

Duppying Yoots in a Dog Eat Dog World, kmt: Determining the senses of slang terms for the Courts.

Abstract

I describe and discuss a series of court cases which focus upon on decoding the meaning of slang terms. Examples include sexual slang used in a description by a child and an Internet Relay Chat containing a conspiracy to murder.

I consider the task presented by these cases for the forensic linguist and the roles the linguist may assume in determining the meaning of slang terms for the Courts. These roles are identified as linguist as naïve interpreter, lexicographer, case researcher and cultural mediator. Each of these roles is suggestive of different strategies that might be used from consulting formal slang dictionaries and less formal Internet sources, to collecting case specific corpora and examining all the extraneous material in a particular case. Each strategy is evaluated both in terms of the strength of evidence provided and its applicability to the forensic context.

Keywords

Forensic linguistics, slang, meaning, lexicography.

Introduction

On 12 December 2008 a 15-year-old pregnant girl was attacked on the side of the Regent Canal in North London. The attacker a well-built young man in a hooded-top, hit the young woman over the head with an iron bar, pushed her into the canal and tried to hold her head under the water. A passer-by interrupted the attack and rescued the girl. The passer-by was later given a bravery award for his actions which undoubtedly put himself in danger and saved the girls life. The victim of the attack was able to tell the police that she had been by the side of the canal because she had arranged to meet her ex-boyfriend, Brandon Jolie, who was the father of her unborn child. Jolie was arrested in Luton, a town about an hour's train journey from London, and analysis of his phone provided an alibi, showing him to be in Luton at the time of the attack. However, Jolie's computer was seized and searched and contained what appeared to be incriminating Internet Relay Chats (IRC). He had been interacting over IRC with his friend and fellow 'grime' musician, Kingsley Ogundele. On the basis of the IRC transcripts and the evidence collected from their phones both Jolie and Ogundele were arrested and remanded in custody.

The IRC chat which took place between Jolie and Ogundele contained language data comprising a variety of Multicultural London English (MLE) (Cheshire et al, 2011) and also chat features typical of abbreviated Computer Mediated Communication (CMC). Within the chat log there appeared a key phrase which provided evidence towards a charge of conspiracy to murder.

1
2
3 The phrase written by Ogundele was: *"I'll get the fiend to duppy her den"*.

4
5 The prosecution team believed that this language and the variety from which it was drawn would be
6 unclear or impenetrable to the court and to the jury, and so they commissioned me to provide a
7 "translation of the language for provision to the court of any of the meanings which might be
8 unclear or in patois."
9

10
11 The case against Ogundele and Jolie was the first such case where I was asked to provide the
12 meaning of a slang variety of English to the Court and it was also first case I can find in UK legal
13 databases where a linguist has been asked to give evidence of meaning for a variety of British English
14 in an English Court. There is of course a long history of interpreters being provided for non-native
15 speakers (e.g. Noakes and Butler, 1995) and in the UK a shorter history of intermediaries being
16 provided to vulnerable adults or children who have communication difficulties (e.g. O'Mahony,
17 2010).
18
19

20
21 There is little reported academic research as to how the meanings of sub-varieties of a dominant
22 language are explained in Court. Greenlee (2010) gives an example from the Californian context
23 where law enforcement professionals can provide evidence of the meaning of terms. She provides
24 an example concerning graffiti where "The writing was 'translated' by a sheriff's deputy testifying as
25 a gang expert." (p291) Anecdotally it is also reported from UK police and lawyers that investigating
26 police officers will be called on to explain to the Court the meaning of words which might not be in
27 the common knowledge of the jury. In any adversarial system, and even as in the UK, where the
28 police investigation role is institutionally separated from the prosecution, it is hard to defend any
29 police officer as a neutral interpreter of a defendant's meanings. Linguists on the other hand can
30 offer expertise in the determination of meaning and can be seen to be more neutral in the provision
31 of their interpretations. This article focusses on discussing resources and methods that a linguist
32 might draw on and how such methods can fair under pressure in Court.
33
34
35

