A LITERATURE REVIEW OF THE ROLE OF FORENSIC LINGUISTICS IN GENDER-BASED VIOLENT CRIMES IN ITALY: SUPPORTING LEGAL PROFESSIONALS AND PROVIDING SCIENTIFIC EVIDENCE

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Abstract

The focus of this article is forensic linguistics as applied to gender-based violence (GBV), a current social problem which persists despite the many measures adopted to eradicate it. Gender-based violence leads to different kinds of crimes, which have been studied from several perspectives such as psychology, criminology and law. In this preliminary study of forensic linguistics applied to GBV crimes in Italy in particular, we aim to provide a review of the research literature on GBV and forensic linguistics. We begin by considering the discipline of forensic linguistics and introducing two psychological models – Walker (1979) and Pence (1993) – which are helpful in contextualising GBV. We then proceed in two directions: first, we examine communication between victims and legal sector professionals; and second, we consider linguistic evidence for police and judicial investigation through discourse analysis of communication between perpetrators and victims. Finally, conclusions are drawn with an eye to future scenarios.

Keywords: gender-based violence; forensic linguistics; linguistic evidence; cycle of violence; coercive control; manipulation; threats.

UNA REVISIÓ DE LA LITERATURA SOBRE EL PAPER DE LA LINGÜÍSTICA FORENSE EN ELS DELICTES DE VIOLÈNCIA DE GÈNERE A ITÀLIA: COM DONAR SUPORT ALS PROFESSIONALS DEL DRET I PROPORCIONAR PROVES CIENTÍFIQUES

Resum

El focus d'aquest article és la lingüística forense aplicada a la violència de gènere, un problema social actual que persisteix malgrat les nombroses mesures adoptades per erradicar-la. La violència de gènere dona lloc a diferents tipus de delictes, que s'han estudiat des de diverses perspectives, com la psicologia, la criminologia i el dret. En aquest estudi preliminar de lingüística forense aplicada als delictes de violència de gènere a Itàlia en particular, pretenem oferir una revisió de la literatura de recerca sobre violència de gènere i lingüística forense. Comencem abordant la disciplina de la lingüística forense i introduïm dos models psicològics —Walker (1979) i Pence (1993)— que són útils per contextualitzar la violència de gènere. A continuació, procedim en dues direccions: primer, examinem la comunicació entre les víctimes i els professionals del sector jurídic; i, en segon lloc, tractem l'evidència lingüística per a la investigació policial i judicial mitjançant l'anàlisi del discurs de la comunicació entre infractors i víctimes. Finalment, s'extreuen conclusions amb vista a escenaris futurs.

Paraules clau: violència de gènere; lingüística forense; evidència lingüística; cicle de violència; control coercitiu; manipulació; amenaces.

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Contents

1 Introduction

Gender-based violence (GBV) is a worldwide phenomenon with no specific victimology profile: women are potential victims merely because they are women (García & Garrido, 2021, p. 201). According to the United Nations Convention on Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), GBV is a human rights violation. Since it bears a heavy toll on women's health, it has also been recognised as a health issue. The World Health Organization (2021) reports that, in Europe, 26% of women between 15 and 49 years of age will live through a situation of violence at some point in their lifetime. According to Istat[1] (2014), in Italy[2] the percentage rises to 31.5%. An important characteristic of GBV is that numbers remain stable throughout the years for which data are available, and trends can therefore be calculated. In Italy, gender-based violent crimes (GBV crimes) continue to be treated as emergencies rather than as a consequence of a structural problem in society (Pezzini, 2020; Carsana, 2020; Lorenzetti, 2020). This approach leads to a focus on punishment with limited financial resources for prevention and awareness-raising campaigns, a limited number of instruments to monitor violence (Pezzini, 2020, p. 19), and a lack of fundamental understanding of GBV (Carsana, 2020, p. 27).

The application of forensic linguistics to GBV crimes enables the systematic study of coercion, manipulation and threatening language, thus facilitating the detection of recurring patterns in discourse across cases. This helps to modify the perception of instances of GBV as emergencies and promotes deeper understanding of the problem which improves awareness-raising campaigns and judicial counselling. Forensic linguistics can be extremely useful in detecting psychological and verbal abuse (Queralt, 2022) since, as Walker points out, these two aspects go hand in hand (1979, p. 72). The objective of this article is to review the existing literature on forensic linguistics in relation to GBV, with specific reference to the Italian context. Searches of library and Google Scholar databases, among others, were performed using the following key words in English, Spanish and Italian: gender-based violent crimes and gender-based violence, with and without "Italy" as the geographical location; forensic linguistics; forensic linguistics and gender-based violence. In this article, forensic linguistics and GBV will first be introduced separately. The intersection of the two fields will then be presented and two main applications of forensic linguistics to GBV (i.e., supporting professionals in their work and providing linguistic analysis as evidence) will be illustrated. In relation to the former, the focus is placed on language interactions between victims and members of the judicial sector. In relation to the latter, the focus is placed on discourse analysis in GBV crimes, considering both perpetrators and victims. Finally, conclusions are drawn.

