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11th



Biennial Conference on Forensic Linguistics/Language *and Law*

Universidad Nacional Autónoma de México

24th – 27th June, 2013

Biennial
Conference
on Forensic
Linguistics/Language
and Law



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Welcome

The Language Engineering Group (GIL) at Universidad Nacional Autónoma de México (UNAM) has the honor of hosting the 11th Biennial IAFL Conference on Forensic Linguistics/Language and Law. The conference will take place at the Engineering Tower of the Engineering Institute from 24th to 27th of June. We are pleased to welcome you all to our University and to our country.



M. Teresa Turell



The 11th Biennial IAFL Conference on Forensic Linguistics/Language and Law will be held in honor of Maite Teresa Turell, who always worked for the development of the forensic linguistics field.

Professor Turell taught quantitative sociolinguistics and forensic linguistics at the department of Translation and Linguistic Sciences (Universitat Pompeu Fabra (UPF), Barcelona, Spain). She was the head of the Language Variation Unit at the UPF Institute of Applied Linguistics (IULA). She was the director of ForensicLab and the academic director of the first Master's degree in Forensic Linguistics taught in Spanish. M. Teresa Turell edited several collected works such as *Dimensions of Forensic Linguistics* (John Benjamins), co-edited with John Gibbons. She was the last president of the International Association of Forensic Linguists.

Plenary Speakers



José Ramón Cossío Díaz

Minister José Ramón Cossío has a PhD in Law by the Complutense University of Madrid. He has published several articles and more than 20 books. He was Head of the Department of Law at ITAM for 9 years and Professor of Constitutional Law and Theory of Law at the same institution. Is member of the Mexican Academy of Sciences, the American Law Institute, the Mexican Bar, the Lawyers College, the Science Advisory Board, and the National Institute of Genomic Medicine Board. He has received several awards and recognitions, among them: the National Research (1998) in the Social Sciences field, the National Sciences and Arts (2009) in History, Social Sciences and Philosophy field. Minister Cossío is a "Distinguished Jurist in Residence" at the law Centre of the University of Houston. He currently serves as Minister of the Supreme Court of Justice of the Nation, Professor of Constitutional Law at ITAM, coeditor of the section "Health and Law" Medical Gazette Mexico and columnist in the newspaper "El Universal".



Edward Finegan

Professor Edward Finegan researches discourse analysis, language in law, and language variation and change. Also, Professor Finegan teaches Law Skills at the University of Southern California. His current research projects include investigations of ethical practices in forensic consulting. He is the author of *Language: Its Structure and Use*, and several other books and articles. He completed post-doctoral work at Harvard Law School, where he was a Liberal Arts Research Fellow concentrating on law and linguistics. In addition, he works as a linguistics consultant in legal cases and as a forensic linguist.



Peter Gray

Peter Gray served for 29 years as a Judge of the Federal Court of Australia. He has also held office as a Judge of the Industrial Relations Court of Australia, a Deputy President of the Administrative Appeals Tribunal, a Deputy President of the National Native Title Tribunal, and Aboriginal Land Commissioner. His long experience of courts and tribunals, and his work among Australian Aboriginal people have given him a deep interest in issues of communication in the legal system, including cross-cultural communication. This interest has led him to forensic linguistics and to membership of the IAFL and of its Executive, on which he has held office since 2007.





Diego Valadés

Professor Valadés has a bachelor in Law by the Classic University of Lisbon and by the School of Law at UNAM. His PhD was also in Law by the Complutense University of Madrid.

He has held public charges such as General Attorney from the federal district, attorney general's office and Minister of the Supreme Court of the Nation. From 1998 to 2006 he was the head of the Legal Research Institute at UNAM. In 2004 become part of the Academia Mexicana de la Lengua (Mexican Academy of Language) with the speech named: *La lengua del derecho y el derecho de la lengua (The language of Law and the rights of language)*.



Georganne Weller

Professor Weller has a master in Sociolinguistics and a PhD in Applied Linguistics. Her research is in translation (English, Spanish and Portuguese) and also in preservation and displacement of

indigenous languages, policy of language, bilingualism, interpretation and translation. She has several courses and publications in these areas. She is a member of the Mexican organization of translators, among other organizations. She is a certified translator by the US court.

Program

Monday, 24th June		
	9:00 - 11:30 Optional visit to the Supreme Court of Justice of the Nation (meeting to departure: Engineering Tower)	
9:00 - 18:00	Conference Registration (Engineering Tower)	
12:30 - 13:30 Auditorio	Opening Ceremony	
13:30 - 14:30 Sala de exposiciones	Lunch	
Room	Norte 3 y 4	Norte 2
Topic	Translation and Court Interpreting Chair: Darinka Mangino	Police Interview and Public Legal Education Discourse Chair: Nicci MacLeod
14:30 - 15:00	Monwabisi Ralarala. "Transpreters' translation of complainants' narratives as evidence: Whose version goes to court?"	Guusje Jol and Fleur van der Houwen. "Dealing with «I don't know» answers in police interviews with children"
15:00 - 15:30	Eva Ng. "Power and control in interpreter-mediated trials"	Chuanyou Yuan and Dongmei Chen. "(Micro-) Blogging and Multimodality in Public Legal Education Discourse in China"
15:30 - 16:00	Ann Wennerstrom. "A forensic methodology to detect the pretense of low language proficiency"	Jennifer Glougie. "The Multifunctionality of Discourse Markers in Police Interviews; the case of «actually»"
16:00 - 16:30	Coffee Break	
16:30 - 17:30 Auditorio	Plenary: Diego Valadés	
17:30 - 18:00 Sala de exposiciones	Poster exhibition	



Tuesday, 25th June

9:00 - 10:00 Auditorio	Plenary: Peter Gray		
10:00 -10:30	Coffee Break		
Room	Norte 3 y 4	Norte 2	Norte 1
Topic	Legal Language and Language Policy Chair: Juan Rolland	Courtroom Discourse Chair: Dayane Almeida	Authorship Analysis and Textual Similarity Chair: Alfonso Medina
10:30 -11:00	Bethany Dumas. "Jurors as Non-native Speakers of Legalese"	Janny Leung. "As good as it gets? Unrepresented litigant and courtroom dynamics: a case study"	Juan-Manuel Torres Moreno and Gerardo Sierra. "Textual similarity detection based on Textual Energy"
11:00 -11:30	Margaret van Naerssen. "Convincing Judges of Validity of Socio-cultural Issues in Linguistic Analyses"	Mel Greenlee. "Contradictions, context and capital voir dire"	Patrick Juola "A Critical Analysis of the Ceglia/Zuckerberg Email Authorship Study"
11:30 -12:00	Azirah Hashim and Richard Powell. "Language Policy and Practice: Civil and Syariah Law Courts in Malaysia"	Li Li and Zhao Hongfang. "Discursive Features of the Less Powerful in Courtroom Trials in China"	
12:00 -12:30	Coffee Break		



Room	Norte 3 y 4	Norte 2	
Topic	Trademark Chair: Teresita Reyes	Sociolinguistics and Author Profiling Chair: Gerardo Sierra	
12:30 -13:00	Ronald Butters. “Likelihood of linguistic confusion of Trademarks in Two US Language Communities: The Case of CASIQUE versus CASICA”	Fernanda López-Escobedo, Alfonso Medina-Urrea, Ariana Paz. “Affix analysis as a marker for authorship attribution”	
13:00 -13:30	Sandra Ferrari Disner. “Sound analysis of trademarks”	Dayane Almeida. “Sociolinguistic Profiling in Brazilian Portuguese”	
13:30 -14:30 Sala de exposiciones	Lunch		
Room	Norte 3 y 4	Norte 2	Norte 1
Topic	Authorship Analysis and Author Profiling Chair: Andrea Nini	Courtroom Discourse and Court Interpreting Chair: Eva Ng	Legal Language Chair: Bethany Dumas
14:30 -15:00	Gerardo Sierra, Fernanda López, Carlos Méndez, Julián Solórzano and Eduardo Méndez. “Exploring stylometric measures for authorship attribution”	Kong Wo Tang. “How the discourse and role played by the Members of the Migration Review Tribunal form the basis of appeal in the courts of Australia”	Diana Yankova. “On the diverse national and international regimes of legal English”
15:00 -15:30	Sheila Queralt Estévez and Maria Teresa Turell Julià. “The implementation of advanced statistical techniques (frequentist and bayesian) in written Spanish”	Patrick Juola “An Information-Theoretic Reevaluation of the Complexity of US Supreme Court Decisions”	Qing Zhang. “On the Language Used in Chinese Criminal Defenses”



15:30 -16:00	Tim Grant and Nicci MacLeod. “Providing analysis and training for linguistic identity disguise”	Youping Xu. “The Performance and Dynamic Change of Judges’ Dual Roles in Court Conciliation of Chinese Civil Cases”	Margarita Palacios. “Discourse Topics in Forensic Texts: proposals”
16:00 -16:30	Coffee Break		
16:30 -17:30	IAFL Business Meeting		
Norte 3 y 4			

Wednesday, 26th June

9:00 - 10:00 Auditorio	Plenary: Edward Finegan	
10:00 - 10:30	Coffee Break	
Room	Norte 3 y 4	Norte 2
Topic	Legal Language Chair: Margarita Palacios	Forensic Phonetics Chair: Javier Cuétara
10:30 - 11:00	Terrence R Carney. “Primates as metaphors: a consideration of the word «baboon» in the hate speech case Herselman v Geleba”	Maria Gargaglione, Monica Azzariti and Eline Coqueijo. “Case studies from MPRJ (District Attorney’s Office of Rio de Janeiro/Brazil): the disguise and automatic speaker recognition (ASR)”
11:00 - 11:30	Susan Berk-Seligson. “«How do you know when someone is a member of a youth gang?»: The linguistic construction of gang membership in Guatemala”	Jorge Sommerhoff and Claudia Rosas “Forensic implications of the correlation between STI and subjective intelligibility test for Spanish”
11:30 - 12:00	Eliseu Mabasso. “Official language, written and customary laws in Mozambican Police Stations”	
12:00 - 12:30	Coffee Break	

Room	Norte 3 y 4	Norte 2
Topic	Author Profiling and Online Identities Chair: Sheila Queralt	Courtroom Discourse Chair: Margaret van Naerssen
12:30 - 13:00	Nicci MacLeod and Tim Grant. «I hope I don't come across as really pushy»: creating and negotiating online identities in cases of child grooming and people trafficking”	Susan Ehrlich. “The Strategic Animation of Race in Courtroom Discourse”
13:00 - 13:30	Andrea Nini. “Authorship profiling as a diagnostic process	Christian Licoppe, Maud Verdier and Laurence Dumoulin. “Interacting in the courtroom through a video link: Courtroom”
13:30 - 14:30 Sala de exposiciones	Lunch	
Room	Norte 3 y 4	Norte 2
Topic	Legal Language Chair: Edward Finegan	Forensic Phonetics Chair: Fernanda López
14:30 - 15:00	Brian Slocum. “Pragmatics and Ordinary Meaning”	Claudia Rosas, Jorge Sommerhoff, César Sáez, José Novoa and Felipe Farías. “Characterization of the recorded audios of cases that entered the chilean investigation police -PDI- 2006–2010”
15:00 - 15:30	Alan Durant. “The interaction between ordinary and technical language in the functioning of law”	Saman Susanto. “Synchronic Stability Vowel System: A proposal for forensic speaker identification in Bahasa Indonesia”
15:30 - 16:00	Anita Soboleva. “Legal definitions as a means to overcome polysemy in legal discourse”	
16:00 - 16:30	Coffee Break	
16:30 - 17:30 Auditorio	Plenary: José Ramón Cossío	
18:00	Coaches depart for Conference Dinner	
20:00 - 23:00	Conference Dinner	



Thursday, 27th June

9:00 - 10:00 Auditorio	Plenary: Georganne Weller
10:00 - 10:30	Coffee Break
10:30 - 14:00 Auditorio	Colloquium: Making Linguistics Relevant to the Law. Moderator: Diana Eades
	Janet Ainsworth. "Training Lawyers How to Make Linguistics Relevant to Law" Diana Eades. "Communication eccentricities, to put it neutrally": Making Sociolinguistic Research about Aboriginal English Relevant to the Law Sandra Hale. "Approaching the Bench: bridging the linguistic gap between interpreters and the judiciary" Georgina Heydon and Andy Griffiths "Topic management in police interviewing: a change for the better?" Mami Hiraike Okawara and Kazuhiko Higuchi. "For a Good Future of Forensic Linguistics in Japan" Commentators: Bethany Dumas and Justice Peter Gray
14:00 - 15:00 Sala de exposiciones	Lunch



Poster exhibition

- **Valda De Oliveira Fagundes.** "Far beyond the vestiges of the memory: to whom does this field belong?"
- **Elia Sánchez.** "A linguistic approach to drafting legislation in Mexico"

Schedule transportation Conference venue- Radisson/Royal Hotels

	From Radisson and Royal hotels to Conference venue	From Conference venue to Radisson and Royal Hotels
Monday 24 th	8:15 – 8:30	18:00
Tuesday 25 th	8:15 – 8:30	18:00
Wednesday 26 th	8:15 – 8:30	18:00
Thursday 27 th	8:15 – 8:30	15:00



Taxco visit

Itinerary:

Friday, 28th June

Time	Activity
07:00	Depart to Taxco from Engineering Tower
07:20	Depart to Taxco from Royal Hotel
07:30	Depart to Taxco from Radisson Hotel
10:30	Visit to La Hacienda El Chorrillo
11:00	Snack at La Hacienda El Chorrillo
11:30	Cable car to Monte Taxco and skyviews of Taxco
12:30	Visit to Santa Prisca church
13:00	Free time to visit Taxco, buy silver jewelry and eat at one of its restaurants
16:00	Return to Mexico City
19:00	Arrive to Torre de Ingeniería
19:20	Arrive to Royal Hotel
19:30	Arrive to Radisson Hotel

Taxco is worldwide famous because of its silver mining and jewelry crafting. This reputation, along with the surrounding landscapes, makes TAXCO the magic town it is. Don't lose this opportunity and embrace TAXCO'S beauty.



Hacienda El Chorrillo

On the north side of Taxco is one of the major colonial silver period haciendas, called Hacienda de El Chorrillo. The hacienda was constructed by soldiers of Hernán Cortés and is one of the oldest in the region. It was built to take advantage of the area's abundant water supply to extract silver from ore. The aqueduct was built in 1534, and part of it is still preserved. During the colonial period, this hacienda passed through a number of hands, including those of the Almeida-Carbajal and Ruiz de Alarcón families. In the early 20th century an American, William Spratling, bought it. In the 1980s it was acquired by the State of Guerrero, who converted it in to the Center of Fine Arts of the Institute of Culture of Guerrero. In 1992, the state leased the property to UNAM to create the Centro de Estudios para Extranjeros (Learning Center for Foreigners) and a campus of the Fine Arts School of UNAM.



