves.

Chapter 1 forms the introduction, giving illustrative examples of the case types forensic linguists deal with, explaining who the intended audience is and how they may use the book. I join the authors in recommending the excellent *Routledge Handbook of Forensic Linguistics* (2010) as supplementary reading (p. 5).

Part 1 opens with Chapter 2 on *Critical, theoretical, and methodological approaches to language in legal settings*. According to the front and back matter, this chapter is a “substantial new chapter”, offering an overview of theoretical and methodological approaches to forensic linguistics. It begins by exploring the distinction between *professional* and *institutional discourse* (p. 9–10). There are many types of professionals serving within this field: police officers, lawyers, clerks, judges and juries, and they each have their specific vocabulary and genres within which they operate (professional discourse), while at the same time reproducing and embodying the voice of authority (institutional discourse). Clearly, these modes of communication entail a marked asymmetry with regard to citizens that come into contact with the legal system. Of particular relevance to many readers, then, are the different examples of how linguists may assist not only police and prosecution but also defendants (arguably the weaker part in most cases), and generally can contribute to “transforming practice” in society (p. 13–14).

The authors outline how forensic linguistics draws upon theories and methodologies from well-established disciplines within linguistics, underlining the point
that you need to be a linguist before you can be a forensic linguist (a point also stressed by, a.o., a major figure in the field, Roger Shuy; e.g. Shuy 2006: 3–10). Disciplines introduced for this purpose are Sociolinguistics (p. 14–19), Pragmatics (p. 19–22), (Critical) Discourse and Conversation Analysis (p. 2–26) and Corpus linguistics (p. 26–29).

**Chapter 3** concerns *The language of the law* and contains a very enlightening and exemplary review of a corpus linguistic comparative study of the BNC (British National Corpus) and the Projeto COMET corpus of legal contracts. The authors compare the most frequent words in each corpus (function words and lexical) and provide a detailed and insightful explanation of why legal contracts differ from ordinary written English in the specific ways that they do. For instance, the only two verbs present among the 57 most frequent words in COMET (57 is chosen for comparison with the BNC where the first 56 words are grammatical and number 57 is the first lexical word) are *including* and *provided*. “These patterns … show us clearly what contracts are about: everything that is covered, with certain provisos” (p. 40).

**Chapter 4** deals with *Emergency service calls and police interviewing*, i.e., the first types of contact citizens typically have with the legal authorities. A recurrent – and essential – point concerns the asymmetry of the legal system in terms of the quite massive control that authorities have over what goes on. Of trials, the authors write:

> Lay witnesses and juries in court are… firmly in the control of the professionals, the witnesses talking through a lawyer’s questions and juries occupying a recipient role, as talk is performed for them, channeled through the legal system. (p. 52)

Other nodes in the system where systemic requirements may unwittingly shape, and impede, how information is transferred are emergency call-handlers’ filling out of forms (that may cause them to listen less attentively to callers; p. 55), and police interviewers’ ‘formulations’ of witness narratives into an institutionally appropriate style (p. 63).

**Chapter 5** introduces the wide research on *Trial discourse* (reasonably, the previous edition’s example from a British TV show has now been replaced with an excerpt from an authentic trial). The genre traits of court trials are presented in the form of a trial’s component activities (cf. Table 5.1 on p. 78). (The reader should note that the focus is on the adversarial system as found in the English-speaking world; the vastly different inquisitorial systems are hardly mentioned). The highly ritualized roles of the different participants in a court trial are explained and special light is shed on the rights to speak, whereby lawyers and judges are entitled to ask questions and witnesses are obliged to answer them, whereas the jury must remain silent (p. 79).
The chapter reviews studies of opening and closing statements that serve the important roles of framing and evaluating evidence or witness narratives (p. 80–81), judges’ summing-up and jury directions, as well as jury deliberations (p. 81–82). The main section is devoted to the activity that has been studied most intensively, namely witness examinations (p. 82–93) where an important factor is the design of questions and the ensuing control of witness testimony. Another is the analytical perspective of the court trial as a playing out of two competing master narratives, unfolded by prosecution and defence through their presentation of witnesses and evidence (p. 94–96). The chapter briefly mentions the different roles and rights awarded to expert witnesses (p. 96–97), and concludes by illustrating the challenges surrounding examinations of vulnerable witnesses, such as children and rape victims (p. 97–100).

Part 2, on Language in Evidence, covers the application of forensic linguistics in civil and criminal cases. Chapter 6 thus introduces to The work of the forensic linguist with examples from a range of cases, divided into different types of linguistic analyses.

Under Morphological meaning and phonetic similarity trademark disputes are a case in point. The authors focus on cases where companies seek to protect their (senior) trademark from infringement by other, competitive (junior) trademarks. The financial interests in such disputes can be enormous since companies spend large sums of money on building a recognizable brand and therefore wish to protect it from misuse or confusion with those of competitors. Other cases concern misunderstandings of contracts or rulings because of either Syntactic complexity, Lexico-grammatical ambiguity or the Lexical meaning of single words (p. 108–112). Linguistic analyses can also shed light on Pragmatic meaning (p. 112–117), particularly on which inferences are licensed or excluded by specific contexts.

