A GLOSSARY of LINGUISTIC AND LEGAL TERMS

to accompany

An Introduction to Forensic Linguistics: Language in Evidence
By Malcolm Coulthard, Alison Johnson and David Wright
(Routledge, 2016)

Introduction
Some of the words in this glossary are linguistic terms and some are legal terms. This list of terms is not considered exclusive; it is merely a start.

There are many useful and extensive glossaries available on the internet. Some of these – just a brief flavour of what is available – are listed below. Please note: URLs sometimes change, so you will need to make your own searches too.

In addition, there are published books which give guides to terms and specialist dictionaries too, which you can find by using your university’s library catalogue. In law, perhaps the most widely used dictionary is Black’s Law Dictionary and an example of a linguistics dictionary is the Concise Oxford Dictionary of Linguistics.

Linguistic Glossaries
British Library http://www.bl.uk/learning/langlit/sounds/find-out-more/glossary/
Summer Institute of Linguistics http://www-01.sil.org/linguistics/GlossaryOfLinguisticTerms/
UCL’s Internet Grammar of English http://www.ucl.ac.uk/internet-grammar/frames/glossary.htm

Legal Glossaries
United States Courts http://www.uscourts.gov/glossary

Note that any references used in the glossary entries below can be found in the list of references in the textbook to which this refers: An Introduction to Forensic Linguistics. Language in Evidence (Second Edition) (Routledge, 2016), by Malcolm Coulthard, Alison Johnson and David Wright.
GLOSSARY

**Acoustic techniques.** Methods used in forensic speaker profiling and speaker comparison which involve the use of specialised computer software to quantify and measure elements of speech. Features commonly analysed in this way are voice pitch and vowel formants. These techniques are most commonly employed by forensic speech scientists in combination with *auditory techniques*.

**Adversarial system.** Also sometimes called the Common Law system. This courtroom trial system is so called because the trial is structured in terms of adversaries: the prosecution and the defence. In this system, examination of witnesses is carried out by barristers or attorneys, whereas in the Inquisitorial system, also called the Investigative system, the examination of witnesses is carried out by the judge or judges. A witness is first examined by their own side (prosecution or defence) who is ‘friendly’ to them and then cross-examined by the opposing side. The two sides are seen as competing adversaries. The jury decides which side has produced the most truthful and compelling evidence.

**Auditory techniques.** Methods used in forensic speaker profiling and speaker comparison which involve the analyst using their expertise in phonetic transcription and phonetic analysis, focusing mainly on features such as vowel and consonant pronunciation and connected speech processes. Most commonly employed by forensic speech scientists in combination with *acoustic techniques*.  

**Authorship attribution.** The process in which linguists set out to identify the author(s) of disputed, anonymous or questioned texts. In a forensic context, these texts are potentially evidential in alleged infringements of the law or threats to security. It involves comparing linguistic features in the disputed criminal documents with those exhibited in known writings of suspects in the case.

**Barrister.** A barrister, also called counsel, and attorney in the United States, is a lawyer in Common Law systems who is able to practice in the as an advocate in the higher courts.

**Collocation.** Collocation means the close position of words together. Collocation can be strong or weak; for example the words *forensic* and *linguistics* are often found together, whereas Dylan Thomas’s phrase *a grief ago*, in a poem of the same name, is an unusual collocation which surprises us, because we expect a word related to time between *a* and *ago*: *while, moment, hour* etc. Fixed collocations are fixed phrases or idioms, or multi-word units, such as the idiom *kick the bucket* as a euphemism for death.

**Common Law.** Common Law is the law that existed before statutes or codified laws. It gives its name to the phrase: the Common Law system, which is a name applied to legal systems that derive from English law brought through colonisation. Some countries, such as Malaysia,
have a hybrid system that is based on a combination of English Common Law and Malaysian codes.

**Community of Practice.** This term, as introduced by Lave and Wenger (1991) brings together several ideas from sociolinguistics and means groups of professionals who are ‘characterized by regular and frequent interaction’ (Gumperz 1968: 114), and who create knowledge and ‘participat[e] in a set of shared norms’ (Labov 1972: 120-121) and practices. This means that within these communities ‘successive utterances are alike or partly alike’ (Bloomfield 126: 153-154), resulting in the same kinds of questions being asked, for example, or prioritizing particular legal-professional goals over social ones.

**Corpus linguistics.** Corpus means body, so corpus linguistics is a term that relates to the study of large bodies of texts which are put together in a corpus. So we might collect a corpus of criminal trials or police interviews in order to study patterns of language within them. In corpus linguistics repeated patterns of linguistic use are found using computers, using programs such as *Wordsmith* (Scott 2012) or *Antconc* (Anthony 2014), and for corpus linguists patterns of use create patterns of meaning. Heffer’s (2005) study of criminal trials is a corpus-based study.