Monte Taxco hotel

Take the cable car to get up to the mountainside hotel, which offers great views of Taxco.

Capturing the colonial essence of Taxco, and its surroundings, Monte Taxco Hotel stands out for being a 5 stars hotel ideal for business and leisure travelers alike. Inaugurated in 1974 and



remodeled on three different occasions, Monte Taxco is a true jewel amongst Taxco Hotels.



Santa Prisca's Church

Santa Prisca's Church was built following the discovery of a mine of silver on the property of José de la Borda. He was so thankful for the discovery on his land that he commissioned the construction of the church, which lasted from 1751 to 1758. Santa Prisca was designed in a highly ornate style of Mexican baroque architecture known as Churrigueresque. The glorification of martyrdom was adopted as the central subject for its altarpieces and paintings. Several well-known Mexican artists contributed to the church's interior decoration, including Cayetan de Siguenza, Isidoro Vincente de Balbas, Joseph de Alba, and the prolific Miguel Cabrera.



Practical information

Mexico City's weather

Mexico City is located on Mexico's high central plateau and because of the high altitude (over 7000 feet) the city enjoys a relatively mild climate all year. Summer and winter are generally mild. The evenings can get cool enough for a jacket all year long. Afternoon rains come during the summer months, June to September. October to May are the driest months and February to May are the warmest months. The maximum temperature in June is 24°C and there is a minimum of 12°C.

Currency

The peso (sign: \$; code: MXN) is the currency of Mexico. There are plenty of money exchange locals at the International Airport of Mexico City "Benito Juárez". In some touristic establishments dollars and euros are accepted.



Public transportation

You can use either subway or metrobús to go around the city. The Biennial Conference venue is located in Copilco subway stop line 3 and in Ciudad Universitaria (C.U.) stop of metrobús line 1.

If you want to go to down town you can take subway line 2 (blue) to Zócalo stop.

Radisson and Royal Hotels are located near Perisur stop of metrobús line 1 (red).



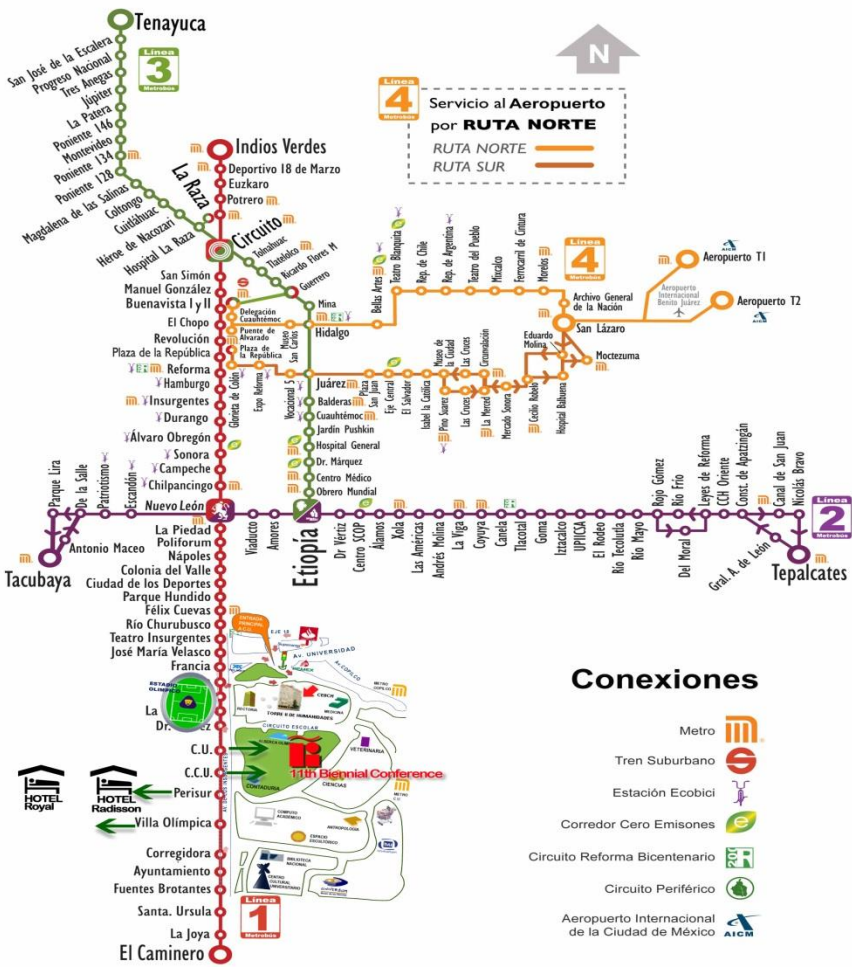


Figure 1. Metrobús

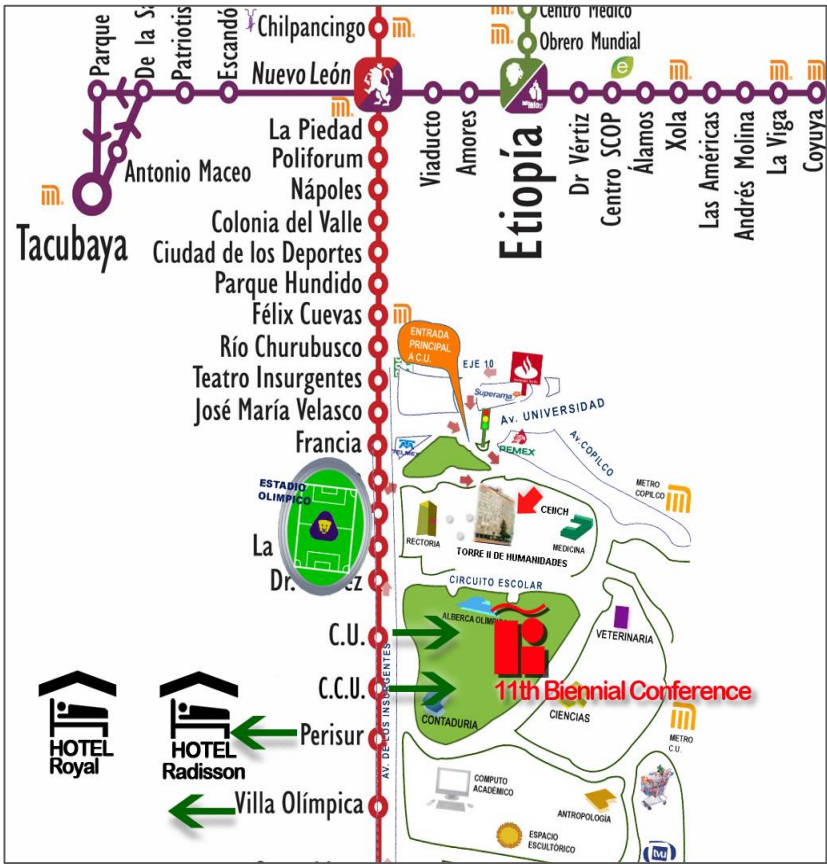


Figure 2. Metrobús close-up

SISTEMA DE TRANSPORTE COLECTIVO

Red del Metro

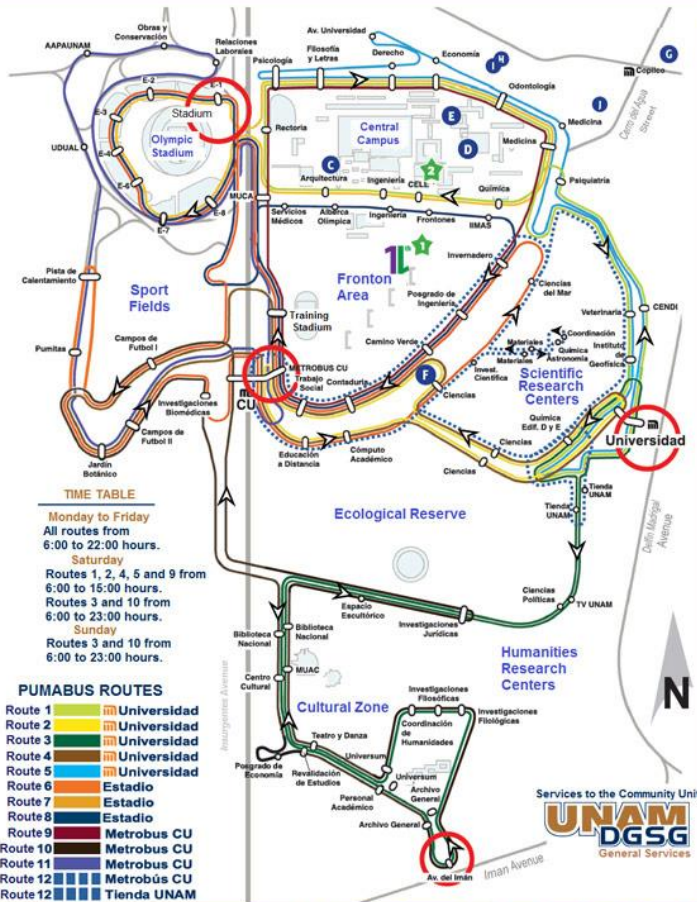


Figure 3. Subway



Figure 4. Subway close-up

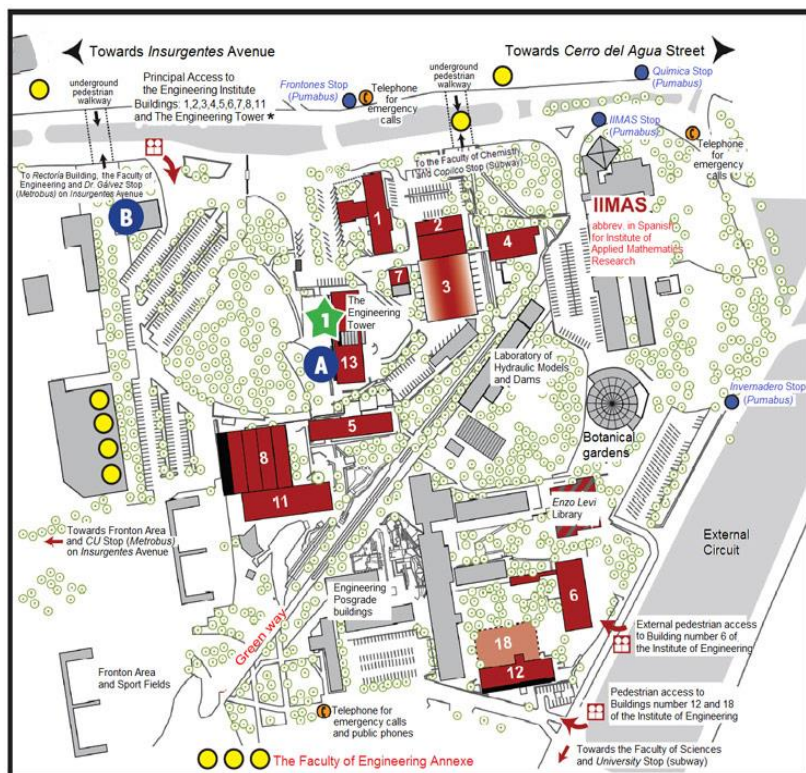
INTERNAL TRANSPORT ROUTES



- C** Faculty of Architecture Cafeteria \$\$
- D** Industrial Design Building Cafeteria \$\$
- E** Faculty of Economics Cafeteria \$
- F** Faculty of Engineering Annex Cafeteria \$
- G** Burger King \$\$
- H** La Maclovía and El Allende Restaurants \$\$\$
- I** Papalotl Cafeteria \$
- J** Monte Kailas Vegetarian Cafeteria \$

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Figure 5. Internal transport routes



1st Biennial Conference
on Forensic
Linguistics/Language
and Law.

- 1. Engineering Tower
- 2. School of Engineering

A 'Azul y Oro' Restaurant \$\$\$

B 'Cibarium' Restaurant \$

● Fast food and grocery stores
(fruit, cookies, drinks,
candies) \$

\$\$\$ > \$200.00

\$200.00 > \$\$ > \$100.00

\$ > \$100.00

Figure 6. Location of the Conference venue

Transportation inside the campus

Around the campus the internal transportation is free. There are several lines and you can find maps in all bus stops. The Biennial Conference venue is located in Frontones stop of line 8. From lines 1 and 7 arrive to CELE stop and cross the street.

Where to eat or take a coffee?

All meals and coffee breaks are included in the Conference, however there is an Azul y Oro restaurant inside the Engineering Tower where you can eat or take a coffee.



Tourist attractions in Mexico

- Visit Mexico: <http://www.visitmexico.com/en-us>
- Museums at UNAM
- Science Museum UNIVERSUM www.universum.unam.mx
- Museum of Contemporary Art MUAC www.muac.unam.mx
- University Museum of Sciences and Arts MUCA www.muca.unam.mx

Museums in Mexico City

- Museum of National History <http://www.inah.gob.mx/index.php/especiales/203-museo-nacional-de-historia-castillo-de-chapultepec>
- Soumaya Museum <http://www.soumaya.com.mx>
- National Museum of Art www.munal.com.mx
- Modern Art Museum www.mam.org.mx
- Dolores Olmedo's Museum www.museodoloresolmedo.org.mx
- Frida Kahlo's Museum <http://www.fkahlo.com>
- Diego Rivera's Museum www.anahuacallimuseo.org.mx
- León Trotsky's House Museum www.museocasadeleontrotsky.blogspot.com
- National Museum of Popular Cultures <http://museoculturaspopulares.gob.mx/>
- National Museum of Anthropology <http://www.mna.inah.gob.mx>



- Templo Mayor Museum
<http://www.gobiernodigital.inah.gob.mx/mener/index.php?id=32>

Skyviews and other attractions

- Monument of the Revolution
- Angel of Independence Monument
- Latino Tower
- Bellas Artes Palace
- Army Museum
- Xochimilco

Tourist attractions near the city

- Archeological zone Teotihuacán
<http://www.teotihuacan.gob.mx/index.asp>
- Tepoztlán (Morelos state)



Abstracts

Björn M. Dahl
Confere
On Forensic
Linguistics/Language
and Law.



Transpreters' Translation of Complainants' Narratives as Evidence: Whose Version Goes to Court?