The chapter concludes by exemplifying the many problems related to cross-linguistic and cross-cultural misunderstandings that can arise when non-native speakers encounter the legal systems, both regarding their comprehension (for instance of police warnings) and their production (for instance in confessions). A very important issue concerns the increased use of LADO (Language Analysis in the Determination of Origin) to assess whether refugees really come from the area they claim to come from. Country of origin is a crucial criterion for granting asylum in most countries and such assessments have therefore become a political concern. Some uses of LADO have been rightfully criticized by linguists for being unreliable and based on laymen’s opinions (p. 122–127).

Chapter 7 introduces the reader to Forensic phonetics, where recorded speech is subjected to acoustic and/or auditory analyses to clarify questions of ‘what was said’ or ‘who said it’. It has been demonstrated experimentally that speech perception (i.e. the interpretation of what is said) is affected directly by listeners’
understanding of the context, especially in cases where recording quality is poor (I recommend Helen Fraser’s website for easily accessible and highly valuable information on this: https://forensicphonetics.com.au). Disturbingly, just the context of a recording’s being part of a criminal case seems to bias police and jurors towards an interpretation that favors guilt over innocence (p. 130–132).

In cases where the focus is on the identity of the speaker, forensic phoneticians can assist on both speaker profiling and speaker comparison. Speaker profiling can point to geographical origin based on dialectal features (remember Jihadi John?), with certain provisos to gender and age based on pitch, as well as to some medical conditions that may affect speech (p. 137). Such analyses can assist police in narrowing down the suspect pool.

Speaker comparison assignments, on the other hand, arise when the police already have one or more suspects in a case. In order for an expert to reach a conclusion regarding speaker identity, within-speaker variation needs to be less than between-speaker variation (p. 138). In other words, there need to be features of the suspects’ speech that are consistent across different speech situations (e.g., the situation covertly recorded and recordings while under custody) while also discriminating their speech patterns sufficiently from those of other speakers. One feature alone will rarely accomplish this, obviously. As in authorship analysis (although this particular methodology goes unmentioned in the chapter on ‘authorship attribution’), the expert linguist in such cases weighs competing hypotheses against each other; one stating that the incriminating speech samples are consistent with those of the suspect, the other that they are inconsistent. If the case goes to trial, it will be up to jury and judge to determine whether the results of the speaker comparison points to the defendant or not.

The chapter also considers cases where there is no recorded evidence, only ‘earwitness’ testimony, and the use of so-called voice parades, subject to many pitfalls, to identify the suspect among several others. Best-practice guidelines are summarized and discussed (p. 145–49).

**Authorship attribution** is the focus of Chapter 8. Methods in authorship analysis are still under development and there are continuing discussions as to which methods yield the best results, both in terms of reliability and being conveyable in court. There have been calls for greater use of quantitative and statistical methods in an aspiration for ‘objectivity’, but as the authors write:

> In an ideal world, there would be a substantial amount of data to work with, both disputed and known. However, the forensic world is rarely ideal, and the texts are often unhelpfully short. (p. 152)

So-called stylometric methods are widely used by computational linguists, but on one hand, they require texts of a certain minimum length (I believe the general
heuristic is approximately 200 words) and on the other, the resulting statistical results are hard to interpret for lay jurors.

The authors argue that in real forensic cases stylistic analyses have been more successful in that they take as their starting point the linguistic (and formatting) choices made by the author in the specific texts under scrutiny. Where such choice is possible, sociolinguists talk of ‘variables’ (p. 156), i.e. a set of linguistic forms that can be exchanged for each other in a given context. In authorship cases, the forensic linguist compares intra-author and inter-author variation: texts by the same author must show sufficient consistency of style to link them internally, while also being sufficiently distinctive to separate them from other authors’ texts (p. 157). Distinctiveness can be demonstrated specifically with reference to other authors’ texts in the set under analysis, but also generally, i.e. with reference to a relevant speech community. This requires access to reference corpora of texts written preferably not only by people belonging to that speech community, but also within comparable genres. If such a reference corpus is unavailable, forensic linguists can either try to form one themselves, or will have to take possible skewings caused by less comparable text databases into account in their reports.

The authors illustrate authorship methods through different authentic cases, and place special emphasis on those where several methods have been employed to reduce the risk of subjectivity on the part of the linguist. As suggested by Solan (2013) before them, the authors thus argue that a combination of quantitative and qualitative methods seem the best way forward for authorship analyses (p. 207).