36 **The nature of slang**

37
38 'Slang' is not a comfortable term to use in academic linguistics and beyond dictionaries of slang and
39 lexicographic interest there are few academic discussions as to the nature and definition of slang.
40 Dumas and Lighter (1978) suggest that "Slang has rarely been defined in a way that is useful to
41 linguists" (p5) and in this early paper go on to suggest that it is not largely a linguistic category. For
42 some the ephemeral nature of slang is part of its definition. Elbe (1996, p12) develops a sociological
43 definition and understanding of slang in creating in-group/out-group identities and others have
44 focussed on the phonological correlates of spoken slang (e.g. Lewandowski, 2012). Linguists
45 perhaps prefer to discuss language varieties and capture many 'slangs' as urban varieties or new
46 urban varieties. As urban varieties slang terms have been studied across many languages (see e.g.
47 Cheshire et al, 2011; Kießling and Mous, 2004; Stenström and Jørgensen, 2009) and are often also
48 associated with youth subcultures. Whilst such a view of slang accounts for many of its features
49 including the creativity behind new coinings, the fast spread and the changing meanings (see e.g.
50 Grieve, 2015) such an urban sociological definition is limited. It fails to account for those areas of
51 slang which are very old with relatively unchanging meaning.
52
53
54
55

56
57 One language area, which perhaps stands out as not being ephemeral or fast changing, is sexual
58 slang, where meanings can persist for centuries. Green, as a slang lexicographer, has produced a
59
60

1
2
3 number of interactive timelines for sexual slang (Green, 2015) demonstrating that although some
4 slang terms have fallen out of use others are remarkably persistent. Further problems which arise
5 for any view of slang as being either predominantly urban or young include the existence of
6 'familylects' (e.g. Cole, 2010) and professional registers. The register used by police officers, for
7 example, contains an in-group lexis opaque to many outsiders (Fox, 1998).
8
9

10 For the purpose of this paper and for forensic work more generally what is important is not a
11 rigorous linguistic definition of slang but rather an understanding of two factors. First, that all
12 communities (however defined) will develop new coinings, or new senses of more common words,
13 that may be specific to that community. Second, that members of a community may not be aware
14 that words and senses of the words they use are not universal or well understood. Reciprocally
15 members of the wider community may not understand that an unfamiliar term may have a wide-
16 spread and well defined use. It is this universality of non-standard language and the discriminatory
17 patterns of comprehension that creates a need for explanation of slang terms to the Court.
18
19

20 21 22 **Determining meaning in Court** 23

24 Beyond the issue of determination of meaning in slang cases linguists can be approached by Courts
25 to give evidence on meaning in other situations. Solan (2007) enumerates some these cases as
26 including libel cases, trademark cases and interpretative problems of law, and argues that the role of
27 the linguist in such cases should be a 'semantic tour guide'. That is to say he suggests that the
28 linguist should give the jury, or finder of fact information about how meanings are derived, and of
29 the nature of linguistic evidence as to the range of possible meanings but should mark strongly
30 where they are providing opinion beyond this. Solan argues in the type of case which he considers
31 the linguist "has no expert opinion about what the passage means" but rather "the linguist [can
32 assist] the trier of fact by explaining how their shared intuitions about possible meanings has a basis
33 in the structure of our language faculty, and just what that basis seems to be ." (p102).
34
35
36
37

38 The cases Solan considers differ from those of the second language interpreter in Court. The duties
39 of the courtroom interpreter or translator are to tell the court what it what a particular piece of
40 language means. The role of the linguist in a slang case perhaps falls between these two versions of
41 determining meaning. In a UK Court an individual using British slang is using the native language of
42 the Court but the issue is that it is a variety of language the Court may not understand. There thus
43 may be no shared intuitions between the witness and the juror as to meaning, or worse, the
44 intuitions may be divergent. In such a case the linguist may well be viewed and indeed called as
45 interpreter. Unlike a second language interpreter though there may be no standard source defining
46 the meaning of a term and in this instance the linguist has an obligation to explain to the Court how
47 they derived the meaning they are expressing. That is to say in slang cases it may be appropriate to
48 be an interpreter but it is always appropriate to be a tour guide as well.
49
50
51
52

53 54 **The roles and strategies of the linguist**

55 One aspects of interest in case work such as this is the differing perceptions of the role of the
56 linguist. Possible roles include interpreter and tour guide but there are further alternatives and the
57 linguist themselves may view the task as comprising one or more of several roles and each role can
58
59
60

in turn suggest alternative strategies to the determination of meaning. I turn to these roles and strategies through a series of illustrative case examples.

The linguist as 'naïve translator'

Police investigators may know, or believe they know, the meaning of the slang terms in question and in such cases they may believe that it is the linguist's role to provide a straightforward direct translation. Many police officers will have spent time in or be drawn from the communities which they police, and they may have native or near-native competence in the relevant variety of English. Similarly lawyers working frequently within a relevant community may also have a good understanding of the slang used by defendants. In such a case they can believe the task to be straightforward and obvious – one of transliteration.

