CONFERENCE PROGRAM
1ST – 5TH JULY 2019
MELBOURNE AUSTRALIA

A comparative linguistic analysis of strategies used in police interviews in the UK and the USA.

Georgina Heydon

RMIT University, Australia; iaflconference2019@gmail.com

Although the nine-step interrogation stage of the Reid method of interviewing used in North America has attracted a great deal of criticism and commentary from a variety of academics and practitioners, there are few, if any, published studies that provide a systematic *linguistic* analysis of the interrogation techniques suggested. Snook et al (2010) subject the Reid techniques to scrutiny from a psychological perspective, especially the reliance on behavioural indicators of deception and the intense focus on seeking a confession, and support the use of cognitive interviewing (Fisher, Geiselman and Amador 1989), or other information seeking approaches instead. Such a systematic critique of the Reid Method has not yet been conducted using linguistic theories and frameworks of analysis, and it seems timely that such an attempt should be made. This paper therefore compares the discourse and interactional structures of the cognitive interviewing method, an evidence-based model for best practice investigative interviewing (Clarke and Milne 2001), with the linguistic features of the Reid technique, as it is represented in the literature (Inbau, Reid, Buckley and Jayne 2011). Claims made by the authors of the Reid Method about the efficacy of several specific language strategies are subjected to linguistic analysis in order to ascertain firstly whether they are based on sound linguistic theory and research findings, and secondly how they compare to the techniques used in cognitive interviewing.

Anatomy of Philippine Product Warnings: An Integrated Approach in Designing Consumer Safety Information

Shielanie Soriano Dacumos[1], Marilu Ranosa Madrunio[2]

[1]University of Rizal System Binangonan, Philippines; [2]University of Santo Tomas, Philippines; shielaniedacumos@gmail.com

Product warnings are vital information sources designed to shield consumers against any harm brought by product misuse. Though cautionary texts appear on the surface of consumer products, the structure of 'what should be' in the product warnings have been a global concern of lawyers and warning researchers since product liability cases between manufacturers and consumers continue to multiply in the 21st century. Setting exact criteria in determining a well-designed warning would facilitate better comprehension among consumers and bridge the gap in creating a more comprehensible, readable, and usable safety information between product manufacturers and consumers.

This research utilized the triangulation method of research where qualitative, quantitative, and experimental methods in setting the guidelines in writing and designing product warnings. The comprehensibility of both existing and the researcher-created product warnings of medicines, household chemicals, and beauty products was tested with the help of 45 mothers in Rizal Province, Philippines. Likewise, through Coh-metrix and Stylewriter, the readability index of both sets of cautionary texts was examined and revealed significant findings. In the end, the usability testing of the newly designed product warnings generated favorable responses among the consumers.

Well planned and effectively designed product warnings provide consumers the hint, awareness, and responsiveness to the level and nature of hazards of the products. Product users would be better informed and be more motivated to adhere to the warnings which will lead to safe behaviour among consumers.

DEONTIC MODALS IN RP-US VISITING FORCES AGREEMENT (VFA): A CORPUS-BASED ANALYSIS

John Paul Obillos Dela Rosa

Tarlac National High School - San Miguel Campus, Philippines; jpdeped21@gmail.com

The marriage between language and the law is apparent in any legal document of whatever purpose. Hence, at present, linguistic studies on the language of the law are definitely in vogue. Grounded on Quirk et al. (1985) and Matulewska's (2010) description of deontic modality, this corpus-based linguistic study aimed at analyzing the use of deontic modals in the 1998 Visiting Forces Agreement (VFA) between the Philippines and the United States of America (USA). The study also delved deeper into the presentation of deontic meanings in the agreement by illustrating how power is promoted and relegated in the distribution of the two countries' respective privileges and obligations. The results revealed that the most frequently appearing modal auxiliary in the document is shall, while the deontic meanings of permission and obligation outnumbered prohibition and volitional values in the VFA. As regards power distribution, the VFA gives more privileges to the United States, while posing more obligations or duties to the host country, the Philippines. In the end, it was concluded that analyzing deontic modals provided an easier way of interpreting and describing the directives and provisions of the Visiting Forces Agreement (VFA) as a legal document.

A legal fallacy? Testing the ordinariness of 'ordinary meaning'

Terrence R Carney

University of South Africa, South Africa; carnetr@unisa.ac.za

The canon that dictates that words should be interpreted according to their ordinary meaning has seen a lot of debate. Many studies have either highlighted the ordinary meaning principle's shortcomings or they have tried to debunk its existence altogether. Despite efforts to introduce a new approach to the interpretation of statutes in South Africa (through *Endumeni*), the application of the ordinary meaning rule persists and remains a contested issue. Weighing in on the debate by Cowen (1980), Labuschagne (1998) and Hutton (2014), this contribution seeks to test if the phenomenon of ordinary meaning actually exists. Rooted in the argument that ordinary meaning is representative of a so-called reasonable speaker's understanding, data is collected through a survey approach. The survey tests 10 words taken from South African case law that were interpreted according to the ordinary meaning principle. The results are matched with the meanings assigned by the court and meanings taken from the iWeb Corpus, a corpus within the COCA and BNC stable. Interpreted against the demographic information of 150 participants, the preliminary results indicate correspondence between the courts' understanding of the selected words and that of the respondents. The question remains what this 'reasonable person' looks like and whether he or she is representative enough to speak of an 'ordinary meaning'.

Analyzing the linguistic features of select Republic Acts of the Philippines

Josephine Beltran Alarcon

University of Santo Tomas, Philippines; jbalarcon@ust.edu.ph

Abstract

Upholding justice must be conceived right from the start of the legislation process, which starts from the drafting of the bill, approving the bill, to making the bill a statute or Republic Act, in the context of the Philippines. However, legal documents such as Republic Acts are not always comprehensible most especially to the target readers mainly because of the nature of the legal language. Thus, this paper analyzed the linguistic features of select Republic Acts (RAs) in the Philippines. The corpus analyzed in the study consisted of RAs culled from the 13th to the 17th Congress of the Philippines' official website. The results of the study reveal that legal terms, archaic words and use of shall are found in select Republic Acts in the Philippines. Legal terms and archaic words could contribute greatly to the readability and comprehensibility level of the law. The misuse of shall is likewise evident in the Republic Acts. Thus, this paper challenges legal draftsmen's definition of accessibility of information and a shift in the paradigm of legal writing to make legal documents such as Republic Acts understood by the common people.

DREDGING UP DECEPTION AND FRAUD UNDERLYING SUICIDE NOTES

RICELI MENDOZA, DANILO BARADILLO

University of Southern Mindanao, Philippines; University of Immaculate Conception; danilobaradillo@gmail.com

There are people who chose to leave this world before their time. They were convinced that life had very little to look forward to and decided to put an end to their miseries. However, they did leave behind their last words, addressed to their loved ones, muses, friends and the world in notes, scribbles and letters, penned down in their last hours. This forensic linguistic study made use of corpus-based approach and content based analysis dealt with the syntactic structure of the 30 suicide notes sourced out from the written police report on suicidal incidents and from online sources. It further investigated on their lexis and semantics and their authenticity through Fraud Theory. The study identified the general structure of the suicide notes using the syntactic theory of Andrew Radford. It was found out that the general syntactic structures of the suicide notes were headedness principle, binarity principle, immediate/intermediate projection principle, extended projection principle, clauses containing complementizer, and null subject or constituents. The corpora contained also a unique syntactic feature which is the presence of a politeness marker *po.* Results revealed that the lexis found in the said corpora were all content words. While the semantics dwelt with the grammatical bin, discourse bin, knowledgeable speech acts, and alive. In terms of determining the authenticity of the suicide notes, the elements like pressure, opportunity and realization were considered. Results revealed that the corpora used in the study were authentic the fact that there was the presence of the said three elements.

POLICE INTERVIEW: A Forensic Linguistic Analysis.

BJ Solancho, Riceli Mendoza
University of Southern Mindanao, Philippines; bj.solancho@gmail.com

The study aimed to determine the forensic linguistic analysis of police interview, types of questions based from Shepherd (2007), types of violations of the Gricean Maxims and structure of police interview based on Scheloggs. The data included 50 cases of recorded police interviews on different cases in the form of Judicial Affidavits Results revealed that the IPO (Investigative Police Officer) use probing, narrative/explanation seeking questions most of the time with little use of request, closed identificatory, and closed yes/no questions. The probing, narrative/explanation seeking questions mainly aimed to make the witness continue the story. It would really be interesting to know if the violations have beneficial effects in the exchange of information. Ignoring the cooperative principle specifically the maxim of relevance in this type of response does not make the answer useless because it gives the listener or reader a rundown of what happened. Structure of interviewers should begin with asking simple questions to put the witness at ease and help to build a rapport. The introduction of these diverse types of questions may be used in the classroom to maximize learning and sharing of information, these different forms of questions may be beneficial to his nearby future references. While following the Cooperative Principle creates a clear conversation, ignorance of its rules makes a lively and mind-cultivating talk. Constructing proper structure can help things in organized manner.

A LINGUISTIC APPROACH TO PLAGIARISM DETECTION IN POSTGRADUATE STUDENTS' ACADEMIC PAPERS

Maria Arjie Tobias Domingo
University of Santo Tomas, Philippines, Bulacan Agricultural State College, Philippines; mariarjietobias@gmail.com

As an unethical practice one can commit in the academe, plagiarism has been made easy through the contribution of ubiquitous information over the Internet. In line with this problem, various plagiarism detection softwares have been developed to aid teachers in plagiarism checking. However, previous research studies have found several ways students can do to trick these programs specifically paraphrasing texts without citing the original source. Thus, this paper used a linguistic approach in plagiarism detection among academic papers submitted by postgraduate students which remain undetected within traditional plagiarism softwares. Thirty student academic papers with 10% and above similarity percentage in the Turnitin database were gathered to serve as corpus of the study and top two published paper matches were collected from the Internet to serve as basis for counter-checking the suspicious texts. The passages from these documents not highlighted by the EPD were extracted and analyzed through a manual side by side comparison of words, phrases, sentences and paragraphs from possible original sources. The changes in form were labeled as subsentential, sentential and suprasentential and the features of these plagiarized passages were explained using descriptive linguistic analysis wherein results revealed that word insertion, word substitution, word reordering and paraphrasing were done to cover plagiarism. Word insertion gained the highest percentage at 84.49%. Possible factors as to why these features hamper computer detection were discussed in the light of the principles in forensic linguistics specifically the provision of evidences as to why existing software fail to detect them.

Language is not like water in a citizenship faucet

Margaret M van Naerssen
Independent Consultancy, United States of America; margaret.vannaerssen@gmail.com

Myth: When a person becomes a citizen, you don't just turn on the faucet

and out comes a full flow of English! (Greenlee, p.c.)

Misunderstandings about language and nationality, can affect legal rights, e.g., language analyses might be used inappropriately to determine nationality (LADO).

This presentation takes another focus: How is citizenship used as evidence of language proficiency? Thus, once non-native English speakers (NNESs) become naturalized US citizens, they don't need interpreting support. After all, they passed the citizenship test and took the Oath of Allegiance! A related myth is: A NNES adult has lived in the US, for 10 years, so no interpreting support is needed. Such myths might contribute to lack of due process.

The presenter shares resources from an expanding "backpack" for linguists encountering myths in forensic contexts. While contexts differ across legal systems, the contents might point to shared concerns. McNamara & Kelly (2011) examine fairness and justice in literacy testing in the Australian citizenship testing.

The "backpack" has two pockets. One holds linguistic evidence related to the US citizenship process: 1) citizenship classes; 2) interviewing and testing procedures (including Winke's civics test study 2011); and 3) the Oath of Allegiance. There is the text analysis of the Oath by Feuerherm & Loring (2018) and observations of the citizenship ceremony. All address concerns about the reliability of the Oath as evidence of advanced English proficiency.

Pocket Two holds general evidence including language acquisition, assessment, and sociolinguistic factors, and developments in US citizenship testing (Kunnan, 2008, 2009).

ID: 111 / PP-We-am - S2-4: 2
Individual Oral Papers
Topics: systemic C
Keywords: innocence cases, news discourse, instantiation, individuation, affiliation

Justice Must Be Seen to Be Done: An SFL Approach to Discourse Analysis of News Reports on Innocence Cases

Jingsi Guo, Chuanyou Yuan

Guangdong University of Foreign Studies, China, People's Republic of; joyceoddity@163.com

Abstract: Recent years have witnessed several wrongly convicted innocence cases being retried and innocent people being exonerated in the background of legal reforms in China. The reporting of these cases gave rise to massive impacts on society and drew continuous attention from the public. This paper analyzes English news reporting on innocence cases in China, from the perspectives of instantiation and individuation in Systemic Functional Linguistics. With the methodology of qualitative study and the assistance of corpus tool, the analyses reveal the coupling model of the reporting in instantiation and the process of constructing shared identities, attitudes and values in individuation to affiliate with readers. This paper discusses the interaction between mass media and justice through the linguistic features, and how local media introduce Chinese legal ideologies and progress to readers around the world through language.

ID: 112 / PP-We-am - S2-4: 4
Individual Oral Papers
Topics: systemic C
Keywords: judicial opinions, legal reasoning, periodicity, genre

Legal Reasoning: Periodicity of Common Law Judicial Opinions and Chinese Judgments from Martinian Genre Perspective

Nan Lu, Chuanyou Yuan

Guangdong University of Foreign Studies, People's Republic of China; lunankf0710@163.com

China is deepening its judicial reform, in which strengthening the legal reasoning of judgments is high on the agenda. The issue has been much trodden in legal academia and practice, but rarely touched by linguists. This paper, employing Martin's discourse semantics and genre theory as its theoretical framework, attempts to reveal the periodicity and generic structure of Common Law judicial opinions and Chinese judgments. It argues that the Chinese judgments as a legal genre, compared with its counterpart—the Common Law judicial opinions, do not unfold in waves on the ground that one cannot identify multilayered Theme-and-New structure or layers of prediction in its development, and that this mode of text unfolding in waves is vitally important for the reader to follow the judge's reasoning and construct a sense of fairness and justice. It suggests that the periodicity and the generic structure of the Common Law judicial opinions would be a valuable reference for the Chinese judicial reform on judgments in terms of improving its legal reasoning function.

Thursday, 04/Jul/2019 11:00am - 11:30am
ID: 113 / PP-Th-am - S1 - 4: 1
Individual Oral Papers
Topics: Language and the legal process (Courts)

A Study on the Construction of Case facts in Courtroom Interaction

Luping Zhang, Wen Guan

China University of Political Science and Law, China, People's Republic of; lupingz@cupl.edu.cn

Case Fact Construction (CFC) is one of the major concerns of legal professionals and has attracted the attention of scholars from different fields. The research on CFC from the linguistic perspective remains fairly insufficient. Discourse information processing underlies the use of language, while participants' processing of information in trials influences the outcome of CFC. How case fact is constructed in Chinese courtroom interactions via discourse information processing is the focus of this study.

On the basis of the Discourse Information Theory (DIT), the Context Model Schema and the concepts of "construal" and "conceptualization", an analytical framework is set up for the description, analysis and interpretation of the language used by participants in court interactions. This model guides our exploration of the features of discourse information, factors and discourse management strategies that influence the CFC along with the dimensions of information, society and cognition. All the data used in the study is from data collected by the author following the instructions prescribed in the Corpus for the Legal Information Processing System (CLIPS), and the data has been tagged according to the convention for DIT.

Keywords: Case fact construction, discourse information, context model, construal, conceptualization

Reference and Rhetoric of Personal Pronouns in English and Chinese Legal News Reports

__Qing Zhang__

China University of Political Science and Law, China, People's Republic of; qingzh@cupl.edu.cn

This paper analyzes the distribution of and discusses the rhetorical function of personal pronouns in English and Chinese legal news reports. Two types of narrative techniques are found to be employed extensively in legal news reports. One is the documentary style, which aims to document the whole process of the case and to restore the whole picture of the facts. The other is semi-dialogue narrative, which adopts the method of narration interspersed with comments, and may effectively publicize the warning and educational significance of the case to the society. This paper finds that the distribution of personal pronouns in the two types of legal news reports demonstrates different characteristics, which are influenced directly by the different narrative styles. For example, the first and second personal pronouns are rare in the first type of legal news report. What's more, there are both similarities and differences in the distribution of personal pronouns in English and Chinese legal news reports, in which the use of third-person pronouns accounts for an absolute proportion in the first type of legal news reports of both English and Chinese, while the difference lies in that the referential functions of pronouns in English and Chinese do not correspond to each other completely. For example, "it" in English can refer to infants and events, but the corresponding "it" in Chinese cannot. This should be attributed to the differences between English and Chinese. This research is of significance to increasing the acceptability and social effects of legal news reports.

A critique of the monolingual language of record policy for South African courts in relation to university language policies

__Zakeera Docrat[1], Russell Harold Kaschula[2]__

[1]Rhodes University, South Africa; [2]Rhodes University, South Africa; zakeera.d@gmail.com

This paper critiques the 2017 policy directive by the Heads of Court to make English the sole official language of record in all South African courts (Hlophe, 2018), despite the fact that the Constitution confers official status on eleven languages, nine of which are African indigenous languages. The authors seek to advance that the language of record policy directive is unconstitutional and that there is a need for legislating African language requirements for LLB students, legal practitioners and judicial officers in order to change the language of record. This paper examines the relationship between the language planning processes of universities and the legal system. Furthermore, the role which university language policies play in affecting the linguistic competencies of legal practitioners is assessed and how this impacts on the realisation of Section 35(3)(k) of the Constitution of the Republic of South Africa, 1996, which confers a right on accused, arrested and detained persons to be tried in a language they fully understand (Currie & de Waal, 2013). The case of *State* v *Gordon* (2018) and additional court cases concerning the language of record will be analysed. The Constitutional Court judgment of *Afriforum and Another* v *University of the Free State* (2017) concerning the constitutionality of the monolingual language policies of South African universities will be discussed. This paper assesses the impact a monolingual language of record has on the concept of access to justice. The paper concludes with legal and linguistically sound recommendations.

The linguistic limits to cross examination: The case of State v Omotoso

__Zakeera Docrat[1], Russell Harold Kaschula[2]__

[1]Rhodes University, South Africa; [2]Rhodes University, South Africa; zakeera.d@gmail.com

This paper analyses the case of *State* v *Omotoso* (2018). The facts are that a Nigerian Pastor of a charismatic church in South Africa had been charged with 63 charges of rape, sexual assault, racketeering and 34 alternate charges. The case places the power of language and the use of taboo and euphemisms (or lack thereof) at the center between the defence, key witnesses and the Judge. This paper contends that the defence crossed the line by asking explicit questions irrelevant to the case, with the purpose of traumatising the complainant, rather than simply discrediting her version of the crimes in question.

South African law prohibits the badgering of witnesses in sensitive cases such as rape. Advocates are guided by the Code of Conduct: Uniform Rules of Professional Ethics of the General Bar Council of South Africa, which prescribes that only relevant and necessary questions are asked in discrediting the witnesses' version. Schwickkard and Van der Merwe (2010) argue that often the boundaries of cross-examination are pushed to the limit. In the case of *S v Baleka* (1988) the court held that "… situations where cross-examination is abused and degenerates to a treadmill of repetition and a quagmire of irrelevancies…" courts have the power to curtail such cross-examination.

Against the sociolinguistic, constitutional, legislative and policy frameworks, the authors argue that the current line of cross-examination has the power to discourage complainants from reporting serious crimes, where the power of language is abused.

Perceptions, Expectations, and Opinions of Court Interpreting in Japan

Jihyeon Kim

Waseda University, Japan; hyeonjpn@gmail.com

The purpose of this study is to identify the primary perceptions, expectations, and opinions that legal practitioners hold towards court interpreters, and their evaluation of current court interpreting services in Japan. In this paper, a total of 19 semi-structured interviews with judges, attorneys, prosecutors, and other relevant institutions (e.g. Japan Criminal Affairs Bureau) were carried out during June 2018 – May 2019. In addition to the semi-structured interviews, field observations and document research regarding the implementation of court interpreting services and training seminars available for court interpreters were conducted. The data was used for both quantitative and qualitative analysis to describe and theorize their personal views and experiences of working with court interpreters based on relevant interpretation theories. The study focuses on five areas that have been underexplored in recent research: perceptions towards accuracy and credibility of interpretation, minimum qualifications expected from interpreters, evaluation on the quality of interpreting services, responses to incompetent performance by interpreters, and areas for improvement from a policy perspective. The results will be further analyzed to discuss legal practitioners' beliefs on whether current court interpreting services deliver the linguistic quality necessary for accurate comprehension and evaluation of testimonies by foreign defendants and witnesses. Preliminary results suggest that policy developments such as the establishment of a standardized court interpreter accreditation system, joint seminars between judicial participants and interpreters, and wider educational opportunities for court interpreters are necessary to achieve the desired level of accuracy and competency that legal practitioners expect from court interpreters.

Research and Analysis on Legal Metaphors in Chines Law

De-xiang Yang

Gansu Institute of Political Science and Law, China, China, People's Republic of; ydx6182@163.com

Although there was no such a specific rhetoric term in the sense of Western metaphor, from the perspective of the history of legal development, there were rhetorical activities in Chinese traditional legal practices that had functioned similarly as legal metaphors applied in the Common Law System, which uses all kinds of metaphors to help judges to solve difficult issues in hard cases. This paper starts with the brief discussion of the two metaphorical images, i.e. Fa(法), which means rules, and Bai ren zhu tu(百人逐兔), which means hundreds of persons run after a rabbit. Then, it studies in detail the metaphorical phenomena in Chinese legal system, from the legal terminology, the legal principle of accurately punishing offenders in accordance with the five degrees of mourning clothing, the system of comparison and analogy in legal interpretation, to the metaphorical narratives and narrative metaphors adopted when citing cultural classics as persuasive methods in hard cases. Currently, still implied in Chinese legal system are varieties of metaphors, which have always been ignored by legal professionals and hardly discussed by linguistic scholars. Taking all these experiences into consideration, it points out that legal metaphors have important significance and values in respect of legal practice and methodology in Chinese rule of law development.

