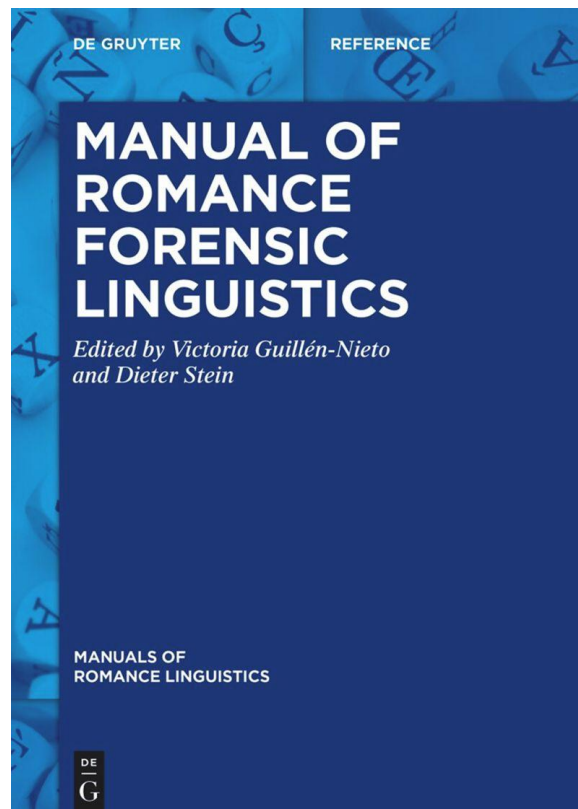


Manual of Romance Forensic Linguistics (Preview)

Victoria Guillén-Nieto and Dieter Stein



June 2, 2025

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Manuals of Romance Linguistics

The international handbook series *Manuals of Romance Linguistics* (MRL) offers an extensive, systematic and state-of-the-art overview of linguistic research in the entire field of present-day Romance Studies.

MRL aims to update and expand the contents of the two major reference works available to date: *Lexikon der Romanistischen Linguistik* (LRL) (1988–2005, vol. 1–8) and *Romanische Sprachgeschichte* (RSG) (2003–2008, vol. 1–3). It also seeks to integrate new research trends as well as topics that have not yet been explored systematically.

Given that a complete revision of LRL and RSG would not be feasible, at least not in a sensible timeframe, the MRL editors have opted for a modular approach that is much more flexible:

The series will include approximately 60 volumes (each comprised of approximately 400–600 pages and 15–30 chapters). Each volume will focus on the most central aspects of its topic in a clear and structured manner. As a series, the volumes will cover

the entire field of present-day Romance Linguistics, but they can also be used individually. Given that the work on individual MRL volumes will be nowhere near as time-consuming as that on a major reference work in the style of LRL, it will be much easier to take into account even the most recent trends and developments in linguistic research.

MRL's languages of publication are French, Spanish, Italian, English and, in exceptional cases, Portuguese. Each volume will consistently be written in only one of these languages. In each case, the choice of language will depend on the specific topic. English will be used for topics that are of more general relevance beyond the field of Romance Studies (for example, Manual of Language Acquisition or Manual of Romance Languages in the Media).

The focus of each volume will be either (1) on one specific language or (2) on one specific research field. Concerning volumes of the first type, each of the Romance languages – including Romance-based creoles – will be discussed in a separate volume. A particularly strong focus will be placed on the smaller languages (*linguae minores*) that other reference works have not treated extensively. MRL will comprise volumes on Friulian, Corsican, Galician, among others, as well as a Manual of Judaeo-Romance Linguistics and Philology. Volumes of the second type will be devoted to the systematic presentation of all traditional and new fields of Romance Linguistics, with the research methods of Romance Linguistics being discussed in a separate volume. Dynamic new research fields and trends will yet again be of particular interest, because although they have become increasingly important in both research and teaching, older reference works have not dealt with them at all or touched upon them only tangentially. MRL will feature volumes dedicated to research fields such as Grammatical Interfaces, Youth Language Research, Urban Varieties, Computational Linguistics, Neurolinguistics, Sign Languages or Forensic Linguistics. Each volume will offer a structured and informative, easy-to-read overview of the history of research as well as of recent research trends.

We are delighted that internationally renowned colleagues from a variety of Romance-speaking countries and beyond have agreed to collaborate on this series and take on the editorship of individual MRL volumes. Thanks to the expertise of the volume editors responsible for the concept and structure of their volumes, as well as for the selection of suitable authors, MRL will not only summarize the current state of knowledge in Romance Linguistics, but will also present much new information and recent research results.

As a whole, the MRL series will present a panorama of the discipline that is both extensive and up-to-date, providing interesting and relevant information and useful orientation for every reader, with detailed coverage of specific topics as well as general overviews of present-day Romance Linguistics. We believe that the series will offer a fresh, innovative approach, suited to adequately map the constant advancement of our discipline.