A good example of this viewpoint can be found in a recent instruction I received from a legal team:

"Our instruction for you is to provide a plain English version of the transcript. Where a term from slang or patois is used, please can you provide a more common alternative word or phrase, perhaps indicating in footnotes any issues with definition you have encountered."

Fulfilling such an instruction requires little expertise and there can be a suspicion that a linguist is called to give evidence because of their potential gravitas on the witness stand rather than because of any real expertise. Generally in these cases it may not be necessary to testify but to simply refer the client to a good reference source. Thus, whilst there are occasions where cases require more than the examination of a source, **the first strategy advocated is to use a formal slang dictionary.**

In one such case in 2009 a closed circuit TV camera caught a 49 year old man engaging in sex with a 12 year old girl in public car park. After a brief investigation the man was arrested and the girl interviewed. During her interview she described that the events in the car park had not been an isolated incident but that she had been engaged in sexual activity with the defendant over an extended period of months. Furthermore in the course of the interview the girl used a number of sexual terms, and referred to various parts of her body using terms, which were unknown to the interviewing officer, and to the girl's parents and immediate family. In one example from the transcript the girl referred to her clitoris as the "man in the boat". The defence team used her use of slang to argue that the girl's interview should be wholly or partly excluded from evidence as it contained language that was unclear or imprecise in meaning and as the interviewing officer had not sufficiently clarified the language used.

In this case it was sufficient to examine Green's Dictionary of Slang (Green, 2010), which provided useful definitions for nearly all the terms used across the interview. The definition couldn't have been clearer for "man in the boat":

Man in the boat *noun* [late 19C+] the clitoris.

It is well attested by lawyers and forensic linguists that Courts like dictionary definitions (Cunningham et al, 1994) and it is a danger in this context that in determining meanings judges can sometimes be seen to imbue dictionaries with more authority than lexicographers intended.

With regard to slang dictionaries particular issues arise. Specifically there can be issues of currency (in time) and of specificity (in terms of sub-variety). If viewed as a language of urban youth slang

1
2
3 might be seen as counter-cultural and oppositional to a dominant culture. Performer and pop star
4 Michael Jackson provides one example. Most speakers of standard varieties of British or American
5 English in the 1980s will remember Michael Jackson's use of "bad" as a term for approval to
6 mean "good". As with all marked language choice such oppositional language choice can be seen to
7 perform identity work operating to create a cohesive in-group amongst users of the language
8 variety. Creation of such an in-group naturally delineates the out-group who will use different
9 language variety, most typically the standard variety. Followers of Michael Jackson in indicating
10 their approval by using "that's bad" created separation from the dominant culture, who might
11 disapprove of or ridicule the usage and were thus marked as being socially other. As well as
12 performing this identity function against dominant language culture such slang can be used as an
13 identity shibboleth to create different sub-groups using different slang varieties. This can be
14 particularly prevalent amongst street gangs where the variety of slang used can strongly indicate
15 specific gang membership (Greenlee, 2010).
16
17
18
19

20 Even the best researched slang dictionaries may struggle to pick up such nuances of use and care
21 needs to be taken to ensure that a definition is current for the specific time a situation of use and
22 this can require alternative strategies and approaches.
23
24

25 **The linguist as slang lexicographer**

26 Given that in urban street slangs there may be new coinings and that senses of words can be hyper-
27 local, in examining these varieties formal slang dictionaries can be of limited use. In such cases there
28 is a need to collect and analyse data as the task changes to that of the determination of meaning.
29 This marks a significant shift from linguist as naïve translator. Any translator from one language to
30 another will tend to have near-native speaker competence in their target language and to some
31 degree will depend on this in their work. As an academic linguist giving evidence of meaning of a
32 slang term I may or may not have research knowledge of a specific variety and will thus have to
33 research possible meanings.
34
35
36
37

38 The forensic examination of street slangs requires the acknowledgement that expertise in a specific
39 variety may not exist. As an example, I was recently tasked with case work which involved
40 immigrant Somali communities in Cardiff, in Wales, The slang used was a variety of English
41 influenced by both Welsh and Arabic. The expertise I bring to such a case is not any knowledge of
42 the specific variety but I rely on my more general linguistic skills. As Solan (1998) notes, "*Linguists*
43 *generally are not semantic experts in the sense that they know better than lay people what ordinary*
44 *English words or expressions mean. They are experts in the nature of meaning"* (p92). As noted
45 above Solan was mostly referring to linguists giving evidence on standard English (ordinary)
46 meanings or technical legal meanings in forensic cases but the point stands here. To be useful to
47 the Courts determination of meaning requires more than adopting the role of naïve translator, we
48 must also be prepared to discover and determine meanings and demonstrate to the Courts how this
49 might be done.
50
51
52
53

