

# The Routledge Handbook of Forensic Linguistics

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[https://doi.org/10.21747/21833745/lanlaw/9\\_1r2](https://doi.org/10.21747/21833745/lanlaw/9_1r2)

***The Routledge Handbook of Forensic Linguistics***  
**Malcolm Coulthard, Alison May & Rui Sousa-Silva (Eds.) (2020)**  
**London & New York: Routledge**

The second edition of *The Routledge Handbook of Forensic Linguistics* (2020), edited by Malcolm Coulthard, Alison May and Rui Sousa-Silva, is a substantial contribution to our field, both in scope and significance and will likely prompt many readers to reflect upon the history of forensic linguistics and the place of this edition in that history. Readers will likely recall the popularity of the first edition in 2010, which provided broad coverage of the field with plentiful reference to general scholarship in linguistics, applied linguistics and the legal processes giving it a wide appeal. However, no sooner do we start to consider the history or development of this field than we run into a range of definitional problems: what exactly do we mean by ‘forensic linguistics’? What is the distinction between forensic linguistics and language and the law? These questions have been addressed implicitly in the *Handbook* through its structure and scope; however, the contents of the *Handbook* also makes it clear that such vagueness has been an asset to our community because it has allowed us to define ourselves dynamically, adjusting the boundaries of what is considered ‘language and the law’ or ‘forensic linguistics’ when emerging technologies or a changing legal landscape introduce new possibilities for linguistic analysis. As a second edition, with 10 years since the first edition, we can expect a publication such as this to provide insights into the changes that have occurred in the field over that time. New readers might be less concerned about such evolutions, and for them, the contents will be of intrinsic value regardless of how they compare to the earlier edition. But for fans of the original Handbook who are seeking out this second edition, it is pertinent to ask: what is new here? Have the changes in the field, indicated by papers presented at conferences and colloquia for instance, been captured by the second edition?

The introduction to the second edition provides detail of the additional content which indicates that the changes reflect priorities of the editors: firstly, that seminal texts included in the original edition are retained and new texts do not replicate such chapters; secondly, that the scope of the book is widened to reflect a more geographically diverse field and thirdly, that advances in technology affecting forensic linguistic analysis are adequately covered in the new material. In addition, a number of chapters from the original text have been updated rather than being replaced with a wholly new chapter, on the basis that the original work has not diminished in value, but rather, there were further insights that could be added given developments in the field.

Returning to the question of scope, this volume divides the 43 chapters into three broad sections. Section I is titled *The language of the law and the legal process*. It includes four subsections: Legal language and legal meaning; Witnesses and suspects in interviews and investigations; Language in the courtroom; and Lay participants in the judicial process. Section II presents *The linguist as expert in the legal process*, thus the two 'sides' of forensic linguistics, as they are most commonly divided (research into legal language and forensic linguistic casework) are clearly represented in these two main sections. However, a third section is added to this volume which provides an opportunity to move beyond this binary segmentation of our field and is aptly titled *New directions*.

In the first subsection of Section I, the 'language of the law' is initially presented in its most referential form, with chapters addressing meaning in legal language in section 1.1. Although the first chapter by May, Holt, Al Saeed and Sani takes on the fundamentally interactional concept of questions, and gives them a pragmatic treatment, the next three chapters present analyses of meaning in written legal language, including complex documents (Stygall), US supreme court opinions (Finegan and Lee) and translation in the EU Court of Justice (McAuliffe). The final chapter in this section, 'The category of *ordinary meaning* and its role in legal interpretation', which is a new addition from Hutton, will be welcome to any forensic expert witness who has experienced the frustration of having one's complex semantic and syntactic analysis of a disputed text dismissed by a judge who instead reaches for the Shorter Oxford and proclaims that meaning can be found in a dictionary and is therefore not a field requiring expert testimony. The author's conclusion that a greater acceptance of linguistic expertise as part of the process of legal interpretation of language will resonate with many readers.

Moving through Section I, the book then turns to the *legal processes* described in the section's title, presenting first the analysis of language involved in the police and investigation process. This subsection opens with a chapter on the Miranda warning from Ainsworth, updating her seminal work on the topic which has been a mainstay for those of us working on police interview language (Ainsworth 1993). After chapters from Rock, Gaines and Lowry-Kinberg and Haworth on aspects of police interviewing, MacLeod's chapter introduces us to undercover work in online identity synthesis which calls to mind the work of Roger Shuy, examining sting operations in the US (see for instance Shuy 2017), although MacLeod brings us into the internet age with her analysis. The subsequent sections on legal processes then move naturally to the courtroom in two parts. Firstly section 1.3 presents a series of chapters on the interactions between legal professionals in the courtroom and includes some very familiar names alongside more recent contributors to this field: Drew and Ferraz de Almada, Heffer, Chaemsaitong, Greenlee, and Matoesian and Gilbert. Section 1.4 provides a separate space for consid-

eration of interactions in courts and tribunals that involve lay participants, and has an emphasis on vulnerable or disadvantaged speakers navigating legal processes in complex circumstances. I must admit a degree of personal bias in highlighting the important new contribution from my fellow Australian, Peter Gray, whose final chapter in this section will introduce linguists around the world to the extraordinary cultural and linguistic phenomenon of Aboriginal land rights claims in remote northern Australia — the oldest continuous living culture and languages in the world meets the impenetrable jargon of a foreign, settler code of law. Gray extends the work on Aboriginal languages and the law by Eades (2004), Cooke (1996), Gibbons (2014) and others to become our on-the-ground correspondent from that extraordinary front line of linguistic exploration and cultural negotiation.