Monwabisi Ralarala

Cape Peninsula University of Technology

Law is made possible by language. Crime is part and parcel of the human condition, and as such communication constitutes a fundamental part of the criminal process (Waterhouse, 2009). An encounter with officers at local police stations in South Africa, with the intention to lay charges is a classic example of a language event that connects language, law and crime. This is one of the fundamental components of the administration of criminal justice that initiates the court process and it is made possible by translated sworn statements, taken from members of the public (from mostly African languages into English, and in some cases Afrikaans), and culminating in court as evidence for proceedings. This important aspect of the law is often underestimated and regarded as a simple and straightforward task, yet the actual translation of police sworn statements as a reconstruction of the complainants' oral narrative has far-reaching consequences and serious implications when involving witnesses that come from different cultural and linguistic backgrounds, not only for the complainant and the perpetrator but also for law enforcement personnel or police officers (*transpreters*) who might find it harder or close to impossible to gather evidence as a result of language barriers. Existing data show some differences and inconsistencies in relation to the oral narratives (in isiXhosa) and translated versions (presented in English). Such statements are supposed to be written down as far as possible in the suspect's (complainant's) own words but they tend to be the



police officers' written versions of what was initially said during the interview (Komter, 2002).

This paper draws from an ongoing research in which 20 voice-recorded and 20 textual translation episodes of sworn statements are used as units of analysis. Through borrowing from Goffman's (1981) concepts of principal, author and animator, and Dollerup's (1999; 2003) model of textual analysis, this paper aims, firstly, to briefly discuss the manner in which sworn statements are recorded. This will be dealt with through examining texts from three selected sworn statements, taking into account oral versus official written narratives. Secondly, the paper will also attempt to ascertain the extent to which the system of *transpreted* (translated/interpreted) sworn statements represents the complainants' own words. Thirdly and finally, the paper will explore what implications this type of language event has for the notion of access to justice in South Africa.

References

- Dollerup, C. 1999. *Tales and Translation: The Grimm Tales from Pan Germanic narratives to shared international fairytales*. Amsterdam: John Benjamin Publishing Company.
- Dollerup, C. 2003. "Translation for Reading Aloud", in *Meta*, 48 (1-2). pp. 81-103.
- Komter, M. 2002. "The suspect's own words: the treatment of written statements in Dutch courtroom", in *Forensic Linguistics*, 9 (2). pp. 168-187.
- Waterhouse, K. 2009. "Interpreting Criminal Justice: A preliminary look at language, law and crime in Ireland", in *Judicial Studies Institute Journal*, 2. pp. 42-75.



Power and Control in Interpreter-mediated Trials

Eva Ng^{1, 2}

¹The University of Hong Kong

²Aston University

A trial in the adversarial common law courtroom is notably marked by the power asymmetry, with counsel as questioners enjoying the institutionalised power and control over lay participants as answerers (Atkinson and Drew, 1979; Cotterill, 2003; Gibbons, 2008; Harris, 1984; Walker, 1987; Woodbury, 1984). In an interpreter-mediated trial, however, counsel may lose control over witnesses to an interpreter who assumes an active participant role in interrupting and negotiating meanings with the interlocutors (Hale, 2001), especially in one where the interpreter is the only bilingual, who then becomes “a power figure, exercising power as a result of monopolization of the means of communication” (Anderson, 2002: 214). On the other hand, in an encounter where the interpreter is but one of the bilinguals, the interpreter’s monopolistic power disappears (ibid).

This study draws on the findings of a research project which examines the interactional dynamics in interpreter-mediated trials in Hong Kong courtrooms and explores their implications for the administration of justice, using 9 interpreter-mediated trials totaling 111 hours of audio recordings. With Goffman’s (1981) participation framework and Bell’s (1984) model of audience design as a point of reference, this study compares the roles of participants in two different court scenarios, one with the interpreter working with monolingual primary participants and the other with legal professionals who share the interpreter’s bilingual knowledge. The findings reveal that the interpreter working with monolingual participants assumes more latitude in interrupting and negotiating meanings with



the witnesses thus changing her own participant role and casting herself in a more powerful position. The interpreter working with bilingual counsel however sees her power reduced by counsel, who take on not only the roles of speakers (questioners) and addressees of witnesses' interpreted evidence, but also of overhearers or eavesdroppers of the witnesses' answers in the source language and of the interpreted questions. It is therefore suggested that the power of a participant and thus his/her control over a triadic exchange is realised not only in the role(s) s/he is capable of playing, but also in the participant roles of the co-present court actors. Following Bell's notion of audience design, it could also be argued that the interpreter's normative or deviant behaviour is a response to the participant roles in court.

References

- Anderson, R. B. 2002. "Perspectives on the role of interpreter". In F. Pöchhacker and M. Shlesinger (eds.), *The Interpreting Studies Reader*. London; New York: Routledge.
- Atkinson, J. M., and P. Drew. 1979. *Order in Court: The Organisation of Verbal Interaction in Judicial Settings*. Atlantic Highlands, N.J.: Humanities Press.
- Bell, A. 1984. "Language style as audience design". In *Language in Society* 13(2), pp. 145-204.
- Cotterill, J. 2003. *Language and Power in Court*. New York: Palgrave Macmillan.
- Gibbons, J. 2008. Questioning in common law criminal courts. In J. Gibbons and M. T. Turell (eds.), *Dimensions of Forensic Linguistics*. Amsterdam; Philadelphia, PA: John Benjamins Pub. Co. pp. 115-130.
- Goffman, E. 1981. *Forms of Talk*. Oxford: Blackwell.
- Hale, S. 2001. "'Excuse me, the interpreter wants to speak'—Interpreter interruptions in the courtroom: why do interpreters interrupt and what are the



consequences?" Paper presented at the *Critical Link 3, Interpreting in the Community: The Complexity of the Profession*, Montreal.

Harris, S. 1984. "Questions as a mode of control in magistrates' courts". In *International Journal of the Sociology of Language*, 49, pp. 5-27.

Walker, A. G. 1987. "Linguistic manipulation, power and the legal setting". In L. Kedar (ed.), *Power Through Discourse*. Norwood, N.J.: Ablex Pub. Corp. pp. 57-80.

Woodbury, H. 1984. "The strategic use of questions in court". In *Semiotica*, 48(3-4), pp. 197-228.

A Forensic Methodology to Detect the Pretense of Low Language Proficiency

Ann Wennerstrom

Law Office of Ann Wennerstrom

Although the law in many countries requires interpretation and translation in legal settings for those with limited language proficiency, these services are not always provided. Appeals or mistrials may be based on lack of comprehension, and a forensic linguist may be charged with assessing the proficiency of the defendant or litigant. Yet, the obvious incentive in such assessments is for the test-taker to feign a lower level of proficiency than the actual one to show that he could not have understood his rights (or other aspects of law or procedure). This poses a complex problem for the linguist in designing an accurate assessment measure that can detect faking. Meanwhile, the current (voluminous) literature on second language assessment has virtually nothing to say on this question because the assumption is that test-takers will attempt to do well in typical ESL gatekeeping settings.

This presentation reports on a case study of an assessment measure that addresses faking. The hypothesis is that a linguist can detect faking by



eliciting extended samples of spontaneous speech and conducting a careful “error analysis” (Gass and Selinker, 2008) to look for inconsistencies in linguistic structure. Because language learners’ speech is “rule-governed” and because rules become automatic (Ellis, 1999), a proficient speaker who attempts to fake a low level is likely to inadvertently reveal more sophisticated patterns.

Highly proficient speakers of English from different language backgrounds were given extended speech elicitation tasks, requiring them to describe a set of pictures and tell a story in two circumstances: first, speaking their normal English, and second, faking a lower level of proficiency. The speech was recorded and transcribed, and an error analysis was conducted to compare the two samples for each person. Participants were interviewed after the study about their experience. The study reveals that it is indeed difficult to maintain a false low proficiency for an extended period of time. This study provides a starting point for a larger empirical study, suggesting parameters to include in assessment measures as well as in future research.

References

- Gass S. and L. Selinker. 2008. *Second Language Acquisition: An Introductory Course* (3rd Edition). New York: Routledge/Taylor Francis.



Dealing with 'I don't know' answers in police interviews with children

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Children have long been considered to be 'dangerous witnesses'. The main reason for this is that it would be relatively easy to influence a child's testimony. Children, for example, are used to school situations in which teachers ask questions to which there is a 'right answer' and it is the child's task to provide this answer (e.g. Gibbons, 2003). If children transfer this 'knowledge' about questions to police interviews, this can lead to unreliable information. In order to minimize this risk, Dutch police officers who interview children get training and there is a manual which gives instructions.

An important instruction in this manual is that police officers instruct child witnesses to answer 'I don't know', if they cannot answer a question. At the same time, the manual sets a possibly conflicting restriction: ideally the child is interviewed only once. The reason for this restriction is that the interview itself can transform the child's memory. The first interview should therefore give the least 'contaminated' version of the events that are investigated. This also means that this one interview should provide as many 'facts' and details as possible. From this perspective, 'I don't know'-answers are not particularly helpful.

Based on a conversation analysis of seven Dutch police interviews with child witnesses, we discuss how police officers deal with these conflicting instructions and how they treat 'I don't know' answers. The analyses show – despite the fact that the child was instructed to answer 'I don't know' if s/he cannot answer – how police officers tend to treat 'I don't know' as problematic and not sufficient. By doing so, police



interviewers react in a way that is critical or decidedly institutional, and that emphasizes the institutional task of collecting information. This analysis contributes to the knowledge about interviewing child witnesses, and about police interrogation in general.

References

Gibbons, J. 2003. "Language and Disadvantage before the Law". In J. Gibbons (ed.), *Forensic Linguistics: an introduction to language in the justice system*. Oxford: Blackwell. pp. 200-227.

(Micro-)Blogging and Multimodality in Public Legal Education Discourse in China

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This paper is a multimodal analysis of the public legal education discourse (PLED for short) in new media. To be more specific, it studies multimodality in the discourse of the newly-emerged Police *Weibo* (micro-blogs) and Lawyer's blogs in China. PLED, in essence, is part and parcel of legal discourse, and falls within the research scope of forensic linguistics or more broadly, the study of language and the law.

Public legal education, administered by the Ministry of Justice in China, is a high-status legal institution running in parallel with legislation, judiciary, and the law enforcement, shouldering the responsibilities for disseminating to the general public the laws and relevant legal information, promoting legal justice, and enhancing the conception of 'rule of law'. However, in actual reality, its status is often undermined and its functions are less effective than expected. This is partly due to its traditional



monomedia and monomodal discourse in the forms of leaflets, pamphlets, posters, and bulletin boards which relies overly on paper media and verbal language.

With the rapid development of Internet and its technology, new media such as blogging and micro-blogging are becoming increasingly popular not just among the general public but also in the circle of legal practitioners including the police and lawyers. They deploy multiple modes and modalities inclusive of but not limited to language in their blogs and micro-blogs to disseminate legal information and to popularize the concept of 'rule of law' to the general public.

This paper selects a series of police *weibo* and lawyer's *weibo* and/or blogs, describes the multimodality in their bloggings, and analyzes the relationships between language and other modalities in making meanings in this particular type of discourse. More specifically, this paper takes as its data for analysis some animated cartoons on anti-fraud campaign (a sub-genre of PLED) produced by the police *weibo* and multimodal (language and sarcastic cartoons) discussions on key legal concepts such as 'rule of law' and 'procedural justice' via some high-profile cases in lawyer's blogs. Preliminary findings prove that new media multimodal PLED is far more effective in terms of comprehensibility and attractiveness than the conventional monomedia and monomodal forms. The theoretical foundation is derived from the Systemic Functional Linguistic (SFL) view of language as "social semiotic" (Halliday,1978) and the descriptive tool will mainly draw on the Visual Grammar developed by Kress and van Leeuwen (1996). The analytic framework will be a hybrid combining Critical Discourse Analysis with Positive Discourse Analysis. The ultimate objective is to promote public legal education and legal justice in the final analysis via findings of effective configurations of multimodality in PLED.



这是最好的时代，这是最坏的时代
 It was the best of times, it was the worst of times.
 Charles Dickens, *A Tale of Two Cities*

Data Illustration

Traditional Police Publicity Discourse



Animated Cartoons in Police Weibo



Sarcastic Cartoons in Lawyer's Blogs



References

- Baldry, A. and Thibault, P. 2006. *Multimodal Transcription and Text Analysis*. London: Equinox.
- Bartlett, T. 2012. *Hybrid Voices and Collaborative Change: Contextualising Positive Discourse Analysis*. London: Routledge.
- Cao, D. 2004. *Chinese Law: A Language Perspective*. Ashgate.
- He, W. 2012. *In the Name of Justice: Striving for the Rule of Law in China*. Brookings.
- Kress, G. and T. Van Leeuwen. 2006. *Reading Images: the Grammar of Visual Design*. 2nd ed. London: Routledge.
- Martinec, R. 2000. *Types of process in action*. Semiotica.
- Marinec, R. and A. Salway. 2005. *A system for image and text relations in new media (4)*. Visual Communication.
- O'Halloran, K. 2004. *Multimodal Discourse Analysis: Systemic-Functional Perspectives*. London: Continuum.
- Royce, T. 2007. *Intersemiotic Complementarity: A Framework for Multimodal Discourse Analysis*. New Jersey: Lawrence Erlbaum Associate.
- Zhang, Q. 2012. *The Constitution of China: A Contextual Analysis*. Oregon: Hart Publishing.

The Multifunctionality of Discourse Markers in Police Interviews; the case of "actually"

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This paper examines the use of English discourse markers in investigative interviewing. Specifically, this work analyses how discourse markers like "actually" are used by interviewers and lay witnesses in the course of police interviews and shows that discourse markers, in addition to fulfilling the discourse functions previously discussed in the linguistics literature, function as markers of evidentiality and politeness.

The data analyzed in this study was obtained from (publically available) transcripts of police interviews conducted in the course of the investigation into the disappearance and murder of Caylee Anthony and which were conducted between July 2008 and December 2009 in the state of Florida, USA. In total, 98 witness interviews were reviewed and 641 tokens of "actually" were analyzed.

I show that "actually" is synonymous in English, fulfilling two distinct but closely related syntactic functions: an adverb and a discourse adverbial. While both the adverb "actually" and the discourse adverbial "actually" mark that the speaker has reliable evidence for the proposition to which it is attached, the discourse adverbial "actually" also marks that the proposition contrasts with some proposition developed previously in the discourse. Thus, "actually" signals that the speaker is committed to the veracity of S2, even though S2 is unexpected given, or in contrast with, S1. The proposition being contrasted, S1, may be either an overt proposition, explicitly uttered by a discourse participant, or it may be an implicature created in the course of the dialogue. Regardless of S1, "actually" signals that S2 must be true.



I further show that, by virtue of its semantics, "actually" provides information about the source and nature of the information the speaker is relying on in asserting S2; that is, actually functions as a marker of evidentiality. By using the form "actually S2", the speaker commits to the veracity of S2. As a result, "actually" cannot be used where the speaker does not have reliable evidence for S2. This is contrasted with the use of "supposedly S", which signals the speaker has only unreliable evidence for S. Moreover, I show that the categories of "reliable evidence" required to felicitate the use of "actually" include direct attested evidence and hearsay evidence, but not inference or reasoning. This is contrasted with "apparently S", which can only be used where the speaker does not have direct evidence for S.

