

FORENSIC LINGUISTICS – AN INTERVIEW WITH MALCOLM COULTHARD

Malcolm Coulthard¹

Federal University of Santa Catarina

REVEL – I suppose we can say that Forensic Linguistics is still a not very well known area among the language studies. Could you tell us what is the object of Forensic Linguistics?

COULTHARD – Forensic linguistics is the area of Applied Linguistics involved with the inter-relationship between Language and the Law. It can usefully be sub-divided into three areas: the Written Language of the Law, Interaction in Legal Contexts and Language as Evidence. I myself see Forensic Linguistics as branch of Critical Discourse Analysis, so forensic linguists don't just describe they also try to change/improve the world.

Thus in the area of the Written Language of the Law one of the topic which interests us in the English speaking world is the Plain Language Movement, in Brazil one feels the need for a Plain Portuguese movement to tackle the extremes of juridiques.

In the area of Interaction in Legal Contexts we are concerned with the language rights of non-native speakers and the problems of how to deal in delegacias and tribunais with vulnerable witnesses: children, rape victims, the intellectually challenged and the aged.

¹ <http://www.aston.ac.uk/lss/staff-directory/coulthardm/>

REVEL – Studying Linguistics, we deal with the concept of ‘linguistic phenomena.’ How is it possible to transform linguistic phenomena into evidence?

COULTHARD – There are many areas where linguists can act as peritos. One close to my heart is question of authorship. I myself worked in the 80s and 90s in the UK with several cases where police had falsified confessions and it was necessary to go court to demonstrate wrongful conviction based on a detailed analysis of lexical and grammatical features in texts. This practical court work also advances linguistic theory and description, so for example we now have a much clearer idea of the linguistic uniqueness of the individual and that we need to find only one quite short identical shared word sequence to be sure that one text has been copied from another. At the moment one of my doctoral students is working on the question of plagiarism in Brazilian universities, on how can we detect plagiarism inside the university and what can we do to reduce its incidence.

REVEL – Could you give us some examples on different types of ‘linguistic material’ that can be used by a forensic linguist in field activity?

COULTHARD – One area that interests many people is that of trademarks – how can someone claim and defend the ownership of bits of language. An interesting Brazilian case was when the whisky brand Johnny Walker tried unsuccessfully to close down a Brazilian cachaça brand Joao Andante arguing theft by translation. Another is a case in the States where McDonalds managed to get a judge to give them the right to exclusive use of the morpheme ‘Mc’ when used in quite broadly defined food contexts and forced a large hotel chain to abandon its trademark of McSleep

REVEL – It is a great privilege for Brazilian Forensic Linguistics to have you here in our country. How do you see the Brazilian scenario regarding the area of Forensic Linguistics, both from an academic point of view and a field work point of view?

COULTHARD – I am enjoying trying to introduce a new discipline to Brazil – but then I have a long history as I brought British Discourse Analysis and Systemic Functional Linguistics to UFSC in the mid 1980s.

In the two years since I joined UFSC, with the help of a small number of colleagues and a growing number of postgraduate students, a lot has been achieved already. UFSC now has a disciplina called *Linguagem e Direito* which is taught annually; we have a *Linguística Forense* GT with over a dozen members; in Recife, during a language and law conference in October 2012 we founded ALIDI, the Associação de *Linguagem e Direito*; in December 2013 we ran the first international conference on Language and Law at UFSC; shortly we will launch an on-line international bilingual journal called *Language and Law – Linguagem e Direito*, for which I would like to take this opportunity to invite submissions; at this moment three of our forensic linguistics doutorandas are away with bolsas sanduiche, one at USP, two at the University of Birmingham UK, where Forensic Linguistics began as a taught discipline in the 1990s.

Our current concern is to try to build links outside the university with legal professionals, police officers, lawyers and judges so that we can try to affect what happens in their areas of expertise in the same way as we have done in English speaking jurisdictions. We are particularly concerned about how linguistic evidence is recorded and feel the current methods could be significantly improved if we can convince them or the weaknesses.

REVEL – Could you please suggest some essential readings on Forensic Linguistics for our readers?

COULTHARD – These are the best places to start reading:

COLARES, V. (2010). *Linguagem e Direito*. Porto Alegre, Sergio Antonio Fabris
downloadable from the internet.

COULTHARD, M.; JOHNSON, A. (2007). *An Introduction to Forensic Linguistics: Language in Evidence*, London: Routledge Kindle ed. Available.

COULTHARD, M.; JOHNSON, A. (2010). *The Routledge Handbook of Forensic Linguistics*, London: Routledge Kindle ed. Available.

TIERSMA, P.; SOLAN, L. (eds.). (2012). *The Oxford Handbook of Language and Law*, Oxford: OUP.

Some people might like to start with a Youtube Video of a lecture I gave on Forensic Linguistics:

Full Version: <http://www.youtube.com/watch?v=SBrmMAdsR8c>

10 minute extract: <http://www.youtube.com/watch?v=L67UKsZ4RJ4>