Günter Holtus (Lohra/Göttingen)
Fernando Sánchez-Miret (Salamanca)
January 2025

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The editors
January 2025

Preface

The field of Forensic Linguistics is well represented in the Anglo-Saxon and English language-based world, as we can see from various foundational publications, such as those by Coulthard/Johnson (2007; 2010), Gibbons/Turell (2008) and Tiersma/Solan (2012). It would appear that, to the extent that published serious, science-based work in Forensic Linguistics is available, it is usually written in English and based on casework from the English-speaking world. Although the first characteristic is understandable, given that English is an international lingua franca of science, the second characteristic represents a significant limitation of the field and the treatment of forensic linguistic data as valid empirical data in scientific investigations and research. Are researchers to assume that there is less crime in the non-English speaking parts of the world? A better question would be: What are the cultural, disciplinary, legal, or legalcultural factors behind the dearth of research in languages other than English? Along with trying to remedy the underrepresentation of different languages in the publication arena of science-based forensic work, the papers in this handbook will also identify reasons for this regrettable state of affairs.

However, a significant turning point lies ahead. The recently edited volume *Language as Evidence: Doing Forensic Linguistics* (Guillén-Nieto/Stein 2022) shows that the situation is changing. Our prior volume marks a significant shift in the field, making way for casework in Civil Law jurisdictions and Forensic Linguistic research across continental Europe. It includes the linguistic analysis of data in German and Polish and several Romance languages, Peninsular Spanish, French, and Italian. These developments have the potential to positively impact the field of Forensic Linguistics, providing models and motivation for future research in Forensic Linguistics based on data in languages other than English.

The present book is another step forward for research in forensic theory and practice in Romance Forensic Linguistics, building on the groundwork laid in GuillénNieto/Stein (2022). We have designed this book to engage you, the reader, whether you are a linguist, a legal professional or even an interested generalist, to spark your interest in Romance Forensic Linguistics. In producing this book, the editors have three key objectives. First, we are committed to providing a comprehensive account of the casework and research conducted in several Romance languages: Peninsular Spanish, Catalan, Brazilian Portuguese, French, Canadian French, Italian, and Romanian. Second, the chapters in this volume endeavour to answer the question of understanding why Forensic Linguistics has flourished so much more in some Romance-speaking countries than

in others. Third, we aim to discover the reason for the delay in the arrival of Forensic Linguistics in regions where Romance languages are dominant.

Allow us to introduce you to the authors in this volume. The author of Chapter 2 is a jurist and a university professor. Her mission is to provide the legal framework for an improved understanding of the rules of evidence and figure of the expert linguist in Civil Law jurisdictions. For the rest, the contributions come from the language sciences. Except for the authors contributing to Part IV, Forensic Phonetics, who, in their professional linguistic training, conform to a more homogeneous group than the rest, no common scenario emerges across the Romance-speaking countries featured. Specifically, the authors of Chapters 11 and 12 work for the scientific police in Brazil and Spain, respectively, while the authors of Chapter 13 are both university professors and researchers publishing in scientific journals on Phonetics and Phonology, in addition to providing expert testimony in court regarding speaker identification tasks.

The other authors differ mainly in their (a) educational background, (b) approach to Forensic Linguistics, (c) specific forensic training, (d) research and publications in Forensic Linguistics, and (e) experience in providing service to the courts or the police as expert linguists. While most authors are linguists, some are translators, interpreters, and psychologists. Some view Forensic Linguistics from a broad perspective as covering various language tasks such as the linguistic analysis of the law's wording, sworn translation, court interpreting, and language as evidence (Chapters 3, 4, and 7). Others focus more narrowly on the challenges associated with analysing language as evidence (Chapters 5, 6, 8, 9, and 10). There is also variance in the specific training each has received in Forensic Linguistics. The authors from Brazil received training from programmes developed by British universities and taught in English. In contrast, the authors from Spain (Chapters 6, 8, 10, 12, and 13) underwent specialised forensic training through intensive university courses, master's degrees in Forensic Linguistics or Forensic Phonetics, or PhD programmes in Forensic Linguistics taught in Spanish universities. The authors from Canada, France, Italy, and Romania had to seek Forensic Linguistics training through summer and complementary courses abroad.

In their research and publications, scholars affiliated with universities demonstrate greater engagement with the scientific foundations of Forensic Linguistics than investigative practitioners. Finally, when it comes to serving as expert linguists or phoneticians for the police or courts, only the authors from Brazil (Chapters 3 and 11) and Spain (Chapters 10, 12, and 13) do so regularly. With such a diverse group of authors, each with their unique background and expertise, we can ensure that this volume provides a comprehensive and inclusive approach to studying Romance Forensic Linguistics while showcasing the different developmental stages of the field across Romance language countries.

The intended audience for this book includes linguists who would like to specialise in Romance Forensic Linguistics and to receive training in forensics so that they can serve as expert linguists; forensic psychologists interested in understanding the type of language cues that can be provided in the cases they typically work on; criminologists

who need to understand the type of language evidence that can be provided in criminal cases; and lawyers who may not be familiar with the usefulness of Forensic Linguistics as forensic science.

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Victoria Guillén-Nieto and Dieter Stein
January 2025

**Part I: Romance Forensic
Linguistics and its Experts**

Victoria Guillén-Nieto and Dieter Stein

1. The Context of Romance Forensic Linguistics

Abstract: Forensic Linguistics is a relatively new discipline in Forensics. This chapter briefly overviews the field, focusing on its origins in Common Law and its gradual integration into Forensics. It also discusses the distinctions between a language scientist and an expert linguist, as well as the contentious debates about the general value of the expert in legal processes and procedures. Finally, the chapter addresses the unique characteristics of Forensic Linguistics in Romance languages, highlighting important differences in substance, quality, and quantity from Forensic Linguistics in Anglo-Saxon-speaking countries. Our discussion provides insight into the delayed and uneven development of Forensic Linguistics in Romance language countries.

