

BOOK REVIEWS

**LANGUAGE IN EVIDENCE: ISSUES
CONFRONTING ABORIGINAL AND
MULTICULTURAL AUSTRALIA / DIANA EADES
(ED.)**

Sydney: UNSW Press, 1995 \$29 95

During the past decade, Aboriginal justice reform has been an issue of much discussion and consideration. The impetus for these discussions has been the devastating effect of the mainstream legal system on Aboriginal peoples and the negative results flowing therefrom. *Language in Evidence* is a well-presented and clear articulation of the relevant issues regarding the Australian justice system and non-English speaking people.

Language in Evidence provides a comprehensive examination of the power of language in the judicial system. Ten chapters have been contributed by lawyers and academics who are experts in the field of linguistics and the law. The extensive bibliography includes a wide array of academic commentary and articles.

The book's major strength is that it synthesises a large amount of literature into a well-outlined book. Furthermore, the chapters are easy to read and, in general, do not require a specialisation in law or criminal justice in order to understand them. In this way the book will serve a variety of university and college disciplines. The book also uses a number of articles that deal with Aboriginal spirituality and traditions; thereby not relying solely upon mainstream literature.

The book is divided into three parts, entitled Language in Court, Linguists in Court, and Offensive Language. Part I focuses upon the difficulties encountered in the use of interpreters. It begins from the premise that the right to be heard, which is guaranteed by the principles of natural justice, is of little benefit if a witness is not able to speak and understand fluent 'courtroom' English. The need for cross-cultural communication skills is illustrated by the frustration experienced by counsel

who believed that he was unable to cross-examine effectively because an interpreter had been interposed between himself and the witness.

The book makes extensive use of transcripts from actual cases and police interviews. The case studies include the Stuart Royal Commission, the Kenbi Land Claim and the Elcho Island coronial inquest. The most interesting parts of the book are those chapters in which the authors provide first-hand accounts of their experiences as courtroom interpreters or expert witnesses.

Part II addresses the use of expert testimony from linguists. It outlines the difficulties encountered in convincing a court that linguistics is an appropriate subject for expert testimony which could be of material assistance in determining the issues in dispute, such as a disputed confession. Speech patterns can be examined to ascertain whether written transcripts from police interviews in fact contain statements which the witness could not have said. Indeed, there are instances in which these discrepancies have been so serious that the confessional material which the prosecution is seeking to put before the court has been excluded.

The final part, which deals with the notion of offensive language, illustrates the way in which this offence impacts most severely upon those whose first language is not English. The linguistic framework developed by Taylor to deal with the literal and figurative usages of swear words may be of limited interest to the lay reader. Its focus upon context, however, indicates the difficulties experienced by those who assume that swear words form part of everyday discourse. This illustrates the social and cultural bias that attaches to the offence of offensive language.

In my opinion, *Language in Evidence* is an interesting addition to any library collection. The book will be particularly useful to practitioners who are required to work with interpreters and non-English speaking witnesses.

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