The Localized Translation of English Legal Terms："Offer"and"Acceptance"

Yihong Cui

Xi'an University of Finance and Economics, China, People's Republic of; cuiyihong2006@163.com

"Offer" and "acceptance" are special terms for contract conclusion procedures in the English Contract Law and the CISG. As a party to the CISG, China Contract Law translats them respectively into "要约（yao yue）" and "承诺（cheng nuo）" by coping the relevant provisions of the Convention and thus made them to be the indispensable legal terms for the two necessary steps of the contract formation. Although there were "要约" and "承诺" in ancient Chinese, it is too long time to be known to the public nowadays, especially they are not the modern legal meaning. Due to the lack of localized Chinese translation, they are often confusing in law teaching or judicial practice. By tracing the source we know that, one of the main English meanings of "offer" is to "give the terms of a transaction", which means"报价(bao jia)"in Chinese, and one of the most direct English meanings of "acceptance" is to "agree with the terms of the transaction", which means"成交(cheng jiao)"in Chinese. Therefore, they coincide with the trade-terms in the Chinese daily life. So the localized translation of English legal terms can not only reduce the obstacles to the legal languages translation between different legal systems, but also help the theoretical and practical circles to accurately understand and apply the law. That's why we should pay enough attention to.

A Multimodal Perspective of the Construction of Legal Facts in Court Discourse

Wanqun Guo, Chengyong Guan, Tingting Guo

Zhongyuan University of Technology, China, People's Republic of; swan@zut.edu.cn

It is a difficult job to identify a legal fact in judicial practice, which could benefit from the perspective of multimodal discourse analysis. This paper offers, first, a literature review of multimodal discourse analysis, defining such key terms as objective fact, fact of a case and legal fact. Then it analyzes three major stages of a court trial discourse, which embody the representational, the interactional and the compositional meaning respectively. On this basis it discusses the representation of case facts, co-construction of evidential facts and identification of legal facts. Last, it points out some urgent research topics.

A Lexical Analysis of Non-Prescription Drugs' Safety Warning Messages

Anthony Lemuell Soria Cabañas[1,2], Marilu-Rañosa Madrunio[2]

[1]Far Eastern University, Manila, Philippines; [2]University of Santo Tomas - Graduate School, Manila Philippines; acabanas@feu.edu.ph

Non-prescription or over-the-counter (OTC) drugs are market goods that are readily available for public consumption hence, the language used in the packaging labels or leaflets of accessible medical products is crucial as it could put consumers' safety at stake. In an attempt to address this issue of risk management and product safety communication, this study conducted a lexical analysis and readability test of product texts found in non-prescription drugs sold in Philippine markets. Textual samples from twenty (20) selected non-prescription drugs were analyzed. Results show that based on the lexical analysis, simple nouns and second-person reference pronouns were among the dominant lexical features of the product warnings, suggesting that medical drug manufacturers seem to be exerting efforts in making product information more comprehensible to the buying public. However, findings also reveal that the frequent use of low-level modals and the recurrence of the signal word "precaution" in most of the warning texts imply that the warning language used in non-prescription drugs seem to be inadequate in expressing the level of seriousness of the hazards that may come in using such medical products. Moreover, results of the readability test indicate that the non-prescription drugs' consumer warnings require college-level comprehension, showing that on the part of the manufacturers, more work has to be done in order to achieve a more comprehensible and more adequate safety communication.

A Contrastive Viewpoint Analysis of Court Judgments in Mainland China and Hong Kong

Wei YU

Zhejiang University, China, People's Republic of; wendyroseyu@hotmail.com

Court judgment, produced by judges, as a critical reported material in legal processing, presents the holistic circumstances of the case. Multiplicity of viewpoint is the norm in discourse and viewpoint in discourse involves networked configurations (Dancygier and Vandelanotte 2016). Court judgments as texts are not the judge's own monologue (Cheng and Sin 2008). Instead, court judgment is a mixture of viewpoints, including the viewpoints of litigants, advocates, law draftsmen and judges. This research compares the viewpoints networks in Mainland China and Hong Kong court judgment from the perspective of deixis, modals, evidentials, and epistemic stance to deconstruct the represented speech and thought. The data are respectively collected from the Supreme People's Court of the People's Republic of China (http://www.court.gov.cn/wenshu.html) and Hong Kong Court of Final Appeal (https://legalref.judiciary.hk/lrs/common/ju/judgment.jsp?L1=FA&L2=CC&AR=1#A1) since the quality of these court judgments is much more reliable. This paper uncovers the differences and similarities of Mainland China and Hong Kong judges in legal writing for improving the legal writing capacity of judges of both Mainland China and Hong Kong.

Investigating the Comprehensibility and Readability of Malaysian Construction Contracts

Rachelle Ballesteros Lintao

University of Santo Tomas, Philippines; rblintao@ust.edu.ph

Facilitated by globalisation, the construction industry's expansion is projected to reach US $ 10.5 trillion by 2023 and estimated to grow 4.2 % compound annual growth rate from 2018 to 2023 (Research and Markets, 2018). Malaysia is forecasted to have US $ 22 billion of new and construction contracts awarded between 2017 and 2018 alone. Such rise in spending on the construction works in Malaysia is marred by the increasing number of disputes. Meanwhile, the rise of the plain language movement internationally and its

success in a number of other industries affirm the need for this qualitative and quantitative study for the construction industry. This paper seeks to determine the readability and comprehensibility of Malaysian construction contracts by their primary users. Four existing and one plain-language version of the construction contracts as used in major jurisdictions in Malaysian construction projects will undergo text-based testing using a cognitively-inspired readability and complexity tool. Next, a total of 30 primary users of the documents will determine the comprehensibility of these contracts through cloze testing. The results are expected to present how the main users' own evaluation of the materials compare with the measured complexity of the traditional and plain versions of the construction contracts. The combined testing approaches will also help establish the potential benefits of adopting plain language to improve readability and comprehensibility of construction contracts.

Real Court, Moot Court and Virtual Court: the Present and Future of Court Interpreter Training Settings ---- A Case Study of China's Experience

YU Lei

Guangdong University of Foreign Studies, China, People's Republic of; yulei@gdufs.edu.cn

The situated learning theory purports that learning best takes place in the context in which it is going to be used. In the court interpreter training curriculum, undoubtedly most training scenarios are situated in the courtroom context. Accordingly, the design and use of the courtroom setting is an essential court interpreter training pedagogy. Through a comparative study, this paper intends to, from both the trainer's and trainee's perspectives, analyzes setting building through three different approaches: real court and moot court, which are most widely adopted at present, as well as the very recently applied virtual court, a setting created by VR technology. From the trainer's perspective, this study finds that virtual court can be built to be adapted to most training purposes of real court and moot court and it goes further to give rise to new pedagogies for court interpreting training (mobile learning, programmed interpreting tasks, virtual role play), in that it is free from temporal and spatial constraints. From the trainees' perspective (based on qualitative data collected through focus group interviews and trainee's learning journals), this study finds that though there is not clear evidence that any of the three setting building approaches significantly surpasses the other two in terms of learning outcome, virtual court is the best in motivating trainees. This study proposes that virtual court is not going to replace real court or moot court, yet it indeed opens up a new space, hence a likely future generation of education technology for court interpreting training.

From Interrogation to Confession

Dominik Vajn

University of Central Lancashire, United Kingdom; dvajn@uclan.ac.uk

From many exonerated convictions, we can observe that innocent people sometimes provide false confessions when subjected to police interrogation. Generally, confession presupposes that the confessor is reporting to the hearer previously unknown information about a crime or a transgression they have committed. Thus, the information reported has to be both new and self-incriminating. To evaluate confessions, this study focuses on analysing the suspect interrogations through which they were obtained. By investigating whether the new incriminating information is provided freely by the suspect or is introduced by the interrogators, one can distinguish 'freely-produced confessions' from 'contaminated confessions'. This distinction, as opposed to 'true' and 'false confession', is necessary to apply the method to cases where the suspects have not been exonerated or the ground truth has not been established through other evidence. Thus, the method does not aim to examine the veracity of the confession, but rather to determine if the confession can be attributed to the suspect.

This study focuses on the cases of Brendan Dassey and Lemaricus Devall Davidson both of whom confessed to murder, but with the former recanting his confession in trial. The analysis of Dassey's interrogations shows that the vast majority of incriminating information Dassey provided is discourse-old, i.e. introduced by police officers interrogating him, thus making the confession contaminated. The study aims to contrast this finding when analysing the interrogation of Davidson, whose confession was not challenged and can be considered to be freely produced.

"We are just talking about one car": Legal and Lay Linguistic Practice in Civil Forfeiture Hearings

Leah Michelle Nodar

North Carolina State University, United States of America; lmnodar@ncsu.edu

Drawing on the complementary perspectives of the courtroom workgroup (Eisenstein and Jacob 1977) and the community of practice (Eckert 2000), I argue that the institution of law is created in the everyday linguistic practices of the people whose regular work is doing law. The shared assumptions of the courtroom workgroup undergird negotiations and structure outcomes. The workgroup's

implicit ideology of justice is procedural, and manageable as a daily routine, but may conflict with the lay person's more philosophical ideology of justice (Conley and O'Barr 1990, Merry 1990).

I compare the discourse of American civil forfeiture hearings where claimants represent themselves to hearings where claimants have lawyers. Civil forfeiture hearings involve police seizure of property allegedly connected to a crime, and are against the property itself. Property does not have the right to a lawyer, so there is a mix of represented and unrepresented claimants.

Because the evaluation of actions in reported events is critical for social positioning, I conduct a network analysis of discourse in these hearings, mapping out differences in who speaks about whom. Legal- and lay-dominated hearings differ in outside actors discussed; use of hypotheticals; discussion of the police; and amount of advocacy for claimants. Officer witnesses often use a depersonalized register, attributing actions to the group, while lay claimants discuss officers as individuals. Lawyers rarely contest officer narratives, instead arguing that testimony does not meet a technical legal standard. Characterization of police thus emerges as a particular point of contestation in legal and lay ideologies of justice.

English trials heard by Chinese jurors An experimental study on jury comprehension in Hong Kong

Eva Ng

University of Hong Kong, Hong Kong S.A.R. (China); nsng@hku.hk

Studies in jury comprehension have been largely carried out in monolingual legal systems where jurors speak English as their native language or English operates as a societal lingua franca and focused on jurors' ability to understand legalese or to follow and evaluate highly technical and scientific evidence given by expert witnesses (e.g. Charrow and Charrow 1979; Cecil et al. 1991; McKimmie et al. 2014; Ritter 2004)

This paper reports the findings of an experimental research project[1] on jury comprehension in the Hong Kong courtroom, where English-medium trials are argued before Chinese jurors who speak English as a second or even foreign language. The subjects of this study were all eligible for the jury service, some with actual jury experience and others without. Segments of authentic audio recordings of two jury trials were used to test their comprehension of courtroom discourse made in English. The results show that most of the subjects had great difficulty in understanding English speeches made by judges and counsel and the comprehension problem is not restricted to legalese or technical evidence. It is also found that the subjects' comprehension does not have much to do with their educational levels and that those with actual jury experience did not necessarily perform better than those without.

The results of this study highlight an urgent need to ensure jurors' full access to the court proceedings for justice to be delivered.

Strategic uses of courtroom questions vs. interpreted questions in select Philippine criminal cases

Sabina Maria Mabutas[1], Marilu Ranosa Madrunio[2]
[1]University of Santo Tomas, Philippines; [2]University of Santo Tomas, Philippines; malumadrunio@gmail.com

Abstract

To ensure that judicial justice is served well, fairness and equality must be well-established in the legal system. One of the manifestations of a fair dispensation of justice is the presence of court interpreters who assist in eliminating language barriers in court proceedings. The influence of the interpreter's rendition of courtroom questions on the credibility and competence of lawyers is a critical issue. This paper seeks to analyze the features of interpreted questions from audio-taped interpreter-mediated courtroom examinations in five criminal court proceedings. Using Woodbury's (1984) courtroom-based typology of questions, the researchers analyzed both the original and interpreted questions. Likewise, using Hale (2004) as framework, their pragmatic functions specifically their level of control and illocutionary force, were examined. Differences between the original English questions and interpreted Filipino questions were also noted. Results revealed that there is no one-to-one correspondence between the percentages of English questions and Filipino versions of the same types. Likewise, results revealed that the alterations made by the interpreters were brought about by their focus on the propositional content alone as they are unfamiliar with the different uses of question types in court. Lack of equivalents in the Filipino language is also another reason. Finally, reiterating the questions, omitting pertinent details in questions, and altering lexical details of the questions were some strategies employed by the interpreters during the questioning process.

A Multimodal Study on Information Processing Strategies of Interest Contention in Business Dispute Settlement Based on Praat

Tingting Guo, Wanqun Guo, Mengnan Gong, Jinglin Li
[1]School of Foreign Languages, Zhongyuan University of Technology, China, China, People's Republic of; [2]School of Foreign Languages, Zhongyuan University of Technology, China, China, People's Republic of; [3]School of Foreign Languages, Zhongyuan

University of Technology, China, China, People's Republic of; [4]School of Foreign Languages, Zhongyuan University of Technology, China, China, People's Republic of; 532955649@qq.com

Interest contention reflects the nature of business dispute settlement. With the changes of different interest orientations and interest demands, litigants could take advantage of different discourse information strategies to express, defend and fight for interests to realize interest contention. At the same time, different prosodic features and multimodal resources are working together to assist litigants' interest contention. In view of this, under the guidance of the theoretical framework of Discourse Information Theory (DIT), the present study adopts both quantitative and qualitative research methods to analyze the courtroom discourse concerning business dispute settlement. More specifically, the method of discourse information analysis is adopted with the assistance of the Corpus for the Legal Information Processing System (CLIPS), and the prosodic features are analyzed by means of the speech analysis software----Praat. On the basis of the four types of general information processing strategies proposed in the previous relevant studies, the present study finds out another two new types of general information strategies and another twenty-eight sub-strategies. The data analysis shows that litigants' prosodic features and multimodal resources differ when different general or sub-strategies are utilized in the process of respective interest contention.

'You can kick me as many times as you wish but I'm not a drug dealer': suspect's resistance to explicit police coercive language and physical aggression used in a cannabis sativa trafficking case in Mozambique

Eliseu Mabasso, Amina Ibrahimo

Eduardo Mondlane University, Mozambique; eliseumabasso@gmail.com

In Mozambique's legal system, *cannabis sativa* is an illicit drug, which is one of the most consumed, particularly by poor and vulnerable young and adult people due to its easy availability and its affordable price (SERNIC, 2018). When police officers handle cases involving these people, who are occasionally illiterate and therefore non-speakers of the official language, they are likely to adopt coercive methods as a strategy to persuade suspects to cooperate and confess the crime.

Based on a case involving a young man, who refused police coercive strategies with recurring repair work, and on quantitative data produced by the Mozambique's Criminal Investigation Department, the study attempts to answer the following research questions: what formally established interviewing methods do police officers adopt when questioning suspects? Do police officers adopt the same interviewing methods when questioning uncooperative suspects such as of *cannabis sativa* trafficking and suspects of other crimes? How is the official language policy issue addressed when interviewing the former?

The findings of the study demonstrate that police officers in Mozambique are not driven by any particular guidelines or techniques when questioning suspects. As a result, they are more likely to adopt both coercive language as well as physical aggression in order to reach the 'truth'. Finally, the study findings call for a more scientifically structured interviewing model in Mozambique's policing.

References

Newbury, P. and Johnson, A. (2006) Suspects' resistance to constraining and coercive

questioning strategies in the police interview. *The International Journal of Speech, Language and the Law* 13(2), 213-240.

The utilization of the English language in traditional courts and its encroachment on the rights of indigenous languages.

Ntombizethu Nyakambi

Rhodes University, South Africa; ntombizethunyakambi3@gmail.com

Abstract

The purpose of this paper is to critique the notion concerned with the utilization of the English language in traditional courts and how it would violate the rights of isiXhosa speakers in terms of Section 6(1) of the constitution. The case in point is the announcement by Chief Justice Mogoeng Mogoeng that English will be the only language of record in High courts. This paper argues that such a declaration, is a contradiction in terms, as it flies in the face of any institutional effort to intellectualise isiXhosa for the controlling domain of Law, among others. Elevating English to a higher status than other official languages is a serious contravention of the constitution. The argument is that if the Judge's announcement is not the reversal of democracy to apartheid and colonialism, it is ill conceived. The Traditional leaders, who are recognized by Section 212(1) and (2) as duty bound court officials, by such announcement, would have their legal performances invalidated as most of them, if not all are not properly schooled in English. Not only that the Chiefs do not need English as they are by virtue traditionally skilled in customary law. For that reason, it would be further argued that the announcement is a negation of the provisions of Section 211(1), (2) and (3) applicable to all customary courts subject to the provisions of the Bill of Rights. The objective is to demonstrate that English is not the answer to the execution of law.

Multilingualism and Legal Certainty in EU law: the Civil/Common Law challenge in legal translation and interpretation

Ivan Sammut

University of Malta, Malta & IALS, University of London UK; ivan.sammut@um.edu.mt

This paper seeks to discuss the effect of multilingualism on a legal system which has currently 24 equal official languages. In accordance with the policy of linguistic equality, EU legislation must be translated into all the official languages which are considered to be equally legally authentic. The first part of the paper focus on the role played by the Court of Justice of the EU in the reconciliation of interpretation between the equally authentic linguistic versions. Reference would be made to the teleological and literal approaches and their relationship with the concept of legal certainty.

The second part of the paper will then focus on the translation on how to deal with the EU legal translation straddling the common law and civil law divide that exists in the EU legal order as a mixed jurisdiction. The final part will focus on the use of Euro English as to how the English language and its use in Brussels is helping addressing some of the issues raised in the paper. While far from perfect the paper will argue that in spite of its complexities, the EU has manged relatively well to make good use of multilingualism to foster its objectives – European integration including legal integration.

Challenges posed in simultaneous interpreting at patent court proceedings: A case study of pilot hearing at the Patent Court of Korea

Jieun Lee

Ewha Womans University, Korea, Republic of (South Korea); jieun.lee@ewha.ac.kr

Although the official language of the court in South Korea is Korean, the international chamber of the Patent Court of Korea is an exception. The Court Organisation Act was amended in order to allow languages other than Korean to be accepted as the official language of the international chamber. In that court, a hearing may be conducted in English and litigation parties can present their cases in English while simultaneous interpreting is provided. In preparation for the launch of the international chamber, the Patent Court held a pilot hearing in which two litigating parties communicated in English as a lingua franca (ELF). This case study seeks to examine various challenges posed in simultaneous interpreting at the patent court proceedings based on the analysis of the plaintiff's attorney's opening argument and the interpreted renditions provided by five conference interpreters who participated in this case study and interviews with six interpreters, including the one who actually interpreted at the pilot hearing. The findings indicate that various factors, including ELF-related factors, recitation of text, limited access to visual aides, and the technical aspect of patent technology, created extremely arduous working conditions for the interpreters and negatively influenced the interpreters' performance and job satisfaction. The results strongly suggest that the court and the legal counsel should work in close cooperation with interpreters to ensure effective communication and quality interpreting.

Understanding the Discourse of Chinese Courtroom Trials:The Perspective of Critical Genre Analysis

Yunfeng Ge, Hong Wang

Shandong Normal University, China, People's Republic of; dennisge@126.com

The social development and judicial reform in Mainland China over the past 30 years imposes a great influence on the way how courtroom trials are conducted and how courtroom discourses are purposively constructed in order to fulfill a variety of judicial, social, and cultural functions. This creates a research gap between the formerly monolithic understanding of courtroom language as a homogeneous legal entity and the examination of the present hybriding nature and characteristics of judges' discourse. Aiming at filling this gap, this paper invokes the newly developed theory of Critical Genre Analysis (Bhatia, 2017) in order to reveal concrete types of discourses Chinese judges employ in civil case hearings and to explore the background social, cultural, and institutional ideologies circumscribing the production, communication and reception of these discourses. Analyzed data are the tape-recordings and observing notes of 16 Chinese civil courtroom trials, and all of them are recorded and transcribed.

"Game-Complementation" Paradigm of Chinese Face Culture & Legal Language in the Judicial Mediation

Qinglin Ma

Northwest University of Political Science and Law, China, People's Republic of; horserman@163.com

The study, taking the face culture as the entry of the research, targeting the language of mediation as the research objective, and employing Goffman's face theory and Brown and Levinson's pragmatic face strategies as the theoretical references, firstly constructs the "Game-Complementation" paradigm to discuss the interrelations among the face culture with Chinese characteristics, legal psychology and legal language, and tries to make a case-study of the mediation language.

"Game" can be seen as a process full of conflicts and solution in which mediators by applying relevant laws and regulations, make a sound judgment on the merits of the case and balance the rights and interests of the mediation participants. While "complementation" is the necessary coordination and supplementation means realized in the interpersonal relations and social norms. The author finds that in the mediation activities, both mediators and mediation participants are in a "game" state. Through dialogue and coordination, mediators can understand the needs and expectations of the interest parties. The use of certain mediation language strategies and other complementary means can assist to achieve the purpose of communication. Complementation includes introducing some pragmatic strategies, social norms, ethics and local customs practices. Although the parties are in a state of conflicts of interests, they are in interdependence. This research ends with a thorough analysis and discussion of the "game-complementation" paradigm with the illustration of some typical people's mediation and court mediation cases.

