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Reviewed by Susan Berk-Seligson

An Introduction to Forensic Linguistics: language in evidence is an excellent addition to the several textbooks on language and law that have been published in the past decade. Rich in textual examples, with abundant references to particularly engaging, often high-profile, forensic linguistic cases, the book is ideal for both the undergraduate and post-graduate student who is concentrating on linguistics as his or her major field of study. Each chapter ends in a section called ‘Further reading’, providing the interested student with additional bibliographic references, as well as a section on ‘Research tasks’, which consists of brief assignments that augment the substance of the chapter, allowing the student to put his or her new forensic research skills into practice. The book is highly readable and accessible to both the non-specialist and to the student of linguistics.

Coulthard and Johnson have organized the book into two parts, Johnson being the lead author of the first part (chapters 1 through 5), and Coulthard the lead author of the second. One of the first five chapters, they point out, is a

Affiliation
Vanderbilt University, Nashville TN, USA
email: sberksel@yahoo.com
‘joint production’, whose authorship they leave to the reader to guess (p. 8). Part I provides the reader with ‘...a thorough grounding in forensic approaches to language analysis and is intended for use by students and lecturers for courses on language and the law, to explore key ideas of legal language, legal genres and context, and questioning and narrative in interviews and the courtroom’ (p. 9). Part II is devoted to the analysis of language as used in evidence in cases involving disputes over institutional practice, cases in which linguists have been called on to serve as experts.

In chapter 1, the authors define a number of important terms and identify several concepts that are crucial to understanding the work of the forensic linguist. For example, they define ‘forensic discourse analysis’, a subdomain of discourse analysis, as one variety of the study of institutional discourse, that is, the study of ‘talk at work’ (Drew and Heritage 1992). They consider it to be ‘institutional discourse in a forensic context’ (p. 8). They are careful to point out that while the relations between speakers in this type of context are typically asymmetrical, this relationship does not necessarily mean that ‘the institutional member is always powerful in a negatively constraining way’, because ‘Dominance, facilitation and restriction in institutional discourse have … to be viewed in terms of who is speaking, when and for what purpose’ (p. 16). This statement is very much in line with Hymes’s (1972) concept of communicative competence, not mentioned at this point in the book, but referred to in a subsequent section. The authors are very much aware of the contribution of linguistic anthropologists such as Hymes, Gumperz and Duranti to interactional sociolinguistics, and the utility of this field for forensic discourse analysis, as they cite the important works of these scholars.

A major strength of the book is the engaging quality of the material chosen for analysis. For example, chapter 1 compares a vignette from a satirical comic magistrates court shown on British television with the testimony of former British Prime Minister Tony Blair, and with the testimony of Harold Shipman, a physician convicted of murdering a large number of his patients. At the same time, Coulthard and Johnson do an excellent job of reviewing relevant pragmatic theories: the cooperative principle and Gricean maxims, speech acts (including face-threatening acts), and conversation analysis (including such fundamental concepts as turn-taking, preference, and interruption).

Chapter 2 concentrates on the language of the law, reviewing the various characteristics of legal language, specifically those of legal English. The notions of legal style and register are explained, including the style of legislative language and contracts. The chapter is rich in examples of each speech style.

Chapter 3 explores the subject of legal genres. Coulthard and Johnson define ‘genre’ and they present Johnson's theory of ‘functional hybridity’ (i.e. the notion that ‘legal genres are to some extent characterized by functional hybridity’ in
that hybridity is a ‘characteristic built into many legal genres’ (p. 61)). They view
genre in terms of structure, function, and style, but also from the perspective of
taking into account contextual factors when interpreting discourse.

Chapter 4 (‘Collecting evidence: calls to the emergency services and first
encounters with witnesses and suspects’) includes a section on ‘policespeak, law-
yerspeak and listening,’ which makes two important points. First, policespeak is
characterized by a high degree of hybridity; specifically, it fuses together infor-
mal conversation and a professional register (p. 77). Second, ‘active listening’ is
something that the police ought to be doing if they are to obtain the information
that they seek (p. 78). In a section titled, ‘Police interview – from talk to text
and text to talk,’ the authors refer to the research of Rock (2001) and Komter
(2006), which finds that, ‘statements are inherently intertextual and dialogic
and, although they come to be seen as authoritative versions of the memory of
a witness or suspect, they are in fact the result of multiple tellings of the same
story in which some details are lost, some transformed and some, it must be
admitted, created’ (p. 81). A chapter section on ‘Police interviews and social
interaction’ uses an ethnomethodological conversation analytic framework for
its discussion, reviewing the studies of Garfinkel and Sacks (1970), Linell and
Jönsson (1991), and Heydon (2005). Also included in chapter 4 is a section on
‘Invitation to narrative and resistance to storytelling,’ which includes an analysis
of a case well-known in the UK, that of Fred and Rosemary West, who were
convicted for having killed their daughter. In addition, Fred West was convicted
for killing eleven women; his wife, nine. The chapter ends with a section on
‘Vulnerable witnesses – on interviewing children and rape victims.’