Finally, I show that "actually" functions as a politeness marker in police interviewing discourse. The purpose of interviewing lay witnesses (i.e., those witnesses who are not victims of nor accused of any crime) is to establish the facts necessary to prove an offence. The interviewer (and not the witness) knows what type of evidence is necessary to advance the case. The witness (and not the interviewer) knows certain facts, which may provide that evidence. Thus, the discourse will involve considerable negotiation between the participants to ensure the common ground contains the most accurate information. However, despite each having their own necessary role in a police interview, there is a significant power imbalance between the discourse participants; the interviewing officers are in a position of institutional authority with respect to the witness, regardless of whether the witness is not suspected or accused of any crime. Thus, a witness may be required, for the sake of accuracy of the record, to correct or contradict the institutionally powerful interviewer; I show that using "actually" to do so is a

way of doing so while permitting the interviewer to save face.

Jurors as Non-native Speakers of Legalese

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Linguists have long understood that speakers of different dialects do not always understand each other. Speakers of non-standard dialects are often required to acquire the standard dialect. In the legal arena, lay persons, particularly jurors, do not always understand legal language, often called *legalese*, a domain-specific social dialect. Jurors lack familiarity with legal vocabulary and are unaccustomed to the lengthy, complex sentences characteristic of most legal documents. Of course they need to understand their instructions if they are to make sound decisions. U.S. jury instructions have improved greatly in recent years, but more improvement is needed. A technique that has not been explored is that of teaching jurors about the nature of legal language just as we teach speakers of nonstandard dialects rules about subject-verb agreement, double negatives, etc. This paper proposes a technique for doing that by drawing upon the experiences of instructors of native speakers of nonstandard dialects who are also well versed in legal language and also lawyers who have contributed to the improvement of jury instructions (e.g. Tiersma 2006). Here are two examples of instructions that might be given by a judge before giving the set of case instructions:

1. Vocabulary. "Definitions of some legal terms will be given, but remember that terms similar to ordinary terms may have very different meanings. For instance the word *proximate* has a very different



meaning from the word *approximate*. The first indicates causality while the latter often indicates only similarity.”

2. Sentence Patterns. “A long sentence can be confusing both because of its length and because it does not begin with the main clause. When you hear a sentence begin with these words—‘If you decide to make an award for any of these future losses, you must,’—you need to be aware that the first part of the sentence describes only the context of your decision-making process and that the portion following ‘you must’ will be your actual instruction.”

References

Tiersma, P. 2006. *Communicating with Juries: How to Draft More Understandable Jury Instructions*, National Center for State Courts, Williamsburg, VA.

Convincing Judges of Validity of Socio-cultural Issues in Linguistic Analyses.

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The underlying principle in sociolinguistics is that language is not used in isolation, but is a vehicle for communication, in socio-cultural contexts. The challenge however is convincing the judge (gatekeeper) to recognize the value of allowing socio-culturally-based testimony by linguists. Many judges see culture as a soft defense, not sufficiently grounded in a disciplined field. Also, some aspects of culture are not easily “visible” to outsiders.

A strategy is introduced using a framework of socio-cultural factors to make a socio-cultural context more “visible.” The framework is applied to three cases involving non-native English speakers.



A grid is built starting with a column for seven common features that shape socio-cultural contexts: 1) participants, 2) their relation to each other, 3) communication goals, 4) institutional/social/physical settings, 5) mode (oral, written), 6) degree of formality, and 7) time/length of communications.

Avoiding personal intuitions about specific contexts, official or accepted descriptions of contexts are found, e.g., administrative rules for special education due process hearings, a mediation handbook, and legal definitions of a deposition. Relevant descriptive details are placed in a second column. In the third column relevant case details are added. This framework is used for 1) introducing socio-cultural features; 2) comparing across several contexts; and 3) displaying features visually to fact finders.

The strategy is introduced in three cases:

- Asian parent in special education due-process hearings, mediation, and deposition
- Hispanic male in a police interrogation, suspected of drug trafficking
- Asian male in a police interrogation, suspected of murder

Concerns about cultural topics in the court area not new. Renteln (2004, 2007, 2010) introduces various cultural topics and their potential as legal defenses in the US. Also, cultural issues in legal cases have been explored by applied linguists including Eades and Cooke in Australia.

Reflecting on an unplanned attempt by the author at including a cultural issue in court, it became apparent that more intentional and structured approach was needed. It also needed to be within the federal rules in a US court. Before being allowed to testify, one must justify the professional area and how analyses are grounded in that field. As linguistics is gradually being accepted in some courts, socio-cultural issues might be



brought in through the subdiscipline of sociolinguistics. This strategy represents one effort to do this.

References

- Renteln, A. 2004. *The Culture Defense*. New York: Oxford University Press.
- Renteln, A. 2007, 2010. "Raising cultural defenses", in *Cultural Issues in Criminal Defense* L. Ramirez, (ed.), 1st-2nd eds. Huntington, NY: Juris Publishing.

Language Policy and Practice: Civil and Syariah Law Courts in Malaysia

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Multilingual and multicultural Malaysia has retained four institutionalised systems of conflict resolution: the oldest, customary data, is confined to certain local-level disagreements, while the newest, ADR, is mostly limited to commercial and employment disputes, leaving the bulk of dispute management in the jurisdiction of the common law courts inherited from British colonisation and the syariah courts used by the majority Muslim population for family, inheritance and religious matters. In theory, both systems use the national language, Malay. In practice, however, observations and interviews have shown that English remains an indispensable medium in many common law cases and is still officially admissible 'in the interests of justice'. Most common law practitioners need to be bilingual, especially those specialising in civil matters. Drawing on previous work in the common law courts, the current investigation focuses on their syariah counterparts by comparing official language policy and actual language practice in family-related proceedings across the two systems. Despite the much stronger



preference for Malay in syariah courts, our observation of a number of cases in metropolitan areas shows a high degree of procedural and discursive similarity between the two jurisdictions and a number of common discursive patterns in both written and oral modes, including lexical code-mixing, inter-sentential code-switching, and style-shifting between two or more languages. These observations are supplemented by interviews with syariah lawyers about their language background and orientation.

As Good as it Gets? Unrepresented litigant and courtroom dynamics: a case study

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This paper examines the pragmatic competence of unrepresented litigants in court. In doing so, it engages larger themes including laymen understanding of the law and the major challenge for judges in an adversarial legal system of balancing offers of assistance with maintaining judicial neutrality.

The research reported in the paper involved 72 hours of observation during a 14-day trial in a Hong Kong appellate court. The litigant in the case had represented herself previously in at least three lawsuits over a period of ten years. She had initiated each action, and two cases had gone to appeal. As well as having extensive litigation experience in this way, the litigant was also a highly educated professional, capable of speaking fluently in the professional language of the proceedings; seemingly she had also devoted a lot of time to researching and preparing her cases. These characteristics mark her out as among the most prepared of unrepresented litigants to deal with obstacles presented by legal procedures and courtroom



requirements. The study contributes to the field in two main respects:

1) Perspective. Previous studies of unrepresented litigants have tended to take a top-down approach. They look at litigant behaviour from the perspective of a judge or lawyer. This study uses discourse data obtained from courtroom observation in an attempt to understand the trial from the litigant's perspective.

2) Access to justice. The stereotypical unrepresented litigant has low income and literacy, and makes obvious mistakes in court. The litigant in this case study represents the other end of the litigant-in-person spectrum. Her courtroom struggles expose obstacles that all unrepresented litigants face, which are not easily overcome even after repeated experience of the legal system. The data show persistent misconceptions regarding the law, and reveal tensions between layman understanding of justice and the institutional delivery of legal outcomes by the courts. In recent years there has been a rapid rise in the number of unrepresented litigants in Hong Kong, as in many other jurisdictions. Better understanding of courtroom dynamics created by the behaviour of such litigants may help prevent interruptions in courtroom proceedings and improve overall public access to justice.

Contradictions, Context and Capital Voir Dire **Mel Greenlee**

California Appellate Project SF

In order to serve as a juror in a California capital case, a prospective juror must affirm during voir dire that despite any personal misgivings about the death penalty, the juror will follow the trial court's instructions



and consider both options---life in prison or death---weighing the evidence presented in court in making this decision. Questioning of jurors on this subject is known as “death qualification,” or ensuring a “death qualified” jury.

This paper focuses on a small set of California capital cases, examining apparently contradictory court decisions concerning alleged legal errors in jury selection based on judges’ responses to “ambiguous” or “equivocal” answers by prospective jurors to questions about the death penalty. It also examines these decisions’ varying views on the necessity or desirability of clarifying jurors’ responses. The data is drawn from juror questionnaires in the set of cases, transcripts of trial, and the appellate opinions, some in which the appellate court found error in juror exclusion and others in which it did not, contrasting closely the court’s comments and portrayal of these communicative sequences.

On the one hand, the decisions favor clarifying dialogue as opposed to mere written answers. Where a juror was excused for responding affirmatively to a written question as to whether her beliefs would “prevent or make it very difficult” to return a death sentence without such inquiry, the Court found error. (*People v. Stewart* (2004) 33 Cal. 4th 425; accord, *People v. Riccardi* (2012) 54 Cal 4th 758). Yet in other instances, what linguists might recognize as ambiguous answers calling out for clarification were dubbed “definite” without more and the judgment affirmed. Finally, a thread running throughout these cases is the leading nature of “clarifying” questions propounded by the trial judge, which may serve less to disambiguate than to sway the juror’s answer, yet seldom is this pragmatic effect recognized.



Discursive Features of the Less Powerful in Courtroom Trials in China

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According to Hasan (1981), the social distance of the participants in institutional discourse is much larger than that in other discourses. And the institutional roles of the speakers are closely related to their social hierarchies. Because of the power relation, one party tends to impose control over the other in institutional discourse. We believe that courtroom discourse is a typical institutional discourse. It indicates the asymmetry of power relation between the speakers in courtroom trials based on their social status, legal knowledge, educational background and trial experience. Of the different parties in the courtroom discourse, some are powerful, while others are less powerful. The so-called “powerful” and “less powerful” are not absolute concepts, but relative concepts. In courtroom settings, the discursive status of the parties involved in courtroom discourse is not equal due to the asymmetry of the social status, legal knowledge, educational background and trial experience of each party. Judges dominate the procedure and discourse of trials, so that their social status decides their high discursive status. Procurators are less powerful compared with judges. However, they exercise the power of public prosecution and supervision on behalf of the state, so they are more powerful than criminal suspects, defense lawyers and witnesses. Lawyers are the less powerful compared to judges, procurators, while more powerful than ordinary plaintiffs, defendants, or witnesses, for they possess the legal knowledge and trial experience which are superior to that of the non-legal professionals. Therefore, in this sense, we hold that “power” is a dynamic process. It



depends on each party in courtroom discourse to apply a variety of language means for its maintenance and strengthening.

Among the researches about the speech style of legal language, the most remarkable is the research conducted by the Language and Law Project at Duke University in 1970s. The researchers have drawn a conclusion of the contrast between “power mode of speech” and “powerless mode of speech” by having law school students acting as jurors to assess witness testimonies. The research has found that the witness testimony tends to have a powerless style.

This paper has made intensive discourse analysis of the courtroom discourse of the less powerful in Chinese courtroom trials. The less powerful in this research refers to the defendant, the defense lawyer in addition to the witness. And apart from speech style analysis, this research will further make sentence pattern analysis and obedience and cooperation analysis. Therefore, it will bring new insights into the power relationship and the linguistic features of the less powerful in courtroom trials. Six China’s courtroom trials have been transcribed according to the standard transcription established by Profession Meizhen Liao (2003). And typical discourse examples are used to help analyze the features of the less powerful in courtroom trials. It has been found that the discourse of the less powerful has some marked features. Firstly, in terms of speech styles, they tend to use a large number of hedges, intensifiers and hesitation forms, reflecting the inferior discourse status of the less powerful in trials. Secondly, in terms of sentence patterns, the less powerful make more answers than questions, while more speeches with fragmented style than that with narrative styles. Moreover, when the less powerful overlap or interrupt the speaker to show agreement, it indicates his desire to cooperate and also



the inferior power. Lastly, the back channel items of the less powerful and the more powerful are quite different, with the former to show obedience, while the latter to show command. In all, the above discourse features of the less powerful in courtroom trials expose the asymmetry of power relations in trials.

References

- Hasan, R. 1981. "What's Going On: A Dynamic View of Context in Language", in J. Copeland and P. Davis (eds.) *The Seventh LACUS Forum*, 1980, Columbia, S. C., Hornbeam.
- Meizhen L. 2003. *Courtroom Questions, Responses and Their Interaction* [M], Law Press.

Textual Similarity Detection Based on Textual Energy

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Measuring similarity between texts is an important task in forensic linguistics and it is widely used for plagiarism detection and authorship attribution. A textual document can be encoded as an object in an appropriate representation space. In this space, two objects are considered similar if their distance is close, i.e. if they have enough features in common. Defining the distance between documents or identifying the features they share is not a trivial task since two documents may share the same topic, style, discourse structure, etc. However, transposing texts to a suitable representation space can help define this distance in an appropriate way.

The corpus we have designed includes texts written by the same author on the same topic and on



different topics, as well as texts by different authors dedicated to the same topic. Finally, for the sake of comparison, we have considered texts, which share vocabulary but differ in topic.

Our method is based on textual energy (Enertex), an algorithm, which encodes a document as a set of spins with the values +1 or 0. In this representation, word occurrences are represented as spins with the value +1, while their absence is indicated by spins with the value 0. The method represents links between words and sentences in the form of a graph. Thus, the estimation of energy between sentences is based on the interactions between words within a sentence and between sentences of the same document. More than words themselves, what matters is the relationship between them, i.e., their function.

Enertex uses neighboring sentences to identify relationships between sentences, which do not have any words in common. Thus, the use of synonyms in a document can be detected effectively by means of their function. On the basis of the energy of sentences two types of similarity are determined: semantic or thematic (related to textual energy) and lexical (related to vocabulary use).

Our method not only provides a textual similarity score, regardless of the size of the texts, but also identifies the sentences with the highest degree of similarity. Although the method is language independent, in the present study we apply it to a Spanish corpus.



A Critical Analysis of the Ceglia/Zuckerberg Email Authorship Study

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Authorship and its determination is a key question in linguistic forensics; one of the most visible recent applications is McMenemy's (2011) report on the authorship of the disputed Ceglia/Zuckerberg (Facebook) emails. This report has been criticized (Butters, 2011) as being based partly or wholly on "dubious" practices. For example, only nine indicators were used, one of which (the capitalization of the word "Internet") was based on a set of only three instances. We present a quantitative analysis of some of these indicators, bearing in mind the Daubert factor of "known or potential rate of error," to evaluate the validity of the practices and of the criticisms.