The Invisible Aggressive Fist: A Pragmatic Analysis of cyber bullying language in China

Youping Xu

Guangdong University of Foreign Studies, China, People's Republic of; xuyouping003@aliyun.com

With the rapid development of the social media, cyberbullying has become an invisible aggressive fist worldwide, leading such victims as Amanda Todd in Canada to commit suicide. Compared with abundant findings on the detection and prevention of cyberbullying targeted at teenagers from the perspectives of psychology, sociology and computer science, little has been done to analyze how adults are linguistically bullied on the social media. This paper, based on the data collected from posts and comments on Wechat and Weblog in high-profile cyberbullying cases in China, aims to analyze the pragmatic features of cyberbullying language and the perlocutionary effects of such bullying. Preliminary findings reveal that individual bullying language uses such illocutionary acts as assertives and directives, presupposing that the victim is guilty, describing the victim as a beast or urging the victim to "go to the hell". Collectively, Wechat and Weblog users jointly and repeatedly negate the victim, play the roles of the moral police, prosecutor and judge, and pass moral sentences on the victim. It is also found that things get worse when the cyberbullying language reaches friends, neighbors or colleagues of the victim in real life. It may drive the victim to "go to the hell", achieving the desired perlocutionary effects of the bullying language and, ironically, realizing the function of language, "to do things with words". This study may hopefully enrich the linguistic study on cyberbullying and provide a linguistic insight to curb cyberbullying in China.

Using objects in forensic interviews with witnesses with a Learning Disability: Improving quality of evidence by replacing talk with low technology Alternative and Augmentative Communication devices

Tina Pereira, Michelle Aldridge

Cardiff University, United Kingdom; PereiraTM@cardiff.ac.uk

When alleged victims or witnesses (WIT) with a Learning Disability (LD) are interviewed by the police in England and Wales, a range of low technology alternative and augmentative communication aids are sometimes used in interview to improve the quality of evidence (http://www.legislation.gov.uk/ukpga/1999/23/enacted 1999). These communication aids are typically introduced by a Registered Intermediary (RI), a communication specialist present in the interview to facilitate communication between the vulnerable witness and the interviewing officer (IO) (Ministry_of_Justice 2015). Elsewhere, objects have been used as tools to augment spoken communication in a number of professional settings (Heath and Luff 1992; Hazell and Cockerill 2001; Carlsson et al. 2014; Day and Wagner 2014; Mondada 2014) but there is a dearth of research on their use in legal settings and the work here attempts to address this gap.

In this paper then, illustrating with real, anonymised data, we show that, in investigative interviews, communication aids in addition to augmenting spoken discourse, can also be used as an alternative to speech by a witness with an LD who lacks the verbal competence to give a full account. Using Conversation Analysis, we argue that the adoption of communication aids enables the witness to communicate new previously unknown investigation relevant information e.g. position (of the suspect) and the series of events that toook place during the allegation. In brief, the use of communication aids has a positive impact on the quality of evidence obtained from vulnerable witnesses in an investigation, enabling equal access to a fair trial.

A FORENSIC LINGUISTIC ANALYSIS OF POLICE INTERROGATIONS

Angelique Jarabata Tuyan, Riceli Cano Mendoza

Matalam High School, Philippines; angeliquetuyan@gmail.com

FORENSIC LINGUISTIC ANALYSIS OF
POLICE INTERROGATIONS

By:

ANGELIQUE J. TUYAN and DR. RICELI C. MENDOZA
Matalam Central Elementary School/University of Southern Mindanao
angeliquetuyan@gmail.com/ ricelimendoza@yahoo.com

ABSTRACT

This qualitative research identified the types of questions asked in police interrogation by the interrogating police officer to the victim, suspect and witness of multiple cases and determined the types of responses found in police interrogations. It also pointed out the maxims violated on the responses of the victim, suspect and witness. Thirty cases of recorded police interrogations in the form of Judicial Affidavits from the Kabacan Police Station, Kabacan, Cotabato were the corpora of the study. The cases collected were related to reckless imprudence resulting to homicide, robbery, robbery with homicide, and murder. Results showed that the interrogating police officer/s (IPO) generally used productive questions specifically probing, narrative/explanation seeking questions. It was also found out that the IPO never used counterproductive questions. The witnesses adhered to the Cooperative Principle most of the time too. As for the violations of the Gricean Maxims, the maxim of quantity is violated most by the witnesses by giving too much and/or too little information. In contrast, violation of a maxim does not necessarily mean one is not cooperating in a conversation. There were instances during the interrogations wherein the witness ignored one of the maxims but ended up giving a full view of the event. It can be inferred that the Kabacan Police station let their speakers talk freely, and that their witnesses cooperate with the investigation.

A FORENSIC LINGUISTIC ANALYSIS OF POLICE REPORTS

MARIA VINICE ORGANIZA SUMALJAG, RICELI CANO MENDOZA

[1]Cor Jesu College, Philippines, Philippines; [2]University of Southern Mindanao, Philippines; mypart07@gmail.com

Police reports can serve as investigative aids or as pieces of evidence in court. The police officers who make these reports should write them in an accurate, clear and factual manner. Thus, investigation report writing is necessary and is a major duty of those in the criminal justice system. This qualitative content analysis examined the linguistic features and the organizational structure of 30 police reports from the different investigation sections in Davao Region, Philippines. The corpora of the study consist of thievery, shooting incident, murder, stabbing, and drug-related cases. The findings revealed that there are three linguistic features: lexical, syntactical and cohesive devices. Moreover, this legal document is composed of different moves and steps that make up the overall structure of the police reports. Thus, an accurate and clear police report is an important evidence and source of information for any future prosecution.

Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders

Janny Leung

The University of Hong Kong, Hong Kong S.A.R. (China); hiuchi@hku.hk

This keynote address, based on a forthcoming book *Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders* (OUP, Feb 2019), offers a critical perspective to official multilingualism as proclaimed and practised in many polities today. Through diachronic and synchronic comparisons, it shows that official multilingualism has become a norm in the political management of linguistic diversity, but actual practices vary according to sociohistorical contexts and current power dynamics. It explains such convergences and divergences using a theory of *symbolic jurisprudence*, which posits that official language law has served chiefly as a discursive resource for a range of political and economic functions, such as ensuring stability, establishing legitimacy, balancing rival powers, and harnessing trade opportunities.

I will demonstrate the practical impact of official multilingualism on public institutions and legal processes and the application of linguistic equality – frequently asserted in multilingual polities – on the ground. I argue that serious pursuit of linguistic equality calls for elaborate administrative effort in public institutions and carries a potential to clash with existing legal practices. However, such changes – however extensive – hardly ever disrupt the status quo. Linguistic equality is *shallow* in character, and must not be confused with the kind of equality that has a universalist backing.

I conclude that both *symbolic jurisprudence* and *shallow equality* are components of a policy of strategic pluralism that underlies official multilingualism. Although official multilingualism can legitimately be used to pursue collective goals, it runs the underlying risks of disguising substantive inequalities and displacing more progressive efforts in social change.

Lay Understanding of Civil Law Terminology in Japan

Mami Hiraike Okawara[1], Hajime Nishiguchi[2], Shinji Shimogaki[3]

[1]Takasaki City University of Economics, Japan; [2]Attorney, Former Judge, Japan; [3]Attorney, Numata Municipal Office; mamihoka@tcue.ac.jp

Perhaps more than most professions, law depends on a corpus of specialised terms of art that are familiar to the practitioners using them regularly in legal contexts but less familiar, and often confusing, to lay people. An initial step to making legalese more understandable to non-lawyers is to evaluate what lay people actually understand by the terms they come across, and so this study compared the responses of lay participants when asked about key terms from the Japanese Civil Code with the definitions and explanations given by a legal expert. The approach in this paper combines quantitative content analysis of closed questions given to lay participants with quantitative analysis of responses solicited through recorded interviews. Data was collected from interviews with 43 lay subjects about their knowledge of 16 basic civil law terms extracted from the Japanese Civil Code. The language used by interview informants was subjected to cluster analysis, co-occurrence network and correspondence analysis. The key aims were to explore what terms lay people believe they know, what they understand by these legal terms, how they express their understanding, and the extent to which their basic understanding of legal theory may differ from the understanding of lawyers.

Bloody Thumbprints, Quantum Grammar, and "Freemen Upon the Land": A Novel Methodology for the Analysis of Sovereign Citizen Pseudolegal Documents

David Griffin

Cardiff University, United Kingdom; griffindt@cardiff.ac.uk

The Sovereign Citizen movement is a loosely-organized group of anti-government conspiracy theorists that exists around the world. Sovereign Citizens have developed their own system of complex pseudolegal discourse that they employ as part of their interactions with courts and the wider legal system (Laird 2014). Though the documents they produce may at first glance resemble those found in the regular legal process, they often contain a variety of unconventional features including nonstandard usage of grammar and punctuation, highly specific arrangements of red thumbprints and postage stamps, and even blood used as ink, all of which mark them as something decidedly distinct (Anti-Defamation League 2016). Religious studies scholars have proposed that these documents are better thought of as instances of ritual magic practice in which Sovereign Citizens attempt to appropriate the institutional authority of the legal system and use it against itself (Wessinger 1999). This paper describes a novel methodology designed to analyze the complex intertextual relationship between the pseudolegal writings of the Sovereign citizen movement, legitimate legal documents, and ritual magic. Drawing variously upon the fields of multimodal corpus linguistics (Bateman 2008), genre analysis (Bhatia 2004), and semiotics (Kress and Van Leeuwen 2006), this approach provides an adaptable mixed methods framework with which to compare such multimodal informationally-dense genres. This paper will discuss the results of a recent pilot study and its findings regarding the relationship between the three above-mentioned genres as well as the suitability of the method for use in linguistic analysis more generally.

Interviewing Children in the Kenyan Judicial System

Grace Waithera Kamau

Moi University, Kenya; geganed4@gmail.com

Abstract

Children are different from adults. In the judicial system measures have been put in place to take care of children because they fall into this group.This study seeks to establish whether the measures stipulated on paper are actualized in courtrooms in Kenya and if they do to what extent.Kenya is currently governed by a constitution that was promulgated in 2010. In the Constitution the place of children in society and their rights have been clearly stipulated in the Children's Act. Among the rights spelt out is one of children in court where their participation is to be guided by regulations such as being addressed in a language that they understand and protection of their identity. The Objectives of this paper are: establishing the type of questions that children are asked in court. To find out if the cognitive developmental stages of the child is taken into account when formulating questions and also gauge how effective the questions are in eliciting information fro the child.Theories used in the study were Speech Act Theory , Critical Discourse Analysis, Piaget's Developmental Stages and Text World Theory. The data collection method was purposive because only cases involving children were studied. Data collection was through audio-recording, observation both active and passive, questionnaire and focus group discussion. The data will be presented in graphs and models where different variables are compared and exhibited.

ID: 157
Individual Oral Papers
Topics: The language of the law

The Disadvantaged Status and Legal Remedy to the Less-educated and Low-income People in China

qingyun pan

East China University of Political Science and Law, China, People's Republic of; pqy1579@163.com

I have been working as a lawyer for more than 30 years. During all those years, I have handled hundreds of cases and analyzed a large amount of related cases. Based on the analysis, I am deeply impressed by various legal hardships suffered by those less-educated and low-income people when they are involved in litigation. It is difficult for this group of people to understand related law and the process of litigation. Specifically, because of the asymmetry of the power of parties in the lawsuit, the disadvantaged are often forced or manipulated to say something that they do not believe to be true, or to admit certain facts in disbelief. If they are victims of a case, they may even be victimized again during the litigation. Therefore, the advised the remedies are: to strengthen the legal supervision of the judicial organs and to protect and implement the litigation rights and linguistic rights of the citizens granted by the Constitution and the law. Further, the law enforcement and judicial organs should enhance their own awareness of rights in language in order to promote the fairness and justice of law.

At the same time, the disadvantaged must protect and relieve themselves from all the hardships by learning some important legal knowledge, basic legal terms, and a number of court discourse strategies in order to handle the manipulation of the powerful side.

Thursday, 04/Jul/2019 4:30pm - 5:00pm
ID: 159 / PP-Th-pm - S3 - 2: 2
Individual Oral Papers
Topics: evidence
Keywords: likelihood ratio, strength of evidence, forensic authorship analysis

The Use of the Likelihood Ratio Based Approach in Forensic Authorship Analysis

Shunichi Ishihara

The Australian National University, Australia; shunichi.ishihara@anu.edu.au

The use of likelihood ratio (LR) for conveying expert evaluative opinions to the decision makers, such as the court or juries, has been supported and recommended by relevant communities. In Aitken, et al. (2011), for example, which is a position statement signed by 31 individuals and supported by the Board of the European Network of Forensic Science Institutes (ENFSI), LR is stated as "the most appropriate foundation for assisting the court". The ENFST also released new guidelines in 2015 for the practice of forensic voice comparison (FVC) - probably the closest field to forensic authorship analysis (FAA) - and they specifically recommend the LR approach for FVC (Drygajlo et al. 2015). Despite the tangible presence of the LR framework as the logically and legally correct framework for assessing and presenting forensic evidence in more and more different fields of forensic science, FAA studies based on the LR framework remain sparse; thus the LR framework has not yet made inroads into FAA. After the advantages as well as the theoretical/practical issues of the LR framework in FAA are described, this paper 1) argues, while attempting to refute the arguments against the application of the LR framework in FAA, that we need to start investigating how FAA can best profit from the LR framework, and 2) also discusses possibly how and where we can start the investigation. This requires a wide-open discussion at the theoretical and practical levels and an extensive amount of fundamental-empirical research.

ID: 160 / PP-Tu-am-S3 -4: 1
Individual Oral Papers
Topics: vulnerable witnesses
Keywords: Appropriate Adults; police interviews; young suspects

The (linguistic) presence of the Appropriate Adult in police interviews with juvenile suspects

Annie Heini

Aston University, United Kingdom; heiniab@aston.ac.uk

In England and Wales 17-year-olds are, as juveniles, entitled to special measures when navigating the legal system. This includes the mandatory presence of an Appropriate Adult (AA) during police questioning; a role performed by a parent/guardian (familial relation to suspect) or a social worker/volunteer (non-familial relation). AAs are expected to ensure proper and fair treatment of the suspect and facilitate communication (PACE, 1984). This paper presents findings from an analysis of AAs' (discursive) contributions in police interviews with 17-year-old suspects in England. It is the first project of its kind, in that it focuses on an actor that has not been investigated from a forensic linguistic perspective before.

In this exploratory study, ten recent interviews with 17-year-old suspects are analysed using a combined micro- and macro-level approach rooted in social constructionism. Conversation Analysis (Sacks *et al.*, 1974) is used to inductively examine interactional structures and to identify the most salient issues in interactions with AAs. By employing Critical Discourse Analysis (Fairclough, 2010), these observations are critically evaluated and embedded in the wider context of institutional discourse, age-related legislation and, ultimately, criminal and social justice.

The findings indicate the overall tendency of familial AAs to contribute more; sometimes by providing useful practical information, but other times by violating their instructions when either answering questions on the suspect's behalf or providing unsolicited feedback in an attempt to attest to their protégé's good character. This induces the notion of a potential dichotomy between overprotective, familial AAs and unconcerned and perhaps lackadaisical non-familial AAs.

Paper: Legal limitations within China's minority language rights regime: a Zhuang case study

Alexandra Grey

University of Sydney, Australia; alexandra.grey@sydney.edu.au

This paper presents 2013-2017 research on China's constitutional language right to use and develop minority languages, and the legal instruments and state entities supporting it. The research takes a case study of Zhuang, the language of China's largest minority. The analysis combines complementary legal and critical sociolinguistic lenses (following Bourdieu 1987, 1991), sitting within the ethnography of language policy literature. Legal instruments and policies were collected and multi-sited, ethnographically-oriented fieldwork undertaken (following Schein 2000:26-28).

This paper focuses on the legal nature of the right, and the role of the Guangxi Zhuangzu Autonomous Region's government in elaborating and applying it. The paper analyses the limitations on the right given its nature as a 'freedom' and lack of actionability or enforcement mechanisms. Then it explores problems with responsibility for governing Zhuang being largely channelled – and restricted – to the autonomous region, finding there are significant legal limitations on that region's power. A contrastive analysis of legislation protecting the national language (Putonghua) highlights the unequal position in law of minority languages and the national language. The paper concludes that the Zhuang language right has minimal impact, which the ethnographically-oriented, empirical side of the study bore out.

These legal issues are relevant to studies of language rights regimes in and beyond China.

***

Bourdieu (1987). The Force of Law: Toward a Sociology of the Juridical Field. *The Hastings Law Journal, 38*(July), 814-853.

(1991). *Language and symbolic power.* Polity Press.

Schein (2000). *Minority rules; the Miao and the feminine in China's cultural politics*. DUP.

Do Changes in Technology Impact on Communication in the Victorian Koori Court?

Natalie Alison Stroud

Monash University, Australia; natalie.stroud@monash.edu

The Koori Court of Victoria seeks to provide a culturally sensitive forum for Indigenous offenders and give them a voice in the criminal justice system. The interactive 'sentencing conversation' in this specialist court engages Elders from the Indigenous community to provide cultural advice to the presiding Magistrate and to the offender.

This paper considers the extent that recent changes in technology have on the unique cross-cultural communication features of this court. One change in the court process over the period of the research is the introduction of video link screens which are now becoming more frequently used in the court when the defendant remains in prison, under changes to the *Justice Legislation (Evidence and Other Acts) Amendment Act 2016.* Video links are used to assist the increased number of cases heard in a day in the Koori Court, and the frequent delays in transporting offenders from remand or prison (Magistrates' Court of Victoria Annual Report 2015-2016).

This paper examines how video link screens have changed the interactive 'sentencing conversation' back to a dialogue between the Magistrate and defendant, with other participants taking a reduced role in the process. Increased use of the video link may therefore negate some of the positive outcomes of Koori Court communication which enhance the perception of justice for Aboriginal offenders in the Victorian criminal justice system.

'NBK is closing in': The Linguistic Repackaging of Mass Murder.

Emily Katherine Powell

Cardiff University, United Kingdom; emkpowell@yahoo.co.uk

The description of harm in terms intended to make it more palatable has been explored in relation to a range of descriptions of harmful conduct, from accounts of genocide and torture (Cohen 2001) and stories given by executioners (Osofsky et al. 2005), to language describing the slaughter of animals (Presser 2013). Bandura et al. (1996) assert that in order to cause harm and be able to live with ourselves, it is necessary to disengage our actions from our moral code. One of the key elements of this is the use of euphemistic

labelling, sanitising language, and the lending of agency to nature, events and nominalisations (van Leeuwen 2008) in order to make the act more acceptable, the blame less easily placed, and possibly to reduce inhibition. This has implications for the study of offenders and the impact of their own engagement with the elements of their crimes, and the extent to which they take responsibility for them.

This study uses a corpus aided approach to analyse the written narratives of a small group of perpetrators and explores their descriptions of their future crimes in ways that may enable them to preserve their own moral code (Bandura et al. 1996), defend their future actions (Jarvinen 2000), distance themselves from the detail of their actions and responsibility for them (Cohen 2001), and potentially enable them to act.

Linguistic Analysis of Oral Legal Discourse in Question/Answer dyads of Chief-Examination Lawyers/Witnesses: Adama City Courtrooms in Focus

Ejarra Batu Balcha
au, Ethiopia; nanatibatu@gmail.com

Previous studies of direct-examination questions focused on linguistic analysis of question-answer pair. There is, however, a noticeable limitation of linguistic analysis of oral discourse based on original data which as a result may reduce the credibility of the results. The main objective of the study is, therefore, to analyze the discursive strategies of chief-examination questioning forms and functions to achieve a particular version of events in mind that they are endeavoring to prove with the witnesses while witnesses are obliged to answer in any way they are requested. The analysis employs Grice's (1975) maxims of cooperative principles to perform discourse analysis with intent to pragma-dialectical and rhetorical analysis of argumentative discourse. Data that are used to generate the findings are directly based on information from two courtroom participants – the witnesses and the chief-examining lawyers. The Gricean pragmatics approach was employed to analyze the recorded courtroom proceeding data of the three witnesses and two chief-examination lawyers. The findings of the study suggested that the rule and role governed norms of courtroom witness examination constituted the two courtroom participants as professional-lay, maintaining power to legal professionals while victimizing the lay-participants. Chief-examination lawyers' turn initiation and the purposive use of reformulated tag questions, deictic shifts, reconfirming insert sequence, and declarative yes/no question forms are found the major chief-examination lawyers' linguistic tactics that control the language of the witnesses to achieve their versions of invents.

How L2 speakers of English understand and misunderstand their Miranda rights

Scott Jarvis[1], Aneta Pavlenko[2], Elizabeth Hepford[3]
[1]University of Utah, United States of America; [2]University of Oslo, Norway; [3]Wesleyan College, United States of America; scott.jarvis@utah.edu

In the US, numerous versions of the Miranda Warning exist, and most are written in high-code legalese. Research shows that native English speakers have difficulty understanding the Warning (Rogers et al., 2010, 2011), and this is even more challenging for suspects with limited English proficiency (Bowen, 2017; Eades, 2010; Innes & Erlam, 2018; Pavlenko, 2008; Pavlenko et al., 2016). Importantly, the nature and degree of this problem are not well understood due to the lack of systematic empirical research.

The purpose of this study is to examine how well L1 (n = 41) and L2 (n = 71) speakers of English comprehend the Miranda Warning, whether their level of confidence corresponds with their actual comprehension, what the greatest sources of difficulty are, and what the participants think their individual rights are when they misunderstand them. All participants were students at American universities, with the L2 participants recruited from advanced intensive English courses. The L2 participants included 50 L1 Chinese and 21 L1 Arabic speakers. Comprehension was measured through paraphrasing, recall, and dictation tasks.

Results show that 93% of the L1 English participants surpassed a threshold level of comprehension, but only 3% of the L2 participants did so, and no one with a CEFR proficiency rating lower than C1 reached the threshold. The results also show that participants' confidence was high even when their comprehension was low. The cause of misunderstanding was often the misinterpretation of familiar-sounding words and phrases (e.g., *write* for *right*, *wave* for *waive*, *president* for *precedent*).