54 The case with which this article opens provides a good example of where this was necessary. The
55 context of the case was that neither Kingsley Ogundele nor Brandon Jolie had been in trouble with
56 the police before. Both were attending college and both were up-and-coming members of the grime
57
58
59
60

music scene¹. Ogundele, known as ‘Snoopy Montana’, had just released his first mix-tape album, *It’s a dog eat dog world* and Jolie, known as ‘Maniac’ had produced music for the film, *Adulthood* and also for a Nike advert. Their language variety was described by the prosecution team as being a Jamaican patois but both Jolie and Ogundele were born in London and had lived in East London all their lives and were of Nigerian rather than Caribbean extraction.

The Internet Relay Chat provided covered a period of nearly 6 hours from 2pm through to early evening and amounted to approximately 14 pages. The transcript had been recovered from Ogundele's computer and so represented a verbatim record of what was ‘said’ between the two accused. Although in court the defence raised the prospect that the record may have been tampered with or adulterated in some way there was no good evidence that this was the case. A portion of the chat is provided in Table 1, and as can be seen there are according to the timestamps some periods of more intense interaction and some long pauses. Within the content of the chat there is good evidence of both interactants engaging in parallel activities to the conversation, such as watching TV and listening to and editing music. Topics are sometimes introduced as a result of the shared experience of some particular item on TV even though the two interactants are geographically distant. As is common in IRC there is also some evidence of overlapping turns where responses apparently refer to turns previously rather than the immediately preceding turn.

Time	Interactant’s screen name	Message
15:11:29	SNOOPS: MIXT	wot if i get da fiend to batter da baby out of her
15:11:40	('.)	you could do that but that is even baiter
15:11:53	('.)	shes gettin stamped out in her stomach
15:11:58	SNOOPS: MIXT	ill get da fiend to duppy her den
15:12:10	('.)	either way a fiend needs to do it probably
15:12:31	('.)	and do it correctly
15:12:37	SNOOPS: MIXT	we will do it den

Table 1: Extract from IRC conversation – Interactants are Kingsley Ogundele using screen name *SNOOPS: MIXT* and Brandon Jolie using screen name ('.').

One strategy used by lexicographers and in slang cases and **the second strategy advocated is to consult sources**. Landau (1984) discusses at length the need to consult sources including other dictionaries in order to determine meanings and write reliable definitions. In both the lexicographic and the forensic determination of meaning the question of the reliability of sources is key and for slang there exist a wealth of online slang resources of dubitable quality. The best known online English slang dictionary is UrbanDictionary.com but there are others e.g. DialectDictionary.com. All

¹ “Grime” is a music genre and scene developed out of the London Garage, Drum and Bass and Dancehall music.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

of these offer different levels of serious intent, and matching attempts at quality control and editorial quality.

In Table 1 at 15:11:40 Brandon says “you could do that but that is even baiter”. Urban dictionary offers a definition of the term “bait” (shown in Figure 1).



Figure 1. Screenshot captured from www.urbandictionary.com 2nd March 2015

As with other wiki-dictionaries a key feature is that the definition has been voted on by site users with 1175 positive (thumbs up) votes and 668 negative (thumbs down) votes. These votes determine that it has been voted the ‘top definition’ for the term out of 47 further definitions proffered on the website. The definition’s origin (with date) is given and as with many formal dictionaries an example of use is given. It is at least unclear whether the cited use is a collected example or is simply a made up example, but it is most likely to have been contrived by the contributor.

The use of such wiki dictionaries as sources for meaning in a courtroom would be hugely problematic. Such sites have crowdsourced quality control and individuals use them playfully and sometimes maliciously. Further to this problem it can be hard to determine the precise geographical or community origin of the writer of a specific definition and impossible to examine the backgrounds (or intentions) of those who vote on the definition. Such websites cannot be depended upon to provide reliable definitions but they might be consulted as sources to indicate potential meanings which might then be further researched.

Against these disadvantages, the advantages of making some use of such sites might be considerable. The primary advantage is that the providers of the definitions and those who vote to produce the top definition can be reasonably assumed to be drawn from something like a community of practice that uses the language variety. Just as it would be wrong to use wiki-dictionaries as sources for reliable definitions it would also be wrong to ignore their unmediated connection to language users. In conclusion we might use such sources as a lexicographer would a single and perhaps disputed citation – a good starting point for further research but requiring independent verification.

