

***The Routledge Handbook of Forensic Linguistics.*
Malcolm Coulthard and Alison Johnson (eds) (2010)**

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Reviewed by Paul Newman

Forensic linguistics, the academic field concerned with the interaction of language and law, can be said to have had its origins in the 1960s with the publication of two classic works: David Mellinkoff's *The Language of the Law* (1963) and Ian Svartvik's *The Evans Statements: A Case for Forensic Linguistics* (1968) – neither of which is found, incidentally, in the index to the *Handbook*. In the 1970s, papers on forensic linguistics began to appear little by little, most notably the fascinating psycholinguistic work of Elizabeth Loftus (e.g., 1975). When we reach the 1980s, there is a sudden outpouring of forensic linguistics articles. This growth in scholarly interest led in the following year to two notable events that signaled the emergence of forensic linguistics as an identifiable subfield within linguistics. One was the appearance of Judith Levi's *Bibliographic Guide* (1994). The other was the founding, in 1993, of the International Association of Forensic Linguists (IAFL) along with its journal *Forensic Linguistics* (1994), now titled the *International Journal of Speech, Language and the Law*. This impressive *Handbook* (2010), edited by Coulthard and Johnson, marks another milestone, indicating that forensic linguistics has come of age. It is no longer a specialization practiced by a handful of scholars who just happen to have language and law interests, but rather has become a proper sub-discipline within linguistics with a core of well-trained practitioners and the development of special courses and the existence of degree programs for students in the field.

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This nearly 700-page *Handbook* is intended to serve as a ‘comprehensive advanced introduction to core issues and topics in contemporary forensic linguistics’ (p. 2). It consists of relatively brief, but well-written, papers by forty experts. These contributors constitute a veritable Who’s Who of forensic linguistics. They include Roger Shuy, arguably the doyen of the field, five presidents of the IAFL: Malcolm Coulthard (the first), Diana Eades, Lawrence Solan, Peter Tiersma, and Ronald Butters (current), and a judge of the Federal Court of Australia, Peter Gray.

The *Handbook* contains the editors’ useful introductory overview (Chapter 1), an essentially redundant coda (Chapter 39), and thirty-seven substantive chapters covering a wide array of topics. On the language/law spectrum, the chapters range from the almost entirely linguistic, e.g., conventional conversational analysis but dealing with law data (Drew and Walker, Chapter 7), to law review type papers that barely touch on linguistics, e.g., Ainsworth’s first-rate paper elucidating the promises and failures of the Miranda warning (Chapter 8). This difference in emphasis partially correlates with whether the author has a law degree (as is the case with a number of leading American forensic linguists) or not and is evidenced by the presence or absence of case citations, usually none, yet some thirty-six (!) in Ainsworth’s chapter.

In a review of this scope, one cannot do justice to all of the papers individually. However, to give a sense of the substance and content of the chapters, let me comment briefly on three pairs of papers.

Bhatia (Chapter 3) and Stygall (Chapter 4) provide different perspectives on the problem of legal language complexity and its relation to ‘Plain English’ initiatives. Bhatia emphasizes that the improved comprehensibility of English in statutes, while a laudable goal, cannot be an end in itself. Statute writing has other equally important requirements, such as clarity, precision, unambiguity, and inclusiveness, and that because of the need to balance often conflicting objectives, legislative drafting is a formidable task. In considering the comprehensibility of legal documents, Stygall asks the often overlooked question, comprehensible by whom? Most proponents of Plain English, whether lawyers or legislators or forensic linguists, think of comprehensibility in terms of people at a general college-educated level. But, the abilities of the majority of middle-class or working class people fall far short of what we take for granted. Most Americans – and the situation in the UK and Australia is sure to be the same – do not read the ‘small print’ conditions and caveats found in consumer related documents such as credit card offers because they couldn’t understand them if they tried.

McMenamin (Chapter 32) and Jessen (Chapter 25) provide guides to author/speaker identification, an area where the contribution of linguists in solving legal disputes has been most evident. Unlike many chapters in the *Handbook*,

which are analytical and interpretative case studies such as one finds in journal articles, these chapters stand out as being excellent state-of-the-art summaries of linguistic techniques and methods. The key to identification, whether dealing with the written word – Did the deceased draft this will? – or the spoken word – Did the suspect make the ransom call we have on tape? – is the distinctiveness of the idiolect (not to mention dialect) in human language. Although it is often hard to ascertain that some person *was* the author or the speaker, the linguist (like the DNA or fingerprint expert) can provide compelling evidence to show that some person was *not* the person who created the written text or voice sample at issue, by no means an insignificant contribution.

Coulthard (Chapter 31) and Solan (Chapter 26) home in on the demanding activities of forensic linguists functioning as experts in the legal process. (Coulthard's chapter is a gem that could well have been the first substantive chapter in this *Handbook* rather than being deferred to Chapter 31.) Both authors stress that being an expert witness entails professional and psychological demands far beyond the experience of most academics. For example, whereas academics applaud intellectual inventiveness and creativity, an insightful solution to a problem based on novel techniques is likely to be held inadmissible because what in the U.S. are called Daubert rules generally limit testimony to well-established methods. Moreover, most scholars are not prepared for the rules of engagement and the realities of hostile questioning that one finds in a legal setting. The conventions of polite discourse, the standards for evaluating evidence, and the role of uncertainty and doubt in presenting one's conclusion are very different in legal versus scholarly settings. As Coulthard notes, quoting Shuy (2002: 4), 'Testifying is not for the weak at heart.' Notwithstanding Coulthard's and Solan's reality checks, forensic linguists should not be dissuaded from bringing their skills and knowledge to bear where practical applications are called for. The counterweight to the dire warnings about the horrors of being an expert witness is the fact that only a very small percentage of cases ever get to court. In most instances, the linguist is able to contribute to an early and just disposition of a case, whether criminal or civil, by providing reliable evidence and solid, scientifically-based opinions long before the matter has reached an impasse and has to go before judge or jury.