The Study of Stance Adverbials ending in -LY: A Corpus Analysis of Immigration Waiver Decisions

Silvana Gomes
Hofstra University, United States of America; sgomes1@pride.hofstra.edu

The problem we are studying is the potential legalization of unauthorized immigrants in the United States through the process of Waiver of Grounds of Inadmissibility - Unlawful Presence. The purpose of this process is to facilitate the legalization of undocumented immigrants who have at least one U.S. citizen as a close relative, and thereby granting them a 'pardon' for violating immigration laws and/or committing a crime in the country. The merit of the waiver will be decided by taking into account important facts reported in the Applicant's Personal Statement, such as: sincere regret for having illegally overstayed the visa; rehabilitation for any mistakes; the negative impact that family members will face due to potential deportation; among others. The general objective of the research

is to describe the verbal language in this type of process. The specific objectives are: 1 - to identify the use of adverbs ending in -LY; 2 - to analyze the stance adverbials found in the corpus and 3 - to investigate whether or not there are differences in the sustained and denied decisions according to Scaramuzzi - Rodrigues (2016). To do so, we adopt as theoretical foundation: 1 - Berber Sardinha (2000 and 2004) for Corpus Linguistics; 2 - Biber et al. (1988, 1999 and 2006) for the stance adverbials and 3 - Scaramuzzi-Rodrigues (2016) for the methodology of stance research in forensic linguistics. The corpus is representative of the 104 decisions from 2017 that were retrieved from the Office of Administrative Appeals.

Questioning is Power: Chinese Police Interview Case Study Using Critical Discourse Analysis

Fanjing Zeng

People's Public Security University of China, China, People's Republic of; fanjingzeng@126.com

Questioning and answering, or interviewing, constitute a fundamental part of criminal investigation, and it is also a powerful tool to reveal the power dynamics in police interview. Questioning itself is a manifestation of power, where the person who asks the question have the priority to take actions on the conversation (Sacks, 1995). This paper used a Chinese police interview case with critical discourse analyses to illustrate how the police interrogator use various types of questioning as the main means for the police interrogators to exert their powers to influence and control the suspect with low power status within such interaction.

Offensive Language: How Abusive Discourses Spark Public Crimes in Nigeria

Crescentia Nwaeze Ugwuona

University of Nigeria, Nsukka, Nigeria; crescentia.ugwuona@unn.edu.ng

Abstract

Nigeria is currently facing unsettling times immensely and, offensive discourse, and words of conflict, are at the peak of the lots of the public crimes, insecurity, socioeconomic and political instability but has hitherto been neglected by previous researchers. Beyond that, provisions that restrict and control offensive speech are often being violated by politicians and political leaders in Nigeria. This dimension has been under-theorised by earlier researchers on the topic. Consequently, this study investigates: how offensive language are represented and legitimized in discursive formation within the criminal justice system in Nigerian print media; investigates and analyses how offensive language discourse entrenches power inequalities, public crimes, corruption, augments judicial discretion, and promotes unfairness in contemporary Nigeria; and proposes measures for polite and appropriate use of the language. The data is drawn from the three most widely read Nigeria print media: The Sun newspaper, The Vanguard, The Punch; interviews and Internet and is to be analysed through positioning theory, and critical discourse analysis (CDA). The study reveals that offensive language discourse in Nigerian print media sustains power inequalities, corruption and unfairness, augments judicial discretion, and ignores difference in contemporary Nigeria. The researcher recommends that since discourse shapes perceptions about things, people, ideas, and the world, words that are deemed out of place and worthy of criminal sanction should be circumvented. This study will provide researchers, and forensic linguists with the latest about how language can amplify or constrain public crimes, and contribute to peaceful and fair societies in Nigeria and the world.

Communication Issues of Open Questions in Legal Interviews

Makiko Mizuno[1], Umidahon Ashurova[2]

[1]Kinjo Gakuin University, Japan; [2]Kinjo Gakuin University, Japan; m-mizuno@kinjo-u.ac.jp

Questioning is one area where institutional talk can differ substantially from everyday conversation. Both police interviews and courtroom testimony mostly take a question and answer format, and it is the powerful parties-lawyers and police-who mostly ask the questions. As Loftus (1979) states, "The form in which a question is put to a witness exerts a strong influence on the quality of the answer". The open form of questions, for instance, is often used by attorneys to encourage the witness tell the story more freely and without being lead. Then, what about the testimonies that involve legal interpreting? What influence will the interpretation make on the quality of answer, particularly when the interviewee is a minor?

Past linguistic analyses of legal interpreting proved the interpreter's influence on the flow of exchanges; their speech styles and lexical choices determined the impressions of jurors; the interpretation of attorney's questions to a witness influenced the ensuing exchanges. (Mizuno et al. 2016) In line with these analyses, our experiments with 37 Japanese-English interpreters in 2016 and interpreter-mediated mock legal interviews of six children in 2018 showed that the interpreting may hinder the intended ambiguity of the open questions; through inappropriateinterpreting the ambiguity may be lost and the interpretation may add the elements of 'leading'.

The presenters will share their findings on interpretation and/or misinterpretation of open questions, and how they have influenced the responses from interviewees. Several suggestions will be made on what can be done for training legal interpreters in Japan.

Discourse, Media & Social Divide in the Jury Room

Mel Greenlee
California Appellate Project, United States of America; mgreenlee@capsf.org

In criminal proceedings in the USA, jurors are routinely cautioned to base their verdicts "on the evidence," rather than on arguments of counsel. Jurors are also advised to avoid making a sentencing decision through emotion.

At the penalty phase of a capital case, jurors may consider victim impact in deciding a sentence, but are prohibited from making a decision based on the comparative worth of the lives of the victim and the accused. (Payne v. TN (1991) 501 U.S. 808.) Courts have increasingly allowed jurors to view sophisticated and emotional film evidence of victim impact but tend to discount any improper influence of such evidence, as well as prosecutors' related arguments, on the jury's penalty decision. (See, e.g., Kelly v. California (2008) 555 U.S. 120.)

Since Kelly, prosecutors have also used excerpts from video and other media of defendants in their efforts to ensure the ultimate sentence, urging jurors to consider talk and demeanor in these clips as establishing defendants' death worthiness. But the inferences jurors are invited to draw may be tainted not only by the excision of the excerpts from their discourse context, but also by longstanding yet implicit cultural and social divisions, implicating the prohibited comparisons of relative worth.

This paper explores the discourse features of these media-based prosecution arguments in a small set of capital trials, drawing data from transcripts, appellate pleadings and case recordings, arguing that the interplay between excised discourse and subtle appeals to social division inappropriately propels jurors toward voting for execution.

Inside A Criminal Agreement: Examining the Language of Conspiracy in a Cybersex Crime in the Philippines

Phamela Marie Edralin
University of Santo Tomas, Philippines; phamela.marie.edralin@gmail.com

As a criminal agreement (Marcus, 1977), conspiracy, both a language crime and an inchoate crime, has become an indictable offense in the United States. In the Philippines, however, conspiracy in general is not legally punishable unless the law specifically provides a penalty for the act as in treason, and sedition. Hence, this study investigated the language of conspiracy in an Online Sexual Exploitation of Children (OSEC) case in the country in order to analyze the linguistic constituents present in the criminal process. 647 online exchanges culled from the National Bureau of Investigation-Cybercrime Division (NBI-CD) served as the corpus of the study. Following the inverted pyramid approach of Shuy (2011), this paper utilized Hyme's (1972) notion of speech events, and Deictic Referencing with message topic as the primary unit of analysis. Open coding resulted in the discovery of 40 speech events including *Solicitation*, *Planning*, *Instruction*, *Risk Assessment/Management*, *Updating*, *Progress Evaluation*, *Clarification of Concerns*, *Suggestion*, *Feedback*, *Elicitation of Money*, *and Fantasy Expression*. On the other hand, four first person plural pronouns were also openly coded, namely *you and I*, *we*, *us*, and *our*, and the nature of their occurrences adds to the conspirators' liability. This paper thus argue for the amendment of the conspiracy doctrine to incur criminal liability especially in cases of child pornography in the Philippines. Such amendment would pave way for the gradual decrease and eventual eradication of OSEC crimes in the country as it would entail that prospective conspirators may already be indicted upon proof of criminal agreement.

Problems and Improvement of Legislative Purpose Clauses of China's Civil Law Texts

Huiqian Fan
Shandong Technology and Business University, China, People's Republic of; fanhuiqian@sdtbu.edu.cn

This paper studies the legislative purpose clauses of 12 legal texts in China's current civil law system, and consists of three parts. The first part divides the purpose clauses into three categories according to the legislative wording. The second part points out the following problems existing in the legislative purpose clauses: first of all, the hierarchical structure being either complex or simple leads to the lack of normalization in the legislative system; besides, the inconsistency of wording results in the lack of rigorous expression; what's more, the logic is not clear enough, such as the purpose clause of the "Property Law" is written in accordance with the order from abstract to concrete, and from macro to micro. Suggestions are made to improve the expression of the legislative purpose clauses from the following aspects: firstly, as for position, the purpose clause should be set in the first article of each law; secondly, as for language, its sentence pattern should be standardized and unified as the employment of "For..., according to the Constitution, this Law shall be enacted". Thirdly, content expression should be specific, easy to understand, and large but inappropriate words or phrases should be avoided. Finally, content level should be concise and moderate, with three or four levels as appropriate to express the direct or more closely indirect purpose of the law as far as possible.

A Content Analysis of Rape Reports in Online Arabic Newspapers in the Gulf Region

Tharwat Mohamed EL-Sakran, Sarah Al Qahtani

American University of Sharjah, United Arab Emirates; g00051990@alumni.aus.edu

Although Islamic Sharia laws accord high status and protection to women and minors in all Muslim countries, incidents of rape crimes remain frequent. Coverage of such crimes in Arab countries tends to be of a selective nature. This manifests itself in the type of rape crimes selected for coverage; whether they are local, regional, or international, and how much information is brought to the public's attention. Reasons for such a tendency could be: the social status of the rapist or victim, their age, nationality and profession. This research examines the contents of rape reports. To this effect, rape reports from the two most read electronic newspapers in Gulf countries were selected for this research. An online search was conducted within the selected newspapers' websites using specific rape keywords in Arabic to find answers to the research questions. A content analysis of the texts indicates that all writers of rape reports, regardless of their gender, describe sexual crimes as heinous. However, it is observed that victim blaming, albeit being inferred from between the lines and couched in terms of flagrant violations of the local cultural norms, its degree varies according to the victim's age, nationality and marital status. Results also reveal that the report is used as a playground to underscore the efficiency and the strenuous efforts of the law enforcement personnel in arresting the rapist as well as for the defense lawyers to present their arguments for indicting the rapist or the victim and/or exonerating one or both of them.

Guilty or Not Guilty: A Lexico-syntactic Analysis of the Theme of Innocence in the Last Statements of Texas Death Row Inmates

Anna Patricia Guillarte

University of Santo Tomas, Philippines; patriciaguillarte@gmail.com

Death, as the inescapable conclusion of life, becomes more disturbing and apparent for death row inmates as they are aware of the circumstances about their death. Capital punishment, or more commonly known as *death penalty*, is the government-authorized execution of those who were convicted of a capital crime. In the state of Texas, before death row inmates are put to death, they are given the chance to utter their last statements which are then published in the Texas Department of Criminal Justice (TDCJ) website. One of the themes that these last statements could possibly display is the expression of innocence. Through a Forensic Discourse Analysis approach, the researcher analyzed the lexical features and discourse organization that might help determine the theme of innocence in the last statements of those who received capital punishment from December 1982 to December 2018 by using the *Descriptive Framework for Emotive Communication* by Caffi and Janney (1994) and the *Strategies of Self-presentation and Meaning Construction* by Schuck and Ward (2008). From the 54 gathered last statements, this study expects to identify the linguistic features that convey the theme of innocence to contribute to the studies on death penalty, death row statements, and the emerging linguistic field of the 'language of innocence'.

Differences in linguistic and legal constructions of reliability: why it matters and why the law should listen to linguistics

Ben Grimes

Charles Darwin University, Australia; ben.grimes@cdu.edu.au

To what extent can linguistics tell us if a speaker means what we think they mean? I will explore this question in the context of the legal framework for deciding whether a confession should be admitted into evidence and will illustrate how a linguistic approach for assessing communication is superior to legal frameworks.

Historically, legal argument about confessions was primarily focused on whether the confession was coerced by force or induced by trickery, and was assessed in relation to 'voluntariness'. The courts subsequently expanded the right to include the requirement that the suspect understand that they had this right.

More recently, through the *Evidence (National Uniform Legislation) Act*, the notion of voluntariness was replaced with 'reliability'. This is a positive step, particularly when viewed from a linguistic perspective. However, recent cases illustrate how judges have failed to embrace the full potential of the concept of reliability, and have taken backward steps by conflating the idea of 'reliability' with 'truthfulness'.

Using these cases, I will articulate specific changes that are needed to the legal construction of reliability. This will be done with particular reference to the interactional construction of meaning, pragmatic and sociolinguistic aspects of communication and discourse level issues such as cultural schemas and non-linear narrative, which are currently beyond the scope of judicial consideration.

If the law were to embrace a linguistic concept of reliability, it would realign the right to silence with its original purpose; to prevent judges and juries from considering evidence that is demonstrably unreliable.

"Be a man": Appealing to discursive constructions of masculinity in police interviews

Dakota Wing

York University, Canada; wingdakota@gmail.com

The speech event of male officer-male suspect (American) police interviews contextually and discursively strip the suspect of any power or control, positioning them in a subordinate position absent of resources commonly used to index a hegemonic masculine identity. Correspondingly, the questioning officer's dominant (masculine) identity is reinforced, emphasizing their positional power. With a critical discourse and interactional sociolinguistics framework, this study investigates the discursive construction of a gendered identity and the officers' appeals for the suspect to perform this contextual ideation of masculinity in a Florida police interview. The power ascribed to police officers warrants their sole discretion in determining what makes 'a man' and to position themselves and the suspect in relation to it. By appealing to the male suspect's desire of conforming to masculinity, the officers anticipate that the suspect will perform the behavioral qualities that index their constructed masculine identity (demonstrating the performative aspect of gender identity). These behaviors include talking about the alleged crime in question, clarifying the events of the crime, being truthful, and taking responsibility for actions. Consequently, these behaviors equate to a confession, presenting a gendered dilemma for the suspect: 'be a man' and confess or deal with the social, emotional, and psychological consequences that accompany deviations from expected social norms. Thus, the construction, positioning, and appeals to the contextual masculinity serve as a discursive strategy to further the (powerful) officers' contextual goal.

English as 'language of record' in the Vanuatu legal system

Cynthia Claire Schneider

University of New England, Australia; cindy.schneider@une.edu.au

Vanuatu, Australia's Pacific Island neighbour, has more than 100 indigenous languages and three official languages: English, French, and Bislama. Ostensibly the Vanuatu legal system takes an attitude of 'easy multilingualism', reflecting citizens' familiarity with multilingual interactions. For example, Bislama is frequently heard in court. However, the de facto language of record is English, which few speak as an L1.

This situation has positive and negative impacts. There are practical benefits: English steps in where Bislama and indigenous languages lack precise legal terminology. Appeal Court judges, typically from Australia and New Zealand, understand English but not Bislama. A socially-constructed benefit is the air of 'integrity' and 'professionalism' that written English purportedly lends to the judiciary.

However, as in any situation where the standard variety sets the bar for 'normalcy', with variations considered an inferior deviation, the potential for inequality exists (see Angermeyer (2015: 5)). Since English is a second or third language for Vanuatu citizens (including lawyers and judges), its usage can trigger insecurity and cause miscommunication. Furthermore, evidentiary documents supplied in English can lead to misplaced assumptions about a witness's ability to give oral testimony in English. Conversely, poorly-crafted English language material runs the risk of not being admitted into evidence.

This paper is based on interviews with lawyers, judges, and one interpreter from the Supreme Court and Magistrates Court of Vanuatu, and four months of observations of Vanuatu courtrooms.

References

Angermeyer, Philipp Sebastien. (2015). Speak English or What? Codeswitching and Interpreter Use in New York City Courts. Oxford: OUP.

Investigating the Norms of Interpreting Employed in Selected Philippine Courtrooms

Raquel Renido Jimenez

University of Santo Tomas, Philippines; rrjimenez@ust.edu.ph

Court interpreting is perceived to promote successful communication among court participants who speak languages other than the official language of the court. It helps the judges and jury in courts of law to make sure that the message is accurately conveyed and fair decisions are derived. However, there are cases in which misinterpretation occurs. For instance, an interpreter may have problems translating words or statements in the witness' testimony from English to Filipino and vice versa, leading to communication breakdown. To avoid this problem, interpreting should ensure that qualities like accuracy and completeness are observed and such qualities may be achieved by employing norms in interpreting. In the Philippines, there is little evidence that court interpreting norms is widely

studied. Anchored on Wang's (2012) model, this study will investigate the interpreting norms used in selected Philippine courtrooms. Using qualitative approach, specifically content analysis, 10 audio recordings of court proceedings will be transcribed and analyzed to determine the interpreting norms. From the data gathered, it is hoped that adequacy, explicitation, specificity, and explicitness among others, are applied during interpreting. If court interpreting falls short of the expected standards of these categories, it is possible that the judges arrive at incorrect decision of the case under trial. Valuable conclusions that would contribute to theory, practice, and/ or policy in court interpreting are hoped to be derived from these investigation.

ID: 185 / PP-Tu-am-S1 -4: 2
Individual Oral Papers
Topics: media
Keywords: rape, far-right extremism, misogyny, identities, corpus analysis

Reframing Rape: Investigating Identities and Alternative Rape Culture in Extremist Discourses Online

Kate Barber
Cardiff University, United Kingdom; barberk@cardiff.ac.uk

Linguistic analyses of far-right discourses have traditionally focused on nationalist rhetoric or racist and ethnoreligious-based invective (for example: Brindle 2016). The explicit anti-feminist stance held by some far-right groups, specifically in relation to sexual offences against women, remains underexplored. This paper outlines findings from an ongoing corpus-assisted critical discourse analysis of blog posts on sites identifying as belonging to the Alternative Right (Alt-Right) or the right-wing men's activist movement known as the *Manosphere*. While these factions can be distinguished by their primary concerns towards racial diversity (Alt-Right), and men's rights (Manosphere), this study aims to highlight how their discourses converge in their portrayal of victims and perpetrators of sexual violence against women.

The presentation focuses on two investigative areas to contribute to work on countering violent extremism online: (1) the overlaps in ascribed and inhabited identities in Alt-Right and Manosphere discourses; and (2) how rape and sexual assault are reframed, effectively redefining what rape is and, crucially, what it is not. This shared alternative rape culture often excuses sexual violence; shifts responsibility in line with the wider ideologies they promote; and provides the 'gateway drug' (Romano 2016) said to be radicalising men from the Manosphere into the extreme far right.

Brindle, A. (2016). Cancer Has Nothing on Islam: A Study of Discourses by Group Elite and Supporters of the English Defence League. *Critical Discourse Studies*. 13(4). pp. 444-459.

Romano, A. (2016). '*How the alt-right's sexism lures men into white supremacy*.' Vox, 14th December 2016. Available online at: http://www.vox.com/culture/ 2016/12/14/13576192/alt-right-sexism-recruitment

Friday, 05/Jul/2019 12:30pm - 1:00pm
ID: 186 / PP-Fr-am - S2 -4: 4
Individual Oral Papers
Topics: evidence
Keywords: forensic linguistics, audience analysis, deceptive contexts

'To Whom This May Concern': audience profiling in forensic (con)texts

Isabel Picornell, Ria Perkins
Centre for Forensic Linguistics, Aston University; isabel.picornell@gmail.com

This paper demonstrates the utility of audience analysis in forensic casework, and how and why such analysis might be of use in real-world investigations. Using a real case as an exemplar, the paper demonstrates that we can move beyond profiling authors to considering who an author's actual intended audience is and whether this is consistent with the language of the message. This is of particular use in fraud examinations, when linguistic data has been uncovered which investigators consider to 'have something odd about it'. The analysis normally begins with authorship profiling, the emphasis being on the question "what kind of linguistic persona wrote this?". However, another question is often just as relevant – "who is the intended audience for this communication?"

Audience analysis makes use of existing linguistic theories, in particular Bell's (1984) Audience Design, Grice's (1975) Maxims, and Sperber and Wilson's (1986) Relevance Theory, and this paper demonstrates how such theories can be incorporated into a linguistic toolkit which can be applied to real data.

The data in this case consist of an exchange of emails between two financiers, flagged because an investigator felt there was something "odd" about the language. Closer analysis (in the form of audience analysis) indicated that the language of the content was inconsistent with the profile of the primary addressee, a finding which resulted in a change in direction of the investigation and the discovery of a transatlantic fraud in the making.

ID: 187 / PP-We-pm-Symp-GB-2: 1
Individual Oral Papers
Topics: Police, vulnerable witnesses
Keywords: Communication of rights, police, conversation, interaction

Limitations of spontaneous conversation for explaining rights: police conversations with Aboriginal suspects in the Northern Territory

Alex Bowen
ARDS Aboriginal Corporation, Australia; alex.bowen@gmail.com

Police in the Northern Territory of Australia who interview Aboriginal suspects are required to explain the right to silence caution 'in simple terms' and test understanding of it. This policy seems to assume that police can come up with good ways of explaining this caution spontaneously in conversation, perhaps drawing on experience and/or standard wordings in police documents.

Unfortunately, conversations between police and suspects are sometimes long, confusing and unsuccessful. This is a study of published transcripts of conversations about the right to silence caution.

Police initially state the caution following a standard legal text, then paraphrase the caution if it seems necessary. They seem to assume that paraphrasing the caution can remedy confusion and that talking more about the caution will improve understanding of it. This approach under-recognises the complexity of conversations and how meaning is constructed in interaction.

Particular problems with spontaneous conversations include that:

- The legal starting text is uninformative and police may be unable or unwilling to provide more information.
- Some paraphrases used by police are unlikely to be effective ways of explaining the right.
- Conversational sequence and structure affect how suspects interpret police language, but police do not seem to account for this. Repetition and chaining of paraphrases can produce confusion and unintended results, especially relating to the meaning of conditional clauses.
- Police generally do not provide clear 'feedback' to suspects about whether they demonstrate accurate understanding of their rights.