2 Forensic linguistics: an overview

In this section, an overview of the discipline will be presented, from its definition to its characteristics. Aspects of discourse analysis within forensic linguistics will then be explored in greater detail, focusing on characteristics that have implications for GBV crimes.

Within the broader field of applied linguistics, forensic linguistics is a discipline which focuses on the analysis of language in the legal context (Garayzabal et al., 2019, p. 11). The study of forensic linguistics draws from a wide range of other areas of linguistics: pragmatics, (critical) discourse and conversation analysis, sociolinguistics and corpus linguistics (Coulthard et al., 2017, p. 31).

Two definitions of forensic linguistics are commonly accepted. According to the first, broader definition, also adopted by the International Association for Forensic and Legal Linguistics (n.d.), forensic linguistics is the discipline that studies all areas where language and the law intersect; while in line with the second, narrower definition, forensic linguistics focuses solely on the use of language as evidence in court (Queralt et al., 2018, pp. 1560–1561). Authors referring to the broader definition identify three subfields (Gibbons & Turell, 2008): the study of language and the law, the study of language in the legal process, and the study of the language as evidence. By *language and the law*, we refer to the study of legislation, understanding of

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1 Istituto Nazionale di Statistica.

2 Since the article is a preliminary study on the application of forensic linguistics to GBV crimes in Italy, examples will be drawn from the Italian context wherever possible.

legal texts, language minorities and legal systems, to name a few. Legal texts are often perceived as obscure and difficult to understand (Stygall, 2003). Analysing the language used to clarify potential ambiguities while ensuring that victims understand what is happening in terms of legal proceedings is essential to dealing with GBV crimes and eventual litigation in court.

Language in the legal process, in contrast, refers to the analysis of police interviews and courtroom interactions. In terms of GBV crimes, this can include, for instance, analysing how police officers conduct interviews with victims, perpetrators and witnesses; how questions are asked in examination and cross-examination in court proceedings; and how judges intervene during proceedings and their interpretation of acts from the language used in judgements.

Finally, language as evidence includes, for instance, authorship analysis as well as the analysis of confessions and suicide notes, among other linguistic evidence. In GBV crimes, language as evidence can be studied by focusing on communication between the perpetrator and the victim: analysis of potentially threatening language included in emails, chats or WhatsApp messages, for example. Discourse analysis is another essential tool in GBV crimes and will be examined in detail below.

2.1 Discourse analysis in forensic linguistics

Discourse analysis is broadly defined as the analysis of language in use (Brown & Yule, 1983). When considering discourse analysis, context plays an essential role: any sentence that is spoken or written has a situated meaning. Any aspects of the context can affect the meaning of a spoken or written utterance, yet context is a broad, difficult-to-define concept that combines elements of time, location and culture. It is therefore no surprise that discourse analysis can be used in different situations, for other purposes, by a number of disciplines, including forensic linguistics.

In forensic linguistics in general, and specifically in relation to GBV crimes, two types can be identified. The first is found in a sample produced by speakers in a police or judicial context when a victim of GBV goes to the police and files a report, for example. The second is found in language samples which, although produced outside these contexts, are yet relevant to various types of legal proceedings or police investigations. This is the case for language used as evidence, and it includes any kind of communication expressed by perpetrators, victims and witnesses.

The types of analysis applied in courtrooms are an example of the former type. In relation to cases of GBV, Conley and O'Barr (2005) analyse what they call the patriarchal discourse of law in the trial of a rape case,[3] arguing that legal discourse is, in its essence, an expression of gender-based male dominance. One example considers the different ways of recounting events used by men and women. Due to different gender socialisation, men generally prefer rule-oriented accounts (i.e., linear and sequential thinking, telling events from the beginning to the end with the focus on rules and duties); while women tend to prefer relational accounts (i.e., with the focus on personal status and social position). Rule-oriented accounts match the logic of legal discourse, while relational accounts do not. Communication within a courtroom can thus be said to disfavour women unless they are supported in expressing themselves in the way the court expects them to (Conley & O'Barr, 2005, pp. 67–74).

With respect to discourse produced outside the forensic context and GBV, we might refer, for example, to any kind of conversation between the perpetrator and the victim, as well as with potential witnesses. In Ribeiro Carreira (2021), the author analyses a corpus composed of written WhatsApp messages exchanged between a victim of femicide and her best friend. Close attention is paid to context, which is interpreted as a subjective element constructed by the participants in a given situation. Through a detailed analysis of discursive stylistic markers, the author was able to highlight the presence of physical and psychological violence within the couple as part of the context within which communication took place.

To fully illustrate the extent of the contribution that forensic linguistics can make in GBV cases, it is thus essential to reflect on the context: that is, on how violence is conceived and acted out – its dynamics, actors, and the strategies implemented, which we will explore in the following section.