We direct substantial attention to "single-word sentence openers," which has the potential to be among the most accurate indicators of authorship. McMenemy writes that "It has been shown that words introducing sentences (sentence openers) group as a habitually-used set for individual writers." We can confirm the truth of this statement, but we can also show that other large-scale indicators may be a better group of habitually-used words. Using a standardized corpus for authorship experiments (Juola, 2004) and a standard authorship analysis tool (JGAAP; see Juola 2008, 2012) we can present several better candidates for "best practices" in authorship attribution.

More importantly, we can use this sort of analysis as a model for developing estimate of error sensitivities and likelihoods.



References

- Butters, R. 2011. "Ethics, Best Practices, and Standards." *Proc. IAFL-2011*
- Daubert v. Merrell Dow Pharmaceuticals, Inc. 1993 509 U.S. 579, 589
- Juola, P. 2012. "JGAAP 5.3.0: A System for General Purpose Text Classification Experiments". *EACL 2012 Workshop on Computational Approaches to Deception Detection*, Avignon, France.
- _____. 2008. *Authorship Attribution*, Delft: NOW Publishing.
- _____. 2004. *Ad-hoc Authorship Attribution Competition*. ALLC/ACH 2004, Goteborg, Sweden.
- McMenamin, G. 2011 Declaration of Gerald R. McMenamin in Support of Defendants' Motion for Expedited Discovery, Paul D. Ceglia v. Mark Elliott Zuckerberg and Facebook, Inc., United States District Court, Western District of New York, filed June 2, 2011; Exhibit B, p2 (<http://www.scribd.com/doc/56976903/W-D-N-Y-1960merged-linguist>)

Likelihood of Linguistic Confusion of Trademarks in Two US Language Communities: The case of CASIQUE versus CASICA

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When linguists in the United States testify about trademarks, the substance frequently is the likelihood that potential consumers of the products or services to which two trademarks refer will be confused as to the reference of the two marks. LIKELIHOOD OF LINGUISTIC CONFUSION is in fact a subset of the criteria for the LEGAL LIKELIHOOD OF CONFUSION, and the linguist's opining is largely confined to comparing "sight, sound, and meaning" of the two marks for likely



purchasers of the products or services so named. Although for purposes of courtroom analysis the purchasers have been assumed historically to be speakers of English, because increasingly in recent decades products are purchased by both English speakers and Spanish speakers, the bilingual situation must be taken into account.

A case in point is the use of the trademark CASIQUE (literally, 'chieftain'; figuratively in North American Spanish, 'boss') as a brand name in the US for Mexican-cuisine food products. The CASIQUE brand's owners have legally opposed the use of CASICA (literally, '[female] chieftain'; figuratively '[female] boss') for a Latin-American brand of coffee. Linguistic analysis indicates that the terms offer a high degree of the likelihood of linguistic confusion for both Spanish speakers and English speakers. Phonologically, the two marks are linguistically predicted to be equally highly confusable for both groups. Similarly, in sight, while only Spanish speakers would perceive -CA and -QUE as connected by rules of spelling, both groups would be equally susceptible to linguistic confusion because of the identity of the psychologically crucial initial portion of the word. Finally, in meaning, non-Spanish speakers would perceive both CASIQUE and CASICA as without lexical or grammatical meaning and therefore semantically indistinguishable. Spanish speakers would recognize the grammatical difference, but since it signals only a difference in the sex of the chieftain or boss, CASICA would be considered a marked subcategory of CASIQUE—that is, at most a part of a family of marks that extend the brand name CASIQUE to a new product, coffee.



Sound Analysis of Trademarks

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Phonetic and phonological evidence can be of utility in lawsuits involving trademark protection. Under US law, the owner of a trademark may seek to invalidate more recent, competing marks if it can be demonstrated that these create confusion in the minds of consumers as to the true origin of a product or service.

A linguist can shed light on potential confusion by analyzing the pronunciation of a mark, above and beyond its spelling. In some cases, the default pronunciation of a mark may differ from that suggested by the company, and even by lexicographers. This can be determined linguistically, and it is not necessary for broadcast advertising to have aired. Linguists can apply the methodology of phonetics and phonology (coarticulation, vowel reduction, tapping and other fast-speech phenomena, and reading rules), and psycholinguistics (attention studies), to predict how a mark would most likely be pronounced by the consumer.

This pronunciation, or potential pronunciation, may then be compared to the pronunciation of competing marks, for purposes of determining the likelihood of consumer confusion. Attorneys sometimes commission non-linguistic consumer surveys for this purpose, but such questioning can be time-consuming, costly, and unduly suggestive. By contrast, linguists can utilize an array of analytical tools, independently developed for the scientific analysis of language, to determine the potential of language to confuse the consumer. Some of the tools that will be described include acoustic analysis (e.g., comparing trajectories of the F3 overtone) and psycholinguistic analysis (e.g.,



ranking on confusion matrices), with examples drawn from three trademark cases.

Triers of fact tend to regard phonetic, phonological, and psycholinguistic data favorably, as quantifiable -- and hence objective -- measures of physical reality.

Affix Analysis as a Marker for Authorship Attribution

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Recent research on authorship attribution has pointed out to the potential of affix analysis as a significant factor to identify stylistic markers. Since the use of affixes when writing a text is mainly an unconscious choice, morphological analysis can be considered as a potential marker to outline an individual's writing style/way of writing. Because of this, in the present study, sets of affixes and sequences of them have been extracted from textual samples in order to measure their discriminatory capacity in authorship attribution; the result of this process is an author's morphological profile. The corpus consists of texts of 29 authors with an average of 590 words by text. Each author wrote three texts in different genres: narrative, argumentative and descriptive. This allows us to inquire whether or not affixes are stylistic markers that could be used for authorship attribution independently of text genre.

The method used in this work (Medina 2003) automatically extracts affixes from corpora, and creates catalogues of affixes which contain assorted statistical measurements to determine morphological barriers as



follows: 1) counts of squares (a structure that shows combinatorial possibilities between a delimited set of word fragments), 2) entropy (the probability of each segment of a word to be or not an affix), 3) economy (high frequency segments of a given set are more likely to be affixes). The result of the arithmetic average of the preceding values is an index of affixality (the capacity of word fragments to join others and form different items).

A multidimensional scaling technique has been applied to measure distances between each author in a bidimensional space. The objectives are two: a) to examine if authors with similar characteristics are closer than those from a different levels of education and/or different areas of knowledge; b) to observe if a new text written by an author of the corpus is classified closer to the texts in the corpus written by the same author.

References

Medina Urrea, Alfonso. 2003. *Investigación cuantitativa de afijos y clíticos del español de México: Glutinometría en el Corpus del Español Mexicano Contemporáneo*. Tesis Doctoral. El Colegio de México.

Sociolinguistic Profiling in Brazilian Portuguese

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This paper aims at analyzing texts written in Brazilian Portuguese for identifying linguistic uses correlated to social features in order to infer sociolinguistic profiles to be used in forensic contexts.

Author profiling is useful in situations in which there are not texts to compare a questioned text with, that is, in "single text problems" (Grant, 2008: 222). If



it is impossible to determine the sole author of a text, a sociolinguistic profile can help determine at least a group to which the author belongs, thus narrowing the search for suspects.

The analyses conducted by this research are based on the assumption that individuals use language saying something about the social groups they belong to – which has long been demonstrated by Sociolinguistics. Such groups are taken here as people gathered according to social categories (e.g. social class, age, neighborhood, origin, sex/gender). Although all of these factors are important for profiling, this paper focuses on age and sex/gender.

As for the *corpus*, texts from authors with different social backgrounds have been collected, not “on demand”, so they constitute “real” language used in real contexts. For this occasion, a sub-sample in a total of 400 hundred texts, was extracted, as follows:

	Male	Female
Early Teenagers (age: 13-15)	10	10
Adults (age: 26-40)	10	10

There are 10 texts per author, including e-mails, facebook posts, texts from blogs, class notes, etc.

The chart below shows some indexes of sex/gender and age in the group of texts considered, found by a preliminary analysis:

Linguistic Feature:	Associated with:
Diminutives	Women
Repetition of letters	
Taboo Language	Men
Misspelling	
Emoticons	Early teenagers
Large use of abbreviations	
Shorter use of abbreviations	Adults
Less similar to “oral language”	



This research contributes to turn Sociolinguistics towards new applications. Besides, it demonstrates Sociolinguistics interdisciplinary role regarding forensic purposes and contributes to increasing forensic authorship studies in Brazil, where they are still incipient.

References

- Grant, T. 2008. "Approaching questions in forensic authorship analysis". In: J. Gibbons, M. Turell, (eds.), *Dimensions of forensic linguistics*. Amsterdam; Philadelphia, PA: John Benjamins.
- Labov, W. 1972. *Sociolinguistic Patterns*. Philadelphia: University of Pennsylvania Press.

Exploring stylometric measures for authorship attribution

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In this paper, we present the results of several experiments applying stylometric measures to the problem of authorship attribution. We understand stylometry as a set of techniques that measure and analyze distinctive features of style (stylemas).

Various measures have been used for English [1] and Spanish [2]. We combine those with the linguistic measures obtained by means of Natural Language Processing (NLP).

Thus, the first aim of our research is to analyze stylometric measures obtained from a Spanish corpus to identify which of them are the most relevant for the problem of authorship attribution. Our second aim is to study the behavior of these measures when the



following variables are changed: age of the author and genre (novel, short story, drama, etc.).

We used the following measures for the analysis (all of them using relative frequencies):

- unigrams of lemmas of content words
- n-grams of function words (with gaps)
- n-grams of parts of speech (with gaps)
- punctuation marks

The corpus was designed under the following conditions:

- We used only literary texts in Spanish of Latin American authors.

- We included texts of the authors with the following characteristics:

- + Texts written in three stages of the authors' careers (dividing it in three equal parts from their first published book to the last one) (Two texts belonging to each stage).

- + Texts of three different genres: novel, short story and drama (One text for each genre).

For the experiments, each text was represented as a vector of stylometric measures. The vectors were analyzed using machine learning techniques and statistical methods in order to determine the relevance of the measures. This was achieved analyzing the distance between the vectors. We tested Euclidean and binary distances. The vectors far away from each other represent texts that are different in style.

We found that the relevance of the measures depends on specific author and genre, as well as the distance used. So, for each situation, it is necessary to find the best subset of stylometric measures and the distance for which they perform better. In other words, the best measures for an author are not the same than for another; that means that the method needs to identify the relevant measures for each author first.



In the case of genre we observed that drama has a different style than other texts of the same author due to the distance of the vectors. It means that genre can affect authorship attribution.

The measure of punctuation using Euclidean distance classified the texts of one author by stage. So, also the stage of the author's career to which the text belongs can affect the classification.

References

- Grieve, J. 2007. *Quantitative Authorship Attribution: An Evaluation of Techniques*. *Literary and Linguistic Computing*, 22(3). pp. 251-70.
- Blasco J. and C. Ruiz. 2009. *Evaluación y cuantificación de algunas técnicas de atribución de autoría en textos españoles*. Castilla: Estudios de Literatura. pp. 27-47.

The implementation of advanced statistical techniques (frequentist and bayesian) in written Spanish

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This paper presents a pilot study in advanced statistical methodologies to Spanish written texts towards the posterior application of the Likelihood-ratio framework in forensic text comparison, a research application which involves pioneer work never conducted before in authorship analysis. The LR framework is concerned with a more systematic and reliable way to quantify the expert's conclusions, in that it seems to be able to answer the question that is frequently asked in legal contexts: given some linguistic evidence, how likely is it



that the disputed and the non-disputed samples can have been produced by the same individual?

In recent years the LR framework has been used in the field of forensic voice comparison but up to date its application to forensic written text comparison has not been documented; therefore, no reference corpora that consider linguistic variables in writing (i.e. authorship markers) are currently available for any language. Thus, the implementation of the LR framework in writing is proposed as a means for expert linguists to quantify the strength of the evidence in a more reliable and conclusive way and, in addition, as a way of providing the forensic linguistic community with a Base Rate Knowledge of population distribution for written Spanish variables in threat letters.

Analyses were carried out by means of a real world corpus of threat letters written in Spanish from bilingual (Catalan and Spanish) participants. Linguistic variables observed in the letters were used to carry out the first pilot experiment in the way to the implementation of the LR framework, so that they can be used as complementary evidence in authorship attribution contexts, when these same variables are studied in real forensic case corpora. Preliminary results show that advanced statistical methodologies such as classical and bayesian techniques can be a powerful and successful methodology to report linguistic evidence in Court, provided the interpretation of these results is worded in a comprehensive way.



Providing Analysis and Training for Linguistic Identity Disguise

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Investigative forensic linguistics tends to focus on analysis, either in terms of comparative authorship analysis –to determine likely writers of a text, or in terms of sociolinguistic profiling– to determine characteristics of a writer Grant (2008). This talk reports on attempts at synthesis by reporting on a project which trains undercover police officers in the assumption of online identities. Specifically I will describe the development of an analysis template which can be used to describe an individual’s linguistic style in internet relay chat conversations and I will show how this template can be used to train UC officers in linguistic analysis and improve their performance in identity assumption tasks. Examples will be given from a series of simulation exercises involving identity assumption in paedophilic sexual grooming context and extensions to the project considered in terms of the development of computer assistance tools. Part of the consideration will include a discussion on the ethical implications of this work and on the necessity to keeping some aspects of the work secure from potential offenders.

References

Grant, Tim D. 2008. “Approaching questions in forensic authorship analysis”. in *Dimensions of Forensic Linguistics*. J. Gibbons and M. Turell (eds.), Amsterdam (NL): John Benjamins.



How the Discourse and Role Played by the Members of the Migration Review Tribunal form the Basis of Appeal in the Courts of Australia

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The Migration Review Tribunal (MRT) is empowered by the Migration Act to review unsuccessful visa applications, which have been lodged by review applicants. Members of the MRT are responsible for deciding whether or not to affirm the decision made by the Department of Immigration and Citizenship (DIAC). If the Members decide not to affirm the decision, they may either send the reviewed application back to DIAC for reconsideration on the basis that the applicants meet the legal requirements of the visa or set aside the decision.

The duty of an MRT Member is to make enquiries and establish the facts of the unsuccessful visa application. Failure to enquire is a failure of duty and can be the grounds of judicial review to the court in Australia.