Keywords: Forensic Linguistics, Jurilinguistics, Language and Law, Legal Linguistics, language as evidence, Romance Forensic Linguistics

1. Introduction

The primary goal of this book, as part of the *Manuals of Romance Linguistics* series, is to present the work being done in the field of Romance Forensic Linguistics. Although written in English, this book uniquely incorporates data analysis from French, Italian, Spanish, Portuguese, Romanian, and Catalan. These lingua-cultures, all stemming from Vulgar Latin and belonging to the Italic branch of the Indo-European language family, exhibit specific language features that significantly impact legal proceedings and rules of evidence. With this unique approach, we aim to provide readers with a comprehensive grasp of Forensic Linguistics in the context of Romance-speaking countries.

To lay the ground in this introduction, we describe the characteristics of Forensic Linguistics in the Romance languages and unpack their practical implications for legal procedures. In practical terms, this volume stands apart from others in the series since it discusses how Romance legal cultures treat language as evidence. The purview includes crimes committed through language, such as defamation or hate speech, and how linguistic traces can become evidence in general criminal cases. The uneven representation of Romance-speaking countries results from the existence or non-existence of published work that meets peer-reviewed standards of scientific writing (cf. Pontrandolfo 2019a; 2019b). Published work in Forensic Linguistics amounts to the forensic

practitioner laying open their work for the international scientific community. It is indeed a big step: Whereas the practical real-time pursuit of Forensic Linguistics is carried out in the same way that a surgeon performs surgery *lege artis*, the step into publication makes standardised practice an “open book” for every colleague to scrutinise. This volume aims to stimulate further research and practice development in Forensic Linguistics.

This introduction will briefly overview Forensic Linguistics, tracing its origins in Common Law and its gradual integration into Forensics. We will also explore the consequential distinctions between a language scientist and an expert linguist and examine the legal debate surrounding the general value of the expert in legal procedures. Additionally, the chapter will address the unique aspects of Forensic Linguistics in Romance languages, emphasising the differences in substance, quality, and quantity compared to Forensic Linguistics in Anglo-Saxon countries. This discussion will shed light on the delayed and uneven development of Forensic Linguistics in Romance language-speaking countries.

2. The field of Forensic Linguistics

Forensic Linguistics, a branch of Applied Linguistics, originated in the USA and Great Britain (Solan 1993,1–2) thanks to the influence of the “case-oriented approach” inherent in Common Law. Arguably, the term “Forensic Linguistics” was initially used to describe a field of investigation focused on applying linguistic principles to solve issues arising in legal contexts. In its early years, this accurately depicted the field, before it had matured to become a distinct field in its own right (Solan 1993, 2). Understandably, many foundational publications in Forensic Linguistics reflect an overly broad scope of study (Gibbons 2003; Coulthard/Johnson 2007; 2010; Gibbons/Turell 2008; Tiersma/Solan 2012). However, these early publications acknowledge that the term used then was excessively broad and needed a more exact definition. Attention paid to linguistic issues in the domain of Law must be subdivided into two basic, very different types of activity: *Legal Linguistics* on the one side and *Forensic Linguistics* on the other (Guillén-Nieto/Stein 2022,1–15). *Legal Linguistics* — also termed *Jurilinguistics* — is an abstract philosophical pursuit reflecting on the relationships between the two normative systems, “law” and “language”. *Forensic Linguistics*, conversely, is a dynamic, real-time pursuit in concrete cases, with formally defined procedures and actors, such as expert linguists. Forensic Linguistics analyses language as evidence by identifying traces in language that can be validated as evidence in court, pertinent for aims as diverse as speaker identification, plagiarism detection, or the investigation, monitoring and prosecution of language crimes such as threats, bribery, defamation, perjury, and hate speech. While there are natural points of contact between the two domains of professional activities, to the extent that forensic procedures depend on the type of law (as also shown by the present volume), the two fields are divergent

in terms of epistemology, aims, and methodologies, along with the differences already mentioned above. In Europe, the term *Legal Linguistics* now primarily refers to theoretical, scholarly studies within jurisprudence. In contrast, *Forensic Linguistics* refers to the practical application of linguistic analysis in investigations and court cases. In addition, several allied disciplines are related to one or both main fields, such as *Legal Translation* and *Court Interpreting*. All must consider the differences between legal systems or other applications of modern computerised analysis of legal discourse and forensically relevant language data.

There is a significant imbalance in the distribution of Legal Linguistics and Forensic Linguistics worldwide, especially when comparing Common Law and Civil Law countries. The Romance language regions have a longer tradition in Legal Linguistics than in Forensic Linguistics, with a much richer tradition of reflection and publication on the linguistic basis of the law than they have of scientifically grounded research of language as evidence. As shown in surveys conducted by Vogel (2019), in Romance language-speaking countries, there is a clear focus on work in Legal Linguistics, especially concerning linguistic issues related to the clarity of legal language and people's comprehension of the law. This perspective often involves specific historical contexts of standardisation, prescription, and the local sociolinguistic norms. However, it is important to note that these themes may or may not be the same across Romance languages due to their diversity.