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3 Trials of rape cases have been the object of several studies, among which we can also find Benevieri (2022); Carvalho Figueiredo (2002); Ehrlich (2001; 2002; 2007; 2010); Matoesian (1993; 2001; 2003; 2010); and, from a critical conversation analysis perspective, Fairclough (1995).

3 GBV: an overview

Gender-based violence is a deeply-rooted social phenomenon, stemming from the gender disparity that has been present throughout history in virtually every country and every culture, at a systemic and pervasive level (World Health Organization, 2021, VIII). In this section, we will explore the phenomenon of GBV, from definition through to studies on the dynamics of violence and the strategies implemented by its perpetrators, in order to provide the context to which forensic linguistics can be applied.

The term GBV is used to refer to a type of violence perpetrated mainly by men against women (Gondolf, 2007, p. 646). At the European and international level, several legal instruments have already been approved[4] to address the problem. In Europe, the most relevant to court hearings is the Istanbul Convention (Council of Europe Convention, 2011), ratified by Italy in 2013. In this document, "gender-based violence against women" is defined as "violence that is directed against a woman because she is a woman or that affects women disproportionately" (Council of Europe Convention, 2011, p. 3), while the term "violence against women" is defined as follows:

> A violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. (Council of Europe Convention, 2011, p. 3)

Within these definitions, GBV can be categorised into four main types: physical, sexual, psychological, and economic (Council of Europe Convention, 2011). Every kind of violence can involve various violent acts, which can also be intertwined.

Although a number of models have been devised to interpret the dynamics of GBV and the strategies implemented by its perpetrators, those most commonly used in training courses for volunteers and professionals working in women's shelters (Bastarelli, 2022) are the Cycle of Violence (Walker, 1979) and the Power and Control Wheel (Pence, 1993), shown in Figures 1 and 2, respectively. While the first model presents the dynamic of violence in a simple yet effective way, the second goes deeper, identifying strategies used by the perpetrator to achieve power and dominance in their relationship with the victim.

Figure 1

The Cycle of Violence
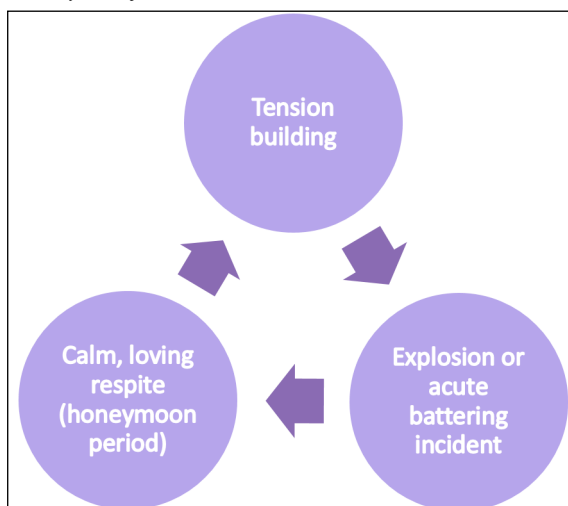
Source. Based on Walker, Lenore E. (1979, p. 55), *The battered woman*. William Morrow and Co.

According to the first model, violence is a cycle that repeats itself. Most of the time, these relationships begin without violence (Walker, 1979). Sometimes the man creates the framework of a passionate and romantic relationship that is at times a little too passionate and too romantic. This is referred to as love-bombing: an

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4 A comprehensive overview of international instruments can be found in García and Garrido (2021, pp. 86–87).

excess of romantic communication at the beginning of a relationship in order to obtain power and control over the other's life (Strutzenberg, 2016, p. 3). Once the relationship is secured, the cycle begins.

The tension then begins to build, and although violence is not yet visible, it gradually permeates the relationship (Walker, 1979, p. 55). At first, emotional pressure tends to build on the victim through non-verbal actions (Bonura, 2016, p. 86) such as silences, indifference and hostility. Then a violent incident occurs, characterised by an uncontrollable discharge of tension and a complete absence of predictability as to what will happen (Walker, 1979, pp. 59–66). This is followed by a "honeymoon period", during which the perpetrator needs to secure the relationship again. He asks for forgiveness and promises never to be violent again. He may buy his partner gifts, promising to change and vowing eternal love. The woman forgives him and the relationship resumes. The tension builds again before erupting in another violent incident. On average, women endure seven such cycles before asking for help (García & Garrido, 2021, p. 169). The cycles continue and are unpredictable, with the duration of the honeymoon and tension periods varying according to a number of factors such as job loss, economic struggles or alcohol consumption (Walker, 1979).

The second model, the Power and Control Wheel (Pence, 1993) provides a detailed framework of strategies implemented by the perpetrator.