This paper argues that although the MRT is an inquisitorial tribunal, the Members in fact occupy multiple roles, as demonstrated by the Members discourse. The institutional order of the MRT, the discourse of the Members and the multiple roles occupied by the Members are crucial to unfold the facts of the case being reviewed. The latter two elements can further form the basis of judicial review in the court system. This paper also demonstrates that the multiple roles played by the Members may be problematic if not detrimental to the decision process. For example, the different roles of Members may conflict where they are faced with the dilemma of whether to advise the review applicant what to do in the hearing or rather maintain a more removed and objective role as the mouthpiece of



the institution exercising the power of the law. To address this concern, it is submitted that migration agents should be allowed to play a more active role to assist both the review applicants and the Members during the hearing. It is further argued that an advocate be provided to review applicants who cannot afford representation. Data will be drawn from decisions made by the Members and hearing transcripts cited in court cases.

An Information-Theoretic Reevaluation of the Complexity of US Supreme Court Decisions

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Issues of the linguistics of court decisions are, of course, of forensic interest in understanding legal proceedings. (Szczyrbak, 2012) provides a recent example, studying stance-taking and differences between different types of US Supreme Court opinions, whether majority, dissenting, or concurring opinions. Another interesting question is that of clarity vs. complexity in such opinions. Studies such as (Gruenfeld and Preston, 2000) and (Owens & Wedeking, 2011) have studied issues of cognitive complexity and found, for example that "justices write clearer dissents than [they do] majority opinions" (Owens & Wedeking, p. 1027).

However, this finding hinges on a proper understanding of "complexity," itself a rather complex concept. Works such as (Miestamo et al., 2008) have shown that simple dictionary-based analyses such as Owens' are inadequate to capture our understanding of complexity; for example, they do not take into account the complexity of vocabulary except in a simple (and inadequate) measure of word length.



In this paper, we apply and extend an information-theoretic definition of "complexity" (Juola 1997a, 1997b, 2000, 2008) in a reanalysis of the SCOTUS corpus of Szczyrbak. Using this definition we confirm and extend Owens' findings and show additionally that, while dissenting opinions may be less complex than majority opinions, concurring opinions are simpler still. We present some evidence from translation studies (Juola, 1997a) suggesting that a key differentiator is the amount of background information and degree of explanation.

References

- Gruenfeld, D. and J. Preston. 2000. "Upending the Status Quo: Cognitive Complexity in U.S. Supreme Court Justices Who Overturn Legal Precedent." *Personality and Social Psychology Bulletin* 26. pp. 1013-22.
- Juola, P. 2008. "Assessing Linguistic Complexity." In (Miestamo et al., 2008).
- _____. 2000. "A Linear Model of Complexity (And Its Flaws)." *Proceedings of the Fourth International Conference on Quantitative Linguistics (QUALICO-2000)*, Prague, Czech Republic.
- _____. 1997a. "A Numerical Analysis of Cultural Context in Translation". *Proceedings of the Second European Conference on Cognitive Science*, Manchester, United Kingdom.
- _____. 1997b. "Measuring Linguistic Complexity: The Morphological Tier". *Proceedings of the Third International Conference on Quantitative Linguistics (QUALICO-97)*, Helsinki, Finland.
- Miestamo, M, K. Sinnemaki and F. Karlsson (Eds.) 2008. *Language Complexity: Typology, Contact, Change*. Amsterdam: John Benjamins Press.
- Owens, R. and J. Wedeking. 2011. "Justices and Legal Clarity : Analyzing the Complexity of U.S. Supreme Court Opinions." *Law & Society Review* 45(4), pp. 1027-61.



Szczyrbak, M. 2012. "Judges' Visibility and Stance in US Supreme Court Opinions". *Proc. 3rd European Conference of the IAFL*. Porto, Portugal.

The Performance and Dynamic Change of Judges' Dual Roles in Court Conciliation of Chinese Civil Cases

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Deeply rooted in Confucian philosophy of harmony, court conciliation conducted by judges in people's courts has played an important role in resolving civil disputes in China. However, severe criticisms against court conciliation such as pressuring parties to settle by revealing possible adjudication results have never been ceased. Critics often attribute problems of court conciliation to judges' dual roles as adjudicator and conciliator. Sadly, most of them merely point out the problem, failing to explore how judges' dual roles in conciliation are performed and changed, and how the performance and change of judges' dual roles may affect justice and fairness in dispute resolution. This paper, based on the Discourse Information Theory (DIT) (Du 2007, 2011, 2012), analyzes the features of judges' information processing, including information distribution, sharing and development, in court conciliation either as an adjudicator or a mediator, and explores what the role expectations for judges are and how they perform and change roles through information exchange. Through data-based analysis, it is found that features of judges' information processing differ a lot when judges take on different roles, and that judges' role conflicts mainly arise out of their role change and may, to some extent, be dissolved through effective information processing skills. This study helps to specify



the performance and change of judges' dual roles from a linguistic perspective, and can hopefully provide linguistic references for judges to take on an appropriate role in court conciliation.

References

- Du J. 2007. *A study of the tree information structure of legal discourse*. *Modern Foreign Languages*, (1). pp. 40-50.
- _____. 2011. *Discourse information analysis: New perspective of forensic linguistics research*. Chinese Social Science Today, 190, pp.15.
- _____. 2012. "Application of multimodal information corpus techniques in legal English teaching". *International Journal of Law, Language and Discourse*, (2.4), pp.19-38.

On the Diverse National and International Regimes of Legal English

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I will attempt to delineate, classify and characterize the various legal contexts that statutory texts in English originate in. The stimulus for researching this topic was engendered by the fact that the language of statutes in English is somehow described and considered as a monolithic genre without taking stock of the numerous contextual and textual variables that leave their imprint on the end product – an act written in the English language. Legal English is used in several distinct contexts textualizing common law, continental law, mixed jurisdictions, private international law and public international law. Within these different contexts different varieties of the English language are used, demonstrating idiosyncratic features. I will examine some of the converging and diverging elements of the



diverse legal regimes, such as the historical formation of the system, the structure of the law, the sources of law, the major divisions, the concept of the legal rule. The various legal traditions and systems will be distinguished, grouped and categorized according to the above criteria in an effort to present the broader socio-historical context within which texts function, focusing on the production and interpretation of normative texts in unilingual, bilingual, multilingual jurisdictions in national, international and supranational contexts from the point of view of legal linguistics.

On the Language Used in Chinese Criminal Defenses

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This paper analyzes the language used in Chinese criminal defenses from the perspective of the *goal principle*, aiming to explore the applicability of the artistry of language in defense statements as well as its manifestation, and the relationship between the standardization and artistry of language.

The Goal Principle, as a new pragmatic theory, was proposed by Professor Liao Meizhen in a systematical manner in China in 2002. It is built on the theories of Action Theory, Speech Act Theory, Teleology and Sociology. Liao believes that the theory of goal principle mainly contains four modules: goal hierarchy; goal and role, power and status; goal relationship; goal and strategy as well. This thesis takes goal principle as its theoretical framework, and attempts to analyze the language used in defense statements in Chinese criminal defenses.

The research shows that: firstly, a defense (defense statement), as a big speech act, contains an



overall goal and multiple sub-goals. Its overall goal is to persuade. But persuasion can not be achieved overnight. Rather, it relies on the mutual support of sub-goals at different levels and from different perspectives. The sub-goals are governed by the overall goal. In order to achieve persuasion, the text of the defense statement should contain at least three parts: the beginning, the body, and the conclusion. This structural arrangement has been widely accepted, and thus gradually becomes a formulaic pattern. Nonetheless, if a defender (defense counsel) just uses the same format in all cases, major or minor, then a defense must be boring and dull. In order to better achieve persuasion, defenders can and should adopt straight, or natural, or accidental, or artistic opening statements, to attract the addressee's interest, and win their emotional resonance or empathy.

Secondly, accurate language, solemn language, and professional legal terms are very important for stating the real situation at the time of a crime, for proving the precisely and professionally logical argumentation, for showing the objectivity and impartiality of trials, and for persuading the addressee. The standardization of language plays a primary role in defense statement. However, in order to consider the knowledge and understanding of layperson addressee in court, to express the defender's emotional resort to different roles, and to deal properly with various goal relationships, the defender often adopts somewhat vague, emotional, and impressive language in an attempt to faithfully reproduce the true situation at the time of a crime and "on the spot" and to expose the speech acts and psychological status of the parties in the litigation, so that the truth of the case can be uncovered step by step, and finally persuasion can be achieved.



Thirdly, since forensic language in practice (especially judicial language) is mostly involved in the decision and judgment of the people and things, thus defense as a kind of judicial language should avoid exaggeration or perfunctory words, should stress more plain and unimpressive language, to accurately reflect legal facts or legal acts. However, the "plain" language style does not repel or exclude vivid and impressive words in forensic language. The defender adopts the rhetorical questions, metaphor and other strategies and means to persuade the people in court with both reason and emotion.

The research also shows that: the mandatory, authoritative, and solemn features of the law itself determine that the major style of defense statements is the standardization of language, specifically speaking, formulaic, professional, accurate, solemn, and unimpressive. However, the defender's defense is, in essence, also a comprehensive art. Defense art, for lawyers, can affect the success of his defense presentation. The artistry of language is used to establish or strengthen the friendly relationship, create a common background or united relationship, obtain the trust of the addressee, and shorten the psychological distance from the addressee, thus achieving persuasion. Therefore, the drafting of defense often stresses the artistry of language, that is, individualized language, plain and understandable language, vague language, emotional appeal, and impressive language. It can be said that the artistry of language is only a secondary style of defense. Therefore, under the premise of not impairing the standardization of language, the proper and accurate use of some artistic techniques and skills can fully demonstrate a defender's defending skills, and help achieve persuasion.



It is hoped that this thesis can contribute some to the issue – the language design of criminal defense – in the legal circle; and in the meanwhile, it is also hoped that it can provide the legal profession, particularly the lawyers, with a new understanding of the correct use of linguistic forms and strategic tools, and thus help them improve their skills of persuasion and language expression in court. Finally, it is also hoped that the thesis can develop the theory of goal principle to a certain degree.

Discourse Topics in Forensic Texts: Proposals **Margarita Palacios**

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Research Objective: Suggest grammatical (syntactic) discourse topics (in Spanish) for identifying inferences and presuppositions in judicial texts and processes.

Corpus:

1. Discourse constituents in Spanish language grammars (texts): Emilio Alarcos (1994), Alcina y Bleca (1975), Bosque y Demonte (1999), Concepción Company (2009), José Escarpanter (1974), César Hernández (1970), Marcos Marín (1972), Roca Pons (1960), Manuel Seco (1971), Real Academia de la Lengua Española (1973, 1994).
2. Exposition of discourse topics in other studies (texts): Carel y Ducrot (2005), Chafe (1970), Charaudeau (1992), Halliday (1970), Habermas (1981), Jakobson (1984).

Hypothesis:

If the form of a syntactic unit is defined by its capacity for segmentation in constituents of an inferior level, and the units of meaning are defined by their capacity



to integrate a superior level, these properties, in a discourse context, allow us to identify the speaker in the utterances he emitted, as well as his inferences and presuppositions.

If H1 is true, the study of discourse functions should ask the following: What are the most frequent semantic functions in specific linguistic meanings? In which contexts and situations are they produced? In which linguistic procedures are these functions usually expressed in forensic discourse?

Theoretical framework:

From the perspective of discourse analysis, the communicative act occurs when a speaker is understood by another concerning a matter by means of language and thus the vertex language/law is a forensic discourse. The validity of these speech acts is determined by the modal system employed in his utterances.

Analysis and results:

New developments indicate that the use (ontological, deontic, and topological) of pronouns refer the presuppositions of the speaker and his inferences about the addressee. Relationships of cause and effect, restriction, negation and modality manifest the contextual conditions of forensic discourse while the coherency connectors permit the reorganization of the text.



Primates as Metaphors: a consideration of the word "baboon" in the hate speech case Herselman v. Geleba

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The South African Equality Court has recently held that the word "baboon" is race sensitive and should be regarded as hate speech. The decision is the result of Mr. Herselman, a white Afrikaans speaking magistrate, who referred to Mr. Geleba, a black Xhosa speaking cleaner at the magistrate's office, as a baboon after the latter scratched the magistrate's office door with his broom. When the magistrate was found guilty of hate speech he appealed, saying that he neither meant to degrade the cleaner nor discriminate against him. A strong possibility exists that the magistrate used an Afrikaans expression indicating the carelessness of the cleaner, but due to the historical context the expression may be seen as hate speech. According to the presiding judges the matter fell within the ambit of the law, thus from a legal perspective the magistrate broke the law and should be found guilty. But issues involving context, the ordinary meaning of words and the receiver's perceptions that must prevail, provide enough reason to doubt the judgement. In order to determine whether the judgement was correct linguistically this paper will focus on three aspects:

- 1) The question of the ordinary meaning of words;
- 2) The question of context;
- 3) The issue of the hearer's (receiver's) perception which has to prevail according to South African law.

I will not only criticise the judgement based on the three aspects listed above, but I will propose a



different approach which should be considered by South African courts in future hate speech cases.

“How do you know when someone is a member of a youth gang?”: The linguistic construction of gang membership in Guatemala

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The profiling of groups commonly associated with criminal activity is widespread in the United States. Often called “racial profiling” and practiced largely by law enforcement officials, this practice generally targets people of color, mainly African-Americans and Hispanics. In Central America a similar phenomenon is taking place; the targets, however, in the past two decades have been youths. Unlike the Aboriginal youths selected by police for extra scrutiny in Australia (Eades 2008), youths in Central America are ethnically generally indistinguishable from the rest of the population (Guatemala being exceptional in having a sizable portion of its population that is indigenous), yet many youths distinguish themselves in various ways when they become members of violent gangs.

Interviews conducted in 2011 in three Guatemalan municipalities (Guatemala City, Tactic, and Esquipulas) with 79 Guatemalan community “stakeholders,” specifically, police officers, community development leaders, school directors/school teachers, and clergy, in conjunction with discussions recorded at twelve focus groups held in those municipalities, reveal great divergencies in the characterization of gang members. Since by law, three or more youths standing on a street corner at night who appear to be members of a gang can be searched by the police, and in fact are often roughed up without cause, the ability of the



authorities to accurately determine who is a gang member on the basis of their appearance and their behavior (both verbal and non-verbal) remains an open question. The interviews and focus group discussions reveal a disparity between stereotypical characterizations (e.g., use of tattoos, style of clothing and haircuts) and descriptions that portray senior gang members as now trying to look “normal” and blend in with the rest of society (i.e., going underground). A lexical analysis of the language used to describe gang members forms the nucleus of this paper. Lexical choices are shown to connect to ideological stances taken by the speakers. The study also shows that many stakeholders make no distinction between gang members, drug traffickers, and “ordinary criminals.”