3. Forensic Linguistics, a newcomer forensic discipline

Forensic Linguistics is a relatively recent sub-discipline of Forensics associated with Anglo-Saxon countries and Common Law. According to Hammel (2022, 64), the arrival on the legal scene of experts and the evidence or testimony they provide is linked to the emergence of the adversarial trial in English courts in the 18th century. The integration of Forensic Linguistics into forensic science has been slow and has faced many challenges, as readers will see in sections 4,5 and 6 of this chapter. Even today, some legal practitioners question the scientific nature of Linguistics and, by extension, of Forensic Linguistics. In the 1980s, certain linguists criticised the unjust treatment that expert linguists face in legal contexts (cf. Guillén-Nieto 2022, 327–328). In particular, Rieber and Stewart (1990) organised a workshop, under the sponsorship of the New York Academy of Science, on the role of the language scientist as an expert in legal settings. The workshop highlighted that the legal profession had underutilised the contributions of language scientists in court cases compared to forensic scientists in other behavioural sciences, such as Forensic Psychology and Psychiatry. Legal professionals have traditionally assumed that they understand language well enough to analyse it scientifically simply because they are proficient language users. Indeed, they

have developed skills to address language, grammar, and discourse matters over time. As Rieber/Stewart (1990,2) wrote:

[m]any, if not most, lawyers and judges consider themselves quite able to understand such matters without linguistic, technical assistance and believe that juries can be brought to something approaching an equal understanding by lawyers. In more than one instance, linguistics and the law have independently discovered the same principles of language. For example, the legal canon of construction *noscitur a sociis* [...] is, in essence, the semanticist's principle of contextual constraints on lexical meaning.

It is likely not a coincidence that, until recently, expert linguists were mainly used in the legal field for speaker identification (Foulkes/French 2012), an area of forensic expertise that involves highly specialised knowledge and instruments. Forensic phoneticians must receive “specific training in experimental phonetics, psychoacoustics, engineering, computer science, linguistics, statistics, physiology, and the like” (Hollien 1990, 37). Until the end of the last century, courts in Common Law jurisdictions practised this narrow use of the language sciences. When linguistic expertise became involved in legal procedures, the involvement was often indirect, such as when expert linguists were appointed by the court or retained by the lawyers of the contending parties to determine issues such as the likelihood of confusion between trademarks in dispute, the strength of mark or mark dilution. Trademark linguistics (Shuy 2002; 2012; Butters 2008) — and infringements of copyright (Butters 2012; Woolls 2012) too — emerged as particular areas of linguistic expertise, thanks to the United States' status as the world's business centre, where corporations' economic interests are at stake and, thereby, these social agents are ready to fight off unfair competition (cf. McCarthy 1984). On the other hand, after being long dominated by handwriting analysis, authorship identification entered the picture. An unknown author's linguistic writing style became an independent object of study from its (handwritten) medium of expression. In high-profile English and American cases, such as those of Timothy John Evans in the 1960s, Derek Bentley in the 1990s, and the Unabomber in the late 1990s (cf. Turchie 1996), expert linguists were, for the first time, involved in resolving key issues of authorship attribution unrelated to handwriting analysis. The linguistic methods and tools used by these expert linguists have since been documented and disseminated in scientific publications in English (Svartvik 1968; Kredens/Coulthard 2012, 507–508), leading to the independent development and strengthening of authorship identification methods, irrespective of the handwritten medium of expression.

Furthermore, Rieber/Stewart (1990, 3) drew attention to the overall increase in the use of technical and scientific experts in litigation and trials resulting from the rapid rise in the technological complexity of modern life, which requires expert opinion at every point in litigation over a wide range of phenomena, including expertise from the language sciences. Rieber/Stewart foresaw increasing demand for linguistic expertise

thanks to the specific advancements in linguistic knowledge and methods, particularly in areas traditionally handled by legal professionals, such as word meaning, grammatical interpretation, and discourse analysis. The prediction Rieber/Stewart made over twenty years ago is still valid today: Forensic Linguistics is steadily progressing within Common Law jurisdictions despite lingering scepticism about its scientific validity in non-technical matters.¹

4. The language scientist versus the expert linguist

Rieber/Stewart (1990,1) adopted the term “language scientist” as an umbrella term for “such methodologically varied professionals as linguists, speech and hearing specialists, and those working in areas of communications theory and psychology having to do directly with language”. This heterogeneous list is not exhaustive. Other language professionals, such as translators and interpreters, could also be included. However, becoming an expert linguist requires more than being a “language scientist” because specific forensic training and experience are also necessary. There seems to be some consensus about how a language scientist should be trained to be ethically qualified as an expert linguist in the legal setting² (cf. Hollien 1990, 35–37; Ainsworth 2022, 36–37). Among the attributes expert linguists should have are (1) undergraduate and graduate degrees in the relevant field of expertise, in our case, Linguistics, (2) postgraduate and post-doctoral training in Linguistics, (3) specialised training in Forensic Linguistics, including experimental design and practice, methods and tools, statistics, legal evidence rules, scholarly and legal ethics, forensic report writing, giving deposition and testimony, and courtroom interaction (Szczyrbak 2022), (4) publications that appear in blind peer-reviewed scientific journals, (5) the use of tested methods and tools, and (6) association with appropriate professional and scientific societies.