These problems show that good communication about rights requires evidence-based planning, rather than intuitive paraphrase.

Thursday, 04/Jul/2019 4:30pm - 5:00pm
ID: 188 / PP-Th-pm - GB2: 2
Individual Oral Papers
Topics: vulnerable witnesses
Keywords: courtroom questioning, narrative fragmentation, dialect speakers

Narrative fragmentation in Florida v Zimmerman: AAVE and the dynamics of courtroom interaction

Philipp Angermeyer

York University, Canada; pangerme@yorku.ca

The 2013 US trial of George Zimmerman for the murder of Trayvon Martin has received considerable attention from sociolinguists working on issues of language and race (Hodges 2015; Slobe 2016; Rickford & King 2016; Sullivan 2016; Bax 2018). Scholars have focused in particular on the cross-examination of the prosecution witness Rachel Jeantel and on her use of African American Vernacular English (AAVE), arguing that her testimony was not understood by jurors who were both unfamiliar with her dialect and socially biased against it (Rickford & King 2016).

This paper adds to and expands on this research by drawing on findings from research on courtroom questioning and the effectiveness of witness testimony in the adversarial system (Woodbury 1984; Stygall 1994; Harris 2001; Cotterill 2003; Heffer 2005; Eades 2012). Focusing in particular on the direct examination, it is shown how the witness's testimony is impacted by other participants' interruptions and by the prosecutor's constraining questioning strategy, both of which are shown to be related in part to her use of AAVE. These factors converge to cause extreme fragmentation of her narrative, likely making her testimony appear less persuasive to jurors (Stygall 1994, Harris 2001).

The findings converge with other studies on legal-lay discourse in suggesting that linguistic and cultural differences between individuals do not merely constitute a communication barrier that causes miscommunication, but that they may have both pragmatic and metapragmatic consequences that further undermine the provision of justice and may be deliberately exploited by other courtroom actors (cf. Eades 2004).

Thursday, 04/Jul/2019 4:00pm - 4:30pm
ID: 189 / PP-Th-pm - GB2: 1
Individual Oral Papers
Topics: Other, truth telling/credibility
Keywords: asylum, CDA, refugees, credibility, migration

Paper: Contesting credibility in Australian refugee decision-making

Laura Smith-Khan

University of Technology Sydney, Australia; Laura.Smith-Khan@uts.edu.au

Whether we can trust those seeking asylum is increasingly a central question in both public discourse and institutional processes, with credibility assessments an important component of the latter. How bodies assessing refugee claims conceptualize credibility is therefore of crucial importance.

This paper shares findings from the first sociolinguistic study taking the construction and contestation of credibility in refugee procedures as its central point of examination. Using Social Actor Analysis (van Leeuwen, 1996) the study critically examined the language ideologies underlying published refugee appeal decisions and decision-making guidelines. It also considered how the discourse in these texts frames other forms of diversity, and explored how these constructions of language and diversity affect how credibility is understood and assessed in visa decision-making.

The discourse uncovered is found to problematically construct credibility as an individual attribute attaching to visa applicants. However, I argue this contradicts the sociolinguistic realities. While decision makers are expected to assess credibility by examining how applicants communicate, this assumes that their speech and writing is something they create independently, rather than being institutionally controlled and produced through the interaction of multiple participants.

The discourse thus creates serious challenges for applicants, who must communicate "credibly" to gain protection. This finding also has implications for law and procedural reform: the individuals most likely to wish to challenge the institutional conceptualization of credibility, applicants themselves, are also the least likely to be believed.

van Leeuwen,T.(1996).The representation of social actors. In C.R.Caldas-Coulthard & M.Coulthard (eds.),*Texts and practices: Readings in critical discourse analysis*,32–70.

Legalese, meet linguistics

Janet Randall, Leah Butz, Abbie MacNeal, Rachel Smith, Samantha Bonnin, Ryan Semple, Julien Cherry, Yian Xu, Samantha Laureano, Marisa Snelson
Northeastern University, United States of America; randall@neu.edu

Jury instructions are linguistically complex, so complex, in fact, that they can be impossible to understand, discouraging jurors from fully participating in trials and leading to misinformed verdicts. In a series of studies, we have shown that we can improve understanding by (1) presenting instructions in "Plain English"-- reducing passive verbs and "legalese"-- and (2) providing the texts for subjects to read while listening. Our first studies measured comprehension using true/false questions after each instruction, which gave subjects the chance to understand one before tackling the next. Jurors, however, do not get this time between instructions before having to correctly apply them in their deliberations.

Suppose we presented the instructions all together and then asked questions, giving subjects the same challenge as jurors. Would they understand even less? Our next studies did just that and, as predicted, the Plain English and texts still helped but comprehension dropped overall. Now consider this: according to 2013 Census data, half of Massachusetts' adult citizens have not gone beyond 12th grade. To match the jury pool, our two current studies include subjects from a range of educational backgrounds. Again as predicted, these subjects' comprehension scores are lower than undergraduates' scores, but they benefitted more from the Plain English and texts.

Overall, our results show not only how difficult jury instructions are, but also how much more comprehensible they can become with two simple changes. If the judiciary applies these findings to improve courtroom practices, we will see better-informed verdicts and, ultimately, fairer trials.

Finding Pinocchio: Detecting deception strategies in witness statements in a Philippine courtroom

Aaron Thomas Lising De Guia
University of Santo Tomas, Philippines; aarontdeguia@gmail.com

The role of witnesses in the courtroom is crucial. These witness statements allow a case to prosper, especially in an adversarial system like the Philippines. However, not all witnesses are expected to genuinely tell the truth in the stand. In fact, one of the goals of deception is to avoid conflict, or break free from punishment. This study piques linguistic curiosity in discriminating deception through witness statements in a Philippine courtroom setting by employing Buller and Burgoon's (1996) Interpersonal Deception Theory and the deception cues used by Picornell (2013). Statements and responses of witnesses in cross examinations culled from the three transcripts in an on-going civil case being appealed to the Supreme Court of the Philippines were analyzed to evaluate the deception strategies employed. Statements were divided into truthful statements and deceptive statements based from the decision of the Regional Trial Court Branch 138 in Makati City. Results show that there were only 250 occurrences of deception cues inside the courtroom and only 17.6% were found in deceptive statements. It is due to the fact that the asymmetry of power between lawyer and witness inside the courtroom constricts the lexical diversity of the witnesses' answers hence, deception strategies like third person pronouns, verb strings, and cognitive verbs occurred less in frequency in deceptive statements. Moreover, findings reveal that deceptive statements lack first singular person pronoun which correlates with previous studies. Further, results show that deception strategies creates a narrative in which the witnesses detach themselves in their statements.

'Ganito po ang Nangyari': Ascertaining the Truthfulness of Extra-judicial Confessions through Linguistic and Narrative Analyses

Danielle Arcegono
University of Santo Tomas, Philippines; danielle.arcegono.ab@ust.edu.ph

Regarded as the "most damning persuasive evidence" (Leo & Ofshe, 1998, p. 343) the impact of confession in securing conviction should not be undervalued. However, extra-judicial confessions (EJC) or informal confessions are often ruled inadmissible by the court due to the lack of counsel assistance to validate such confessions; putting their degree of truthfulness in question. Recently, in the Philippines, EJCs are used as an easy way out of prison as a solution to the overtly crowded city jail caused by the administration's

war on drugs campaign (Rappler, 2016). This study intends to analyze selected 20 extra-judicial confessions in the Philippines to ascertain the degree of their truthfulness by anchoring on the argument that research-supported linguistic deceptive cues on written statements (i.e., equivocation, negation, unique sensory details, emotions, and quoted discourse) (Adams & Jarvis, 2006) are not present in the gathered confessions. A phrasal analysis will be employed to identify and measure the frequency of the said deception cues. Furthermore, the structural aspect of the confessions as narratives will be analyzed through episode partitioning (i.e., Prologue, Criminal Incident, Epilogue) (Rabon, 1956; Rudacille, 1994, and Sapir, 1978). Through this method, the premise that the symmetry or the length of each episode can manifest the degree of truthfulness (Rabon, 1996) will be validated. In the end, this study promotes an exploration of alternative method in credibility assessment analysis by treating confessions as a progression of events, while at the same introducing a linguistic probe on extra-judicial confessions.

How many sexes is "both sexes"? Legal and lay interpretations of commonplace words in Japan's marriage equality debates and possible implications for linguists.

Richard Powell

Nihon Uiversity, Japan; ricpowell@yahoo.com

Since the establishment of a lay judge system, Japanese linguists (e.g. Okawara, 2008) have been investigating differences between lay and lawyer understandings of courtroom lexis. Much of this focuses on legal terms, but this study will compare opinions about a phrase in common parlance: "both sexes". According to a 2017 poll 51% of Japanese favour same-sex marriage. Following recent moves in apparently LGBT-supportive Nepal and Taiwan to define marriage heterosexually the movement of opinion in Japan is unpredictable, but given that support for marriage equality runs at 70~80% among those under 40 it will likely increase. However, in a handful of cases judges have ruled against same-sex unions on the basis of constitutional Article 24, which makes marriage contingent on consent from "both sexes". There is evidence that the 1947 drafters had the rights of women in mind when including this phrase, and no evidence they had any thoughts on same-sex marriage, so it must be interpreted in light of current circumstances. Several constitutional scholars argue that it does not rule out same-sex unions, especially when read with other provisions about personal freedom. To what extent is this a sociolinguistic as well as a legal problem? Referring to judgments, academic opinions and questionnaire data from lay informants, this enquiry discusses the sociolegal complexities of apparently straightforward language and draws parallels between monolingual jurisdictions like Japan and bilingual jurisdictions like Hong Kong and Malaysia, where disputes over the meaning of everyday words have had wide sociopolitical ramifications.

Adversarial versus Inquisitorial, which is more antagonistic? A contrastive multimodal analysis of courtroom discourse

Chuanyou Yuan

Guangdong University of Foreign Studies, China, People's Republic of; richyuan@163.com

This paper is a further study of a previous research (Chuanyou Yuan, 2018) on multimodal discourse analysis of Chinese and American criminal trials, which examined two cases tried 15 years ago and concluded that "the American courtroom is more like a battlefield …, whereas the Chinese courtroom is more like a lecture hall" in terms of multimodality, e.g. speech, gestures, gaze and bodily movements. This paper re-examines multimodality in courtroom trials in different legal systems, including the American, the Australian, and the Chinese court trials, taking as data more recent high-profile criminal cases gathered from online videos and court observation. Some new findings are expected, for example, the Australian criminal trials are less antagonistic or adversarial than the American ones, while the Chinese trials (especially communication between the prosecution and the defense) are becoming more hostile and less collaborative in terms of multimodal appraisal. The theoretical frameworks employed are the SFL-based Appraisal system and paralanguage model. This paper centers on the legal actors' verbal language (speech) and paralanguage (gestures, gaze and bodily movements) in making the kinds of meaning – in SFL terms the trilogy of ideational, interpersonal, and textual meaning in the courtrooms.

References

Chuanyou Yuan, 2018. A battlefield or a lecture hall? A contrastive multimodal discourse analysis of courtroom trials, *Social Semiotics*

Jing Hao, S. Hood, 2019. Valuing science: The role of language and body language, *Journal of Pragmatics* 139 (2019)

Martin, J.R., Zappavigna, M., 2019. Embodied Meaning: A Systemic Functional Perspective on Paralanguage, *Functional Linguistics* 6.1 (2019)

Two ways do make it: sense making devices in Supreme Court decisions of contested cases in comparative perspective

Joao Pedro Padua

Universidade Federal Fluminense, Brazil; joaopadua@id.uff.br

Sense making devices for constructing the meaning of legal norms by courts and other legal bodies have had recent, albeit modest attention by the law and language literature (e.g. Padua 2017; Stein 2017). This literature uses linguistics' analytical methods and concepts to put to empirical and conceptual test legal theories of interpretation, that usually operate in a normative noumenal world, without reference to actual practices of legal interpretation in concrete settings. This paper aims to expand on the law and language literature, by adding a comparative dimension to the investigation of sense making practices empirically used by courts. Using ethnomethodology of written texts as its main analytical method (Watson, 2009; Wolff 2011), the paper presents two case studies of contested decisions – i.e., decisions for which there is substantial disagreement within the court and in the legal community --, one from the U.S. Supreme Court and one from the Brazilian Federal Supreme Court. Analysis points to preliminary evidence of two different patterns of sense making devices each court uses in construing controversial meanings to legal texts. Whereas the U.S. Supreme Court stays focused on the text and use syntactic manipulation to construe a meaning that is consistent with the normative view of the majority, the Brazilian Federal Supreme Court puts the text to the background of the argument, while foreground other normative issues to account for its decision. Implications for this preliminary evidence and future avenues of research are discussed.

Forensic Automatic Text Comparison

Sabine Ehrhardt[1], Michael Grübsch[2]

[1]Bundeskriminalamt, Germany; [2]Softwaremanufaktur Vivid Sky, Germany; sabine.ehrhardt@bka.bund.de

Qualitative approaches to comparative tasks in a forensic context have proved to produce good re-sults with very short texts due to their depth of description. Amounts of textual data that come up in investigations of social network communication require a different tackling.
In a series of research studies, several automatic text comparison systems have been tested for their suitability in a forensic context. This means that an automatic system includes both the processing of linguistic data as well as the evaluation of this data as linguistic evidence (e.g. cf. Ishihara 2014 and 2017). Methodologically, N-gram analysis, Burrows' delta (Burrows 2002) and cosine similarity have been used in these systems. For an evaluation framework, a likelihood ratio-based approach was implemented. In order to observe the effects of different parameters, various corpus-based and method-based variations have been applied resulting in a total of 2352 system variations each eval-uated as independent comparison system. For system validation, the metrics equal error rate (EER) and log likelihood ration cost (Cllr) have been used. The results (best-performing systems with EER of 5%, Cllr of 0.4) suggest that there is the possibil-ity to complement traditional approaches to authorship attribution – provided the data base is suited for an application of automatic systems.

How Do French Adults Process Information in Deceptive Speech?

<u>Gabriella Fekete</u>

Independent researcher, France; fekegab@gmail.com

Information-processing in language production is the process of linguistic encoding of a semantic message (Christodoulides, 2016), in which the generation of semantic information precedes syntactic encoding (Fromkin, 1971). Recalling semantic information such as lifetime periods, general events, and event-specific knowledge from autobiographical memory (Conway & Pleydell-Pearce, 2000) has already been widely investigated (Greenwald et al., 1998; Sartori et al., 2008; Steller & Koehnken, 1989). We address this process using micro-semantic analysis, which can be effective in all areas of Forensic Linguistics which use language as a communicative tool.

The aim of our study is to investigate how French adults process information from autobiographical memory in deceptive speech.

Our data comes from videotaped spontaneous oral speech produced by 17 French-speaking adults. The participants were given the task of producing a fake opinion paradigm (Mehrabian, 1971) on their favorite sport. We identified ten information-types such as aptitude, bodily and technical information within the whole body of data. We then categorized them into the three knowledge-types of autobiographical memory in monologues and interactions.

Our results show discrepancies in the frequency of the three knowledge-types of autobiographical memory used in true and deceptive speech. We also found that certain information-types are linguistic-context-dependent while others are systemic. The findings highlight the fact that some information is missing and/or replaced, and other information is nuanced in deception compared to truthful speech.

This study can contribute to a better understanding of deceivers' cognitive processing, as well as demonstrating the close relationship between language and cognition.

Language, crime, law, computers and all other powerful instruments: digitising police investigative interviewing?

Monwabisi Ralarala, Ephias Ruhode, Melo Forchu, Waldon Hendricks, Sandiso Mchiza
Cape Peninsula University of Technology, South Africa; ralaralam@cput.ac.za

Existing research in police interviewing and record construction has captured the attention of linguists, forensic linguists, sociolinguists as well as information technology experts (Rock 2001; Heydon 2012; Cleary 2014; Ralarala 2014; Harding and Ralarala 2017). Findings from these studies suggest that the current model of police investigative interviewing is filled with flaws, and thus open to manipulation and distortions. In the backdrop of this flawed process, the argument in this study is on introducing cutting edge technology in the interviewing and record construction process. The present study reflects on the development of a digital police investigative interviewing meant to carry important functions: (i) integrated audio visual system which carries complainant's original message, (ii) printed sworn-in statements from machine-translated scripts in various languages and (iii) a dedicated interview recording and storage system for law enforcement. Through the design science methodology, this research will be broken up into two different parts, that is the all-encompassing research and the underlying design and build phase that will produce an artificial intelligence artefact through natural language processing. This methodological choice will involve seven steps, namely, problem identification, understanding and motivation, identifying the objectives, concept design, design science research artefact design and development, artefact evaluation and communication (Hevner et al. 2004). Expected outcomes include a revolutionised police interviewing system which will be fully automated. Theoretically, the design science methodology, which steps outside of the traditional boxes with collaborative processes in order to find new solutions, will be a major contribution to studies of social phenomena.

Indirect threats on trial

Tanya Karoli Christensen, Marie Bojsen-Møller
University of Copenhagen, Denmark; tkaroli@hum.ku.dk

While threatening harm is well-established as a language crime within forensic linguistics (Fraser 1976, 1998; Harris 1984; Shuy 1993; Storey 1995; Gales 2010, 2011, 2015a, 2015b; Muschalik 2018), legislation does not always define this type of crime well enough for prosecutorial purposes. Indirect threats are particularly challenging to decide legally (Solan & Tiersma 2005: 204); especially in jurisdictions that refer to defendants' intent (cf. the notion of 'plausible deniability'; Pinker, Novak & Lee 2008).

For this study, we extracted 68 written messages that have been tried and convicted as threats in the Danish higher courts (2002-2018); the majority of which were indirect (75%). The trial judgments place great emphasis on the wider situational context—e.g. ancillary actions performed by the defendant—but the language of the messages is left undiscussed, despite consistent reference to their 'frightening' effects (a requirement in the Danish penal code, section 266).

A linguistic threat conveys the information that a harmful event, for which the threatener is responsible, will befall a victim (cf. Fraser 1998; Muschalik 2018: 181-182). Indirect threats leave out some of the defining characteristics, e.g. the type of harm or the threatener's responsibility for it, and instead refer to one or more of the felicity conditions for a commissive speech act (Searle 2008 [1965]), such as the threatener's control of the future event (Yamanaka 1995).

Focusing on both grammatical and lexical features, we show how the language used in our data attains frightening effects and thereby appears threatening, also in terms of the law.

Large-scale authorship attribution with sociolinguistically dynamic data

Krzysztof Kredens, Piotr Pezik, Lisa Rogers, Samantha Shiu
Aston University, United Kingdom; k.j.kredens@aston.ac.uk

This paper presents an evaluation of two approaches to large-scale authorship attribution. The data sets contain over 60 million posts (ca. 3 billion word tokens) contributed to online discussion boards by over one million registered members, which makes them significantly larger in terms of both the number of documents *and* authors than any other experimental collection to date. Importantly from a forensic linguistic perspective, the data sets are also highly interactive and dynamic, featuring hundreds of thousands of authors engaging in complex polylogic exchanges on a wide range of topics over several years. We believe such an experimental setup reduces some of the typical biases found in automated authorship attribution experiments which have used fairly static data (e.g. blog posts or emails).

The first approach reported is a K-Nearest Neighbours (KNN) algorithm which transforms text samples into query vectors and collects aggregated relevance scores of probable authors. The second approach is a FastText classifier (Joulin et al. 2016) utilising recent advances in natural language processing such as vector-based word representations obtained through neural network training. Depending on the number of test samples used for classification, our recall rate is 44 to 75 per cent at the 30th rank of the prediction lists. We discuss the implications of our findings for the notion of idiolect and, more widely, for internet-scale authorship attribution.

Reference

Joulin, A., Grave, E., Bojanowski, P. and T. Mikolov. 'Bag of Tricks for Efficient Text Classification.' ArXiv Preprint ArXiv:1607.01759, 2016.

Friday, 05/Jul/2019 11:00am - 11:30am
ID: 204 / PP-Fr-am - S3 -4: 1
Individual Oral Papers
Topics: evidence, corpus
Keywords: forensic linguistics, authorship attribution, idiolect

Toward linguistic explanation of idiolectal variation – understanding the black box

Krzysztof Kredens, Piotr Pezik, Lisa Rogers, Samantha Shiu
Aston University, United Kingdom; k.j.kredens@aston.ac.uk

The development of powerful computing tools and easy accessibility of large quantities of language data online have sparked renewed interest in authorship analysis in a variety of domains. However, as new computational models are put forward for authorship attribution purposes and ever greater success rates reported, a vast majority of the studies remain silent on the nature and types of linguistic phenomena associated with idiolectal style. Meanwhile, in forensic authorship attribution, models should be explanatorily rich: the forensic linguist needs to be both certain of the validity of his/her findings and able to explain them to lay triers of fact; s/he needs to know what actually happens inside the black box.

This paper reports on the findings of a project using what to the best of our knowledge is the biggest corpus (ca. 3 billion words produced by over one million authors) ever used in computational author classification research. However, we are less concerned with classification results here but interested instead in harnessing the big-data capability to inform our understanding of idiolectal variation. By drawing up a typology of style markers that proved to be instrumental in correct author classification (resulting in 'true positives') and those that classified authors erroneously (yielding 'false positives'), we revisit the fundamental question (e.g. Coulthard 2004, Mcmenamin 1993) of just what kinds of idiolectal style markers have the greatest individuating potential.

References

Coulthard, M. (2004), 'Author Identification, Idiolect, and Linguistic Uniqueness', Applied Linguistics 25(4), pp. 431–447.

McEmnamin, G. Forensic Stylistics (1993), Amsterdam: Elsevier.