Modern lexicography is based on collection of significant corpora and **the third strategy to be advocated here is to collect a corpus.**

A recent project studying new words entering the language is based on more about a billion geo-tagged tweets currently collected as originating from within the USA (see Grieve, 2015). Grieve’s

interest is to plot geographically and in time the emergence and rapid growth of new words as well as their slow decline out of use. A project such as this clearly will be useful in tracking the origin of new slang and will provide examples of use however, the methods Grieve employs are yet to be applied to UK data.

Much smaller corpora can be useful and using internet sources it is possible to specifically target a community of practice. In the case of Jolie and Ogundele described above there is an online discussion forum "Grime Music Forum" from which approximately 100,000 words were collected. Against the billions of words of modern lexicographical corpora such a corpus may seem pitifully small. However when this data was collected in 2009 nearly all the participants within the forum were from East London or at least claimed to be so and the language variety appeared to be similar to that observable in the chat logs.

In Table 1 (above) is a crucial conversational turn. At time 15:11:58 Ogundele (using his screen name "SNOOPS: MIXT" – derived from Snoopy Montana) writes:

ill get da fiend to duppy her den

A "fiend" refers to a drugs fiend that is to say a drug addict. The use of "da" and "den" demonstrate the use of accent stylisations for the words "the" and "then" so this conversational turn resolves to "I'll get the drug addict to duppy her then". The 100,000 word corpus drawn from Grime Music Forum contained just four occurrences of 'duppy' (displayed as Table 2 with Key Word In Context (KWIC) lines):

1.	He met a	duppy.	His teet' was like fire
2.	Bob Marley	Duppy	Conquereor performed
3.	In Jamaica	duppy	is a ghost but can be
4.	Pass me a lem I'll	duppy	da crowd!

Table 2. KWIC context lines for "duppy" from Grime Music Corpus

The first three occurrences are all part of a single online chat conversation. The discussion is about a 1969 Bob Marley song, *Duppy Conqueror*, and there is the particularly useful definitional line 3 in which it is explained that a duppy (noun) is a ghost or a spirit from Jamaican folk law. This use of "duppy" as a noun thus has a relatively long use in Jamaican and in Jamaican influenced English. The verbalised use appears to be more recent. In the 2009 Grime music corpus there was only a single use as a verb and wider internet searches found very few uses. KWIC line 4 comes from the title of a posted online video – the compere is performing on stage and the crowd is showing lively appreciation. The compère shouts off stage the phrase "Pass me a lem and I'll duppy da crowd!" and this is taken as the title to the clip. A "lem" is slang for a submachine gun and immediately after shouting the line the compère mimes machine-gunning the crowd. The metaphor is clear, the compère is saying that he's "killing it" just as at the Royal Shakespeare Company after a particularly fine night a performer might come off stage and say "I slayed them tonight, Darling". Although used in this instance figuratively the verbalisation of "duppy" in the sense of "to kill" or "to turn someone into a ghost" is relatively clear – "*ill get da fiend to duppy her den*" can be seen as a conspiracy to murder.

Directed corpus collection such as this can certainly help to determine meaning and is the primary means of determining meaning of unknown slang terms. Where there can be some degree of

certainty that a corpus has been collected from a source which credibly matches the language variety used in a case then it has to be a preferred method. However, it is often difficult to establish the level of certainty required as to these specifics. A further disadvantage that can be pointed out is the size of the corpus collected and therefore that it is hard to establish any sampling biases etc. and it needs to be made clear that a small number of corpus lines provide thin linguistic evidence of meaning.

Linguist as case researcher (and eaves-dropper)

A further role that may be given to a linguist in a case such as this is that of linguist as case researcher. In many cases there are a wealth of transcripts, tapes and other written and audio material which has been deemed to be of no evidential value to either defence or prosecution. It is often the case that within such materials there is further direct or reported speech, or audio of conversations. This material can in itself become a corpus, within which certain terms can be searched. Thus using the specific case data it is sometimes possible to derive a meaning from a context which is important to a specific charge.

Part of such an approach may be to elicit meanings from the interactions and understood meanings of interactants. This discursive approach to derivation of meaning examines an individual’s actions or their own description of what a term means. In the Ogundele case a further potential charge concerned an mp3 audio file he had made of himself and which was then placed on a public webpage. The tape was transcribed by a specialist forensic audio company (J.P. French Associates) and one portion of that transcript read as follows:

Turn	Speaker	Transcribed speech
1	M1	(Alri- alright), let them know what’s happening, Noops, ‘cause they’re not- they’re not too sure. Roughly, not everything, but, you get me.
2	M2	I don’t know, man, er (mans just here) innit, I don’t know, I’d just (bore) that one yoot quickly.
3	M1	[Laughs]
4	M2	... (straight), no one wants to talk shit after that. Mans just here, man.