**Cross-examination.** In the adversarial system of trials a witness is first examined by their own lawyer (if they are a prosecution witness, by the prosecution lawyer; if they are a defence witness, by their defence lawyer) and then cross-examined by the other side’s lawyer. Cross-examination is therefore more confrontational and ‘unfriendly’ than examination-in-chief. Its purpose is to test the validity and truth of the evidence-in-chief; in practice lawyers call the prior evidence into question, try to undermine it and cast doubt on it.

**Defendant.** This is the legal term for a person who is accused of a crime in court. When they are being questioned prior to a court case, they are usually described as the suspect.

**Disputed utterances.** A problem often arising in recordings of speech data that is potentially incriminating or evidential in a legal case. The forensic speech scientist can be asked to determine what is being said in part or all of a recording.

**Dyadic interaction.** A dyad is a two part interaction between two parties, such as a question and answer. Police interviews or courtroom examination could therefore be described as dyadic interaction, although there are more than two people present. Other participants are usually silent.

**Examination-in-chief.** In the adversarial system of trials a witness is first examined by their own lawyer (if they are a prosecution witness, by the prosecution lawyer; if they are a defence witness, by their defence lawyer) and then cross-examined by the other side’s lawyer. The ‘friendly’ examination by their own side is called examination-in-chief, or evidence-in-chief, or direct examination.

**Forensic Phonetics.** The analysis of sound as evidence to assist in legal proceedings, undertaken by a forensic speech scientist. It comprises four broad branches: transcription, speaker comparison, speaker profiling, and voice line-ups.
**Forensic stylists.** A term coined by McMenamin (2002) to mean ‘the application of the science of linguistic stylistics to forensic contexts’. Over time, the term has become more generalised (see *stylistic approaches to authorship*).

**Golden rule.** The golden rule requires a judge ‘to give the words used by the legislature their plain and natural meaning, unless it is manifest from the general scope and intention of the statute injustice and absurdity would result from so construing them’ (quoted in Hutton 2014: 26-27).

**Idiolect.** The language of the individual. Authorship analysis often relies on the assumption that every speaker/writer has their own distinctive version of their language.

**Illocutionary force.** The illocutionary force of an utterance is the intention of the speaker, such as wanting to be seen as polite or casting an utterance as, for example, a request or an inquiry or a command: ‘Can you (please) tell me your name?’, ‘Is your name John?’, ‘Your name?’.

**Indictment.** First of all, this word is sometimes mis-pronounced. To help with pronunciation, this word has three syllables and it is the second syllable that causes problems: in-dict-ment. The second syllable rhymes with night, not Pict: /ɪn.dɪkt.mənt/ The indictment is the charge that is read out at the start of a criminal trial e.g. murder.

**Inquisitorial system.** See also Investigative system.

**Language Analysis for the Determination of Origin (LADO).** The use of phonetic and linguistic analysis in order to draw reasonable conclusions about asylum seekers’ language of socialisation.

**Last antecedent rule.** The last antecedent rule states that the scope of a limiting clause has to be restricted to the immediately preceding antecedent, ‘unless the context or evident meaning requires a different construction’ (Hutton 2014: 26-27).

**Legislature.** The legislature is the body of a country or state who creates new laws, usually parts of governments.

**Literal rule.** The literal rule, sometimes called the plain meaning rule, is a rule used by a judge and is defined by Solan (1993, quoted in Tiersma 2001: 77) as follows: “unless there is an ambiguity obvious from the text itself, anything that the legislature said or did outside of the text itself cannot be used to interpret it”. The legislature is the body of a country or state who creates new laws, usually parts of governments.

**Mischief rule.** This is only applied by a judge in court where there is ambiguity in the statute. The mischief rule requires a judge ‘to identify the specific object or target of the legislation and to make such construction as shall suppress the mischief, and advance the remedy’ (quoted in Hutton 2014: 26-27).
Naïve speaker recognition. The name given to speaker comparison as performed by a non-expert, as opposed to a forensic speech scientist. Often required in cases with ear-witnesses and voice line-ups.

Pairwise distinctiveness. The demonstrable differences in the linguistic styles of two people. (See Grant 2010.)

Paralinguistic features. Alongside the words of speech, we use gestures and facial expressions. These are paralinguistic features.

Phonetics. The study and classification of the sounds of the world’s languages into their constituent parts: whether they are vowels or consonants, how they are articulated using the mouth, tongue and air from the lungs, where they are articulated in the mouth or vocal tract etc. Individual sounds are notated through the use of the IPA (International Phonetic Alphabet) which can be found on the International Phonetic Association website: https://www.internationalphoneticassociation.org/

Phonology. The study of the organisation of sounds in the world’s languages, whilst phonetics is the study of how those sounds are classified in terms of their characteristics: vowels, consonants, manner of articulation in the mouth, place of articulation etc.

Plain meaning rule. Also known as the literal rule, it is defined by Solan (1993, quoted in Tiersma 2001: 77) as follows: “unless there is an ambiguity obvious from the text itself, anything that the legislature said or did outside of the text itself cannot be used to interpret it”. The legislature is the body of a country or state who creates new laws, usually parts of governments.