Friday, 05/Jul/2019 11:00am - 11:30am
ID: 206 / PP-Fr- -GB2 - 4: 1
Individual Oral Papers
Topics: truth telling/credibility
Keywords: Discourse Analysis, Deception, Fraud, Earnings Calls

The Application of Linguistic Strategies of Deception Detection to Earnings Conference Calls

Holly Jane Anderson
Aston University, United Kingdom; andersh1@aston.ac.uk

Within the investment community, fraud has traditionally been detected by means of forensic accounting and fundamental equity analysis. More recently, however, linguistically informed approaches are becoming popular (Crawford Camiciottoli 2017; Larcker & Zakolyukina 2012). This paper reports on a project investigating linguistic strategies of deception detection in earnings calls, a form of financial disclosure provided by company management to the investment community. Detecting deception is challenging, with the results from previous experiments and studies all suggesting varied and conflicting linguistic correlates. I have developed a taxonomy of features and apply a hybrid top-down and bottom-up discourse analysis to non-fraudulent company earnings calls and to ones where the CEO and/or CFO management are known to have attempted to "cook the books" and portray a deceptive image of company performance to investors. I will present my preliminary findings and focus on the relevance of context and how deception manifests through different linguistic techniques at different levels of language description. I will also outline the genre of earnings calls and explain how it can play host to a variety of deceptive indicators within fraudulent disclosure. Finally, I will outline the challenges that I have encountered along the way regarding defining deception, ethical considerations, and locating intention in apparently deceptive discourse.

References

Crawford Camiciottoli, B. C. (2017). Persuasion in earnings calls: A diachronic pragmalinguistic Analysis. *International Journal of Business Communication*, 45, pp.181-222

Larcker. D.F., & Zakolyukina, A. (2012). Detecting deceptive discussions in conference calls. *Journal of Accounting Research*, 50 (2), pp.495-550

ID: 207 / PP-Tu-am-GB2: 1
Individual Oral Papers
Topics: Police
Keywords: police-victim interaction, institutional talk, interpersonal relations, domestic abuse, police call-outs

"sorry to keep asking you to repeat yourself but-": Negotiating the institutional, professional and relational dimensions of police-victim interaction during domestic abuse call-outs

Kate Steel

Cardiff University, United Kingdom; steelcm@cardiff.ac.uk

This paper examines the interplay of institutional, professional and personal discourses (Sarangi and Roberts 1999) in interactions between police officers and reported domestic abuse victims during 'first response' call-outs in England and Wales. Officer training underscores the importance of building rapport with victims to put them at ease and increase the likelihood of cooperation (College of Policing 2016). Yet domestic abuse research in this context (e.g. Lagdon *et al*. 2015) identifies the tension between officers' interpersonal and institutional responsibilities as a key source of interactional difficulty.

Perhaps due to complexities around access, there have been no previous empirical linguistic studies in this setting. Drawing from my ongoing research project, this paper will present data extracted from police body-worn video footage of naturally-occurring police-victim interactions. Analysis will be supported with ethnographic data involving participants with first-hand experience of such encounters. I will take a qualitative, discourse-analytical approach to illustrate how both officers and victims shift between and blend institutional, professional and relational modes of talk. Potential applications and implications for practice will also be discussed.

References

College of Policing (2016) *Domestic Abuse: First Response* [webpage]. Available at: https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/first-response/.

Lagdon, S., Armour, C. and Stringer, M. (2015) *Every Voice Counts: Policing Response to Intimate Partner Violence in Northern Ireland*. Jordanstown: Ulster University.

Sarangi, S. and Roberts, C. (1999) 'The dynamics of interactional and institutional orders in work-related settings'. In S. Sarangi and C. Roberts (eds), *Talk, Work and Institutional Order: Discourse in Medical, Mediation and Management Settings.* Berlin: Mouton de Gruyter, 1–57.

Linguistic Agentivity and Eye Movements in French Adults' Deception

Gabriella Fekete

Independent researcher, France; fekegab@gmail.com

Linguistic forms and non-verbal items are multifunctional (Van Valin, 2017; Vrij, 2005). Thus, language and brain provide speakers a family of both constructions (Slobin, 1994) and body reactions which serve the same informative, adaptative or communicative goals. This functional linguistic and non-linguistic approach can be used in different areas of Forensic Linguistics, such as linguistic evidence, and language honesty.

This study aims at investigating the relationship between linguistic agentivity reflected by grammatical subject, verb, and grammatical voice (Bamberg, 2005; Berman & Slobin, 1994), and eye movements in deception. Thus, we are interesting in whether psychological distancing (Newman et al, 2003) and planning of verbal message (Griffin, 2004) are related in deceptive speeches.

Our data is composed of videotaped spontaneous oral monologues and interactions produced by 17 French-speaking adults. The participants were given the task of producing a fake opinion paradigm (Mehrabian, 1971) on their favorite sport.

Our results are consistent with both the linguistic properties of French language (Talmy, 1985) and the different language registers (Jisa et al, 2002). Truth-tellers assume their responsibilities for the events with more inclusive-I-subjects and action verbs. They generally keep eye contact. Deceivers get involved less with more impersonal subjects and state verbs. Passive voice is infrequent. Deceptive interactions activate more lateral eye movements.

These findings highlight the importance of choosing the relevant forms corresponding to the predefined function, of taking into account the linguistic properties of the target language, and of relating verbal and non-verbal languages.

What does it mean to understand language about rights? Towards a cognitive-inferential model of understanding

Alex Bowen

ARDS Aboriginal Corporation, Australia; alex.bowen@gmail.com

In the Northern Territory of Australia, police must explain the 'right to silence' to Aboriginal suspects who are not native speakers of English in a way that generates and tests 'apparent understanding'.

The result is conversations between police and suspects about understanding of rights which create some evidence about suspects' understanding. Lawyers make arguments about understanding based on these conversations, and judges decide whether suspects' understanding of their rights was good enough.

This paper, based on court decisions quoting transcripts of police–suspect conversations, asks what judges and police mean by understanding and whether there is a theoretically coherent framework for deciding whether someone understands an utterance or text.

Understanding has been described as *recontextualisation* (Rock 2007), recognising that understanding requires linking new language to some context already known. This paper argues that recipients 'understand' language inferentially, using cognitive context to derive interpretations that interact usefully with existing ideas about the world (Sperber & Wilson 1995). How useful or actionable must an interpretation be to amount to understanding?

Language when interpreted by recipients can invoke meaning deterministically or generally. Communicators' claims vary in precision and credibility, and these variations support some comment on the relationship between 'understanding' and 'believing'.

Models of understanding can support assessments of whether individuals have understood rights, and inform the design of policies and texts aiming to produce understanding using language.

Rock, Frances (2007). *Communicating rights: The language of arrest and detention*. Palgrave Macmillan.

Sperber, Dan & Wilson, Deirdre (1995). *Relevance: Communication and Cognition*. Blackwell.

Thursday, 04/Jul/2019 4:00pm - 4:30pm
ID: 210 / PP-Th-pm - S2 - 2: 1
Individual Oral Papers
Topics: Language and the legal process
Keywords: Power, Meaning, Semiotics, Traditional courts, Land disputes

Power and Meaning in the Kaabuurwo – a Traditional Court among the Arror of Kenya

Emmanuel Satia, Rebecca Chepkemboi

Moi University, Kenya; emsatia@yahoo.com

Article 159 (2) (c) of the Constitution of Kenya provides for alternative forms of dispute resolution including 'traditional dispute resolution'. Although the constitution was promulgated in 2010, traditional methods of dispute resolution are by no means new. Many communities, like the Arror, have used it for generations to settle civil disputes. However, the power and the legitimacy of such courts, depends on, among other things, a common interpretation of the main signs and symbols of such courts. This paper, therefore, examines how power is legitimized and how meaning is constituted in the *Kaaburwo*. The main aim of this study is to demonstrate why such courts continue to be preferred in *modern* societies in spite of the existence of more progressive court systems. Although different cases are brought before the *Kaaburwo*, this article focuses only on land disputes. Data was collected through audio-recordings and interviews with parties involved in selected cases either as litigants or as observers. A conceptual framework drawing on semiotics, Austin's Speech Act theory and Theo van Leeuwen's Socio-cognitive approach to Critical Discourse Analysis (CDA) was used to analyze the key signs and symbols through which power is legitimized and meaning constituted. Accordingly, trees, the space around the trees and the supernatural were found to encode and legitimize power, while artifacts such as stones (used as boundary markers), the walking stick, and the *Kirokto* – a small staff held by men in the community, among others, were found to constitute meaning.

Thursday, 04/Jul/2019 11:30am - 12:00pm
ID: 211 / PP-Th-am - S2- 4: 2
Individual Oral Papers
Topics: Language as evidence
Keywords: expert evidence advocacy voice

Whose voice is it anyway? Ethical issues in legal-linguistic consultancy and engagement

Alison Jeannette Johnson

University of Leeds, United Kingdom; A.J.Johnson@leeds.ac.uk

Taking two case studies (CS) as examples, this paper identifies the contrasting and sometimes conflicting positions that the forensic linguistic expert inhabits alongside the legal and lay participants in the legal process, tracing the ethical issues that arise and the questions raised for the various stakeholders. CS1 considers an appeal by an asylum seeker in which the quality of the data raises serious concerns for the expert and the validity of the opinions expressed; and CS2 focuses on a blackmail case where authorship is disputed and where expert, judge, barrister, and defendant are in conflicting and competing positions. In both cases methodological issues of data legitimacy and viability are considered and the paper considers the ways in which experts are sometimes forced to work with data that can be considered "bad data" (Labov 1972) when language is used in evidence in the legal process. The paper asks us to think about how a range of voices are articulated, privileged, silenced, merged, and manipulated in the legal process and asks the provocative question of how expert are the experts? Since advocacy itself is at the heart of the legal system, it also asks us to think about whose voice is actually heard in the legal system and in society at large, building on ideas of voice and discursive practice from the work of Bahktin (1981), Bauman (2005), Hymes (1996) and others.

ID: 212 / PP-Tu-am-GB2: 2
Individual Oral Papers

Conversation and confrontation: An exploratory register description of arrest interactions

Tyler True

Northern Arizona University, United States of America; tjt265@nau.edu

This dissertation pilot study investigated language used by law enforcement officials and citizens in arrest confrontations by comparing frequencies of 35 linguistic features between arrests and face-to-face conversation, citizens and officials during arrests, and violent versus nonviolent interactions.

Arrest interactions were gathered through general and jurisdiction-specific searches. Of 54 relevant videos, 20 with the longest interaction were transcribed and tagged for linguistic features. Feature counts from 30 texts in the *Longman Grammar* (Biber et al., 1999) facilitated comparison to conversation. Other features – expletives, overlapping – were compared within arrest texts.

Frequency counts reveal more activity verbs and pronouns but fewer complement clauses, contractions, modals, and questions in arrests than conversation, indicating a focus on the immediate environment and less stance-marking. Conjunction-initial clauses, useful in reformulations (Haworth, 2017), are used more in arrests and by citizens with more pronounced difference in non-violent interactions. Citizens use more first-person pronouns, expletives, and overlapping (clearer in violent texts) than officials, expressing solidarity and strong emotion; officials use more discourse particles, attention-getters, and other pronouns in maintaining attention on and control over behavior. Officials use predictive modals to explain post-arrest procedures.

Frequencies of linguistic features between arrests-conversation, citizens-officials, and violent-nonviolent interactions are interpreted to support functional descriptions of interactions.

On the ground, this analysis could contribute to officials recognizing (non-)violent interactions as they develop, instruction for L2 English users, interpretation of problematic interactions by agencies, courts, or the media, and – extended to the scope of a dissertation – baseline frequencies supporting further quantitative examination.

Singular plurals and plural singulars in Estonian procurement cases

Martin Aher

Mind the Meaning Ltd., Estonia; martin@mindthemeaning.com

We discuss recent legal cases in Estonia where procurement decisions were challenged on the basis of their use of singular or plural terms. Estonian cases are especially interesting from a linguistic perspective, because grammatical number behaves anomalously in Finno-Ugric languages.

It is well known in formal semantics literature that plurals can express atomic meanings. For example, the word "cats" is plural in the question "Were there cats there?" but one can reply with a singular: "Yes, there was one cat." Recent work by de Swart and Farkas has shown that in Finno-Ugric languages, such as Hungarian and Estonian, singulars can also express plural meanings. One also finds similar expressions in other languages. There's a debate on whether phrases such as "someone said they are coming" include a salient singular use of "they" in English.

Such ambiguities are especially problematic in procurement cases, as these concern the number of items being purchased, and often include lists of attributes in singular or plural form that add or subtract from the suitability of the applicant. Forensic linguists can be asked to submit an expert opinion as evidence to explicate their meaning.

Our case study will highlight difficulties that may arise in language-specific contexts. We will follow Farkas and de Swart in positing that different languages require modified semantic analyses. Illustrated by the case study, we discuss structures and conditions in which ambiguities arise and those in which they do not. The cases illustrate the importance of cross-linguistic foundations for forensic linguistics.

Variation in Aboriginal English: Implications for forensic phonetics in Australia

Deborah Elizabeth Loakes

The University of Melbourne, Australia; dloakes@unimelb.edu.au

The variety of English spoken by Aboriginal people in Australia, *Aboriginal English*, is different in many ways to mainstream varieties, for example in the lexicon, grammar, sound system, politeness strategies, and body language (see e.g. Butcher 2008). Understanding the phonetics of Aboriginal English is an especially important area for study because "[t]he most observable identifier of Aboriginal English to most Australian English speakers is the way it sounds" (Malcolm 2018: section 3.1). Despite this, detailed phonetic descriptions of any type of Aboriginal English have been uncommon (but see Butcher & Anderson 2008, Jespersen 2016, Loakes et al. 2018, Mailhammer et al. forthcoming). A deeper understanding of Aboriginal English is needed, given that Aboriginal people are over-represented in court and prison systems, and there are many language-related issues linked with this (e.g. Eades 2013), including for L1 Aboriginal English speakers.

In this paper, I present results from fine-grained phonetic analyses, with 25 speakers in Mildura (north-west Victoria), and 22 speakers from Warrnambool (south-west) compared with matched samples of mainstream Australian English. Results show that a) L1 Aboriginal English speakers have far greater variability than mainstream speakers, especially for consonantal features (and especially /t/), and b) they have not taken part in the same vowel changes as the mainstream community. Additionally, results show that a "regional marker" in the mainstream community (occurring in the south) is in fact entrenched in both L1 Aboriginal English communities. Theoretical and practical implications for forensic phonetics in Australia are discussed in light of these findings.

Thursday, 04/Jul/2019 12:00pm - 12:30pm
ID: 215 / PP-Th-am - S2- 4: 3
Individual Oral Papers
Topics: Language as evidence
Keywords: Semiotics, formal semantics, defamation, case study, interdisciplinary

Introducing semiotics: an interdisciplinary approach to defamation

Martin Aher, Tiit Kuuskmäe

Mind the Meaning Ltd., Estonia; martin@mindthemeaning.com

The era of fake news has brought about a surge of defamation cases. While defamation laws differ by country, defendants generally attempt to avoid charges by obfuscating claims. This leads to forensic linguists being brought in as witnesses to help explicate the meaning of the claims made.

We analyse recent case studies from Estonian courts to discuss how linguists can clarify whether statements include defamatory content. Formal semantics can analyse the textual content of newspaper articles and there's a general understanding of how to model pejoratives, yet there are aspects that require different approaches.

Newspapers include visual content such as accompanying pictures, cartoons and graphs. These can change the context for the interpreter such that the salient reading of an otherwise neutral statement can become defamatory, or *vice versa*. Furthermore, the format of newspapers lends itself to highlighting certain contextual features. Work on integrating formal models for language and visual content is still in its infancy.

In order to overcome such shortcomings, we took an interdisciplinary approach to defamation cases and combined semantic and semiotic analyses. Semiotics is the study of signs and sign systems, which integrate visual aspects into its analysis, based on the foundational work by Charles Sanders Peirce and Ferdinand de Saussure. Semioticians also have methods by which to contribute to the context-based analysis of pejoratives.

During the analysis of the case studies, we illustrate how formal semanticists and semioticians can and should work together. We also discuss problems with combining the two analyses.

Thursday, 04/Jul/2019 4:00pm - 4:30pm
ID: 216 / PP-Th-pm - S1 -2: 1
Individual Oral Papers
Topics: Other
Keywords: child sex abuse, online communication, clusivity, dark web, cybercrime

"we were just really in love": referentiality and clusivity of the pronoun 'we' in a Dark Web community of child sex abusers

Daniela Schneevogt

Aston University, United Kingdom; schneevd@aston.ac.uk

Criminals use the Dark Web to build networks for conversation and support (Holt et al. 2015). For those with a sexual interest in children, the internet facilitates the abuse of children, the distribution and consumption of illicit imagery and the exchange of ideas and advice (Durkin et al. 2006; Cohen-Almagor 2013; Holt et al. 2015). Such communities create dense linguistic layers of meaning which are difficult to penetrate by persons outside the community. Drawing on Bell's (1984) notion of audience design, Van Leeuwen's (2013) social actor framework and Scheibman's (2004) concept of clusivity, this study aims to investigate how users of a Dark Web child sex abuse forum use the first person plural pronoun 'we' by carrying out a two-fold annotation for semantic referents and clusivity. In these texts, first person pronouns are used in a much wider array of contexts than first anticipated. In addition to the well-studied variation in c*lusivity* – that is, differences between exclusive and inclusive referents – large variation across two further axes was identified: *group* and *function*. For example, abusers normalise their actions when referring to both a child and a forum user together as 'we', portraying children as active and equal partners in those pseudo-intimate relationships. Scheibman's (2004) clusivity categories are therefore not sufficient in explaining the different pragmatic functions of the pronoun 'we' in child abuse forum communication. Applications of these findings include online undercover policing, such as infiltration of crime-related fora, as discussed by Grant and MacLeod (2017).

ID: 217 / PP-Tu-am-S3 -4: 4
Individual Oral Papers

Avoiding miscommunication: the potential benefit of cultural brokers over legal interpreters in Government service delivery to remote Indigenous communities

Brianna Lea Bell[1], Sharon Macmillan[2]
[1]North Australian Aboriginal Justice Agency, Australia; [2]North Australian Aboriginal Justice Agency, Australia;
brianna.bell@naaja.org.au

Many studies of legal communication have focused on situations like police and court interactions. However, other Government agencies have interactions with remote Indigenous Australians every day which involve:

- communication about abstract concepts like entitlements, rules, responsibilities and processes; and
- workers making important decisions based on complex interactions between people from very different language, cultural and personal backgrounds and worldviews.

These interactions frequently take place without the use of a qualified interpreter. As a result, professionals working in remote Aboriginal communities often observe miscommunication and its consequences. Some decisions made by Government workers suggest that a miscommunication has arisen as a result of one or both parties not seeing the full picture.

This study involved a literature review, and interviews with lawyers and social workers who have observed these miscommunications. It also analysed personal experiences of the authors (a lawyer, and a former interpreter and client service officer) working in remote communities in the Northern Territory. The study explored:

- case studies where miscommunication has occurred, pinpointing the cause of the miscommunication, and considering whether the use of an interpreter alone would have remedied the miscommunication;
- the concept of cultural brokers as a mediator between cultures who help "shape" the interaction (taking all aspects of cultural context into account), as opposed to interpreters who are tightly constrained by their Code of Ethics to direct interpretation; and
- whether the employment of cultural brokers by Government agencies may be an effective method of avoiding miscommunications than meaning-based interpreting.

Authorship Profiling for Chinese Microblogs in Forensic Science

Wenlin Huang, Jingyang Li, Li Wang, Baoliang Sun, Hui Sheng
Institute of Forensic Science, Ministry of Public Security, China, China, People's Republic of; huangwenlin@cifs.gov.cn

This paper focuses on the study of authorship profiling for Chinese microblogs in the field of forensic science. Analysis for Chinese microblogs would be conducted in this paper, such as language characteristics of Chinese microblogs and the author's basic demographic traits. Firstly, the principle of Chinese microblogs is discussed. Secondly，the corpus is collected by different age, gender, geographic origin, native language, occupation, level of education of about 80 volunteers. Statistics are obtained from different topics, writing patterns and length. And the author's traits, such as age, gender, geographic origin, native language, occupation, level of education are profiled through language characteristics, communication topics, writing patterns and individual information. Finally, the new pattern of network communication gives access to more new information through internet, such as bloggers' characteristic information, social characteristics of network groups, territorial information and hobbies. All these information generated from new communication pattern, together with phonetic features, lexical features, syntactic features, textual features and rhetoric devices provide new brand research angle for authorship profiling studies.

Trust is in the ear of the beholder: The sociolinguistic effects of survey mode on perceived attitudes towards Police

Chloe Louise Hobbs, Viktoria Papp
University of Canterbury, New Zealand; chloe_l_hobbs@hotmail.com

Citizens' trust in the Police is vital for community partnerships to reduce offending (O'Reilly & New Zealand Police (NZP), 2014). In response to the newly introduced paper-based NZP survey tool, our Random Forest analysis on 372 mock-survey respondents has revealed that recent experience with the NZP was by far the most significant factor in predicting levels of trust. However, in the three distinct groups (no police experience, satisfied experience, and dissatisfied experience), trust was predicted by different sets of sociolinguistic and demographic variables.

Besides prior experience, the mode of survey data gathering (text vs audio) was also found predictive of trust. In the audio survey condition dissatisfied respondents showed less trust the higher they scored on the Māori Integration Index (Szakay, 2012) contained within the appended demographic questionnaire. Conversely, no sociological features improved on low trust for dissatisfied respondents in a text-only condition. This indicates that results of phone vs. online surveys may not be comparable, and showcases the susceptibility of public opinions to the very voice asking questions in phone interviews. Indeed, when the respondents were asked

how likely they would be to report a crime in the supermarket, the perception of the interviewer's ethnicity was significant for those with NZP contact and dissatisfied experience.

This study provides a first foray into strategically unpicking the complexity of opinion interviews where the voice of the interviewer influences and intertwines with the attitude of the hearer. It presents a foundation for further investigation of the sociolinguistic factors indexed within voice.