Table 3. Extract from transcribed phone call. M2 is Ogundele.

At Turn 2 M2 says “I’d just bore that one yoot quickly”. “To bore” is to make a hole in someone or something and is commonly used to mean “to stab” and sometimes “to shoot”. Ogundele is thus threatening to stab or shoot “that one yoot (youth)”. The approaches already described can easily deliver this meaning - “bore” is fairly common slang and appears in slang dictionaries and also in the small Grime corpus. However on this occasion it appears that we can do better than that. The mp3 audio file was produced at Ogundele’s request and posted to an online forum which attracted comments. The first few comments are reproduced as Table 4.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

Turn	Writer's screen name	Turn
1	BARACK OBAMA	lock this thread delete that audio my mans hotting himself up and it on the internet?? wtf u lot on commenting on his status in jail swear down u lot r funny close this
2	REPPEResentative Durden	> snoopy obviously sed its kool so duno y u have to cum through like wonderwoman
3	SE15	lol your a fucking wasteman this is the internet cuz.....Snoopy obviously wanted this shit to flood the internet.
4	J_2_DA_A	Snoopy knew he was being recorded
5	Crawla III	'i just bore up 1 yout quickly' LMFAO

Table 4. Online commentary about Ogundele’s mp3 audio file

In the first turn the interactant who uses the name “Barack Obama” suggests that the mp3 audio file ought to be deleted as they are “hotting themselves up” (incriminating themselves). This is laughed at by the next three commentators who point out that Snoopy (Ogundele) knew that he was being recorded and wanted the material to flood the internet. Commentator 5 actually quotes the incriminating phrase followed by the intialism LMFAO (Laughing My Fucking Ass Off).

This is oblique but appears to be the best evidence a linguist could look as it amounts to a **strategy to use the community of practice to determine the meanings themselves**. My court report on this online commentary read as follows:

... the discussants claim some knowledge of ‘Snoopy Montana’ and his situation and quote from and comment on utterances within the discussed phone call. This commentary on their understanding of the phone call, its meanings and implications may not provide the only possible interpretation of that call, but given the appearance that the group is socially close to Montana, it is entirely credible that their understanding is accurate.

The strategy of “listening in” to the commentary and conversations of those involved by reading online chats and bulletin board postings does have its difficulties and disadvantages. Bell (1984) warns that eavesdroppers in conversations are prone to misunderstand and care is required because such forums are frequently used pragmatically for language play and banter and such discursive meanings may not be obvious to the outsider.

A further difficulty may be with the admissibility of such evidence. The above chat and my report was not heard by the jury in the Ogundele case as it was declared to be inadmissible. The reason given was a concern about hearsay; the view was that the interactants themselves should be brought to Court to explain their understood meanings rather than my reported version of it. I have heard of other cases where experts have tried to present evidence of meaning gathered from interviews conducted with members of the community and this evidence too has been declared to be inadmissible hearsay. The practice of forensic linguistics gets to be its most interesting where what seems to be linguistically best evidence runs foul of the rules of the Court.

Linguist as cultural mediator

The final role I wish to discuss is where the linguist becomes a cultural or sub-cultural mediator. The first role discussed was that of linguist as naïve interpreter or translator and I describe this role as 'naïve' advisedly. As the wealth of research on interpretation and translation attests that the carrying of meanings across languages cannot be achieved through a one-to-one correspondence of words or phrases. (see e.g. Hale, 2010). Understanding the interpreter's role as a cultural mediator reframes the interpreting task and places it at some distance from the role of 'naïve interpreter'.

The mediation can be seen as a mediation between two communities of practice and can be seen as parallel to the cultural mediation described as necessary by Eades (1982) and Walsh (1997) in the Australian context. Eades and Walsh both describe the communication difficulties of Australian First Nations' peoples when speaking in English within the Australian, English language justice system and explore how linguistic and judicial disadvantage is perpetuated through a mismatch, not only of semantic meaning but also of pragmatically and culturally specific patterns (such as question-answer sequencing). Walsh for example describes a land claim hearing where an individual repeatedly answered "I don't know" to a series of questions. Walsh however interprets this answer not as a lack of knowledge but as respect where "I don't know" may in fact mean "I can't talk to you about my recently deceased relative."