Apart from the question of the expert linguist’s overall competency, there is also the problem of technical competency, given that there are significant differences in qualification levels and competencies among modern experts. Hollien (1990, 38–41) raises the question whether developing a universally applicable definition of an expert is possible. In his view, the exact parameters of technical competency require clarification according to the specific type of expert and level of expertise. Hollien’s two-dimensional model of expert-witness categories and levels includes three expert categories: (a) technician, (b) criminologist, and (c) specialist, as well as three levels of expertise: (a) technician, (b) practitioner, and (c) scientist. Police officers trained in authorship and speaker identification are the main representatives of the technician expertise level. Specialists (category c) at the scientist expertise level provide

¹ For the modern gatekeeping framework for expert testimony in the United States and England, see Hammel (2022, 69–77).

² The term “legal setting” refers to criminal investigation, pre-trial investigation, and trials themselves.

the scientific bases, equipment and procedures for most of these forensic investigations. Criminologists (category b) populate the practitioner expertise level. The test for determining membership in this category would consider whether the individuals dedicate most of their time to forensic tasks. Specialists (category c) represent well-defined and established scientific disciplines in Forensics. To be deemed specialists, linguists must have a strong understanding of how Linguistics applies in forensic science and know how to work with the legal system. Although linguists can work at practitioner or scientist expertise levels, most tend to work at the scientist expertise level because they spend most of their time on scholarly work. Specialists also participate in international conferences, sharing their research methods and findings with the broader scientific community. In addition, they publish their work in peer-reviewed scientific journals.

5. The contentious legal debate on the general value of the expert

In Common Law systems (Hollien 1990), four main points underpin the debate about the general value of the expert in legal settings. These four points apply also to other legal systems. The first point concerns ethics. The perception of expert witnesses in legal cases as impartial can be difficult to maintain, given their historical role of predominantly serving as witnesses for the prosecution. The suspicion of partiality unfairly undermines the credibility of their testimony (cf. Fernández-López 2022, 89–91). The second point concerns the expert's competency (cf. Chaski/Guillén-Nieto/Stein 2019, 365–366). Experts' lack of training in giving expert testimony and testimonial techniques often results in experts deviating from correct procedures or standards of litigation. The third point concerns the expert's technical competency, which is marred by the sheer variety of qualifications and professional training among experts. Some individuals who testify as experts may not possess the expertise that should be considered necessary (cf. Ramirez Salado 2023, 29). The fourth point concerns functional conflicts of interest imposed on experts by the judicial system. Experts in legal cases often face external pressures, whether direct or indirect, stumble into the types of conflict of interest that are prevalent in the legal environment but foreign to them as scientific professionals. For instance, experts should remain impartial when providing opinions or testimony, regardless of the attorneys' desired outcome. The status and particulars of this debate underscore the dynamic nature of the field and the need for continuous discussion and constant improvement in the qualifications and competencies of expert linguists in Forensic Linguistics.

Ainsworth (2022) undertakes a detailed examination of the ethical considerations for expert witnesses in eight aspects of the legal process: (1) the ethical issues involved in being retained by one of the contending parties, (2) the ethical issues involved in

turning down participation in a case, (3) the ethical issues involved in expert witness compensation, (4) the ethical issues involved in analysing a case, including confirmation bias and motivation bias on the part of the expert, (5) the ethical issues involved in preparing to testify under oath, (6) the ethical issues involved in drafting expert reports, (7) the ethical considerations in testifying at depositions, and (8) the ethical issues in communications during the trial. Ainsworth also emphasises the potential clash between the lawyer’s commitment to their client and the expert linguist’s commitment to empirically based science and fair justice. She argues that a practical resolution to such an ethical dilemma would be:

An appreciation of the fundamental differences between the ethical demands placed on lawyers and the moral demands inherent in being an expert witness can make the linguist called to be an expert witness both a more effective participant in the justice system and a more responsible member of the linguistics community by upholding its standards of science-based knowledge. (Ainsworth 2022,52)

6. The delayed and uneven development of Forensic Linguistics in the Romance language-speaking countries

The development of Forensic Linguistics in the Romance language-speaking countries happened much later than in the Anglo-Saxon countries due to their different approaches to handling evidence in their legal systems. Besides, Forensic Linguistics was not introduced in all the Romance language-speaking countries simultaneously. For instance, while Forensic Linguistics began practising in Spain in the 2000s, it has remained almost non-existent in other Romance language-speaking countries until today. In these countries, like Italy and Romania, forensic phoneticians, sworn translators, and court interpreters now provide some technical linguistic assistance to the courts. In the next paragraphs we consider some factors that may have led to the delayed and uneven development of Forensic Linguistics in the Romance languagespeaking countries.

From a linguistic point of view, we must ask: Is there a typological/cultural common denominator underlying the characteristics of “Romance-ness”? If such a denominator exists, it will most likely manifest itself at a surface level detectable by Forensic Linguistics. Formally, one of the salient features of published work in Forensic Linguistics — understood in the current, narrow sense as analysing language as evidence in criminal cases through science-based linguistic knowledge — is that Forensic Linguistic work is concentrated in two interrelated aspects in the Anglo-Saxon world. The first aspect — the concentration of work *in* English — has arisen largely because English has become the lingua franca of science since 1945. Almost all the foundational publications in Forensic Linguistics are based on English data and are written in English

(McMenamin 2002, 67–231; Gibbons 2003, 281–309; Coulthard/Johnson 2007; 2010; Gibbons/Turell 2008; Tiersma/Solan 2012, among others). Whether this is an ideal situation is open to debate, but it is a factual reality that English is science’s *lingua franca* today, even though that fact inevitably creates thorny issues, especially in highly technical contexts where comprehension problems and emotional reactions may arise.