Thursday, 04/Jul/2019 11:00am - 11:30am
ID: 220 / PP-Th-am - S3 -4: 1
Individual Oral Papers
Topics: The language of the law, Language and the legal process
Keywords: legal rights comprehension

Understanding legal rights in NZ: reflections on where to from here

Bronwen Innes, Rosemary Erlam

University of Auckland, New Zealand; bronwen.innes@xtra.co.nz

Comprehension of legal rights is an important issue in access to justice. When detaining suspects of crimes, NZ police read them a summary of their rights under the Bill of Rights Act 1990. This paper begins with outlining a study which aimed to determine how far L1 and L2 speakers obtain a full understanding of their rights from that summary. Listening and reading comprehension tests were devised for that purpose and administered to over 80 people. The results of those tests showed difficulties (and not just for L2 speakers) and predictably a significant difference between L1 and L2 speakers (Innes and Erlam 2018). Our findings lead to questions as to how much understanding is 'enough' and whether we should be doing more to ensure that people can understand this information when they need it. One possible next step is to offer a revised version of the rights information. The paper therefore goes on to present such a revision and discusses police and other responses to that.

Reference

Innes, Bronwen and Rosemary Erlam. 2018. Did he understand his rights? Assessing the comprehensibility of police cautions in New Zealand. *International Journal of Speech, Language and the Law* Vol 25.1: 21-51

Friday, 05/Jul/2019 11:00am - 11:30am
ID: 221 / PP-Fr-am - S2 -4: 1
Individual Oral Papers
Topics: Language as evidence
Keywords: authorship attribution, dependency grammar, short Chinese instant messages

Authorship attribution for short Chinese instant messages based on dependency grammar

Zhiting Liu

Guangdong University of Foreign Studies, People's Republic of China; 304483143@qq.com

This study aims to identify possible discriminant syntactic features for forensic authorship attribution for short Chinese instant messages. Short Chinese instant messages naturally produced by several authors were sampled from WeChat, an instant messaging application. Dependency relations between the words in each sentence in these instant messages were manually annotated and thus these sentences with annotations form a treebank. Some stylometric features based on dependency structure were tested in some classification algorithms. Part of these features prove to be useful discriminant features in this case and thus may enter the feature pools composed of available features for forensic authorship attribution.

Friday, 05/Jul/2019 11:30am - 12:00pm
ID: 222 / PP-Fr-am - S2 -4: 2
Individual Oral Papers
Topics: Language as evidence
Keywords: Coarticulation-Speaker, Cepstrum, Sub-Bands, Forensic Voice Comparison, Japanese Vowels

Analysis of speaker and co-articulation effects based on sub-band cepstral variances in the Japanese vowels of 300 male speakers

Frantz Clermont[1,2], Yuko Kinoshita[1]

[1]Australian National University, Australia; [2]J.P. French Associates, Forensic Speech & Acoustics Laboratory, UK; dr.fclermont@gmail.com

The longstanding aim of achieving robust forensic voice identification is hampered by a number of complex and intertwined factors of variability in the speech signal such as: (1) speaker differences; (2) co-articulation effects; (3) channel conditions; (4) elicitation styles. Here we study the effects of factors (1) and (2) using a 300-speaker corpus of the 5 Japanese vowels extracted from monosyllabic utterances with 10 phonetic contexts varying only in their preceding consonants. These citation-style utterances were recorded 4 times in one channel condition (microphone with 4-kHz bandwidth), and linear-prediction cepstral coefficients were automatically obtained from the steady-state frames of the vowel nuclei. Using two-way analysis of variance and a band-selective cepstral distance to generate the variances, speaker and context effects were then separated per vowel and in consecutive sub-bands selected across the full range of 4 kHz. The results show that context effects tend to be stronger in sub-bands corresponding to the lower-formant range, while those spanning the higher-formant range contain relatively more speaker influences. These findings are consistent with observations reported in previous studies based on formant frequencies, and therefore lend support to our proposition that the sub-band information contained in the cepstrum holds the capacity for acoustic-phonetic interpretability of within- and between-speaker variability.

An Investigation of the Translation Quality of Financial Legislation: A Case Study of the Securities Exchange Act

Pi-Chan Hu

Fu Jen Catholic University, Taiwan; sunnya66@hotmail.com

With the development of internationalization and globalization, more and more enterprises operate across national borders. The number and size of the listed companies in Taiwan are getting larger and larger. As the amount of foreign capital investment rapidly expands, it takes up such a great share of the stock market that we should make the investment environment friendlier to foreign investors. Therefore, an accurate English version of the Securities Exchange Act (SEA) is essential since a good quality English translation of the SEA will facilitate the legal compliance of foreign investors and all of the stakeholders, strengthening their protection.

First of all, a close examination of the origin and the development of the SEA was conducted to provide a clear picture of its current condition. It is always important to know the background of any specific type of law to understand how to make a precise translation of a term or phrase. Then, we performed a comparative text analysis of a source text and a target text (ST-TT), and found a number of problems such as inconsistency and errors in syntax and lexicons. Employing a revised model of translation quality assessment proposed by House, we investigated the translation quality of the SEA. Following the assessment, we would propose approaches to prevent legal translators from making similar mistakes, thus enhancing the quality of the translated legislation.

Adapting the cognitive interview technique to the Indonesian policing context: From police perceptions to language issues

Dian Diaan Muniroh[1,2]

[1]RMIT University, Australia; [2]Universitas Pendidikan Indonesia; diandia-an.muniroh@rmit.edu.au

There has been no doubt that cognitive psychology has provided a grounded work for the development of investigative interviewing training, namely Cognitive Interview (CI). Indonesian police officers have been introduced to CI via training since 2014 by the Norwegian Centre for Human Rights (in collaboration with the Norwegian Police University College, the Fadilah Rifai Rizky (FRR) Law Office and the Criminal Investigation Agency of the Indonesian National Police Headquarters, Jakarta). While it is true that introducing Indonesian police to CI remains the best alternative, the current CI training schemes have not yet been informed by the perception of Indonesian police investigators to existing interviewing techniques and practices. Therefore, there has been a tension between Indonesian police investigators' understandings of their existing interview techniques and CI. This might affect the success of CI training as well as the viability of CI in Indonesia. To address this, six police investigators from West Java Police Station were interviewed to identify their perception of the existing interview techniques and practices. The finding showed that there was a gap between existing interview practices and CI and this advised suitable environment for adapting CI to fit the Indonesian policing context. It highlighted that linguistic factors need taking into account when CI would be adapted to the Indonesian policing context. This study suggests that from police perceptions, paths for change can be addressed and ways of implementation can be shown to bring the existing techniques in line with CI.

KEYNOTE: Right Talk? Language, Ethics and the Legal Process

<u>Chris Heffer</u>

Cardiff University, United Kingdom; hefferc2@cardiff.ac.uk

As forensic linguists, we are rightfully concerned with ethics: we identify practices we see as communicationally *wrong* and we want to make them right. However, we (perhaps understandably) tend to be reluctant to explicitly ascribe moral agency to speakers who perpetuate communicational malpractice in legal contexts. For example, police interrogation is wrong not because a police officer abuses his position of power but because US law permits the deliberate misleading of suspects. Cross-examination is wrong not because a particular cross-examiner is verbally violent but because cross-examination allows leading questions. In this talk I focus not on the structural conditions of discourse (crucial as those are) but on what it means to talk *ethically right* in evidence-relevant legal contexts.

I suggest that *right talk* in legal contexts should be both *truthful* (i.e. *sincere* and *responsible*) and *civil* (i.e. *humble* and *polite*). Of these key ethical terms, only *politeness* has been extensively developed in linguistics. After explaining my conception of truthfulness (Heffer *in press*) and civility, I outline discourse analytical frameworks for each of the other three concepts (*sincerity*, *responsibility*, *humility*) and show how each framework can be applied to a variety of different contexts in the legal process and can provide a useful ethical inflection to linguistic research into the legal process.

Heffer, C. (*in press*) *TBC: Lying, Bullshit and the Analysis of Untruthfulness*. New York: OUP.

NCA (2017) *Credo for Ethical Communication*. National Communication Association. Available at http://www.natcom.org/policies/External/EthnicalComm.htm.

ID: 232 / PP-We-pm - S3 - 2: 1
Individual Oral Papers
Topics: Language and the legal process
Keywords: emergency calls, children, conversation analysis

Emergency calls: Strategies used by emergency call takers to handle calls made by children

Fleur van der Houwen

Vrije Universiteit Amsterdam, Netherlands, The; f.vander.houwen@vu.nl

In this exploratory study I use conversation analysis to investigate the strategies centralists use to handle emergency calls made by children in the ages between 3 and 8 years old. The data consist of 12 emergency calls made to 999 and 911 and which were posted on the internet. In all 12 calls the child is the caller and requests help for a parent who collapsed. All calls were successful in getting help to the person in need, which possibly was the reason they were posted on the internet. These calls hence appear to be instances of "good practice". While there are various studies on emergency calls that examine aspects such as their sequential structure, aspects of gate keeping, emotions or opening sentences, calls made by children have received little attention. The aim of this study is to examine what strategies were used by the call takers that lead to a resolution of the emergency request. Initial findings suggest that call takers employ strategies such as adjusting their tone of voice, complimenting the caller, and keeping the caller engaged when they get distracted.

ID: 234
Individual Oral Papers
Topics: The language of the law, Language and the legal process
Keywords: Statutory interpretation, Ordinary meaning, Corpus analysis, specialized corpora

Holy Trinity Church Revisited: Revealing New Meaning in an Iconic Case through Corpus Linguistic Methods

Tammy Gales[1], Lawrence Solan[2]

[1]Hofstra University, NY, United States of America; [2]Brooklyn Law School, NY, United States of America; Tammy.A.Gales@Hofstra.edu

This study presents a new analysis of an iconic U.S. Supreme Court case – *Church of the Holy Trinity v. United States* (1892). The question in *Holy Trinity Church* concerned whether a law making it illegal to pay the transportation of a person entering the U.S. under contract to perform "labor or service of any kind" applied to a wealthy Manhattan church, which had paid to bring its new rector from England to New York. The Supreme Court unanimously ruled that the law did not apply to the church's contract, relying first on the ordinary meaning of "labor", and second on the legislative history of the single construction "labor or service".

Highlighting corpus linguistic methods, this study tests the arguments presented by the Court and reveals new insights through an analysis of historic and contemporary reference corpora and a specialized corpus of U.S. Statutes. The results demonstrate that the disjunctive phrase "labor or service" did appear to be a legal term of art with narrow interpretation that would exclude clergy; but, around the time of *Holy Trinity*,slight variations on the phrase (e.g., pluralization, conjunction, and modification) were applied to contexts with broader meaning. When examining "labor" as an independent term, those who labored were generally not clergy and the activities of clergy were typically not described as labor, although instances of both were evidenced. The findings demonstrate the importance of consulting corpora in the evaluation of statutory and ordinary meaning and considering the socio-historical contexts in which it occurs.

Thursday, 04/Jul/2019 12:30pm - 1:00pm
ID: 235 / PP-Th-am - S2- 4: 4
Individual Oral Papers
Topics: The language of the law
Keywords: Nominalisation, Names of Criminal Offences, Common Law System, Chinese Legal System, Translation

Nominalisation in Naming Criminal Offences: Comparing that in the Common Law System and the Chinese Legal System

Zhenhua Wang

Shanghai Jiao Tong University, China, People's Republic of; wzhenhua@sjtu.edu.cn

Nominalisation in grammatical metaphor has been well documented in Systemic Functional Linguistics. Nominalisation transforms non-nominal groups into nominal ones in the use of language, and in the course of the transference,the specific meaning of the verb, the adjective, or the clause is changed into a more abstract condition. The change in meaning in that process allows for a greater influence of interpersonal meaning, as well as a greater rhetorical effect. The theoretical investigation of nominalisation has lead to greater understanding of the grammatical process involved in a range of contexts. Few scholars however have studied nominalisation in specific disciplines such as the field of law. This paper focuses on the names of criminal offences in both the common law system and the Chinese legal system, and explores the similarities and differences in their nominalisation. The analysis and the exploration of the nominalisation phenomena in both the common law system and the Chinese legal system has found: 1) the two legal systems share similarities in the generation of nominalisation in criminal offences; 2) the two legal systems share similarities in terms of ideational metafunction, but with the naming of criminal offences in the common law system more abstract and the naming in the Chinese legal system more specific; 3) the nominalisation in the Chinese legal system expresses stronger interpersonal meaning than that in the common law system. These findings can help the mutual understanding between the common law system and the Chinese legal system, and the translation practice in this area.

Circumstances, context and non-comprehending compliance in the communication of the caution

Diana Eades
UNE, Australia; deades2@une.edu.au

This paper situates the communication of suspects' right to silence in police investigative interviews within the law's approach to language and understanding. Specifically, it contrasts the law's denotational approach to meaning with the sociolinguistic axiom that the meaning of a text depends on its context.

The difference between these approaches will be illustrated with the example of *yes* to *do you understand?* questions following police delivery of the caution, and illustrated with the Australian case of *WA v Gibson 2014 WASC* 240. The discussion will draw on current work on the construction of consent in various legal contexts in understanding the significance of the law's mis/interpretation as consent of this type of "non-comprehending compliance" (Eades and Ehrlich 2018, in progress).

The paper concludes with consideration of the role of (socio)linguistics in dialogue with legal professionals about issues impacting the communication of the right to silence and its interpretation of suspects' understanding of it. Examining the range of issues of context involved in Gibson's case, and the appeal judge's decision about these issues, gives cause for optimism about this ongoing dialogue between linguistics and the law. A central issue is the need to bring together the law's recognition of the need to take individual circumstances into account, with understandings from linguistics about the diversity of contextual dimensions involved in communicating in a second, or additional language.

Case-related materials and court interpreting accuracy: Experimental findings from the quantitative and the qualitative perspectives

Vicky Wong
UNSW, Australia; vicwwk@gmail.com

Asking court interpreters to provide their services without the provision of preparation materials appears to be inconceivable. This is, however, the norm in the practice of court interpreting in Australia. While the need for briefing had been advocated since the 1990s, little progress was made in Australia until the launch of the *Recommended National Standards for Working with Interpreters in Courts and Tribunals* in 2017.

This PhD research study is the first of its kind to use the experimental method to study the effects of preparation using case-related materials on court interpreting accuracy. In the experiment, the participants completed two different but comparable interpreting tasks, one with the provision of an expert report for preparation and one without. The two interpreting tasks represented the examinations-in-chief of two different expert witnesses in two criminal trials. The audio-recorded exchanges between the Prosecutor and the expert witness were played to the participants. The participants simultaneously interpreted the content from English into Mandarin, as if they were whispering the content to a Mandarin-speaking defendant. In total, the audio-recorded renditions of 14 practitioners and 12 students were analysed.

This paper presents findings from both the quantitative and the qualitative perspectives. To highlight, preparation using case-related materials helps experiment participants achieve a higher level of interpreting accuracy and deliver more complete and accurate renditions when interpreting specialised terminology, numbers, and content with enumerations and low redundancy—types of content that are prone to interpreting errors.

Realities of Suicide notes via Linguistic Lens

Danilo Gromez Baradillo[1], Riceli Mendoza[2]
[1]University of Immaculate Conception; [2]University of Southern Mindanao; danilobaradillo@gmail.com

The endeavor manifested in this study explored on the realities of suicide notes via linguistic lens. The said study ventured on forensic linguistics where it made use of corpus-based approach and content-based analysis of the 30 suicide notes sourced out from the written police report on suicidal incidents and from online sources. It further investigated the general syntactic structures, lexis and semantics of the suicide notes and their authenticity vis-à-vis the Fraud Theory. Considering the syntactic theory of Radford, it was found out that the general syntactic structures of the suicide notes included the headedness principle, binarity principle, immediate/intermediate projection principle, extended projection principle, clauses containing complementizer, and null subject or constituents. Results also revealed that the lexis found in the said corpora were all content words. The semantics that were expressed in the suicide notes were the following: acknowledgment of the act, the suicide notes are discursive in manner, the suicide notes appeared to be possessive, and lastly, the author of suicide notes still have a positive outlook about life despite ending it. In terms of

determining the authenticity of the suicide notes, the elements like pressure, opportunity and realization were found out. It was concluded that the corpora used in the study were authentic the fact that there was the presence of the said three elements.

A Contrastive Study of Attitudinal Realizations in the Constitutions of China and America

Hongqin Zhang

China University of Political Science and Law, China, People's Republic of; zhqinpeace@163.com

This paper makes a contrastive analysis of the attitudinal resources and realizations in the discourses of CPRC and CUS. For legislative discourse analysis is limited in cross-cultural comparison, especially lacking in Sino-US constitutions under Appraisal theory. This approach contains ideological positions via lexico-grammatical attitudinal resources in sub-systems: AFFECT for emotion, JUDGEMENT for behavior and APPRECIATION for aesthetics.

Research questions cover two levels, superficially and deeply. Lexical resources of appraisal theory are originally designed for public discourses rather than professional discourse of constitution. So the question is how to define the resources in CUS and CPRC? And deeply what causes can be traced to the differences and similarities of attitude resources distributions in Sino-US constitutional texts?

The core vocabulary of evaluation resources has limited accesses to CUS. Therefore, the original appraisal resources need a necessary expanding for a constitutional version by two measures: context and synonym. Words in the same context can be regarded as the same resource category, and another expanding is synonym researches of sub-category resources through online dictionary.

The result shows both similarities and differences between CPRC and CUS, both in the complex nominalizations due to legal culture, and in lexical and ideological differences due to societal culture and thinking patterns. The findings and the appraisal tables for CPRC and CUS are beneficial to Appraisal System in legal applications and to a deep understanding of human language and thinking.

I WAS BIN PAYING ATTENTION, SIR: RACHEL JEANTEL'S USE OF AFRICAN AMERICAN VERNACULAR ENGLISH IN MOMENTS OF MISUNDERSTANDING DURING THE GEORGE ZIMMERMAN TRIAL

Tirshatha Cecilia Jeffrey

The Nation Publishing Company Ltd., Barbados; tirshatha.jeffrey@gmail.com

Within the context of the disadvantages second-dialect speakers face during their interactions with the criminal justice system, I analysed the language of African-American Vernacular English (AAVE) speaker Rachel Jeantel during her cross-examination testimony in the George Zimmerman trial. Jeantel was misunderstood by participants in the courtroom several times and commentators heavily attributed these occurrences to her vernacular. One juror admitted that she did not find Jeantel credible – in part, due to what she referred to as Jeantel's communication skills and use of phrases she had never heard before. This study analyses Jeantel's testimony to determine which AAVE features were present when she was misunderstood and whether they led to the misunderstandings.

The theoretical framework for the study is the theory of misunderstanding, in particular Dascal's four parameters within which communication can "go wrong" (1999, pgs. 753-754). I also built upon Rickford and King's analysis that established Jeantel as a speaker of AAVE and used their findings as a basis from which I explored moments of her speech to which a lack of credibility or comprehension were attributed.

The results indicate that in the majority of the analysed moments (≈75%), Jeantel was not using any identified grammatical AAVE features, signifying that the breakdowns in communication could be attributed to several other factors and placing the juror's comment within the larger context of the lack of credibility usually assigned to those with accents unknown to the hearer.

Dascal, M. (1999). 'Introduction: Some questions about misunderstanding'. *Journal of Pragmatics*, Volume 31(6), pp. 753-762.

POLICESPEAK: LANGUAGE AND STRUCTURE OF PHILIPPINE POLICE 'IN CUSTODY' INTERVIEWS

Doreen Elsie Jane Losala Gersava, Michelle Amolar Desierto

University of Santo Tomas; elsiejanegersava@gmail.com

Police officers take important roles in the law and order. Being the first point of contact, their primary duties are to enforce the law, protect the people, and ensure public order. They are instituted to perform the judicial procedures like arresting, interviewing and writing of criminal reports. In the Philippines, the police have been critically mediatized in different adverse angles. And though there have been issues of power manipulation, exploitation and mistreatment, there are very limited studies that explore this branch of the legal institution (especially) in the lens of forensic linguistics. And for the record, this study is considered to be groundbreaking since this is one of the first forensic linguistic researches on police interviews in the Philippines. This analyzes the transcribed audio

recordings of police interviews to help identify the police language or 'policespeak' in the interview discourse in the Philippine justice system by using the frameworks of Heydon (2005); Gibbons (2008); Holt and Johnson (2010); Hall (2004); Fairclough (1989); and, Fairclough and Wodak (1997). This examines (1) the structure of opening and closing statements, (2) question types, (3) terms and phrases used to establish rapport and authority, and (4) manifestations of power. The results show that opening and closing remarks do not follow any procedural conventions, there is a dominant use of WH and Yes/No questions, and there are distinct sets of Filipino politeness expressions to establish rapport, and threats to establish authority. Overall, this demonstrates the need for increased awareness of sociolinguistic variables in police interviews.

"Game-Complementation" Paradigm of Chinese Face Culture & Legal Language in the Judicial Mediation

Qinglin Ma
Northwest University of Political Science and Law, China, People's Republic of; horserman@163.com

This paper assumes that all participants in Chinese civil mediations consciously or subconsciously use "face" and its influences to realize their purposes in disputes. Based on this observation and some literature review, the author contends that Chinese "face" which every now and then appears in both personal and institutional dimensions can be projected by legal language to reflect people's psychological attitudes towards mediation rulings and can play both positive and negative impacts on social justice. Taking these external factors which can affect mediation into consideration, the author assumes that the whole process of mediation is full of conflict, like a game where both verbal and non-verbal strategies can be employed by mediators. The author further applies investigation-analysis and case method to analyzing 3 typical cases in the contemporary Chinese society to examine the author's assumption. Aiming at interpreting this phenomenon, the author proposes a "Game-Complementation" paradigm by borrowing "game" from Schelling's strategy of conflict, meaning through conflict and coordination, participants can understand each other's expectations. By language and statutes, participants make efforts to gain their grounds and "fight" for rights and interests. Mediators also employ "face" to mediate between the conflicting groups, reach "checks and balances" of the parties, weigh the facts and find the solutions. For "complementation", it includes mediators' use of the pragmatic strategies, social norms, ethics and folk customs other than the law or the powerful authority. Under this circumstance, face is employed to "persuade" and influence the parties to acknowledge mediation rulings.