Understanding slang cases as cultural mediation becomes particularly useful in situations when there's a conflict between ordinary meanings and slang meanings. Two separate cases in which I've been involved both concerned the use of the term "allow it". In the first case there was a gang attack leading to the death of an individual. A member of the gang is reported to have shouted "allow it, allow it" part way through the attack and the legal question was whether this indicated encouragement and participation in the attack or withdrawal from it. A second separate case involved a charge of rape where the woman is reported to have used the term "allow it" whilst apparently trying to move away from the man. The defence argument suggested that the term "allow it" would indicate permission and thus consent.

"Allow it" does not appear in the standard slang dictionaries. Urban Dictionary reports,

"allow it" means to just leave something alone, or don't worry about it. People in West London say this quite often. (<http://www.urbandictionary.com/define.php?term=allow+it> Retrieved 16/03/2015).

In the grime corpus data "allow it" is indeed a fairly frequent term and it is never used with an explicit subject. In terms of syntax this might suggest an elided subject - "I/you allow it to happen", an imperative - "(You should) allow it to happen." or possibly a discourse marker with minimal semantic content similar to the tag, "Innit".

Examples of use include the following,

"if Arsenal fans think tickets are too expensive, wouldn't boycotting or simply not going to save your money, be a better decision? Nah allow it. I can't hear that shit- they don't set the prices" <http://www.grimeforum.com/forum/archive/index.php/t-132781.html> Retrieved 16/03/2015

1
2
3 “bare guys on this site tryna be funny allow it, not everyone can be a comedian”
4 <http://www.grimeforum.com/forum/archive/index.php/t-15851.html> Retrieved
5 [16/03/2015](http://www.grimeforum.com/forum/archive/index.php/t-15851.html).
6

7
8 These examples show that “allow it” can be used and is used to mean “stop it” or “leave it alone”
9 with a specific suggested use “allow it” is used to request that someone stops acting. One difficulty
10 with convincing a Court of this meaning is that the culturally specific meaning is directly contrary to
11 the apparent standard meaning of permitting something to happen. The task of the linguist
12 therefore has to very explicitly become one of explanation not of interpretation.
13

14
15 Further to this there is case law in the English courts which addresses the issue where it is claimed a
16 common usage of a term is contrary to the general legal understanding of a term. In this case the
17 judgement held that the

18
19 “burden is firmly on X to establish the existence of [...] a usage [...] that does not bear the
20 meaning it bears in normal legal usage” (Confetti Records & Others v Warner Music UK Ltd.
21 Reference [2003] EWHC 1274; [2003] EMLR 790)
22

23
24 Although the case law applies directly to legal terms (the issue was “subject to contract” as used by a
25 lay person) it has been used in legal argument in (unreported) slang cases to suggest that the same
26 should apply to slang terms – that is to say where slang terms carry an ordinary meaning the burden
27 is on linguist to provide evidence of use contrary to that meaning.
28

29
30 Fortunately in the gang attack case such evidence of contrary meaning was available in the further
31 case materials. There existed police interview transcripts where members of the attacking group
32 reported the utterance and described what followed.
33

34
35 *“all of sudden [R], he kind of switched and he was like ‘Allow it’, like that’s all he was saying*
36 *was ‘Allow it’ and then they, they literally let go like I was able to pull J to the front of the*
37 *house”*

38
39 And later

40
41 Interviewer: *The crowd. When R said ‘allow it’, what happened?*

42
43 Witness N: *“Yeah and they all stopped.”*
44

45
46 Examples such as this allowed me to argue that in this case and for this community “allow it” did not
47 mean “to let something to happen” or “to let something continue” but rather I could show that it
48 meant something a bit more like “stop it”. As well as using the corpus evidence I was thus able to
49 explain the usage in terms of the actions of the other gang members - after “allow it” was shouted
50 out they “let go” and “they all stopped”. This therefore made for an understanding that was
51 consistent with the actions of the group and eventually accepted by both prosecution and defence.
52

53
54 However, in the rape case described above the burden of demonstrating a contrary meaning to
55 normal usage proved to be overwhelming. There were no further helpful case materials which could
56 have been useful to demonstrate the cultural usage of the term within the specific group. The
57 prosecution thus argued and the jury accepted that “allow it” did indicate, or might have indicated,
58 consent and thus the defendant was found ‘not guilty’ of rape.
59
60

1
2
3 This role of cultural mediator can be difficult where users of slang are not recognised as having
4 subcultural legitimacy. It can be difficult for a Court to have any expert explain what a witness
5 means. It is expected that the English speaking witness should be able to make themselves
6 understood, and there is no recognition that the variety of English spoken will affect this. Whilst
7 there is provision for second language interpretation, the general view of the Courts is that the
8 interpreter should be a linguistic conduit to understanding, not a cultural mediator. Where a term is
9 clearly non-standard the Court may be able to treat slang as a foreign language but where a
10 standard term is used with an alternative meaning and where thus cultural mediation is most
11 necessary there arise very real dangers of miscarriages of justice.
12
13
14
15