The second aspect concerns the concentration of work *on* English data. It is simply not the case that more crimes are committed in the English-speaking countries. The next logical question brings us nearer to real underlying factors: Is it possible that more crimes are investigated and brought to court in English-speaking countries? It seems unlikely. The next step brings us closer to potential explanations: Forensic expertise is more common in English-speaking countries for several reasons. One reason is the better-established tradition of appointing expert linguists in legal procedures, which began in the Anglo-Saxon world in the mid-20th century. In addition, Common Law encourages lawyers to retain experts — in diverse fields — to support their arguments (Hammel 2022; Tuzet 2024). This, in turn, reveals the most powerful question: Is it part of a “Romance-ness” in the field of Forensics that there are differences in the legal culture and legal processes, such as would be reflected in the handling of forensic traces and evidence? It is important to distinguish between “trace” and “evidence” (Guillén-Nieto/Stein 2022, 8–12). “Trace” refers to an unanalysed fact, while “evidence” denotes a fact interpreted and recognised as potentially valuable in establishing the judicial narrative and as an argument for determining guilt or innocence. Likely, the conversion of a trace to evidence (a decision made by the court) may be handled differently in the two legal systems: Roman Law, practised in the Romance-speaking countries, and Common Law, practised in the English-languagespeaking countries. Naturally, Anglo-American Law and Common Law coincide, but there is a diverse legal landscape among Romance language-speaking countries (see Chapter 2 of this volume for Expert Evidence Regulation in the Romance Language Countries). Properties of the Romance languages and Forensic Linguistics coincide with Romance Legal Linguistics — especially with Roman Law — and, to that extent, the differences in legal culture matter because they give rise to significant differences in the forensic area. It would be very surprising if the nuances of language-related cultures were not reflected in the law’s theory, ideology, and practice, including Forensic Linguistics. This extends to ideas about what constitutes a language crime, such as defamation or hate speech, and how the legal system deals with the criteria for taking legal action and evidentiality. At first glance, there seems to be an important distinction between the role of “trace” and “evidentiality” in the legal process leading to a decision about a guilty verdict (cf. Tuzet 2024).

One of the main legal disparities that may elucidate why Forensic Linguistics has progressed more rapidly in certain Romance-speaking countries than in others is associated with the procedure for proposing expert evidence. Fernández-López (2022, 91–93) highlights a significant disparity between how expert evidence is proposed and how expert appointments are determined between Common Law and Civil Law juris-

dictions (see Chapter 2 of this volume for Expert Evidence Regulation in the Romance Language Countries). In Civil Law jurisdictions, it is common for the court to appoint the expert (judicial nomination), which means that the expert is seen as an assistant to the court, providing specialised knowledge and technical assistance in interpreting data and evaluating evidence. However, in some Civil Law countries, like Spain and Italy, this practice coexists with having experts appointed by the parties to support their respective arguments. Specifically, the parties or the court can appoint the experts at the request of one or both parties and with mutual agreement. Neither of these two means of making the appointments of experts takes precedence over the other. When the court appoints an expert, it selects the expert from official lists maintained by professional associations. In Spain, expert opinions on criminal matters are usually provided by the State Security Forces and Legal Medicine and Toxicology services. Nonetheless, the parties can engage their independent scientists as they see fit (Fernández-López 2022, 93). With this dual system for proposing expert evidence, demand for forensic linguistic reports in Spain has increased relative to other Romance language jurisdictions, such as France, Italy, and Romania, where Forensic Linguistics is still in its infancy.

In addition to being taught in training courses, seminars, and workshops, Forensic Linguistics is now recognised at the postgraduate and doctorate levels in Spain. It is part of official Master's degrees and PhD programs, such as the Master's in Forensic Linguistics at Pompeu Fabra University in Barcelona. The programme, directed by Teresa Turell (2006–2012), provided forensic-related training to language scientists and cultivated the first expert linguists in Spain, some of whom are featured in this volume. Arguably, they maintain Turell's legacy by offering instruction in Forensic Linguistics at the postgraduate level in several Spanish universities and providing their linguistic expertise to the courts. In addition, an expert linguist can be retained by a party through the OTRI (*Oficina de Transferencia de los Resultados de la Investigación* [office for the transfer of research results]), a division in Spanish universities dedicated to applying research in ways beneficial to society, and to providing technical support to the courts and other social entities. In addition to universities, private agencies led by criminologists and specialists, mostly following Turell, currently offer courses and workshops covering various areas of specialisation in Forensic Linguistics.

7. This book

Finding a unifying theme for this volume has been challenging due to the diversity of Romance Forensic Linguistics. We finally decided it would be reasonable to organise the book based on the authors' approaches to the discipline. Our approach also showcases the different levels of development of Forensic Linguistics across the Romance-speaking countries, ranging from minimal representation to significant growth. Organising the book in this way also helps illustrate the diversity of the field to readers.