Improving asylum seekers' access to justice in the Australian Refugee Review Tribunal via a culturally appropriate interviewing protocol

Dian Diaan Muniroh[1,2], Jessica Findling[1], Georgina Heydon[1]
[1]RMIT University, Australia; [2]Universitas Pendidian Indonesia; diandia-an.muniroh@rmit.edu.au

Gathering information in refugee related tribunal matters has attracted ongoing academic interest. This interest exists because cases commonly rely on the asylum seekers' claims, often without supporting evidence. Accordingly, *how* this information is gathered can also restrict an individual's access to justice, as do other important factors such as issues of cultural diversity and cross-cultural communication. Consequently, a suggestion for improving asylum seekers' access to justice in the Australian Refugee Review Tribunal is by engaging with a culturally appropriate interviewing protocol. The proposed interviewing protocol includes aspects of both the Cognitive Interview (CI) and PRIDE. These particular interviewing frameworks are proposed because CI has been a benchmark for police investigations in many Western countries since the 1990s, particularly because of its ability to elicit reliable and detailed information. Additionally, although PRIDE was initially developed to address barriers faced by indigenous Australians when participating in an interview in English, its overarching principles appear relevant to a cross-cultural setting. Therefore, to best support asylum seekers to provide as much accurate and detailed information as possible the proposed interviewing protocol would need to first address: 1) communication and questioning in a cross-cultural setting and 2) power and authority in questioning. While the proposed protocol is not without limitations, using current evidence-based interviewing frameworks provides a credible platform to begin to explore and address some fundamental aspect of human rights – a platform that all participants in the justice system should have access to.

From Keywords to Authorship Profiling: A Keyness Approach

Shaomin Zhang
Guangdong University of Foreign Studies, China, People's Republic of; vinvinexjtu@163.com

Authorship profiling is used to distinguish between classes of authors. Gender, age classes, occupation, Nationality and religious background, personal writing style, etc. as the key characteristics of an author's profile are of great significance to narrow down

suspect authors in forensic linguistic contexts. Keyness approach, through generating keywords, could give robust indications of a text's "aboutness" (Bondi, 2010), "style" (Bondi, 2010; Hyland, 2010) and writer's "stance"(Hyland, 2010) which are assumed to be important pointers of an author's profile and thus deserve exploration.

This study aims to demonstrate how a text author's profile in terms of "aboutness", "style" and writer's "stance" could be revealed through the exploration of keywords. Specifically, keywords are qualitatively believed as words that play a role in identifying important elements of a text and quantitatively believed as words whose frequency in a text is statistically significant(log-likelihood or Chi-Squared) when compared with a reference text (Bondi, 2010).

In the pilot study, by means of the linguistic software package AntConc 3.5.7, a two-author profiling corpus is analyzed(using log-likelihood as keyword statistics and p<0.05(+Bonferroni) as keywords statistic threshold). Two findings are considered to be noteworthy. Firstly, based on the keywords list of each author, the three types of indications of a text could be identified in both authors' messages. Secondly, further investigation of collocation of "style" indicator "that" from author 1 (do not use "which" at all) and "which" from author 2 (do not use "that" at all) demonstrate very significant difference in their use.

Access to Meaningful Written Information: Language and the Legal Process

Cathy Basterfield

Access Easy English, Australia; cathy@accesseasyenglish.com.au

Reading and understanding about your rights and responsibilities, information on laws, engaging with the police or courts should not be a reading test. However for many people it is a test. Information must be simpler.

Providing information in Plain Language is one way to ensure more people can access, participate and know their rights and responsibilities. It may also be called Legal Literacy. However Plain Language or Legal Literacy only meets the needs of a portion of our communities.

44% of the adult Australian population (50% of the US, 44% in Canada and UK) do not have the literacy to manage a range of day to day reading tasks. (PIAAC, 2013). This is reading and understanding general information. Legal content is far more complex, and far less likely to be understood by more people in our community. Easy English is content written to support the needs of the 44% of the Australian population.

The 2016 Victorian Government Access to Justice report recommended Easy English needs to be more available for those who engage in our justice system. To date, there has not been any specific action taken to implement this recommendation.

This paper will draw attention to Easy English, how language is used and how complex legal language can be simplified. It will discuss this in the context of a number of local and interstate projects in Australia in the context of Family Violence and understanding the role of police.

We must engage with consumers – real consumers.

Understanding the Discourse of Chinese Courtroom Trials:The Perspective of Critical Genre Analysis

Yunfeng Ge[1], Hong Wang[2]

[1]Shandong Normal University, China, People's Republic of China; [2]Shandong Normal University, China, People's Republic of China; dennisge@126.com

This paper invokes the newly developed theory of Critical Genre Analysis in order to reveal the interdiscursive feature of the concrete types of discourses Chinese judges employ in civil case hearings and to explore the background social, cultural, and institutional ideologies circumscribing the production, communication and reception of these discourses. Analyzed data are the tape-recordings and observing notes of 16 Chinese civil courtroom trials.

It is found that civil case hearings in Mainland China involve a series of activities of PRE-TRIAL PREPARATION, COURT OPENING, COURT INVESTIGATION, COURT DEBATE, COURT MEDIATION, and COURT ADJUDICATION. At the different stages of civil case hearings, the discourse of judges manifests a distinct feature of interdiscursivity, where instructive, expository, interrogative, evaluative, and adjudicating discourses are integrated to realize a diversity of communicative purposes. It has further been found that the interdiscursivity of Chinese judges' discourse can be attributed to the diversified ideologies, which constitute two major centrifugal and centripetal forces of adjudication and mediation as a result of the ongoing judicial reform in China.

The main contribution of the study is that it helps us understand both the discursive organization and the heterogeneous nature of Chinese courtroom trials. By investigating the discourse judges use in Chinese civil case hearings, the study demonstrates not only how judges organize different types of discourses to achieve their judicial goals, but also how judges' judicial practices have been incorporated with a diversity of ideologies against the background of economic and judicial reform undergoing in Mainland China.

Presentation and Comprehensibility of Public Policies in Online News Articles

Michelle Anne Marasigan

University of Santo Tomas, Philippines; mchllmarasigan@gmail.com

Language is the primary vehicle in which public policies are expressed for "all concepts in law are linguistically constituted and expressed" (Silbey, 1989, p. 1) to the people. Today, these public policies are acquired and consumed largely by the public through the internet media. However, the comprehensibility of these texts become a problematic situation since laws have a reputation of being incomprehensible due to the complexities of the legal language. Hence, this research aimed at looking into how public policies are integrated in online news articles. Furthermore, the study attempted to determine the text comprehensibility of these articles among the lay people in explaining the details of the laws embedded within these texts. Forty online news articles containing the Free Tuition Law and TRAIN Law were collected from two online news organizations in the Philippines. Kosicki and Pan's (1991) Framing Analysis through syntactic structures was used to determine as to how laws were incorporated in the news articles. Meanwhile, a focus group discussion was conducted to determine how the lay readers comprehend the legal information in the articles. This study revealed that although public policy related news articles have similar dominant presentation styles, it can be noted that they also have differences. This can be attributed to the political climate in which the laws were passed that became a substantial variable to the content as well as the way public policies were presented in online news articles, which in turn affected the comprehension of the readers on the public policies.

Thursday, 04/Jul/2019 12:30pm - 1:00pm
ID: 252 / PP-Th-am - S3 -4: 4
Individual Oral Papers

(Un)translatability in Indigenous language interpreting in Australia's justice system

Dima Rusho

Monash University, Australia; dima.rusho@monash.edu

Ngaandi is a Yolŋu Matha term which English translates simply as 'mother', but in reality, the term is also used to refer to many other women in the Yolŋu kinship system (e.g. mother's sister, brother's son's wife, mother's brother's son's daughter, etc.) (Morphy, 2006). It is clear then that the English term 'mother' falls well short of encapsulating the breadth of meaning given to *ngaandi*, but with no equivalent in Anglo-Celtic kinship, the task of accurately translating a term like *ngaandi* is near impossible. With accuracy being one of the most fundamental general principles of legal interpreting and translation, the question of (un)translatability is one that Indigenous language interpreters have to grapple with constantly. This paper explores translatability in relation to Indigenous language interpreting in legal contexts in Australia, particularly in the area of family law. It examines the differences between Indigenous and Western conceptualizations of a number of legal notions including familial/kinship relations and Parental Responsibility, and how differing linguistic expressions of such notions contribute to the complexities of Indigenous language legal interpreting. The paper also highlights a number of innovative projects tackling untranslatability and suggests that a collaborative approach involving native Indigenous language speakers provides the best pathway towards improving legal interpreting and translation. Data is drawn from existing research into a variety of Indigenous languages as well as original data from interviews conducted with legal professionals and interpreters in the Northern Territory.

ID: 253
Individual Oral Papers

Persuasion in Courtroom Discourse: Uncovering Discursive and Linguistic Patterns in Closing Arguments in US Criminal Trials.

Cheima Bouchrara

University of Surrey, United Kingdom; cheima.bouchrara@gmail.com

In a courtroom setting, language is a crucial aspect of the trial process. It is a major tool to present and summarise the case, question witnesses and persuade the judge or jury of the defendants' guilt or innocence from the alleged charges. Although courtroom discourse has been subjected to linguistic and discursive analyses, most of the research such as Drew (1992), Matoesian (1993) and Cotterill (2004) focused on witness examination and very few studies have examined the language of lawyers in closing arguments (Rosulek, 2009). At the same time, the adversarial nature of the Anglo-American criminal justice system highlights the significance of the linguistic skills during closing arguments, a trial phase in which the opposing lawyers speak directly to the jury. Indeed, in their closing statements, lawyers aim to persuade the jurors that their version of events is more plausible than that of the opposing council in order for them to return a favourable verdict. This presentation is drawn from a study that seeks to offer a systematic account of the linguistic cues of persuasion in closing arguments. Based on a combination of corpus linguistic and discourse analytical approaches, this presentation will focus on exploring selected lexical cues and how they contribute to building the lawyers' persuasive strategies. Examples will be drawn from a data set of 100 American criminal trials looking at both prosecution and defence closing arguments.

Thursday, 04/Jul/2019 12:30pm - 1:00pm
ID: 254 / PP-Th-am - GB2: 4
Individual Oral Papers

'Order in the court!': The verbal performance of Philippine criminal trials

Danielle Nicole Rosario

University of Santo Tomas, Philippines; rdaniellenicole@gmail.com

Legal interaction is considered as a specialized social setting where courtroom discourse is based on institutional modes of discourse that the courtroom participants must follow. For this reason, courtroom participants are characterized by their regular and frequent interactions who create and participate in a set of shared norms. On that note, this study sought to describe the Philippine criminal courtroom discourse through Wood's (2012) Courtroom Discourse as Verbal Performance where it examines the sociolinguistic situation of the whole courtroom trial. Specifically, this paper investigated the verbal performance employed by the courtroom participants in nine on-going criminal cases from the Albay Regional Trial Court Branch 18. Using Wood's (2012) framework, the study analyzed the interaction in sub-events which are arraignment, evidential phase, and promulgation in terms of the categories of Courtroom Interactions and how Philippine courtroom discourse is seen through Bauman's seven keys of verbal performance. The investigation in this study has further established the different interactions between the courtroom participants and more so that their institutional position determines their communicative trajectory during the court proceedings. Furthermore, Philippine criminal courtroom discourse was described through the seven keys of verbal performance where it was found that although English is still predominantly used inside the courtroom, the participants communicates in their native language (Bikol and Spanish). This paper initiates in describing the sociolinguistic situation of the Philippine trial practice and courtroom discourse. This study, in attempt, may help in understanding the legal proceedings for the lay people.

False friends: linguistic difference and inequality in Northern Territory courts

David Campbell Moore

University of Western Australia, Australia; moored03@bigpond.com

The meaning of words in English varieties can be misleadingly different, for example *kill* in Central Australian Englishes may be translated as 'hit' or 'strike' in Standard Australian English (SAE). Misunderstandings of these 'false friends' between speakers of SAE, typically legal professionals, and speakers of local Aboriginal Englishes may have serious consequences for Aboriginal defendants who mistakenly confess to a serious charge. In this presentation I explore a recent example of how the term *rape* was misunderstood in a Northern Territory courtroom and how this issue was addressed through linguistic evidence based upon T.G.H. Strehlow's affidavit in Stuart v. Crown (1959). This presentation highlights the need for the ongoing engagement of forensic linguists in Northern Territory legal proceedings to identify miscommunications and to provide expert evidence concerning these critical differences in meaning.

A critical analysis of legal discourse: the case of sexual violence

Huijae Yu

Yonsei University, Korea, Republic of (South Korea); yhuijae@gmail.com

This research analyzes the discourse surrounding the case of Ahn Hee-Jung and critically examines ideologies and unfair power relations embedded in the language of the law. Ahn Hee-Jung is a former politician who is accused of sexually harassing his former aide. His case has become highly debated between people who see it as sexual assault though the unjust use of power and people who sees it as a consented act.

This research takes the method of Critical Discourse Studies and analyzes the argument structure of the discourse regarding the case. The data includes the speech from the victim and the perpetrator, the actual discourse from the courtrooms as reported in the media, and the judge's sentencing. The analysis adapts an argument structure suggested in Fairclough & Fairclough (2013) for political discourse and suggests a modified structure for legal discourse.

The analysis reveals two main ideologies embedded in the discourse of the case of Ahn Hee-Jung. The first is the argument that the victims must have certain characteristics as a 'pure and destroyed' victim. This leads to the argument that they are not the real victim of the crime, thus nullifying the crime, when they do not possess those qualities. The second is the argument that the perpetrators are the real victim of the case, since they possess the aforementioned qualities and the victims do not. This reverses the position between victim and perpetrator and makes it the goal of the court to protect the perpetrator's rights, not the victims.

TOWARDS MAKING A SCALE FOR ASSESSING SERIOUNESS OF VERBAL THREAT

GHODRATOLLAH KAMYAB

NAATI Certified Interpreter and Translator, Australia; ghodra48@gmail.com

TOWARDS MAKING A SCALE FOR ASSESSING SERIOUSNESS OF A VERBAL THREAT

Dr. Ghodratollah Kamyab

NAATI Certified Farsi <…..> English Translator and Interpreter

As a court interpreter in the past few years, I have noticed that a considerable number of matters heard in magistrate courts in Victoria related to family violence include some sort of verbal threat from the respondent towards the affected family member. And in the majority of the cases, the respondent denies the allegation, saying that s/he did not mean any real threat, or I did not make any threat. These observations prompted me to look into the characteristics of threatening language and the possibility of identifying parameters that can be used to assess the level of seriousness of a piece of language that is presented to the court as a threat.

The logico-semantic and experiential function of public legal information for youth: Is it accessible enough?

Monaliza Mamac

University of Sydney, Australia; mmam4970@uni.sydney.edu.au

The pressing issues of inaccessibility of language of the law is addressed in this presentation. It aims to obtain an initial insight on how an Australian organization that provides online legal information reinstantiates the law for young audiences. By deploying analytical tools in Systemic Functional Linguistics (SFL), reinstantiated texts published in the organisation's website are analysed. SFL provides a functional perspective that considers language as a meaning-making system. The texts are examined based on its logico-semantic dependencies and relation, and experiential processes within discourse semantics and in lexico-grammatical strata. Compared to the law, it is found out that the reinstantiated texts are shorter but carry similar grammatical complexities such as lexical density, grammatical intricacy, and number and depth of embedded groups and phrases. Another, these grammatical complexities that are solved through graphology seems to confound the grammar. It is identified that these complex linguistic features of the texts have bases on legal language and principles of plain English movement; hence, the accessibility of the texts needs to be reexamined. The study calls for alternative linguistic principles that deals with complex experiential processes and logico-semantic relations and dependencies not only in lexico-grammatical strata, but also in discourse level. It also calls for thinking of creative ways like using other meaning-making resources in creating online legal materials.

Evaluating author intent based on pragmatic principles to inform forensic linguistic investigation of alleged violent word crimes: considering alleged hate speech and written threats.

Karien van den Berg

North-West University, South Africa; karien.hattingh@nwu.ac.za

In this paper I explore the complex notion of author intent, demonstrating its centrality in forensic linguistic investigations related to potentially violent word crimes, such as hate speech and threats. Author intent (Tiersma, 1986) as a concept is currently under-researched, particularly within a forensic linguistic context. Yet – as I shall argue – alleged violent word crimes cannot be evaluated comprehensively outside of context. Thus, departing from the assumption that language form, use and context are interdependent, I demonstrate in this presentation how author intent may be explored within an extended framework of pragmatic principles, drawing critically on Speech Act Theory (Austin 1962; Searle 1975, 1979), Cooperative Principles (Grice 1957, 1975) and Politeness Theory (Brown & Levinson,1987). First, legal definitions of hate speech and threat are considered, and how these may match to pragmatic notions of illocutionary and perlocutionary force. Then, two examples – one a written threat, and the other an alleged utterance of hate speech – are used to illustrate the centrality of author intent in the evaluation of potential violent word crimes. In conclusion, I briefly evaluate the importance of an author's linguistic intent, in view of the recipient's understanding of the message and consequential perlocutionary effect of the utterance, with reference to the situational context. Such an application is potentially useful in informing legal investigations of alleged hate speech crimes and threat evaluation, especially considering the lack of consensus in definitions of such crimes, and standardisation of procedures to evaluate these acts as potential criminal offenses.

Forensic Transcription and Translation: Why and how Australian linguists are calling for reform of legal procedures

Helen Fraser
E-Mail: HelenBFraser@gmail.com

Covert recordings, obtained via telephone intercept or hidden listening device, play a crucial role in modern criminal investigations. Many of these recordings go on to be used as evidence in trials. It is the latter that have created concerns among Australian linguists.

Due to the way they are obtained, covert recordings are often of extremely poor quality, to the point they are unintelligible without the assistance of a transcript. The problem is that current law allows the transcripts used to assist the court to be provided by police investigating the case. Transcription of poor quality audio is a highly specialised task, in which police have no expertise. As a result, their transcripts are often inaccurate or misleading. The law includes measures intended to ensure juries are not adversely affected by unreliable transcripts; however, a good deal of research has demonstrated that these measures are insufficient. Similarly, when covert recordings include material in foreign languages, current legal procedures are insufficient to ensure the court is not misled by unreliable translations. Numerous cases are known of actual or potential injustice arising from reliance on indistinct covert recordings as evidence in court.

Dr Fraser's presentation will provide a brief overview of the problems, then discuss the solution being recommended by Australian linguists, and the avenues by which we are seeking to bring about its implementation. For further background, please visit forensictranscription.com.au.

ID: 262 / **Plenary 2: 1**
Keynote
Keywords: linguistic disadvantage, Australian Indigenous people

'English makes me tired': linguistic disadvantage for Australian Indigenous people before the law

Michael James Walsh
E-Mail: michael.walsh@sydney.edu.au

The quote is from a young Yolngu female from the remote northeast of the Northern Territory of Australia. Her response was to a question: Do you speak English? In this relatively benign interchange it can be seen that although she <u>can</u> speak English she would prefer not to. In the more charged atmosphere of legal settings one can only suppose that her dispreference would be a good deal stronger. Over some decades Diana Eades has set out the range of ways that Indigenous people in Australia use English (e.g. 2013). From her account it is clear that the use of English by Australian Indigenous people before the law can lead to considerable disadvantage. Such disadvantage is too often ignored because of a mistaken belief by non-specialists that it is not really such a problem: after all they <u>can</u> speak English.

This presentation will set out some of the range of issues confronted by Australian Indigenous people in legal settings, particularly in connection with Aboriginal Land Claim and Native Title cases. It will be shown that there is a range of Englishes, including Aboriginal English, Legal English and "ordinary" English. Sometimes difficulties arise from individual words like 'bail', 'matter', 'swear'. But there are also instances where a phrase can be problematic e.g. 'under the law'. More broadly some consideration will be given to differing English discourses. It will be suggested, perhaps surprisingly to the non-specialist, that sometimes 'bad English' can be to the claimant's advantage and 'good English' to their disadvantage.

ID: 263 / **Plenary 7: 1**
Keynote
Keywords: forensic linguistics, future developments

The Future of Forensic Linguistics:Three Challenges and Three Opportunities

Janet Ainsworth
E-Mail: jan@seattleu.edu

Forensic Linguistics has much to be proud of in its academic and practical accomplishments. However, our field faces serious challenges now and for the future. This presentation will look at three challenges and three opportunities.

First, the standards for admission of scientific evidence in court systems are becoming more stringent. At present, forensic linguistics is insufficiently prepared to meet those coming higher standards for admissibility.

A second challenge arises from changes in universities whereby foundational research is slighted in favor of research with immediate financial payoff. Universities have shifted focus from providing academically rigorous education to one favoring vocational training. So, fewer students study fields like linguistics and faculty lines are disappearing, challenging our future progress as senior scholars retire and are not replaced.

A related challenge is that increasingly bureaucratized universities push research agendas siloed by discipline, discouraging disciplinary cross-fertilization that results in fruitful new approaches to problems.

These challenges are daunting, but each provides us with the seeds of new opportunities. Tougher evidentiary standards in forensic evidence will push us to establishing error rates for forensic linguistic work based on pattern recognition. At the same time, we need to better articulate how interpretive social science is a reliable form of knowledge even when it cannot be reduced to quantifiable measures. We can overcome the challenges of changes in university structural incentives by increasing our collaboration with colleagues in other disciplines. Forensic linguistics is already an interdisciplinary field of inquiry; the future will lead us further in that direction.

ID: 265 / **PP-We-pm GB2 - 1: 2**
Individual Oral Papers
Topics: plain language/comprehension

Discussant

Michael Cooke

NAATI; iaflconference2019@gmail.com

Symposium Discussion