Figure 2

Power and Control Wheel
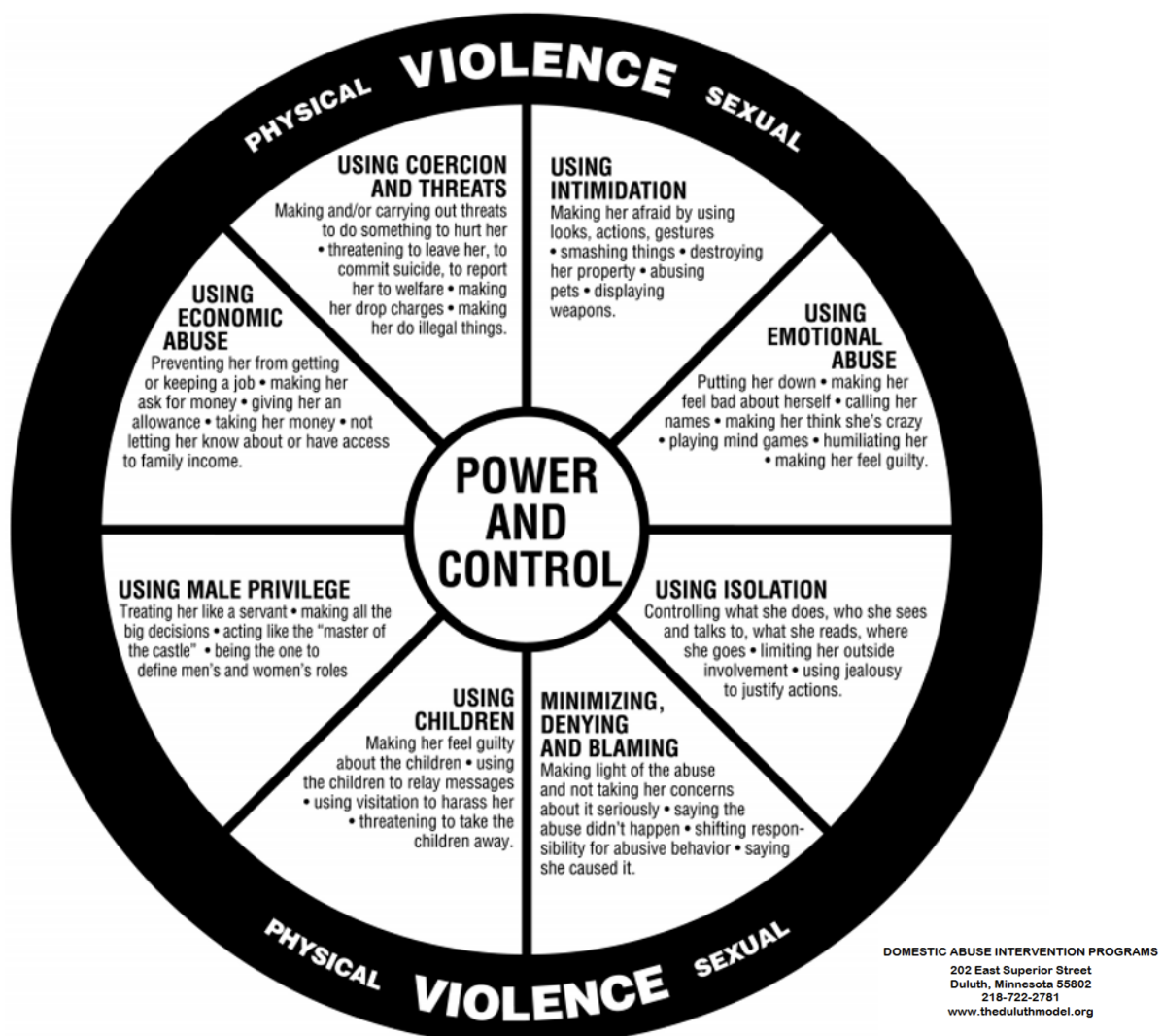
Source. Pence, Ellen, & Paymar, Michael (1993, p. 3), *Education groups for men who batter: the Duluth Model*. Springer Publishing Company.

According to this model, violence is placed on the outside of the wheel, while all the tactics (besides physical violence) used to gain power and control are placed in the middle. All of these strategies involve language interaction. While Walker (1979) posited that men use violence to "teach the woman a lesson", Pence (1993) took the position that perpetrators feel entitled to have control over women. When this feeling of entitlement is violated, violence is a means to take back what is perceived as having been taken away, an injustice that needs to be fixed (Gondolf, 2007; Burgio, 2020). Walker and Pence concur that perpetrators of GBV see themselves as victims, describing women's behaviour with utterances such as "she doesn't respect me", "I can't just be her silent victim", and "she doesn't have the right to do this" in an attempt to justify their acts (Burgio, 2020, p. 226). This can clearly be detected in the strategies used by the perpetrator of GBV against his victim: it is through language that the perpetrator manages to change the woman's perception of herself and present violence as a direct consequence of her behaviour. In this way, the strategy provides both justification and a shifting of responsibility. Society at large supports this view: not only are women held partially responsible for being battered (García & Garrido, 2021, p. 79), but they are also told they should take care of their perpetrators (Walker, 1979, pp. 15–16). While feeling pity for the perpetrator is a common feeling in victims, and one which persuades them to remain in the relationship (García & Garrido, 2021, p. 209), creating and reinforcing a sense of guilt is also a strategy used by the perpetrator (Baumeister et al., 1995). In any incidence of GBV that occurs within the context of an intimate relationship, language can be used to undervalue the victim, downplay violence, or make the woman mistrust her own perceptions and feel guilty. At the same time, language can be used by the woman herself to minimise violence and maximise the loving acts of the man in a type of self-defence strategy (Bastarelli, 2022).

