

Series Preface

The Elements in Forensic Linguistics series from Cambridge University Press publishes across five main topic areas (1) investigative and forensic text analysis; (2) the study of spoken linguistic practices in legal contexts; (3) the linguistic analysis of written legal texts; (4) interdisciplinary linguistic research bridging allied fields; and (5) explorations of the origins, development, and scope of the field in various regions. *Forensic Linguistics in the United Kingdom: Origins, Progress and Prospects* by Ralph Morton, Emily Chiang, and Malcolm Coulthard is the sixth Element in our Origins line, joining others from the Philippines, Australia, China, Southern Africa, and Indonesia (forthcoming), as well as several others in the pipeline.

As is widely acknowledged in our international community, the UK has played a vital role in the founding and shaping of forensic linguistic research and practice. The authors of this Element have each contributed greatly to this endeavour. Ralph Morton's corpus projects have examined the challenges faced by vulnerable witnesses within the UK legal system; Emily Chiang's work has focused on expressions of identity in dark web criminal contexts; and Malcolm Coulthard, most well-known for his research on forensic discourse analysis, has also played an instrumental role in the founding of our primary academic association, the International Association of Forensic Linguistics (now the International Association for Forensic and Legal Linguistics), and our two well-respected peer-reviewed journals: *Forensic Linguistics* (now *The International Journal of Speech, Language and Law*) and *Language and Law / Linguagem e Direito* (with Rui Sousa-Silva). The authors also explore the extensive range of topics pursued by other UK scholars on 'verballing' in police interviews, authorship methods, plagiarism detection, spoken practices in emergency calls and support services, transcription practices, trial discourse and lay participants in the courts, and discourses of online harm.

This Element not only captures the diversity of topics that we, in the FL community, engage in as researchers and professionals, but also sets a comprehensive research agenda for us to further pursue in our own unique regions. We look forward to receiving more proposals that represent your regional pursuits of legal and linguistic justice.

Tammy Gales
Series Editor

Introductory Note

We are well aware of the risks involved in accepting the invitation to write this Element – a potentially poisoned chalice. First, because the 30,000-word limit

means there will be research topics and researchers we simply cannot include. Second, although we have asked for advice from a range of researchers in the UK forensic linguistic research community about who and what we should include, there will inevitably be some topics we have been forced to omit that readers feel we should have included. We have also taken the potentially controversial decision to exclude UK Forensic Phonetics, feeling that the area is sufficiently developed to deserve its own dedicated volume.

The work we have included here is primarily that of UK-based researchers. While this is necessary, given the focus of the Element, there is obviously also a wider international research context in which this work developed. Consequently, there are references to some non-UK research, while several of the researchers mentioned have not worked exclusively in the UK, but if they spent a significant part of their career in the UK, or made a significant contribution to the field during a relatively shorter stay, their work has been included.

Being a forensic linguist – in particular a forensic linguist acting as an expert witness in court – requires not just a sound understanding of the linguistic problems at hand and the type(s) of analysis required to devise a solution, but the ability to explain the relevant concepts and methods in a court context, particularly to a lay jury. We kept this scenario in mind when imagining our own audience for this Element and deciding on the appropriate level of detail to provide when discussing the research and concepts we have chosen to cover. Ultimately, we decided to approach the writing as if addressing the ‘intelligent juror’, who understands aspects of what forensic linguists do, but not necessarily how or why certain methods work. To this end, as we encounter key concepts and methods throughout the Element, brief explanations will be included. They will necessarily include what is, in our opinion, just sufficient information to enable you grasp the concept(s). For a more substantial introduction to the field, readers may wish to refer to *An Introduction to Forensic Linguistics* (Coulthard et al., 2017), *Introduction to Forensic Phonetics and Linguistics* (Leemann et al., 2024) and to relevant chapters in *The Routledge Handbook of Forensic Linguistics* (Coulthard et al., 2020).

1 Forensic Linguistics in the UK

Introduction

We can broadly define forensic linguistics as the application of linguistics (by which we refer to the scientific study of language) to problems of a criminal or legal nature. In criminal contexts, the linguist might, for example, be required to analyse texts of questioned authorship, or to determine the meanings of disputed/unfamiliar words or phrases, which may result in evidence presented to assist

decision-making in court, or to support ongoing law-enforcement investigations. With interaction in legal contexts, the linguist might analyse the language used at the various stages of the legal process: in calls to the emergency services, in client meetings with lawyers, in police interviews, in courtroom proceedings, and in legal documents, with the broad aim of identifying and then working to correct social injustices that limit or obstruct access to particular groups. While varying in aims, scope, and methods, the two branches share the ultimate social purpose of *improving the delivery of justice through the analysis of language*.