Part I, “Romance Forensic Linguistics and its Experts,” consisting of the present introduction and Chapter 2 Expert Evidence Regulation in the Romance Language Countries, provides a legal discussion on how expert evidence and opinion regulation varies across countries where Romance languages are spoken. Despite the common family resemblance, the variety in regulating expert evidence across these countries highlights the need for a comprehensive understanding of their differences. In some countries, expert evidence is considered its own form of evidence; in others, it is viewed as a tool to assist the court in interpreting evidence. In cases where expert evidence is its own form of evidence, the court appoints the expert from a preapproved list provided by professional associations. Where expert evidence is viewed as a tool, the expert is retained by the attorney of one of the contending parties. In Spain, in contrast with other Romance-speaking countries, experts can be appointed by the court (*ex-officio*) or by the parties, without either procedure taking precedence over the other. In addition, there may be specific rules about the qualifications and responsibilities of the experts, and these differences can affect how expert evidence is used in court to make decisions. These differences can impact the use of expert evidence in court during decision-making processes.

Part II, “Overview of Forensic Linguistics in Romance Languages,” consists of three chapters that together provide an overview of Forensic Linguistics in the broader field of Language and Law. The growth of Forensic Linguistics is arguably linked to the development of the wider field of language and law within a state. Therefore, it is important to document the integration of Forensic Linguistics as a constituent development within the larger field of language analysis in law.

The third chapter, Forensic Linguistics in Brazil: Research and Practice, offers an overview of the increasingly active field of Forensic Linguistics and related areas in Brazil. The growth stems from increased interest by legal professionals and the rising employment of linguists as experts. We see examples from cases related to authorship identification, plagiarism detection, and instances of allegedly racist language spoken by sports commentators. The chapter is based on anonymised data from a wide range of Brazilian Portuguese. It also provides a clear explanation of the methodological steps of analysis, from initial contacts to establishing evidence and protocols of courtroom discourse.

The fourth chapter, Forensic Linguistics in Romania: The Journey from Jurilinguistics to Language as Evidence, discusses various language-related legal activities, including Forensic Linguistics. The author notes that most research in the domain of language and law has focused on analysing the language of the law, with only a limited exploration of language as evidence in crime. Some significant contributions mentioned are Fărcasiu’s *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials* (2015) and articles by Zamfirescu/Selegian (2017) and Lupescu (2019). Along with historical background on these related disciplines, the chapter also presents original findings on two topics of interest in Forensic Linguistics: Promises in corruption cases and the Language of Emergency Calls.

Part II concludes with a discussion of the situation in France. The fifth chapter, Forensic Linguistics in France, focuses on two applications of language analysis in forensic contexts: stylometry and discourse analysis of polemic language, exploring their methods, histories, and genealogies. Stylometry, for example, has a long history in non-forensic-related contexts and is now reemerging with the benefit of new methodological and technical developments. The specific cases discussed in the chapter come from notorious cases in France, indicative of the country’s unique cultural, historical, and political climate. The chapter covers methodological issues in forensic analysis, focusing on defining *actionability* and negotiating the fine line between freedom of speech and actionable polemic rhetoric. It emphasises the broader context for Forensic Linguistics, and it also serves as a useful transition to subsequent chapters that explore specific areas of expertise in Romance-speaking countries with well-established forensic professional cultures.

Part III, “Focus Research and Practice on Language as Evidence in Romance Languages,” has five chapters.

The sixth chapter, Dealing with Mitigation in Borderline Hate Speech Cases: Uncovering the Role of Deontic Modals and Scalar Focus Particles in a Lawsuit about Hate Speech and Incitement to Terrorism, is the first of four contributions from Spain. The chapter examines the use of two mitigating strategies in tweets that led to a controversial lawsuit in Spain: deontic modals in conditional form and the scalar additive focus particle *hasta* (meaning ‘even’). The courts judging the case overlooked the mentioned linguistic categories and relied on extralinguistic criteria to interpret the defendant’s intended meaning. This chapter proposes a linguistic analysis of these expressions, focusing on semantic criteria to better understand the potentially hateful nature of the texts.

The seventh chapter, Discourse Markers in Asylum Interpretation — Construing Evidence, is one of two papers from Italy. This paper deals with a specific aspect of Forensic Linguistics, which involves establishing evidence for decisions about granting asylum. It delves into a relatively unexplored area of Forensic Linguistics to examine a particular part of grammar known as *particles*, which have a versatile form and flexible, pragmatic functions in discourse. The paper highlights the challenges posed by the varying inventories and practical uses of particles across different languages. Through a pragmatic micro-analysis, the paper demonstrates how interpreters interceding between Nigerian immigration applicants and native Italian decision-makers can heavily influence decision outcomes based solely on how they translate or do not translate particles common in Nigerian English.

The eighth chapter, Mafia Language Analysis and Detection Using Natural Language Processing Tools, is the second contribution from Italy. This study uses Natural Language Processing (NLP) techniques to identify idiosyncratic features in the language used by criminal organisations in Italy. The study aims to show how Machine Learning (ML) tools might be successfully applied to detect Mafia language automatically. The study translates methods from hate speech identification in social networks

and employs Corpus Linguistics methodology for text collection and NLP standard procedures for analysis. The experiment consists of two phases: First, NLP tools such as AntConc, RStudio, and T-Lab are used to identify key linguistic features of Mafia language, and second, the Weka ML supervised approach is used to train and test datasets for automated detection of Mafia language. Results are discussed in terms of their potential relevance to linguistic analysis and law enforcement, and the study concludes by emphasising its contribution to interdisciplinary efforts in combating criminal organisations through combining linguistics with data technology.