4 Forensic linguistics and GBV

Forensic linguists working in the field of GBV can collaborate with justice in two main ways: first, by supporting victims and professionals in the aftermath of the violent event (or series of events); and second, by supporting the judiciary system with scientific evidence (Queralt, 2022). However, a number of peculiarities of GBV crimes require consideration when framing the context as well as when dealing with a forensic linguistic analysis.

Unlike other types of crimes (theft, fraud, etc.), categories of GBV (battered/victim/good vs. batterer/perpetrator/bad) can be blurry (Johnson, 2002, p. 87). The building of a violent relationship is a process, as is leaving it (Gribaldo, 2014, p. 748); this can be hard to understand. Many women leave their batterers but later resume the relationship. This can happen a few times before they leave for good (Walker, 1979, p. 199). Instead of seeing this as part of the healing process (García & Garrido, 2021), Italian institutions tend to blame women and cast aspersions on their credibility (Gribaldo, 2014).

Moreover, most GBV cases do not end up in legal proceedings. Victims do not speak about the violence they suffer for a number of reasons, such as a lack of trust in institutions, a wrong belief that they can manage the situation or that they are somehow responsible for the violence, fear of losing face due to social judgement, and fear for their safety (Benevieri, 2022; Queralt, 2022; Commissione parlamentare di inchiesta sul femminicidio, nonché su ogni forma di violenza di genere, 2021). Even when women do go to the police, they may change their minds (or be forced to do so) and withdraw the complaint (Commissione parlamentare di inchiesta sul femminicidio, nonché su ogni forma di violenza di genere, 2021). With respect to femicide, legal action also depends on whether the perpetrator is still alive: in Italy, 34.9% of men who killed women between 2017 and 2018 committed suicide shortly afterwards (Commissione parlamentare di inchiesta sul femminicidio, nonché su ogni forma di violenza di genere, 2021, p. 18).

All of these are just some examples of the different ways in which GBV may be dealt with (or not), whether in court or out of court, hence support to the victim giving evidence in court may or may not be needed; and that therefore women may come into contact with some professional support providers, but not all of them. Depending on different factors, victims may turn to a number of professionals, the most important of which are illustrated in Figure 3: healthcare professionals, social workers, lawyers, police officers and judges.

Figure 3

Professionals in possible contact with the victim of GBV

Source. Own elaboration.

Considering the scope of this article, the focus will be on cases in which victims decide to report the perpetrator to the judicial system. In section 4.1, therefore, we explore the ways in which forensic linguistics can support judicial professionals in their work with victims, while section 4.2 will review how language can be used as evidence in GBV crimes.

4.1 Language in the legal process in GBV cases: supporting professionals

Before we begin to examine the ways in which forensic linguistics can support communication between professionals and victims, two considerations are worth mentioning. First, even when several professionals work in close contact with GBV victims, they rarely detect violence in its overall context (Daré, 2021; Commissione parlamentare di inchiesta sul femminicidio, nonché su ogni forma di violenza di genere, 2021; Perez Trujillo & Ross, 2008); and when they do, they often minimise it (Commissione parlamentare di inchiesta sul femminicidio, nonché su ogni forma di violenza di genere, 2021, p. 44). Canning (2021) analyses the linguistic choices found in a 2010 corpus of judicial reports of domestic violence. She shows how lexical and syntactic choices used by police officers downplay suspects' culpability, undermining victims. Similarly, Ainsworth (2021) points out that, with certain types of crimes, including GBV crimes, there is current evidence that the victims may be treated as suspects, their credibility questioned, and their stories minimised or trivialised.

The second consideration is that, where women are speaking with police officers, lawyers or judges, information needs to be understood. Yet documents are usually generated in a language often perceived as obscure and difficult to comprehend, particularly when the victim is not a native speaker (Heydon, 2019) or comes from a vulnerable background with a low level of education, for example. Especially in GBV crimes, being able to understand what is happening in terms of legal procedures is essential for victims: not only for their current life, but also to take steps in the direction of self-empowerment (Rodríguez & Bodelón, 2015). Victims of GBV are experiencing a trauma which makes them feel anxious, stressed, depressed and powerless (Walker, 1979); being able to make decisions on their own based on clear information is extremely helpful,

therefore. Studies dealing with the same topic from a different perspective can be used as a model.[5] For example, Stygall (2003) analyses the immigration documents needed to enter the United States and reaches conclusions as to how difficult it is for migrants to actually understand what they need to do. It is extremely important that legal documents relating to GBV crimes be analysed and simplified: to support this process, the forensic linguistics expert can study the documents produced and draft a more understandable version of them. Bearing in mind the issues raised so far, in the next paragraphs we offer a detailed analysis of police officers, lawyers and judges in their dealings with victims of GBV.