A Brief Note on the UK Legal Context

To offer the briefest of descriptions, the UK (or United Kingdom of Great Britain and Northern Ireland) operates under a common law system. It is made up of four countries, England, Wales, Scotland, and Northern Ireland, the first two of which share a legal system, and all of which, despite different levels of legislative and judicial independence, share a Supreme Court and are subject to laws made in the Westminster Parliament.

The justice system is made up of local Youth Offending Services and Police Forces, some of which are controlled (at least until 2028) by a regional Police and Crime Commissioner. Organised crime at the national level is handled by the National Crime Agency. Criminal cases are heard in Magistrates' courts, with more serious cases going to the Crown Court. Civil cases are heard in the County Court with appeals going to the High Court. There is also a Tribunal system which deals with disputes over things like employment, tax, immigration, asylum, and social care.

A Brief Note on the Legal Status of Forensic Linguistics in the UK

Forensic linguistics, and authorship analysis in particular, has demonstrated its legal usefulness in the UK context. Although a case is unlikely to succeed or fail in the UK courts based solely on linguistic evidence, such evidence has proved useful at the investigative stage and formed part of a wider range of evidence presented to courts and tribunals, both successfully and otherwise.

How Is the Term 'Forensic Linguistics' Understood in the UK?

Forensic linguistics is used as an overarching cover term in the UK to subsume three areas – Language and the Law, Interaction in Legal Contexts, and Language as Evidence – and it is used as such in the titles of the major British Master's degrees taught at Aston, Cardiff, and Lancaster Universities. However, 'Language and Law' is a term widely used internationally, and so, because over time the readership of the Journal and the membership of the Association have

become predominantly non-British, their original names have been changed – The journal began as *Forensic Linguistics: The International Journal of Speech, Language and the Law*; it then changed to *The International Journal of Speech Language and the Law: Forensic Linguistics* and is now simply *The International Journal of Speech Language and the Law*. Meanwhile, the Association morphed from IAFL, the International Association of Forensic Linguists, to IAFL, the International Association for Forensic and Legal Linguistics.

A Brief Note on the ‘Particular Flavour’ of Forensic Linguistics in the UK: ‘The Firthian Tradition Meets Sherlock Holmes’

One of the things that we as authors have been tasked with in writing this Element is to give a sense of the ‘particular flavour’ of forensic linguistics in the UK. The title of this section, to be taken with a pinch of salt, is the closest that we have come to a general characterisation.

To unpack it a little, when forensic linguistics was first offered as part of the Applied Linguistics MA at Aston University, it was contextualised within modules that gave students a grounding in the lexicogrammar of Michael Halliday, the corpus-driven work of John Sinclair, and the discourse analytic approaches pioneered in educational and forensic contexts by Malcolm Coulthard. Given this focus on function, complex context-dependent meanings, and the co-occurrence of features, it could be said that UK forensic linguistic research can ultimately be traced back to the linguistic research foundations laid by J.R. Firth. The (less academically defensible) Sherlock Holmes comparison is made for two reasons. First, because much of the work in this field has been conducted by individuals who, like a young, fictional, Sherlock Holmes, developed their methods for detection at university. Second, while work in this area is often police-adjacent, it is not formally conducted within the state’s security apparatus the way that it is in other countries, such as Germany.

Unrelated to the above points, the majority of forensic linguistics research in the UK, up to this point, has been monolingual, although the establishment of larger more diverse centres for forensic linguistic research in recent years has helped to broaden the focus.

The Origins of Forensic Linguistics in the UK

In the Beginning

As we will make clear in what follows, chance (indicated repetitively in the text by the use of ‘fortunately’), played a big part in the early development of forensic linguistics, both as a recognised area of professional expertise and as an academic discipline.