The next two chapters discuss forensic practice in crimes committed against nonadults. These papers are methodologically similar and stand out because they analyse deviations from baselines in reported speech and narratives as linguistic evidence in crimes.

The ninth chapter, *He Makes Me, He Tells Me, “Do It or You Won’t Have Your Cellphone”*: An Analysis of Reported Speech in the Narratives of Child Victims of Sexual Abuse, analyses how child victims use language to report their speech, the speech of perpetrators, and that of other persons involved. The authors support their analysis concerning forensic practice in Québec, Canada. The study compares two groups of victims: The first group comprised victims who reported performing one or more sexual acts on their perpetrator, while the second group comprised victims who did not report doing so. The results indicate significant differences between the two groups regarding the frequency with which children report speech, the individuals they choose to depict, and their uses of reported discourse. Overall, this study is the first to demonstrate that being forced to perform sexual acts has an impact on the way victims report discourse during investigative interviews.

Another discourse-based approach rooted in forensic practice comes from Spain. The tenth chapter, *Using Grice’s Cooperative Principle as an Interactional-Pragmatic Approach to Assessing the Credibility of Child Witness Allegations of Sexual Abuse*, addresses one main question: How does a fabricated statement impact Grice’s Cooperative Principle and its associated maxims? The analysis is grounded in forensic practice related to the alleged sexual abuse of two minor girls in Spain. The author uses an interactional-pragmatic approach to gather evidence, contrasting it with the baseline of normative communicative behaviour defined by Gricean maxims. Findings from this study suggest using the co-occurrence of different types of non-observance of the CP at the “free narrative” and “questioning” stages of the forensic interview as interactional-pragmatic evidence of lying and deception. Credibility assessment gains specific and critical value because the child’s verbal production is often the only available evidence in cases of alleged sexual abuse of minors.

Part IV, “Forensic Phonetics: Voice as Evidence,” consists of three chapters:

The eleventh chapter, *Forensic Phonetics in Brazil: Analysis of Voice and Speech as Evidence*, is the second contribution from Brazil. The chapter gives an overview of the rapid development of Forensic Phonetics in Brazil since the 1990s. It discusses how the Institutes of Criminalistics in Brazil started providing phonetic evidence. Besides,

the chapter provides an overview of the comprehensive training programme officially implemented in 2007, transforming expertise in the field. The education and training programmes emphasise the importance of best practices and specific competencies, particularly those focused on Forensic Speaker Comparison. Collaborations with international institutions have also improved prospects in Forensic Linguistics in Brazil. The chapter highlights recent challenges for Forensic Linguistics, such as the proliferation of voice deepfakes which need regulatory responses and adaptations within Forensics. Lastly, it presents some high-profile cases demonstrating the practical application of Forensic Phonetics in criminal investigations and its relevance in the Brazilian justice system.

The twelfth chapter, *Pasaporte Vocal: Profiling Suspects through the Analysis of Their Speech*, the third contribution from Spain in this volume, discusses a technique developed by the Forensic Acoustics Laboratory of the Forensic Police General Department. The *Pasaporte Vocal* technique is used to profile anonymous speakers in cases where audio recordings are connected to crimes involving unknown perpetrators, such as kidnapping, extortion, or bomb threats. The Spanish National Police rely on this technique to help identify the author of recordings and provide useful information about the unknown speaker's speech characteristics, including diatopic, diastratic, and diaphasic associations, possible speech pathologies, an approximate age range, and even some psycholinguistic and anatomical-physiological approximations. The implementation of the *Pasaporte Vocal* technique is demonstrated by analysing a real case where the method was successfully used to profile a Spanish speaker, leading to the capture of the crime perpetrators.

The thirteenth chapter, *An Exploratory Forensic Study of Intra- and Inter-Speaker Variability in Voicing Patterns of /s/ in a Multilingual Context*, is motivated by the growing need for forensic phonetics research considering multilingual contexts, including language mismatches or non-native speech (L2). The voicing patterns of the voiceless alveolar fricative 1st are examined, considering the amount of phonation during the fricative and the shape of this phonation. The study corpus contains data on oral presentations by six female bilingual speakers of Catalan and Peninsular Spanish as their first languages and with a proficient command of English as their second language. The study has two main purposes. First, it aims to explore whether the sound /s/ exhibits varying patterns of voicing across different linguistic contexts in the three languages analysed. Second, it seeks to determine whether this variability could be attributed to speaker-specific behaviour that might be independent of language. The study compares samples from the same speaker in three languages and from different speakers in the same language to analyse the variations in the voicing patterns of the sound /s/. The findings indicate significant individual variability in the voicing patterns of /s/ among the speakers analysed. This preliminary investigation suggests that analysing voicing patterns of /s/ could be beneficial in forensic contexts involving samples in other languages or L2 speech.

The volume covers a wide range of linguistic expertise, integrating qualitative linguistic-based approaches with quantitative computer-based approaches. One of the most significant aspects is that the data analysed is not in English but comes from the Romance-speaking languages: French, Canadian French, Italian, Brazilian Portuguese, Peninsular Spanish, Catalan, and Romanian. We hope this volume will raise awareness of the role of expert linguists in the Romance language countries and endorse scientific research, forensic-related training courses at a postgraduate level for linguists, good standards, and best practices in the profession of an expert linguist.

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