Official Language, Written and Customary Laws in Mozambican Police Stations

Eliseu Mabasso

University Eduardo Mondlane

This paper is the result of a study with interfaces between language, the law, and crime conducted in a sample group of police stations located in various neighbourhoods on the outskirts of Mozambique’s capital city, Maputo. These are locales where crime is always present. The target population is composed of police officers and suspects, with special focus on the latter, as they have the difficult task of producing a defence through language. The study adopts a qualitative research design with aspects of the descriptive research methodology. It is hypothesised that suspects who adopt linguistic and discourse strategies such as code switching and negative transfer (interference) from their mother tongue into Portuguese, Mozambique’s only official language, due



to their poor education are more likely to self-incriminate, therefore leading to imprisonment, as most of the suspects have not managed to finish primary education. For this reason, there seems to be a correlation between education, which can be translated into a mastery of the only official language and a predisposition to commit certain types of the so-called summary offenses such as robbery and corporal offenses. As one of the main findings shows, police adopt interactional methods when interviewing suspects. These methods are highly influenced by traditionally based techniques used to resolve conflicts, i.e. Customary Law. Given that in this system, an appeal for narratives is highly predominant, suspects must then struggle with the difficult task of telling their side of the story by building narratives in a language that is often alien to them. Consequently, this poses challenges to a variety of facets, including the country's official language policy, based on a sole official language (Portuguese) and the justice system as a whole, which is officially based upon the principles of the Written Law (Roman-Germanic Law System). This study calls for the need to clearly incorporate aspects of the Customary Law into the Mozambique's judicial system and to adopt a more inclusive language policy in a country where more than 90% of the population has an African language as their mother tongue. In order to materialise this proposal, the training and use of qualified interpreters in Mozambican police stations and courtrooms would be essential.



Case Studies from MPRJ (District Attorney's Office of Rio de Janeiro/Brazil): the disguise and automatic speaker recognition (ASR)

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This presentation reports on the use of accent as a mechanism of attempted sabotage of automatic speaker recognition systems (ASR). Specifically, this work reports a comparison between the results obtained through the use of ASR and analysis by an expert in human communication. Wiretaps authorized by the Brazilian Justice Department caught dialogs between members of a criminal organization focused on the practice of illegal gambling, murder and money laundering. The main suspect agreed to submit himself to forensic voice analysis to identify the speaker.

Brazil is a large country and has a huge range of accents for Portuguese that are widely studied and explored by linguists. Therefore, there is considerable scientific activity and resources available to speech scientists, which were used as the basis for the elucidation of this case.

The analysis performed by technicians at the Polícia Civil do Estado do Rio de Janeiro used ASR: the value of Likelihood Ratio was found to be 1.0846. This result is in the region of uncertainty, with a fifty percent chance that the voice was or was not produced by the suspect.

The survey conducted for the identification of speakers at the CSI/Ministério Público do Estado do Rio de Janeiro is done by comparative analysis of the following qualitative and quantitative parameters: fundamental frequency, periodicity, mucosal wave, glottic closure, horizontal and vertical movements, modulation, pitch, loudness, resonance quality,



psychodynamic, vocal intensity, jitter, shimmer, modal frequency, frequency of breaks, broken sound, intonation, harmonics, issue-stability, articulation, rhythm and speech rate, pronunciation, detours, noise, air flow, phono-respiratory coordination, conversation analysis, communicative competence, record, connectivity, dialect, sociolect and idiolect. The result was positive identification of the suspect who tried to disguise his voice.

Accent is a variable capable of altering final results of tests performed by the ASR system, showing its fragility when submitted to sabotage.

Forensic Implications of the Correlation between STI and Subjective Intelligibility Test for Spanish Jorge Sommerhoff¹ and Claudia Rosas²

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In American English there is a corpus of phonetically balanced (PB) words for the measurement of speech intelligibility, standardized by ANSI (American National Standards Institute) and correlated with STI (Speech Transmission Index) measures. In Spanish there is still no standardized corpus of words to compare both types of procedures. Therefore, a Spanish intelligibility test using phonetically-balanced CVC-structure logatoms has been prepared. This work evaluates: the correlation between both methods and the impact of the phonetic characteristics of the list, the results of this correlation and their forensic implications. This research is being funded by the Government of Chile through Regular Fondecyt Project No. 1090249. In Spanish there is still no standardized corpus of words that allows comparison of both types of procedures. These facts coupled with the social impact of properly hearing the sounds articulated for communication purposes in rooms for



transmission of the spoken voice led us to undertake this research project (Ref.: Regular Fondecyt1090249). Our aim was to have a subjective measurement instrument, which results could be correlated with the STI results, as it occurs with the English corpus that follows the ANSI standard. The process of preparing the corpus was carried out from 2009 to 2011 and considered different stages that involved the production and testing of various lists. Finally, we obtained a corpus functionally very similar to the ANSI list, which is currently in the process of verification (it assumes to increase quantitatively and qualitatively the number of listeners). Moving from one list to another meant a qualitative leap in the process of learning with regard to this topic. In this sense, the acoustic-phonetic interdisciplinary approach used allowed to confirm the preliminary observations on the importance of the syllabic structure in auditory responses (Sommerhoff and Rosas 2007) and also adds further insights on the relationship between success and failure rates and articulatory features of the phonemes involved (Rosas and Sommerhoff 2008; Sommerhoff and Rosas 2011). Thus, a new objective started to emerge, which consisted of characterizing the relationship between perceptual response and articulatory properties of phonemes making up the structure of the CVC logatoms. This meant an association with the forensic subject being currently undertaken in a parallel project (Ref.: Regular Fondecyt 1110742). This research is a sample of the findings in that line of work. Part of the results showed that the "ch", "s", "r", "l", "n" and "n" consonants were more robust; i.e., these consonants, regardless of the conditions of noise or reverberation, were always recognized. Based on these results, it was concluded that in the forensic investigation of the voice these phonemes should be prioritized by their manifest invariance.



References

- Sommerhoff, J. and C. Rosas. 2007. "Evaluación de la inteligibilidad del habla en Español", in *Estudios filológicos*, 42, pp.215-225.
- Rosas, C. and J. Sommerhoff. 2008. "Inteligibilidad acústica en español: una propuesta para su medición", in *Estudios filológicos*, 43, pp.179-190.
- Sommerhoff, J. and C. Rosas. 2011. "Estudio de la correlación entre STI y test de inteligibilidad subjetivo", in *Estudios filológicos*, 47, pp.133-147.

"I hope I don't come across as really pushy": creating and negotiating online identities in cases of child grooming and people trafficking

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It has been widely noted that online identities have 'an ultimate linguistic nature' (Tardini and Cantoni, 2005: 374) owing to the comparative scarcity of other semiotic resources as compared to face to face interaction. Computer Mediated Discourse Analysis (CMDA) research on group identity has variously identified discourse styles associated with participant age, gender, ethnicity and race (see Herring 2004), but there has been little attempt to bring these facets of identity together, nor to explore the notion of idiolect in CMD. Furthermore, it has been noted that existing approaches to identity in computer-mediated interaction are still limited by their 'mechanistic view of identity management' (Lamerichs and Molder 2003: 456) rather than taking a view that acknowledges identities are actively constructed for particular occasions. Drawing on a corpus of Internet Relay Chat (IRC) logs and e-mails provided by a UK police force,



this paper examines the discursive processes of identity construction, negotiation and manipulation in interactions between suspects and undercover officers in cases of grooming, child abuse and the trafficking of children and adults for sex. The paper reports on a project that extends the understanding of online identity work from a discursive perspective consistent with an overall ethnomethodological approach, which views identity as a discourse practice in its own right, rather than as a 'mirroring' of some internal cognitive reality. We provide insight into how particular individuals deploy and manipulate categories, and what kinds of actions they perform.

References

- Herring, S. 2004. *Computer-Mediated Discourse Analysis: An Approach to Researching Online Behavior. Designing for Virtual Communities in the Service of Learning*. R. Barab, J. Gray. Cambridge, CUP. pp. 338-376.
- Lamerichs, J. and H. Molder. 2003. "Computer-mediated communication: from a cognitive to a discursive model." *New Media and Society* 5(4). pp. 451-473.
- Tardini, S. and L. Cantoni. 2005. "A semiotic approach to online communities: belonging, interest and identity in websites' and videogames' communities." *IADIS International Conference e-Society*. pp. 371-378.

Authorship Profiling as a Diagnostic Process

Andrea Nini

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Forensic casework, which involves sociolinguistic profiling is in need of a method that is theoretically sound and empirically tested (Grant, 2008). Whereas forensic linguists that take profiling cases often rely on ad hoc methods and intuition, computational linguists



use empirical methods that take little account of linguistic theories (e.g. Argamon et al., 2009).

The project that will be presented is a review of linguistic markers of age, gender and level of education from various disciplines (e.g. linguistics, computer science, cognitive science). These markers were reinterpreted through the lenses of codal variation theory within Systemic Functional Linguistics (Matthiessen, 2007) and tested against: (1) a corpus of authentic threatening and abusive letters collected from actual forensic cases; (2) a collection of elicited data, consisting in threatening-like letters of complaint written by a stratified sample of volunteers. Both the literature review and the empirical analysis suggest markers which can be used in cases of authorship profiling. Promising results for both gender and age were found for markers that can be related to research from the seminal work of Biber (1988).

The current study suggests that authorship profiling could be conceived as the diagnostic process of a medical exam, that is, a science-informed quantitative process based on qualitative judgement.

References

- Argamon, S. et al. 2009. *Automatically profiling the author of an anonymous text*. Communications of the ACM, 52(2), p.119.
- Biber, D. 1988. *Variation across Speech and Writing*. Cambridge: Cambridge University Press.
- Grant, T. 2008. "Approaching questions in forensic authorship analysis". In J. Gibbons and M. T. Turell (eds.), *Dimensions of Forensic Linguistics*. Amsterdam: John Benjamins Publishing Company, pp. 215-231.
- Matthiessen, C. 2007. "The "architecture" of language according to systemic functional theory: developments since the 1970s". In J. Webster, R. Hasan, C.



The Strategic Animation of Race in Courtroom Discourse

Susan Ehrlich

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The communicative event of the trial is a highly intertextual one: written documents, verbal statements and audio or video recordings from previous depositions, affidavits, and interviews, are often quoted, indirectly reported, reframed or summarized within trial contexts, often in strategic ways. In this paper, I draw upon audio-taped recordings from an American rape trial, *Maouloud Baby v. the State of Maryland* (2004), in order to examine the way that an accused's police interrogation is strategically recontextualized within a trial setting by a cross-examining lawyer. In directly quoting excerpts from the police interrogation, the cross-examining lawyer is ostensibly maintaining a strict separation between himself, the quoting speaker, and the accused, the quoted speaker. However, following work by Voloshinov and Bakhtin, I argue that the cross-examining lawyer's animation of the police interrogation is 'double voiced.' While positioning himself as a mere animator of the accused's voice, the cross examining lawyer's animation does evaluative work; specifically, it is used, I suggest, to negatively assess the accused and to undermine his credibility. First, the lawyer re-enacts particular kinds of speech events from the police interrogation—lies that the accused acknowledges he told during the police interrogation. Second, in the course of repeatedly animating these lies, the lawyer also calls attention to the nature of the accused's



speech—specifically, features of African American Vernacular English that index the racial category of the accused and the negative stereotypes that can be invoked by this racial category in the context of the United States.

Interacting in the Courtroom through a Video Link: Courtroom

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Based on ethnographic observations and video recording of pre-trial hearings in a French courtroom in which the defendant appears remotely from his prison through a video link, we analyze the kind of camera work performed by the participant in the course of the hearing. We show how participants import a common sense orientation towards “putting the face of the current speaker on screen” which is pervasive in the everyday use of video communication (Licoppe and Morel, in press) into the setting. We provide evidence of how such orientation adjustment makes relevant certain camera motions, which display the participants’ understanding of who the current speaker is. We also provide some examples of the kind of interactional quandaries they can get into when putting the current speaker on screen is not practicable (for example when they are about to record an interrogation sequence and can only put one of the participants at a time on frame) or when such a determination is highly ambiguous (for example when the current talk involves multiple ‘footings’ in Goffman’s sense. Our observations and findings show how the introduction of videoconference systems and remote participation in the courtroom unavoidably turns courtroom hearings into ‘directed’



multimedia events. The choices which are made regarding who should appear on screen within such a normative frame raise new concerns about the proper management of courtroom interaction.

Pragmatics and Ordinary Meaning

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I am interested in the contribution of pragmatics to the meaning of legal texts. Specifically, I am working on the concept of "ordinary meaning" and considering the implications of the pragmatic turn in the analysis of legal communications. One of my concerns is that although courts have referred to ordinary meaning as synonymous with the "literal" meaning of the text, this usage does not equate to the concept of literal meaning that has been developed in the linguistic and philosophical literature. My project will explain how the legal concept of ordinary meaning is broader than the linguistic concept of literal meaning. I am developing a theory of ordinary meaning based on language conventions that views the concept as containing both semantic and pragmatic components.

I adopt Recanati's (2004) view that utterances can be divided into three levels of meaning: 'sentence meaning', 'what is said', and 'what is communicated'. At the least, ordinary meaning must include the concept of 'sentence meaning', which is the linguistic meaning of the sentence type (Recanati 2004). It is conventional and context independent, but falls short of constituting a complete proposition. It thus cannot alone serve as a complete theory of ordinary meaning. The notion of 'what is said', though, is a better candidate for representing the ordinary meaning concept. 'What is said' fleshes out the meaning of the



sentence in order to make it propositional. Recanati, a Contextualist, views 'what is said' as a pragmatic concept that includes the primary pragmatic process of 'saturation' as well as optional processes such as 'free enrichment'. In Recanati's view (p. 21), 'what is said' incorporates "contextual elements of the optional variety". In contrast, a Minimalist would view 'what is said' as only including saturation, and even then may view saturation as semantic. Finally, 'what is communicated' uncontroversially includes pragmatic processes such as conversational implicatures.

I will claim that literal meaning in the philosophical sense cannot be seen as synonymous with the 'literal meaning' of ordinary meaning. Ordinary meaning is literal in the sense that it excludes non-literal meanings based on irony, sarcasm and metaphor. Ordinary meaning extends beyond literal meaning, though, to include such phenomenon as free enrichment. On the other hand, ordinary meaning is not captured by 'what is communicated', which concerns issues (conversational implicatures and issues such as irony, sarcasm and metaphor) that are orthogonal to legal texts. Further, while the ultimate interpretation chosen by a court no doubt involves discretion, and perhaps some pragmatic processes, these features of legal interpretation are not included within the concept of ordinary meaning.

References

Recanati, F. 2004. *Literal Meaning*. Cambridge University Press.