Population-level distinctiveness. The demonstrable distinctiveness or uniqueness of an individual’s linguistic style when compared against a relevant reference corpus. (See Grant 2010.)

Pragmatics. The study of language in use, what we do with language when we use it. For example, when I say ‘It’s cold in here’ I might be asking for someone to close a window or door. It is therefore about how meaning is created contextually, not just in the semantics of the words or the syntax of the sentence. Pragmatics involves the study of such things such as turn-taking in conversation, text structure, presupposition and implicature. We need to take into consideration the elements of context such as who, what, where, when, and why something is said. Consider the different contexts of the courtroom (and the different activities that take place in it: examination and cross-examination, for example) or a police interview, for example.

Register. The use of specialist vocabulary and syntax (Trudgill 1992). We might talk of a legal register that uses legal terminology.

Rule, golden/literal/mischief/plain meaning. See individual references e.g. Golden rule.
Semantics. Lexical semantics refers to the meanings of words, their sense and reference. We talk of denotation and connotation. Denotative meaning is the meaning of the different senses of a word, so, for example a legal meaning of the word *arrest* is to take someone into police custody, but another sense of the word simply means ‘to stop’. Connotative meaning is the meaning(s) attached to a word through its affect. So, if we use the words *lawyer* or *police* all sorts of positive or negative associations pop up for different people.

Speaker comparison. The task most frequently faced by forensic speech scientists. The analysis involves comparing the voice(s) in a disputed or anonymous criminal recording with recordings the police have of potential suspects. The analyst measures the similarity or difference between the samples and estimates the likelihood that they came from the same or different speakers.

Speaker profiling. An analysis which involves predicting as much as possible about the physical and social characteristics of an unknown or anonymous speaker. Characteristics of speakers commonly predicted are geographical location, regional accent and dialect, gender, age and speech disorders. Some argue that body size can also be predicted on the basis of voice.

SPEAKING acronym. Hymes (1974) developed the SPEAKING acronym to describe a range of components of the speech situation that need to be taken into account when examining what language is doing. The components are arranged under each of the eight letters: S (Setting and Scene), P (Participants), E (Ends, goals, and outcomes), A (Act sequence), K (Key, tone, and manner), I (Instrumentalities), N (Norms), G (Genre). Legal talk and texts are context-rich, with combinations of setting (courtroom, interview room, consultation), legal and lay participants, legal goals, speech acts that combine to produce a range of legal activities (e.g. cross-examination), a range of speech styles, video-linked testimony, audio and visual recordings, and professional norms and genres. Legal genres, their styles and modes of interaction and the social practices, roles, and participant relationships that they produce, constitute complex interrelationships between text and context.

Spectrogram. A visual representation of the frequencies (pitches) and intensity (loudness) of a speech signal or speech sample.

Speech community.

Speech community. A ‘community sharing rules for the conduct and interpretation of speech, and rules for the interpretation of at least one linguistic variety’ (Hymes 1972 in Paulston and Tucker 2003: 36).

Style marker. In authorship analysis, any linguistic feature, pattern or preference identified in disputed or known text which may be useful in distinguishing between different authors or indicating the authorship of a criminal text.

Stylistic approaches to authorship. Methods in authorship attribution which rely on the qualitative examination of texts and the identification of style markers which demonstrate
consistency within authors and distinctiveness between authors. Using these approaches, the styles of the suspects in their known writings is first established, and then these are compared with the styles exhibited in the disputed text(s). On the basis of the analysis, the forensic linguist may express an opinion regarding the extent to which the styles in the disputed data are consistent with that of any suspect.

**Stylometry.** The statistical measurement of style. The name given to a vast array of methods which rely on measuring the similarity or difference between texts and authors on the basis of the frequencies of a range of pre-determined linguistic features. Stylometric studies have used a wide variety of linguistic features as ‘input features’ and algorithms to measure similarity. Most stylometric work comes from the field of computer science.

**Syntax.** Syntax is grammatical structure, particularly of the sentence. Legal texts have been described as being syntactically complex, because of their use of very long sentences made up of many clauses and embeddings of clauses within clauses.

**Testimony.** Testimony is the legal word used to describe the evidence that a witness gives in the witness box in a trial e.g. ‘the witness gave false testimony’.

**Voice line-ups.** Also known as voice parades. Similar in concept to a traditional identity parade. An ear-witness who has heard a perpetrator of a crime (but not seen them) is asked to identify the voice they heard from a group including a suspect and a series of foils (non-suspects).

**Voiceprinting.** A technique developed in the USA in the 1960s which involves visually comparing two spectrograms with the aim of identifying whether speech samples are of the same or different speakers. Despite the methodological issues associated with this approach, it is still used by the FBI. Voiceprinting is not the same as mixed auditory and acoustic methods.