

Language as Evidence. Doing Forensic Linguistics

Book review by Karoline Marko

University of Graz, AT

https://doi.org/10.21747/21833745/lanlaw/9_1r1

***Language as Evidence. Doing Forensic Linguistics*
Victoria Guillén-Nieto & Dieter Stein (Eds.) (2022)
Cham, Switzerland: Palgrave MacMillan**

The presence of linguists as expert witnesses in court has grown over the past years, which has sparked a discussion about the separation of forensic linguistics from legal linguistics that can be traced back at least to Kniffka (1990), and later to Fobbe (2011). In this regard, the publication of this edited volume reflects the tenor of the time that is also visible in the recent name change of the *International Association of Forensic Linguists* to *International Association for Forensic and Legal Linguistics*. As argued in the introduction to this edited volume, the difference between legal linguistics and forensic linguistics manifests itself in different training requirements: “the legal linguist is a theoretician, but the forensic linguist has the practical task of having to act, to appear at court, know the rules of conducting and executing this part of the law, different in different legal cultures [...] and also acquire a rhetoric for presenting evidence at court” (p. 16) – the present book thus aims at providing the tools and knowledge necessary for the work of forensic linguists.

In this respect, the book fills a specific gap in the existing literature in that it combines a discussion of a variety of topics related to linguistic evidence, such as authorship studies and deception detection, as well as genres such as suicide notes, romance scams, and online terrorist threats. Previous books have either addressed a larger scope of forensic linguistics including legal linguistics (e.g., Coulthard *et al.* 2017; Solan and Tiersma 2005), have focused on one particular type of evidence such as authorship attribution (e.g., Dern 2009; Love 2002), or have discussed legal linguistics or language in the legal

process separately (e.g., Eades 2010; Kaplan 2020). The present book thus situates forensic linguistics not only in the context of linguistics but also in the wider context of and in relation to other forensic sciences. The aims of this book are to provide a comprehensive overview of the available expertise in forensic linguistics, while simultaneously serving as an introduction to commonly used methods and scientific procedures in the field. The present volume contains contributions by several recognized experts in linguistics who cover a variety of languages, legal systems, and countries – a fact that deserves to be highlighted given the otherwise still largely Anglo-centric perspective prevalent within the discipline. Chapters 1 to 5 reflect on the role of the linguist inside the courtroom and cover central issues involved in providing evidence in different legal systems. The remaining chapters discuss well-established areas of forensic linguistics, such as authorship analysis and speaker identification, as well as developing and emerging areas, such as online crimes. Each of these chapters offer a discussion of the theoretical backgrounds of the respective topics, as well as definitions, descriptions of state-of-the-art methodologies, case studies which exclusively discuss authentic data, as well as suggestions for further research. They also contain step-by-step guides to the application of the introduced methodologies.

In Chapter 2, Janet Ainsworth describes ethical issues from the perspective of a lawyer-linguist, i.e., she does not only highlight ethical issues faced by linguist expert witnesses but also relates them to ethical issues that can arise due to differences between linguists' and lawyers' ethical obligations. Andrew Hammel (Chapter 3) and Mercedes Fernández-López (Chapter 4) describe the role of the linguist expert witness in the common law and civil law traditions, respectively. While the former offers a historical overview of the common law tradition, the role of expert witnesses, and the emergence and development of both the Frye and Daubert standards, the latter hints at "substantial differences" in continental legal systems (p. 86) and draws attention to various appointment procedures in countries like Germany, France, Italy, Poland, and Spain. Subsequently, Magdalena Szczyrbak (Chapter 5) analyzes expert testimony in the courtroom with discourse analytical tools and thereby manages to provide insight into the tension between legal systems and sciences like linguistics with regard to subjectivity, speaker commitment, and stance.

In Chapter 6, Martina Nicklaus and Dieter Stein proceed to introduce lie detection tools and methods. Starting from a theoretical outline of definitions of lying and deception, the authors present a case study in which they draw attention to the need for more pragmatically oriented approaches to the detection of deception. The following three chapters are dedicated to authorship analysis. In Chapter 7, Eilika Fobbe provides an in-depth overview of largely qualitative authorship identification methods, of important concepts like style and idiolect, as well as feature selection. The case study of anonymous extortion letters does not only provide a guide to the application of qualitative authorship analysis but also explains the use of probability scales to express the results of an analysis. To complement this qualitative approach, Hans van Halteren (Chapter 8) proceeds to outline tools for automatic authorship analysis. He provides a historical overview of the development in this field before moving on to a discussion of linguistic features and their selection and use. A part of the presented case study sets out to test and evaluate an innovative deep learning approach for authorship analysis. In Chapter 9, Gea de Jong-Lendle provides a comprehensive overview of speaker identification by

describing different methodologies, tools, and approaches. A description of the historical development and salient cases in which phonetic evidence played a crucial role is complemented by a detailed description of key features of investigation and a presentation of the most important methods used in the field. Victoria Guillén-Nieto (Chapter 10) concludes the discussion of authorship analysis by outlining the field of plagiarism detection. Following a theoretical overview of central concepts in this field, such as plagiarism, copyright infringement, the moral and legal rights of authors, the chapter uses a case study to introduce the use of different tools for plagiarism detection in a step-by-step manner.

Subsequently, Monika Zaśko-Zielińska (Chapter 11) describes the linguistic analysis of suicide notes by first providing a discussion of suicide letters as a genre, as well as their super-, micro-, and move structures. The methodology is then applied to and illustrated with a case study of a genuine suicide letter and one whose authenticity is questioned. With the aim to “draw attention to the need to refine the concept of cybercrime and highlight its multifaceted character” (p. 433), Patrizia Anesa (Chapter 12) illustrates how linguistics can contribute to the analysis of cybercriminal activities exemplified by romance scams. The case study uses Applied Societal Discourse Analysis in order to reveal linguistic strategies employed by scammers. The final chapter by Julien Longhi (Chapter 13) addresses online terrorist threats and outlines a methodology that calls for a combination of “precise linguistic criteria and computer tools” (p. 442). The chapter concludes with a case study that is based on data provided by the French Gendarmerie and applies textometric and innovative deep learning methods.

Overall, the book is an important and timely contribution to the field of forensic linguistics that can serve as an introduction to the field of language as evidence. In particular, the book can be a useful resource for advanced students of linguistics, (early career) researchers, and anyone interested in deepening their knowledge in forensic linguistics. Students and researchers who have not had an opportunity to attend specialized classes in forensic linguistics might profit from this volume as they are not only introduced to a variety of methodologies but are also guided through individual analyses with the help of case studies. However, in order to make the most of the information provided in the book, some basic knowledge and understanding of theoretical concepts and methodologies are useful.

References

- Coulthard, M., Johnson, A. and Wright, D. (2017). *An Introduction to Forensic Linguistics: Language in Evidence*. London and New York: Routledge.
- Dern, C. (2009). *Autorenerkennung*. Stuttgart: Boorberg.
- Eades, D. (2010). *Sociolinguistics and the Legal Process*. Bristol: Multilingual Matters.
- Fobbe, E. (2011). *Forensische Linguistik. Eine Einführung*. Tübingen: Narr.
- Kaplan, J. (2020). *Linguistics and Law*. London: Routledge.
- H. Kniffka, Ed. (1990). *Texte zu Theorie und Praxis Forensischer Linguistik*. Tübingen: Niemeyer.
- Love, H. (2002). *Attributing Authorship. An Introduction*. Cambridge: Cambridge University Press.
- Solan, L. and Tiersma, P. (2005). *Speaking of Crime*. Chicago, IL: University of Chicago Press.