It is not entirely fair, of course, to criticize a book for what is not included. Nevertheless it is instructive to point out a couple of areas where matters of real importance are missing.

A striking feature of forensic linguistics has been its international scope; see, for example, the rich collection of papers included in Kredens and Gozdz-Roszkowski (2007), a book surprisingly not included in the *Handbook's* extensive list of references. This being the case, it is surprising how Anglo-Saxon the *Handbook* is. Looking at the affiliation of the forty authors, seventeen are

from the U.K. (England and Wales) – obviously reflecting the professional relationships and interests of the editors – fourteen from the U.S., four from Australia, and one each from Canada, the Czech Republic, Germany, Hong Kong, and Israel. Even if one limits oneself to the western world, the minimal representation of continental Europe is regrettable. There is not a single contribution from the Netherlands and only one from Germany, both of which have strong forensic linguistics traditions, and there is no participation from nor mention of the Francophone world. It may be true that the pioneering work in forensic linguistics was US, UK, and Australia based and that many of the leading practitioners in the field are from those areas, but the Anglocentric orientation of the *Handbook* may give the misleading impression that forensic linguistics is a geographically limited scholarly enterprise when this is far from being the case.

Although the *Handbook* covers a wide range of topics and issues, there are some surprising omissions. These include the nature and structure of legal language, as discussed in Mellinkoff (1964) and numerous works since (e.g., Tiersma 1999), and the long-recognized linguistic contribution to the interpretation of legal documents. With one exception, Butters' overview of trademark (Chapter 23), the *Handbook* also does not address the domain of laws about language, such as perjury, defamation, and indecent language. Not included either are discussion of language policies and practices such as foreign language restrictions in the workplace, language and literacy requirements for voting, and the contentious issue of English-only laws. I mention these to highlight what a rich field of study forensic linguistics is and that even an impressive volume such as this one barely scratches the surface.

One important topic that is not addressed is professional ethics. Many linguists are ivory-tower scholars who, unless they are involved in fieldwork, are not faced with difficult ethical issues (or at least are not forced to confront them on a day-to-day basis). By contrast, forensic linguistics can be a hands-on, practical field involving situations where large amounts of money, not to mention human lives, may be at stake. Thus, the *Handbook* would have been enhanced by a chapter (or two!) devoted to professional ethics, and a number of chapters could well have benefited from the inclusion of a focused discussion (even if only a paragraph or so) on obvious and non-so-obvious ethical dilemmas that forensic linguists face. At the 2009 annual meeting of the LSA, there was a special panel devoted to the topic, the papers now available in volume 16(2) of this journal (see Shuy 2009), reflecting forensic linguists' concern with ethical issues. So it is curious that ethics failed to receive treatment in this comprehensive *Handbook*.

Two other limitations are essentially technical and organizational. The first concerns the accompanying web materials, located on Aston University's web-

site <www.forensiclinguistics.net/handbook.html>, consisting of files for six chapters only (two of which I wasn't able to open). Given the huge potential that the web affords for including supplementary texts and transcriptions, audio and visual materials, and entire legal opinions, this was not nearly as constructive a use of the web as it might have been: Even a neo-Luddite like this reviewer recognizes what has been missed and the scholarly opportunities that have been lost by not exploiting the potential of the web.

The *Handbook* contains a common bibliography at the end consisting of some 1,300 entries occupying 45 pages. This is obviously a magnificent resource; however on second thought, it strikes this reviewer as more of an albatross than a songbird. The problem is that references are not included with each chapter. A handbook is a reference tool. Each paper ideally contributes to the overall theme of the volume, but it can be, and will be, read, assigned, and discussed independently and thus should be accompanied by a list of the works cited so that the chapter is self-sufficient. The chapters do end with a useful rubric 'Further reading' (not all of which appear in the comprehensive bibliography at the end), but this serves a different purpose from a works cited list. Including references with each chapter would admittedly expand the size of an already large book, but not doing so was unfortunate.

The emphasis on 'debates' in the title of the editors' introductory chapter and its repetition in the Section III title 'New debates and new directions' raises an issue that at first had escaped my attention – the *absence* of debates and theoretical differences of opinion in the *Handbook*. Whereas law by nature is adversarial and imbued with zealous advocacy, forensic linguistics as reflected in this *Handbook* and two decades of scholarship is relatively free of dispute. Unlike a handbook on phonology or field linguistics or second language teaching, where theoretical arguments would abound, the work of forensic linguists tends to be empirical and descriptive. Scholars describe, analyze, and interpret the results of their research without feeling compelled to argue about it. Even Eades' discussion of the very controversial and politically sensitive question of linguists' involvement in asylum cases (Chapter 27) is presented in a balanced and nonargumentative manner. An interesting question might be: Is this due to the inherent nature of forensic linguistics as a field of study or does this suggest that forensic linguistics is still in the formative stages of developing theoretical underpinnings?

The *Handbook* is intended as a resource for undergraduate and postgraduate students. It undoubtedly will also serve as an invaluable resource for general and applied linguists new to the field of forensic linguistics as well as to scholars who have familiarity with some particular corner of forensic linguistics but who want to learn more about topics and concerns of other forensic linguists. Few of the chapters are in-depth studies, although most of the authors did

a good job of packing insights, observations, and illustrative material in the limited space allotted to them; but as an introduction to the field, i.e., tasty bits to whet one's appetite, the *Handbook* does a marvelous job. The editors and the publishers deserve our praise and thanks for a well edited and beautifully produced volume.

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