The Interaction Between Ordinary and Technical Language in the Functioning of Law

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This paper explores a sometimes understated tension between two conceptions of 'legal language'. On one conception, legal language is a precisely governed, specialised form of professional discourse, relatively closed and owned by a professional elite, and typically opaque in any detail to outsiders; this conception is widely represented in literature and media, as well as being familiar to many lawyers' clients. According to the other conception, law differs from other functionally technical kinds of discourse in that its specialised language does not consist of a separate vocabulary and/or syntax but simply refined use of the language used by the population subject to the rule of law. This second conception is woven especially deeply into the historical narrative and varied meanings of 'common law'. The paper argues that, allowing for differences of emphasis between common law and civil systems (and their interaction in evolving forms of EU law), both conceptions are substantially true. But whereas in legal education emphasis is placed on how, in such circumstances, correct legal meanings are successfully determined (whether the language in use consists of Latin loanwords, archaisms, technical terms, terms of art with different meanings in general usage, or ordinary-language terms that call for legal construction), this paper argues that the tension between the two conceptions of language serves an essential social function and creates a highly distinctive form of literacy: it combines the precision and consistency required by legal proceedings with a wider legitimacy conferred by common law values including



plain language, ordinary meaning, reasonableness, fair notice, and access to justice.

Legal definitions as a means to overcome polysemy in legal discourse

Anita Soboleva

National Research University Higher School of Economics

Concretization of legal rules as a legislative drafting technique is aimed to reconcile two opposite trends: impossibility to foresee all types of cases, which might be regulated with the proposed rule, and necessity to foresee them. The drafters seek to overcome the gap between their intent and possible future interpretations of the rule by the law implementing bodies. As far as most of the words in any language have more than one meaning, the legislators use legal definitions, which, in their view, should restrict the freedom of the interpreter and help the law implementers to apply the law in compliance with the legislative intent or, at least, to avoid interpretations overtly inconsistent with it. The presentation will address such issues as place of the legal definitions in legal discourse, polysemy and homonymy in statutory texts, legal terms as compared to terms in other sciences, requirements imposed on legal terms, role and interpretation of indefinite legal terms. Special attention will be paid to legal terms, which have different definitions in different branches of law, to legal definitions, which have different meaning in law and other sciences, to terms of "general science" (such as 'assimilation', 'operation', 'balance', etc.) and to those words, which can be used in legal texts in their ordinary or terminological meaning (e.g. 'water', 'defender'). A distinction will be drawn between the legal terms in legal theory and legal terms, which found



their definitions in statutory texts or regulations. The presentation will reflect the current state of art in the legal terminology research and analysis in Russian legal and linguistic theory.

Characterization of Recorded Audios of Cases that Entered the Chilean Investigation Police -PDI- 2006–2010

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³ Policía de investigaciones de Chile

This work characterizes recorded audios of cases received by the Chilean Investigation Police (PDI) through its Sound and Audiovisual Crime Laboratory Section. For that purpose, the phonopragmatic and environmental features of the audios are extracted and classified by means of a combined auditory and acoustic method. The analysis covers the period between 2006 and 2010, considering as the starting date the first audios entered to the police and documented in the internal records.

The world's leading laboratories rely on automatic speaker recognition systems for the recognition tasks due to their fast voice comparison capabilities and objectivity of procedures. However, the expected rate of accuracy has not reached its full potential largely due to the shortcomings of the databases used. Indeed, automatic speaker recognition systems (ASRS) require a database, a reference population or UBM (Universal Background Model) - representative of the application environments. Precisely this condition has been the greatest difficulty since the absolute representation of speech acts of any community is theoretically impossible to be achieved



because of the already well-known enormous idiolectal-, dialectal-, environmental- and transmission-type variations they present (Delgado 2005, Gonzalez and Lucena 2005).

Bearing this in mind, the research project 'Voices in forensic settings for automatic recognition' (Ref.: Regular Fondecyt 1110742), funded by CONICYT (National Council for Scientific and Technological Research of the Government of Chile), was undertaken in 2010. This project aims to develop a database for automatic speaker recognition systems considering the Chilean forensic casework, in order to provide the scientific community and national police with an unprecedented voice bank, specially adapted to forensic environments. Therefore, this work is intended to contribute to the provision of a more efficient and accurate instrument to ensure greater objectivity and protection of the individual's rights involved in criminal voice offenses (Rosas and Sommerhoff 2010).

The present study shows the current status of the results of the first stage of the project referred above, which started the first semester of 2011.

References

- Delgado, C. 2005. "Comentarios sobre el contexto actual de la identificación forense de locutores", in *Lingüística forense, lengua y derecho: conceptos, métodos y aplicaciones*. M. T. Turrell (ed.), Barcelona: IULA. pp. 113-129.
- González, J. and J. Lucena. 2005. "IDENTIVOX: un sistema automático de reconocimiento de locutores por la voz para acústica forense", in *Lingüística forense, lengua y derecho: conceptos, métodos y aplicaciones*. M. Teresa Turrell (ed.), Barcelona: IULA. pp. 131-143.
- Rosas, C. and J. Sommerhoff. 2010. "Implicancias y proyecciones forenses en el análisis de la voz", in *Estudios filológicos*, 46, pp.101-118.



Synchronic Stability Vowel System: A proposal for forensic speaker identification in Bahasa Indonesia

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In Indonesia, there are numbers of court cases involving speech recordings of suspects as legal evidence. For forensic speaker identification which is used in Indonesian courts, Sarwono, Mandasari, and Suprijanto (2010) have reported that there are four steps in the analysis method, i.e. pairing, tagging, acoustic features extraction, and statistical analysis. The method for acoustic extraction of features uses the formant of the word/syllable as one of the acoustic features (Al-Azhar, 2011: 20; Sarwono, Mandasari, and Suprijanto, 2010: 2). Susanto (2012b) points out that the formants which are measured from the word/syllable basis can lead to the discrepancy values. Furthermore, Susanto argues that the formant measurement as the interpretation of resonance frequencies in the cavities of the human vocal tract should be measured on a vowel basis. Because of the fact that it is quite variable in formant values of the vowels within a speaker, Susanto proposes Synchronic Stability Vowel System (SSVS) to distinguish the stable and non stable vowel sounds in Bahasa Indonesia (BI) spontaneous conversation in a synchronic context in finding a discriminatory potential (2012b: 2).

The aim of this paper is to investigate the discriminatory potential resulting in SSVS in BI. This paper presents statistical data for the F1, F2 and F3 of the vowels spoken by 10 male and 5 female speakers of BI. The participants are BI native speakers ranging from 25 to 40 years of age. The data is composed of



spontaneous conversations with various topics. PRAAT is used for the acoustic analysis and R is used for the statistic one. A likelihood ratio approach is used for the evidence evaluation.

In the forensic domain, recorded speech is mostly of poor quality and with high background noise; therefore it is argued that SSVS can be used for speaker identification. The list of formants given at each time step in the word possibly blurred with the noise background can be avoided because in SSVS the formants frequencies are not measured for the segmented words. In this case, it must be noted that consonant formants are traceable in PRAAT but the SSVS only concerns with vowel formants.

Further, in SSVS, the measurements of vowel formants are on the central area of the vowel to avoid the formant transition values in the vowel, which is more complex especially when the speech is recorded in an environment where distortion happens. Then, the formant measurements are confirmed by looking at the spectral slice, which provides component frequencies (in the horizontal axis) and their amplitudes (in the vertical axis) at a selected moment in the signal to make sure that the formant frequencies are not ambiguous with the resonance frequencies of the speaker's vocal tract. It avoids some discrepancy between the values when intruding background noise weakens the formant tracking. The study shows that SSVS is useful to determine which vowels and which formants of the vowels have the discriminatory potential for the forensic speaker identification in BI.

References

- Al-Azhar, M. N. 2011. *Audio Forensic: Theory and Analysis*. DFAT Puslabfor.
- Boersma, P. and D. Weenink. 2012. *Praat: Doing phonetics by computer* [Computer program]. Version 5.3.24,



retrieved 24 September 2012 from
<http://www.praat.org/>.

- Sarwono, J., Mandasari and Suprijanto. 2010. "Forensic Speaker Identification: An Experience in Indonesians Court". In *Proceedings of 20th International Congress on Acoustics, ICA 2010*. Sydney.
- Susanto. 2012a. "Phonetic Features of English Spoken by Indonesian: A Systemic Functional Orientation". In D. Murali Manohar (eds.). *Phonetics and Spoken English*. New Delhi: Atlantic. pp 63-75.
- Susanto. 2012b. "Investigating Stable Vowels in Bahasa Indonesia Spontaneous Speech: A study in forensic phonetics". IAFL 2012 CONFERENCE *Forensic Linguistics/Language and Law: Researching Interdisciplinary Dimensions and Perspectives*, 5-7 July 2012, Kuala Lumpur, Malaysia.

Colloquium

Making Linguistics Relevant to the Law

This symposium will bring together linguists and legal professionals with experience in communicating about the findings of linguistic research on language in the legal process. Linguists often attempt to make their research relevant to the workings of the legal process. But how do we know what the legal system will consider relevant and important? And how can we increase the likelihood that participants in the system will care about the findings of linguistic research even when they are demonstrably relevant to important legal concerns?

In seeking bidirectional answers to these questions, this colloquium features six papers from scholars and practitioners in Australia, Japan and the U.S. who will present and analyse their experiences in a range of work that they have conducted with the goal of influencing the legal system. We have excluded



particular case work in which a linguist, working for a party or the court, produced testimony germane to the resolution of a single dispute. Instead, we have focused this symposium on research that itself is designed to have broad ramifications. We are interested in facilitating discussion of both success and failures in achieving the goal of enhanced communication between the disciplines, and seek suggestions for improving the flow of ideas and information. Following the papers two discussants will draw on their wide experiences: as a linguist with legal training (Dumas) and a senior judge with considerable experience with linguists and linguistic research (Gray).

This colloquium will include the following presentations and commentary:

Moderator: Diana Eades

Presentations:

Janet Ainsworth. "Training Lawyers How to Make Linguistics Relevant to Law"

Diana Eades. "Communication eccentricities, to put it neutrally": Making Sociolinguistic Research about Aboriginal English Relevant to the Law"

Sandra Hale. "Approaching the Bench: bridging the linguistic gap between interpreters and the judiciary"

Georgina Heydon and Andy Griffiths. "Topic management in police interviewing: a change for the better?"

Mami Hiraike Okawara and Kazuhiko Higuchi. "For a Good Future of Forensic Linguistics in Japan"

Commentators: Bethany Dumas and Peter Gray



Poster exhibition

Far beyond the vestiges of the memory: to whom does this field belong?

Valda De Oliveira Fagundes

Ecomuseum Dr. Agobar Fagundes

This study, which is based on the SOUZA (2009) thesis, aims to demonstrate that the Constitutional State, by articulating Law and politics, activates a complex relationship where politics provides effectiveness to Law and receives back legitimacy as inter-systemic reciprocity. This analysis focus on the materiality of constitutional environmental law enforcement through environmental public policies regarding enforcement as (non) fulfillment of fundamental rights in the reciprocal relationship between environment and cultural identities as elemental principles of environment protection.

The constitutional complexity consists of its simultaneous double-role of protecting principles that at first seem to be opposite, when in fact that is because they are complementary. We understand that the apparent opposition is part of a plural society in a Constitutional State for the guarantee of fundamental rights effectiveness.

This research employs an ethnographic approach, taking into account some assumptions from (AD) French researchers focusing on the specificity of the ethnography of the socio-environmental conflict from the perspective of a "multi-actor" emerged from the complexity of the world, of life, due to the social dynamics as a consequence of the creation of the National Serra do Itajaí Park, in the state of Santa Catarina. The ethnographic approach was systematized through forms of conflict, by an ongoing field research. These are: the desterritorialization of traditional



populations; environmental crimes; illegal hunting practiced by the land-plot owners, residents and small land owners. We aim to follow the model proposed by Souza (2009: 69). The expressions will be organized in three analytical: the invasion of the biases: the invasion of the private autonomy under the arguments about the prevailing of the public over the private; the criminalization of cultural practices and the division of the material and immaterial cultural patrimony through the exclusion of local populations from "business" and dynamic of the park. The three biases and the case itself guided the analysis which pointed that the enforcement of the environment law is based on the interpretation of the law as a text and as an "all or nothing" rule or axiologically ending up in cases of abuse and/or abusive pretensions of the law and violations of the local populations fundamental rights, of the environmental law itself and of environmental crime law. In the discussion about private and public autonomy, about the fact that there is not one without the other, both of them merge in each other, the public is private as well, the private is everybody's concern. Therefore violating one to keep the other is also violating that which is intended to be protected.

References

- Ferry, L. 1994. *In: A Nova Ordem Ecológica. São Paulo. Ensaio*, pp. 193.
- Ost F. 1997. *A natureza à Margem da Lei: Ecologia à Prova do Direito*. Instituto Piaget, Lisboa.
- Souza, R. 2009. *O povo Zabelê e o Paeque Nacional da Serra do Capivari no Estado do Piauí.-Tensões, desafios e riscos da Gestão principiológica da Complexidade Constitucional* (tese de doutoramento). Universidade de Brasília- Coordenação de Pós em Direito.



A linguistic approach to legislative drafting in Mexico

Elia Sánchez

Universidad Nacional Autónoma de México

Until recently a handful of linguists in Mexico have taken an interest in the relationship between Language and the Law, but they have focused on law enforcement-related issues leaving aside the actual process of drafting legislation..

Besides, there is a lack of works based on linguistic methodologies aimed at explaining the way language is used in the legislative process. This work is an attempt to categorize statements taken from the Public Law on Women's Access to a Violence-Free-Life (LGAMVLV for its acronym in Spanish) in order to identify different types of standards that are structured in linguistic terms and then provide alternative patterns to enhance accuracy.

LGAMVLV sets the legal framework to keep Mexican women from becoming victims of violence. It consists of sixty articles; some of them do not respect the principle of establishing a rule by article. One example is Article 4; on the one hand, it mandates guiding principles but, on the other, it can also be considered as a guideline:

ARTÍCULO 4.- Los principios rectores para el acceso de todas las mujeres a una vida libre de violencia *que deberán ser observados en la elaboración y ejecución de las Políticas públicas federales y locales* **son:** I. La igualdad jurídica entre la mujer y el hombre; II. El respeto a la dignidad humana de las mujeres; III. La no discriminación, y IV. La libertad de las mujeres.

The segment in italics (my italics) instructs State and Federal authorities in the performance of their duties, while the segment in regular characters explains the guiding principles. For the sake of clarity, it would



have been more appropriate to draft two separate articles:

Artículo 4. Los principios rectores para el acceso de todas las mujeres a una vida libre de violencia **son**: I. La igualdad jurídica entre la mujer y el hombre; II. El respeto a la dignidad humana de las mujeres; III. La no discriminación, y IV. La libertad de las mujeres.

Artículo 4bis. Los principios rectores para el acceso de todas las mujeres a una vida libre de violencia *deberán* ser observados en la elaboración y ejecución de las Políticas públicas federales y locales.



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