Chapter 5 (‘Order in court’) focuses on courtroom interaction, specifically
in Crown Courts of England and Supreme Courts of the United States. Here
we learn about the trial as a ‘complex genre’ (Heffer 2005), a ‘highly structured
event’ involving two modes, the monologic and dialogic (Cotterill 2003), and
two principal discourse types, narrative and question-answer. In this chapter
the authors highlight the role of master narratives and counter narratives
(Bamberg 2004), referring to Harris’s (2001) notion of ‘wider cultural context
of narrative’ and the importance of Cotterill’s (2003) work on ‘strategic lexical
choices.’ A section on ‘Styles and goals of friendly and unfriendly questioning’
features an analysis of the Shipman trial, and a final section on ‘ Witnesses and
evidence in trials’ examines child witnesses and other vulnerable witnesses.

Part II, chapter 6 (‘The work of the forensic linguist’) draws on a large number
of cases, demonstrating how forensic linguists make use of their ‘toolkit’: ‘pho-
netic and phonological, morphological, syntactic, lexical, discourse, textual
and pragmatic’ (p. 121). It covers Roger Shuy’s corpus linguistics work on
McDonald’s Corporation v. Quality Inn International, Inc., over the use of
the morpheme ‘Mc’ in trademarks, Judith Levi’s work in a case involving the
syntactic complexity of a letter sent to consumers by a financial lender, Jeffrey Kaplan's analysis of lexico-grammatical ambiguity in a US Supreme Court case, and Diana Eades's analysis of the verb 'killem' as used by a Torres Strait Islander. A chapter section on 'Pragmatic meaning' covers the relevance of Gricean conversational implicature to the determination of whether a text has been fabricated (p. 129), and whether the product warnings on safety glasses are adequate (Tiersma 2002). Coulthard and Johnson review disputes over the accuracy of the written recording of interaction, specifically, police interview notes, and over the issue as to whether the monologic confession attributed to someone convicted for murder was actually the product of 'a question and answer session during which the police provided much of the information.' They conclude the chapter with a section on 'The challenges for non-native speakers', namely, the issue of language comprehension, cross-cultural differences in rules of interaction, and language testing, specifically, whether language testing should be included in applicants' attempts to obtain refugee status or political asylum.

Chapter 7 ('The work of the forensic phonetician and the document examiner') covers such topics as evaluating the accuracy of transcriptions, speaker profiling, speaker identification by professionals, voice line-ups and naïve speaker recognition, and the work of the document analyst. In chapter 8 ('Idiolect and uniqueness encoding'), the focus is on authorship attribution. Here the authors review the use of such quantifiable variables as sentence length and lexical richness, including the frequency of hapax legomena (i.e. words used only once by the writer) (p. 165) and hapax dislegomena (words found twice in a given text) (p. 166), and the use of CUSUM (CUMulative SUM of the deviation), a purely statistical approach to determining authorship based on differences in scores for one sentence or variable under consideration and average scores for an entire text.

In reviewing aspects found to be useful for the determination of authorship, the authors include such factors as 'mistakes' and 'errors', concepts derived from language learning research (Corder 1973), consistency (McMenamin 2002), and resemblance (McMenamin 2002). Coulthard and Johnson conclude the chapter by doing an authorship analysis of the confession statement of Derek Bentley, a 19 year-old who was convicted and executed for his participation in the shooting murder of a London police officer. The authorship analysis was carried out 46 years after the execution, in an attempt by Bentley's family to clear their son's name. Coulthard's forensic work in the case resulted in a successful outcome for the Bentley family.

The ninth chapter ('On textual borrowing') deals with plagiarism. It covers the history of plagiarism, the treatment of plagiarism by universities today, and the issue as to whether a given writer has repeated him or herself in a second
text. Coulthard and Johnson analyze a confession statement, comparing it to a disputed police interview with a man who at the time was suspected of murdering a thirteen-year-old newspaper delivery boy. At the heart of the analysis was the evidential value of a single identical string, i.e. a disputed statement, and more generally, uniqueness in language production.

The final chapter of the book deals with ‘The linguist as expert witness’. This is an illuminating chapter for those in the field of forensic linguistics who would hope to serve as expert witnesses at some point and who could benefit from the hindsight experience of those who already have. Reviewing the experiences of Coulthard, Broeders (1999), and Rose (2002) as expert witnesses in the UK, the authors go on to summarize the reaction of the courts in Australia, Britain, and the United States to such expert evidence in terms of its admissibility. In sharp contrast to Australia and Britain, where only the qualifications of the expert are at issue, together with the requirement that the expert be objective, unbiased and never take on the role of an advocate, in the United States the testimony of expert witnesses is admitted only if (according to the Federal Rules of Evidence) ‘the testimony is based upon sufficient facts or data, [and] the testimony is the product of reliable principles and methods, and the witness has applied the principles and methods reliably to the facts of the case’ (p. 208). Essentially, experts are more easily accepted in American courts if they can present quantitative sorts of evidence. This leads scholars such as Solan (1998) to conclude that linguists can be best utilized in court as ‘tour guides’, providing expert opinions as to the nature of meaning and ‘linguistic encoding at both lexico-grammatical and textual levels’ (p. 211). Shuy (2002) has found that lawyers sometimes will prefer to use the linguist as a consultant rather than as an expert witness in court (p. 211).

It is clear from the sheer breadth of the material covered by Coulthard and Johnson that this book would be eminently useful for a wide variety of linguistics classes, be they in the general field of applied linguistics or in the narrower field of discourse analysis. However, it would be an especially suitable tool for those who teach in programs specializing in the area of language and the law. Given the inherently engaging nature of its textual material, this book has all the earmarks of a work likely to have a long shelf life.

References