Forensic linguistics, as a category of expert evidence and as an academic subject, began in the UK by chance – in a corridor of the English Department of the University of Birmingham. Malcolm Coulthard, who taught English linguistics and Discourse Analysis to undergraduate students of English, was approached by a colleague, who was already acting as an expert witness in forensic handwriting analysis, with a challenge – ‘as you teach a class showing students the difference between genuine interaction and the pseudo interaction playwrights put onto the stage, are you able to demonstrate that this supposedly verbatim record of a police interview with a suspect was falsified?’ In other words, could he show that a policeman was acting as dramatist? Coulthard wrote a report and was sitting in court ready to give evidence, but was never called, because his colleague’s evidence of documentary falsification was so compelling that the judge dismissed the case and severely criticised the police officers involved. As a consequence, an elite police unit, the West Midlands Serious Crime Squad, was immediately disbanded, fifty-one officers suspended, six charged, and four later convicted.

Not only forensic handwriting analysis, but also forensic authorship analysis acquired a sudden high profile, especially among those serving prison sentences. Coulthard became involved in a series of cases where men already convicted on the basis of evidence obtained by the West Midlands Serious Crime Squad claimed they had been ‘verballed’ – that is, convicted on the basis of confessions that had been (at least partly) created by the interviewing police officers. This included high-profile cases such as that of the Birmingham Six, who had been convicted of a pair of deadly pub bombings in Birmingham, UK, in 1974, whose convictions were overturned in 1991 following an appeal which drew on Coulthard’s expert evidence.

The University of Birmingham became known for forensic linguistics and again by pure chance a very gifted group of students, the majority of whom had graduated from other universities, enrolled to study for doctorates in the English Department. It was the diaspora of this group of students that later consolidated forensic linguistics as an academic discipline in the UK. Janet Cotterill, Chris Heffer, and Frances Rock established the world’s first Master’s degree in Forensic Linguistics at Cardiff; later, Tim Grant and Krzysztof Kredens (along with Coulthard) established Forensic Linguistics at Aston; Alison Johnson at Leeds and John Olsson at Bangor, while Sue Blackwell and Jess Shapero continued the tradition for a while at Birmingham.

With the initial building blocks in place, moves were made in the early 1990s to professionalise the field in the UK through the establishment of a journal and a professional association dedicated to forensic linguistic research.

The Association

Forensic linguistics as a label is strongly associated with England, having been used first in a legal context in 1967 by the Swedish grammarian Jan Svartvik, who at the time was working at University College London, to characterise his linguistic analysis of a disputed confession to murder by one Timothy Evans. Svartvik showed that parts of the confession had been falsified by the police. Malcolm Coulthard adopted the phrase in the late 80's when he began to work as an expert witness. It was used in the title of a couple of international seminars at the University of Birmingham, which brought together academics interested in the relationship between language and the law. For these reasons, when the formation of an association was proposed in 1992, 'Forensic Linguistics' seemed to Coulthard to be the most appropriate label, indeed not least because it paralleled the name of the pre-existing association of experts in forensic speech science – the International Association for Forensic Phonetics. So, the International Association of Forensic Linguists was born.

Since its inception, UK academics have played a major role in the Association. Four of the fourteen Presidents of the Association have been from the UK – Malcolm Coulthard, Janet Cotterill, Tim Grant, and Isabel Picornell, with a fifth, Nicci MacLeod, to follow in 2027. Of the twenty-six International and Regional IAFLC Conferences, eleven were organised by academics with PhDs from the English universities of Birmingham and Aston. Aston hosted three times: Tim Grant, Nicci MacLeod, and Annina Heini; Birmingham once: Sue Blackwell; Cardiff once: Janet Cotterill. Outside of the UK, it has been hosted in Florianopolis, Brazil, twice: Carmen Caldas-Coulthard and Malcolm Coulthard; Lodz, Poland, once: Krzysztof Kredens; and Porto, three times (four as of 2027): Rui Sousa-Silva.

In the early days, Sue Blackwell set up and still curates the incredibly valuable online *Discussion List for Language and the Law* <FORENSIC-LINGUISTICS@JISMAIL.AC.UK> which currently has some 500 subscribers and, as she notes in her entry in the *Encyclopaedia of Applied Linguistics*, has acquired a reputation for 'lively and witty exchanges'.

The Journal

As Forensic Phonetics and Forensic Linguistics were new research areas in the early 1990s, there was no dedicated journal for either, so it was decided to found a journal which catered for both associations and the prospective co-editors, Peter French and Malcolm Coulthard, approached Routledge which fortunately was looking to expand its journal portfolio and agreed to publish *Forensic Linguistics: The International Journal of Speech Language and the Law*,

provided that the two associations guaranteed a minimum income by including the price of the journal in their annual subscriptions. To the editors' surprise, indeed consternation, at the beginning of the third year, Routledge 'advised' that it would cease publication at the end of the year because the journal was not selling a sufficient number of copies to libraries and individuals, even though association numbers were ahead of predictions.