4.1.1 Police forces

Police officers enter in contact with victims of GBV in three different circumstances. First, they may be called to intervene during or after an abusive episode; second, they may be contacted by a victim wishing to report violence; and third, they may be called upon to facilitate the finding of facts.

In the first of these circumstances, it should be considered that a person other than the victim may have called the police (e.g., children or neighbours). When this is the case, during the police intervention the woman may defend her batterer, hoping to decrease the violence, aware that after the police are gone the battering will resume (Walker, 1979, p. 64). If the woman did call the emergency number, however, she may find it difficult to describe the violence as such. Studies show that victims tend to feel unreasonable in asking the police to intervene (Johnson, 2002, pp. 82–86), also because an official police intervention transforms a spouse into a criminal (Tracy & Agne, 2002, p. 86).

When the victim herself reports the violence, it is essential that she perceives clear support (García & Garrido, 2021), and receives information on organisations and institutions that can help her. García and Garrido (2021, p. 178) list behaviours that police officers should avoid: minimising and/or judging the events, creating a discussion or showing indifference. Bonura (2016, p. 178) focuses on indications of how to improve the work of Italian police officers, who should introduce themselves and clearly explain their role, their professional obligations, the implications of filing a report, and the procedures involved in the intervention. They should ensure that the victim understands their work step by step (Queralt, 2022, p. 127) to increase her perception of being in control of the situation (Bonura, 2016, p. 185). The contribution of forensic linguists may be to first focus on examining current procedures, then create a document that supports the work of police officers. For example, they could create a list of specialised technical terms[6] for police officers to avoid and replace with easier synonyms, or reformulate legal documents in plain language (European Commission, 2012).

The finding of facts involves asking women specific questions, yet officers should avoid pressing (Bonura, 2016, p. 178) questions designed to determine the motivation of the perpetrator (e.g., "What did you tell your husband before he hit you?", "Why did he hit you? What did you do?"). The victim may be unaware of the aggression triggers; questions like these may suggest the idea of a potential co-responsibility, and they are useless in detecting the typology of the crime (Bonura, 2016, p. 178). The forensic linguist, after studying the questions already asked by police officers, could provide some practical examples on how to improve their formulation (e.g., open and investigative, wh-questions vs. yes/no questions), and how to adapt communication to the specific situation and sociolinguistic profile of the victim.

4.1.2 Lawyers

When lawyers deal with victims, three moments are worth considering: piecing facts together; deciding which legal route to follow; and subsequently, if they go to court, preparing the victim for examination and cross-examination.

Victims will very seldom speak about the abuse during the first meeting (Bonura, 2016); it is up to the lawyer to support them in piecing facts together, asking clear and judgement-free questions, and using active listening and empathetic language. This creates a bond of trust which facilitates cooperation (López Samaniego, 2021;

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5 Several studies deal with the characteristics and difficulties of legal language: Alcaraz, 2005; Salvador et al., 2005; Orts Llopis, 2005; Coulthard & Johnson, 2007; Bhatia, 2010; Stygall, 2010; Ainsworth, 2010; and Tiersma, 2010.

6 By "technical terms", we refer to specialised legal, scientific and judicial terms (García & Garrido, 2021, pp. 182–184).

Sanahuges & Curell, 2021). Depending on the woman's emotional state, some concepts might need to be repeated and reformulated (García & Garrido, 2021, p. 181).

In the event of a judicial process, victims need to receive proper training before going to court (Massidda, 2021, p. 89).[7] The forensic linguist can support the lawyer in finding the best way to ask questions and build a consistent narrative (Queralt, 2022, p. 130) that follows rule-oriented accounts (Conley & O'Barr, 2005, p. 67) in chronological order (Fernández León, 2019, p. 25), starting with the event that triggered the legal proceeding and going back in time to the first event (Observatorio contra la Violencia Doméstica y de Género, 2018, p. 15). During the examination, open wh-questions will be used to allow the witness to tell her story (Fernández León, 2019, p. 116). Some examples of essential questions are whether children witnessed the event; whether the man used any kind of weapon; whether he threatened the woman. Then, the victim should explain why she decided to report the violence to the police now and not before (e.g., fear, shame). Lastly, she needs to focus on her daily routine: how was the man controlling her (e.g., Did he repeatedly insult or humiliate her? Was she obliged to change elements of her life or people she was friends with?). As much evidence as possible must be collected, and the linguistic evidence can then be examined by the forensic linguist, who can provide a scientific point of view by highlighting, for instance, the use of manipulation, abusive language or threats by the perpetrator.

Lastly, lawyers should prepare victims for cross-examination. Defence lawyers for the perpetrator have a number of strategies at their disposal (Gibbons, 2003); in cases of GBV, their goal tends to be mostly to confute the version of the woman and impeach her credibility.