16 Conclusions

17 I have tried to set out in this paper a series of roles which the linguist can assume when asked to
18 explain the meanings of slang terms in the courtroom context. I have shown that the linguist can be
19 taken as naïve interpreter, lexicographer, case researcher and cultural mediator. Each of these roles
20 is suggestive of different strategies that might be used from consulting formal slang dictionaries and
21 less formal internet sources, to collecting case specific corpora and examining all the extraneous
22 material in a particular case. The experience of the casework itself suggests that a combination of
23 methods is likely to be required in most cases and that a linguist needs to draw upon a toolbox of
24 methods for determining meanings.
25
26
27

28 Although, as described here, there are few reports of such cases in the academic literature my own
29 experience is of an increasing number of cases where I am asked to determine the meaning of slang
30 terms in the UK Courts. It may be that the determination of meaning will become seen as a standard
31 task for which the Courts or investigators call upon the assistance of an academic linguist. My intent
32 here has been to describe the approaches I take in these cases and to describe the strengths and
33 weaknesses of some of the methods as I see them. The consideration of methods is a key concern
34 for all areas of investigative forensic linguistics and that a process for the more formal development
35 and evaluation of method is required in this area.
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

References

- Bell, A. (1984). Language style as audience design. *Language in society*, 13(02), 145-204.
- Cheshire, J., Kerswill, P., Fox, S. & Torgersen, E. (2011) Contact, the feature pool and the speech community: The emergence of Multicultural London English *Journal of Sociolinguistics* 15 (2), 151-196.
- Cole, C. E. (2010). Making Meanings, Creating Family: Intertextuality and Framing in Family Interaction, by Cynthia Gordon: New York: Oxford University Press, 2009. 248 pp., hardcover, 99.00;paperback, 29.95. *Journal of Family Communication*, 10(3), 211-213.
- Cunningham, C. D., Levi, J. N., Green, G. M. and Kaplan, J. P. (1994) "Plain meaning and hard cases", *Yale Law Journal*, 103 (6).
- Dumas, B. K., & Lighter, J. (1978). Is slang a word for linguists?. *American Speech*, 5-17.
- Eades, D. (1982). You Gotta know how to talk...: Information seeking in south-east Queensland aboriginal society. *Australian Journal of Linguistics*, 2(1), 61-82.
- Eble, C. C. (1996). *Slang & sociability: In-group language among college students*. Univ of North Carolina Press.
- Fox, G. (1993). A comparison of "policeseak" and "normalseak": a preliminary study. *Techniques of Description: Spoken and Written Discourse*. JM Sinclair, M. Hoey & G. Fox (eds.). London: Routledge.
- Greenlee, M. (2010). Sociolinguistic issues in gang-related prosecutions: homies, hearsay and expert standards. *The Routledge Handbook of Forensic Linguistics*, 281-302
- Green, J. (2015) The Timelines of Slang <http://thetimelineofslang.tumblr.com> last accessed 09/05/2015
- Grieve, J. (2015) <https://sites.google.com/site/jackgrieveaston/treesandtweets> Last accessed 09/05/2015
- Hale, S. (2010). Court interpreting. *The Routledge Handbook of Forensic Linguistics*, 440 - 459.
- Kießling, R., & Mous, M. (2004). Urban youth languages in Africa. *Anthropological Linguistics*, 303-341.
- Landau, S.I. *Dictionaries: The Art and Craft of Lexicography*. New York: The Scribner Press, 1984. p. 296
- Lewandowski, T. (2012). Uptalk, vocal fry and, like totally slang: Assessing stylistic trends in American speech. *Stylistyka*, 21, 209-219.
- Noaks, L., & Butler, I. (1995). Silence in court? Language interpreters in the courts of England and Wales. *The Howard Journal of Criminal Justice*, 34(2), 124-135.

1
2
3 O'Mahony, B. M. (2010). The emerging role of the Registered Intermediary with the vulnerable
4 witness and offender: facilitating communication with the police and members of the judiciary.
5 *British Journal of Learning Disabilities*, 38(3), 232-237.
6

7
8 Stenström, A. B., & Jørgensen, A. M. (Eds.). (2009). *Youngspeak in a multilingual perspective* (Vol.
9 184). John Benjamins Publishing.

10
11 Walsh, M. (1997). *Cross cultural communication problems in Aboriginal Australia*. North Australia
12 Research Unit, The Australian National University.
13

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

For Preview Only