Section II, dealing with forensic linguistic analysis, expert opinions and case work, does not divide quite so easily into subsections as Section I. Although there are the expected contributions relating to the key categories of voice analysis, by Jessen, Watt and Brown, and Fraser (on transcription), authorship analysis, by Coulthard, McMenamin, Grant, Sousa-Silva and Woolls, and trademark disputes, by Butters and Dumas, the latter two chapters plus an opening chapter on expert linguistic witnesses and adversarial courts by Solan are included with the speech analysis chapters in section 2.1 *Expert and process*. As a subdivision of the expert witness field, this feels somewhat contrived, but there is no doubt as to the value of each of these chapters regardless of their position in the book's structure. Moreover, the expected 'expert witness' topics described above are augmented by chapters on interpreting and multilingualism by English, Hale, and Kredens, Monteoliva and Morris in section 2.2, *Multilingualism in legal contexts*. These analyses, of language proficiency, court interpreting and law enforcement interpreting respectively, represent a growing area of interest in academia more broadly, and forensic linguistics particularly, as language rights and migration combine to pressure institutions away from entrenched monolingualism. One of the most prominent examples of this change is in South Africa, and the omission of a South African perspective on this topic is surprising here, especially given the increased participation of African delegates in forensic linguistics conferences in recent years. This point will be addressed more fully below. Regardless, in Section II, readers will find a wealth of experience from a range of forensic contexts, and it is a reminder that a volume such as this provides a valuable resource for newcomers of first-hand knowledge about preparing and delivering courtroom testimony.

The final of the three main sections presents an array of new applications of forensic linguistic analysis and is, for this reviewer, perhaps the most exciting aspect of this volume. Established topics covered in the previous two sections are of course a valuable resource for everyone in the field, but for those of us who have been researching in forensic linguistics for several decades, Section III reminds us that there are still new avenues to explore and will doubtless inspire upcoming doctoral researchers. Importantly, the chapters in this section demonstrate the new collaborations that are being established between linguists and other academic disciplines that engage with language in a justice setting. While forensic linguists have a long history of engagement with judges and lawyers — though still not as much influence on legal training as many would like — and some of us have worked directly with police, there are few linguists engaging with literature on prisons, crisis negotiations or online abuse, all of which are topics of

intense interest in criminology and justice studies. In this section, we are presented with new work in each of these areas including Archer and Todd on police crisis negotiation, Gales on discourse of corrections and parole and Hardaker on internet trolling. Additionally, the chapter on investigative linguistics by Grieve and Woodfield provides an overview of the range of ways in which linguists can contribute to police investigations beyond the expert testimony described in Section II. The two chapters on corpus analysis for forensic and legal linguistics by Wright and Gries are another indication of the new directions in which linguistics is moving – big data and online language sources. These are exciting and much-needed developments and well-represented in these six chapters, with a seventh summary chapter from the editors providing their vision of a future state – ‘a utopian future’ – where forensic linguistic research findings contribute to the establishment of universal language rights in the administration of justice.

When delving into the fascinating micro-level analysis of language represented by many of the chapters in this volume, it can become a little hard to see the wood for the trees: has linguistics contributed to improvements in the administration of justice as a whole? The summary from the editors, Coulthard, May and Sousa-Silva, provides clear instances of progress, and this is important and helpful for readers. As they point out, we have indeed seen improvements in the way that courts understand linguistic evidence, more accessible and better trained interpreters, increased use of digital recording of interviews by police and recognition of the disenfranchisement of a great many people before the law simply because of its use of archaic and complex language. But of course, we still have a long way to go in many parts of the world, and in many parts of those justice systems where some progress has already been made. A third volume, already anticipated by the authors, needs to extend the consideration of forensic linguistic research further into the global South, to make greater efforts to engage with intersections of culture and justice such as in countries where customary law, religious law and non-adversarial systems create entirely different interactional contexts from evidence gathering to sentencing. Although a few chapters and authors in this volume bring diverse perspectives, the collection is still heavily dominated by research into the English and American legal systems.

Further diversity of the subject matter and broadening the scope of this Handbook will bring its own challenges though. The final remarks of the editors point to this challenge of diversity for a volume such as this. As a collection of individual research papers and case reports from 53 authors, the reader is presented with an encyclopaedic coverage of the field. Each chapter presents a unique research or analytical endeavour, with its own conceptual framing, methodology and analytical tools. Ideological positions are not prominently discussed and there are varying levels of critical self-reflection across the contributions. It is always challenging for such a collection to address the question of cohesion in these aspects of each contribution, but at a time when social science and humanities scholars are moving away from positivist, a-critical presentations of research findings, perhaps a future third edition of this book will take a stronger editorial stance on critical evaluation of the role of the linguist in institutions of justice that can be oppressive and structurally inequitable. Movements to decolonise justice or ‘defund the police’ have focused heavily on the exclusionary or prejudiced language of state institutions, and the academic engagement with these movements deserves greater attention from our field. This new edition of the Handbook has brought us new methods, new ap-

plications and new ways of thinking about established research in forensic linguistics. It is exciting to imagine where this will take us next.

## References

- Ainsworth, J. E. (1993). In a different register: The pragmatics of powerlessness in police interrogation. *The Yale Law Journal*, 103(2), 259–322.
- Cooke, M. (1996). A different story: narrative versus 'question and answer' in aboriginal evidence. *International Journal of Speech Language and the Law*, 3(2), 273–288.
- Eades, D. (2004). Understanding aboriginal english in the legal system: A critical sociolinguistics approach. *Applied linguistics*, 25(4), 491–512.
- Gibbons, J. P. (2014). *Language and the Law*. London & New York: Routledge.
- Shuy, R. W. (2017). *Deceptive ambiguity by police and prosecutors*. Oxford: Oxford University Press.