Lawyers may try to confute the victim's version of events using a primary strategy of asking long questions that contain her version of the story, to which the woman can only answer yes or no. It is important to train victims to avoid this trap, by illustrating how they can confute the first part of the question instead of providing a yes/no answer.

In order to impeach the woman's credibility, lawyers will tend to use cultural mythologies surrounding GBV violence (Benevieri, 2022) and stereotypes as to how a GBV victim should act, talk and recollect facts (Queralt, 2022; Bodelón, 2014; Conley & O'Barr, 2005; de Carvalho Figueiredo, 2002). The victim can be made to come across as lacking emotional control or trustworthiness, or her ability to think clearly may be called into question, even though this is a common consequence of having suffered a traumatic experience. Lack of consistency in her story,[8] potential interest in the case (Matoesian, 2010, p. 548), and her behaviour preceding and following the violence might also be used against her.

4.1.3 Judges

With respect to judges, a distinction may be drawn between the language used in judgements and linguistic strategies used in court interactions which judges should be aware of.

In relation to judgements specifically, it should be noted that, on the one hand, these display the cultural framework of reference; on the other hand, they also act to reinforce this framework. In judgements, judges are called upon to define identities, relationships and events, and build a narrative – that is, to co-create a symbolic order (Di Nicola, 2018, p. 20). Therefore, avoiding gender-based biases is extremely important; unfortunately, these biases are so deeply rooted that sometimes judges themselves can be influenced by them. Recently, however, this situation has experienced some improvements thanks to the support of international bodies: Daré (2021) highlights how a statement by the Inter-American Commission on Human Rights led to the "Maria da Penha" law (the national law against GBV in Brazil), which has contributed to a change of perception of GBV in Brazil. Libardi (2021) points out a similar situation in relation to Mexico and the sentence by the Inter-American Court of Human Rights in González and Others ("Campo Algodoeiro" vs. Mexico). Similarly, Italy has been condemned by the European Court of Human Rights several times for not effectively protecting women's right to life in cases of domestic violence (*Case of Rumor v. Italy*, 2014;

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7 Examples of lack of adequate preparation and its impact can be found in Gribaldo (2014).

8 More on the veracity of witness narrative can be found in Olsson (2008, pp. 113–127); and on switching culpability from the accused to the witness or victim in Atkinson and Drew (1979, p. 140).

Case of Talpis v. Italy, 2017; *Affaire Landi c. Italie*, 2022; *Affaire de Giorgi c. Italie*, 2022). A new law was approved in 2019, following the emergency pattern previously described, and the situation has not improved. More recently, Italy was also condemned for using language and arguments that conveyed prejudices and stereotypes about the role of women in a case of group rape (*Affaire Jessica Marchi c. Italie*, 2021); the consequences of this decision remain to be seen.

With regard to the language used in court, aspects of language that display an imbalance of power between the victim and the perpetrator need to be considered to prevent secondary victimisation (Rodríguez & Bodelón, 2015). During court procedures in GBV cases, victims are asked to testify, their credibility thus becoming a central aspect of the trial. In cases of femicide, victims speak only through written communication records (messages, letters, emails, etc.) or spoken conversations recalled by family members, friends and professionals. In both cases, the perpetrator will use a set of strategies to shift attention from the crime to the victim, distancing himself from his violent actions and shifting responsibility (Pence, 1993), all the while undermining, patronising and silencing her.

Examples of power dynamics in the relationship include using verbal abuse strategies, including disqualification of the victim; using her first name and no last name or titles (Giuliani, 2021); in Italian, avoiding the courtesy form of address in favour of the informal form; and the use of the sense of guilt (Di Nicola, 2018). In Italian, some examples of strategies used to distance the perpetrators from the crime and, more generally speaking, from any kind of violent acts are the use of nominal and passive constructions (Melluzzi et al., 2021) and the reframing of violent acts. With reference to shifting responsibility from the perpetrator to the woman (Benevieri, 2022, p. 27) and silencing her, all the strategies mentioned above support this objective. Unfortunately, these strategies can be found in judgements as well as in the perpetrator's defence. Nunes-Scardueli (2015) carried out a discourse analysis of documents produced in twenty criminal cases in Brazil during the period from 2006 to 2013. He found that not only the acts of violence but also the victims were silenced, and that this silencing occurred as a result of judicial decisions as well as interaction during the trials.

4.2 Language as evidence in GBV cases

In GBV crimes, a considerable part of the violence is contained in the language used by the perpetrator. In this section, we provide an overview of the most relevant literature and draw a connection between forensic linguistics and the models created by Walker (1979) and Pence (1993). Having explored evidence complementarity, we will delve into the discourse of perpetrators and victims, focusing on manipulation of reality, coercion and the use of threats.