There was no possibility that any other publisher would take over the journal, but, fortunately, the Library of the University of Birmingham had just decided, for prestige purposes, to set up a Press which was therefore actively looking for manuscripts to publish and so agreed to become the publisher of the journal. In fact, it soon became clear that 'Press' was a misleading name, at least as far as the journal was concerned. The Press simply looked after the money; the whole publication process – receiving, reviewing and editing articles, contracting and paying copy-editors and printers, and employing a secretary and even posting out issues to subscribers – was devolved to the editors. Even so, the relief of having a respectable imprint was short-lived, because after seven years the University decided to close its Press and the journal became an orphan again. Fortunately, the subscriber numbers were now healthy and Equinox agreed to take over publication. Probably because the audience for the published research continued to grow beyond the UK, it was at this time that *Forensic Linguistics* was dropped from the title of the journal, thus situating it more squarely within the growing international body of Language and Law research. As we were editing this text, we received the following message: 'We are pleased to announce that the *International Journal of Speech, Language and the Law* is transitioning from Equinox Publishing Ltd. to University of Toronto Press'. This transition has since been completed.

As in any research area, international connections have been invaluable, but in the context of this volume it is worth recording the UK's ongoing influence on the journal, which over its whole life, at least up until the time of writing, has always had at least one UK forensic linguist as editor: Malcolm Coulthard, Janet Cotterill, and Frances Rock and now Alison May and Kirsty McDougall. The second journal *Language and Law, Linguagem e Direito*, followed in the same tradition with Rui Sousa Silva, 'honorary Brit' as Managing Editor, helped by Malcolm Coulthard.

The Second Beginning

Although Forensic Linguistics had been introduced as undergraduate and postgraduate modules and as an option for doctoral research at the University of Birmingham, an established academic discipline needs to train the next generation through dedicated postgraduate courses and Birmingham refused to

contemplate setting up a Masters degree, raising the possibility that, as in the US at the time, the area would remain a personal interest for individual academics whose teaching priorities were elsewhere.

Fortunately, Janet Cotterill was appointed to a position in the English Department at Cardiff University at a time when the academic administrators were looking to increase the number of Master's students. Cotterill's proposal of an MA in Forensic Linguistics was accepted and, in more good fortune, Chris Heffer, Frances Rock, and Michelle Aldridge joined the department shortly afterwards. Suddenly, Cardiff had the largest concentration of academic forensic linguists in the world, and they still have the longest-running Master's degree, founded in 2001 by Janet Cotterill.

Subsequently, Coulthard moved to Aston and fortunately, shortly afterwards, a new Vice Chancellor was appointed and, as new vice chancellors do, toured departments looking for areas with potential in which to invest. She thought forensic linguistics was one such area and provided funding for a post to which Tim Grant was appointed. Very fortunately, Aston was at the same time also looking to appoint a lecturer in translation studies and Krzysztof Kredens was the successful applicant – suddenly there were two UK universities with a critical mass in forensic linguistics and the discipline has not looked back. It is now at its historically most healthy in terms of permanent teaching and research staff, the number of courses and modules offered and the number of registered students.

2 Investigative and Forensic Text Analysis

Authorship Analysis

Early Applications of Authorship Analysis in the UK Context: 'Verballing'

Many of the earliest forensic linguistics cases in the UK involved what the accused called 'verballing', cases where it was claimed that police had falsified (parts of) supposedly verbatim verbal records of interviews and of dictated confessions. Over time, Coulthard developed a toolkit to evaluate such claims. In the 1960's, Svartvik had only grammatical tools, but by the 1990's, linguists could also draw on those of discourse analysis, particularly those developed for the analysis of supra-sentential structuring, that is, the way in which sentences combine into larger units to form coherent texts (Coulthard, 1975: 73).

The case that first raised the profile of forensic linguistics was the 1998 Appeal of Derek Bentley, a nineteen-year-old accused, convicted and executed for the shooting and killing of a policeman in November 1952. At Bentley's trial, three police officers swore on oath that Bentley's statement was the