Chapter 9 deals with a related issue, namely textual borrowing, or its more serious subtype: plagiarism. The introduction distinguishes the two thus:

plagiarism occurs when a writer sets out to conceal the matching relation that their text would otherwise create with the source(s) and instead to claim the whole (piece of) text as his/her own original creation. (p. 175)

Plagiarism is a serious offence within academia because of the need to protect intellectual property by crediting the originator of ideas and results. If the plagiarized text has not undergone detailed revisions, it is often easy to show sufficient similarities to exclude coincidental overlap. Coulthard has repeatedly demonstrated that fairly short and simple text strings can uniquely identify a text. One approach is to search for several combinations of closely occurring hapaxes (words that occur only once in a text; p. 180–181), another is to search for a single string of 12 running words or even shorter, e.g. Coulthard’s now frequently cited, authentic six-word string from a statement in a criminal case: I picked something up like an [apple] (p. 190).

It is less straightforward when text is not lifted directly but edited to some extent. In cases where students ‘patchwrite’ (i.e. attempt to rephrase content from a
source in their own words but nevertheless retain too much of the original), Johnson (1997) proposed a method of quantitatively measuring lexical overlap or uniqueness that successfully discriminates original and plagiarized texts (p. 178–179).

The authors also look at cases from the opposite perspective, where two texts from two different occasions (e.g. a police interview and a written statement) are attributed to the same author who denies responsibility for at least one of them. Then the question is not: Did he ‘borrow’ from himself? But rather: Would anyone phrase a content in so similar a way on two occasions? The answer is no, people do not express themselves in exactly the same way twice (p. 184–191). The ‘uniqueness of utterance’ principle (p. 177) also extends to individuals.

Chapter 10 concerns The linguist as expert witness and begins by cautioning ambitious students that very few linguists are able to practice full time as forensic linguistic consultants. Furthermore, and this is particularly true for adversarial legal systems as practiced in England and the US, testifying in a criminal or civil trial can be a very challenging experience. Even seasoned expert witnesses can be subjected to exhaustingly difficult cross-examinations and need to be very aware of the norms and expectations of a court case (e.g. the fact that the real addressees are the judge and jury, not the examining lawyer, and that one is not allowed to answer a question that has not been asked).

An important discussion raised in this chapter concerns the expression of an opinion in case reports. Different methods are in use across the world. Especially for forensic phonetics, a semantically and/or numerically expressed scale is often used (e.g. ranging from 5. I am personally satisfied that X is the author to −5 I am personally satisfied that X is not the author), but has been criticized for not being inter-subjectively reliable (i.e. expert A may not choose the same level as expert B given the same data, and jurors may also attach different meanings to a given level). This may be confounded further by judges not allowing experts to even report the number of levels on their scale with the jury! (p. 198). Another method is much more objective, but relies on quantifiable data: It produces a so-called likelihood ratio, which compares distributions of specific features in the evidence with their distributions in a relevant background corpus (a ‘comparison population of speakers or texts’, p. 200). This seems a very attractive solution since it can easily incorporate counterevidence as well, but it rests both on the identification of variables with a fixed number of variants, and on having access to a relevant background corpus to compare with.

The chapter goes on to discuss the US criteria for admissibility of evidence in court trials (the so-called Daubert criteria of “scientific-ness” (p. 204) ), and which consequences it might have if similar requirements were implemented in Britain. The authors discuss to which extent a ‘Known Error Rate’ is relevant for forensic linguistic testimony and give examples of quantifiable methods that have already
been experimentally tested to achieve such a rate of error (or conversely, of success) in correctly identifying the author of a text of unknown origin (e.g. Grant 2010; Johnson and Wright 2014).

However, in many cases, the most relevant methods are not ones that are amenable to quantifiable, experimental testing and therefore it impossible to provide an error rate. Here, the authors turn to Solan’s (1998) suggestion of serving as a ‘tour guide’, profiting from the fact that professionals and laypeople alike are proficient language users and therefore can be guided towards “linguistically informed decisions” (p. 210). Depending on the judicial system, lawyers may even choose to present the results of a linguistic analysis themselves (p. 210–211).

The volume concludes with Chapter 11, outlining how forensic linguists can contribute to society (p. 215), how *Codes of conduct* may help them do so in a responsible and legitimate way (p. 216–217), proposing future developments of the field (p. 217–219) and offering advice for *The next generation* (p. 219–220).

Of course, there are some infelicities here and there. The prose is quite condensed in places (especially in the new Chapter 2) and would have benefited from a careful editor’s eye: anaphorical references are sometimes unclear (e.g. p. 14, p. 17), and in one case, a sentence is so long that even the writer seems to have forgotten how it began:

*Formality* is a dimension that could be used to describe the register of written police statements but, as we show in Coulthard’s analysis of the Derek Bentley confessions (in Chapter 8), the frequency and position of the temporal adverb *then* in Bentley’s confession, which, the prosecution claimed, he dictated in his own words to police officers, contained a striking number of *I then …* sentences, with *then* positioned after the pronoun, rather than before (*Then I …*), which is more usual in ordinary speech. (p. 18)

Overall, though, this is an excellent, quite accessible and highly informative introduction to forensic linguistics, and demonstrates engagingly the successful application of linguistic theory to matters of the law. I will definitely recommend it as *the* textbook in my forensic linguistics classes again.

References


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Biographical notes

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