Close attention must first be paid to collecting all the evidence necessary to demonstrate the dynamics presented in the two models. This may include, but is by no means limited to letters, emails, messages and WhatsApp conversations, as well as documents containing the victim's experience: declarations, diaries and chats with friends or family members. By studying the linguistic evidence, it is possible to assess and show whether and how coercive control and manipulation were used. The forensic linguist will focus on the different elements of violence (Queralt, 2022), such as feelings of entitlement to power, delegation of responsibility to the victim, the presence of threats, coercive control, and manipulation. The definition of power has sparked a lively discussion in the literature; however, for the purpose of this article, power is defined as the capability of obtaining the desired effect on another person (Mayora Pernía, 2015, p. 60). Whether this power is to be obtained through violent or peaceful means, one of the first tools used to this end is language. Whenever an asymmetrical hierarchy exists between two people, language is used to transmit and perpetuate it. For example, perpetrators may describe themselves as more intelligent, or stronger; they may use diminutive suffixes with a negative implication, insults, warnings and threats (Martínez, 2016; Queralt, 2022).

All these linguistic clues can be taken into consideration and inserted into the Cycle of Violence and/or the Power and Control Wheel models, providing a context to the detection of different linguistic strategies used by perpetrators and the violence displayed.

As previously illustrated, the cycle of violence includes three stages, the first of which is "tension building". Here we find coercive control: the perpetrator isolates the woman from her social context and family ties (Martínez, 2016); controls economic resources and other aspects; and displays intimidatory, manipulative and

threatening behaviour (Queralt, 2022). The second stage is the violent act, which can be physically damaging and/or it can involve verbal abuse. Verbal abuse may include the strategic use of silence, abusive language and speech acts such as insults and threats. The final stage is the "honeymoon period": here the perpetrator needs to secure the relationship again, so he tends to ask for forgiveness and renews his vows of endless love, including speech acts such as promises and excuses.

In relation to the power and control wheel, linguistic strategies are intertwined and highlight the different strategies used by the perpetrator. Use of intimidation can be found in the perpetrator's strategic use of silence (Queralt, 2022, p. 178), the detection of implicatures to be inferred, and threat analysis. Emotional abuse, isolation, minimisation, denial and blaming are achieved by strengthening hierarchy in the relationship through insults and abusive language, for example. These can be detected in both grammar (e.g., using diminutive suffixes to denigrate the woman) and lexicon (e.g., use of adjectives pertaining to the semantic fields of "crazy"); use of evasive language (Bavelas, 1990) with indirect, ambiguous and contradictory forms as well as nominal and passive constructions (Melluzzi et al., 2021); and the use of language connected to emotions (Alba-Juez & Larina, 2018) in relation to potential face-threatening acts or FTAs (Grande, 2005; Brown & Levinson, 1987). Using children, male privilege or displaying economic abuse can be found by analysing the stance and attitude of the speaker (Polayi & Zaenen, 2006) as well as the detection of implicatures to be inferred. Regarding coercion and threats, these can be assessed by analysing the speech acts used, the stances taken, and assessing the likelihood of the threat being displayed (Gales, 2015).

So far, we have analysed two psychological models and the contribution forensic linguistics can make in proving GBV crimes. However, when it comes to language as evidence, working on the discourse of both victims and perpetrators plays a significant role in displaying manipulation and coercive control, as well as the use of threats. In the following paragraphs, we will explore how the most relevant literature available has dealt with these aspects.

The discourse between perpetrator and victim displays how the two parties experienced the relationship. In an abusive relationship, linguistic traces of persuasion, manipulation, coercive control and threat can be identified in the discourse (Queralt, 2022, p. 8). In such cases, the forensic linguist can analyse conversations between the woman and the man (via WhatsApp, SMS, email or chat) looking for instances of verbal abuse. In her book, Queralt (2022) analyses a number of cases of romance fraud in Spain to determine the psychology behind the men's actions and the linguistic evidence that derives therefrom, highlighting a number of strategies.

Among the often intertwined strategies that can be observed are creating a persistent sense of guilt in the woman by manipulating reality, displaying coercive power, and using different types of threats. With respect to the manipulation of reality, Queralt (2022, p. 53) proposes taking into consideration the theories of Fauconnier (1985) and Pascual (2012). Fauconnier (1985) studies the manipulation of reality through the concept of mental space, referring to the way in which individuals create their own reality based on discourse and language structures. According to Pascual (2012, p. 151), mental spaces represent potential realities which are not precise and objective descriptions of the concrete reality; such spaces are described by language tools (grammar, syntactic structures and lexical choices), defined as space builders (Pascual, 2021, p. 150). In order to conceal or change reality, then, perpetrators tend to use mental space-building linguistic strategies to convince the victim of a certain version of reality and events.

Coercive power is exercised continuously and yet so subtly that most of the time the victim is not aware of it. As Queralt (2022, p. 62) points out, an example might be when the perpetrator organises a romantic weekend at exactly the same time as the woman was planning on having a night out with her friends. On one hand, this can be seen as a nice idea on the part of a loving romantic partner; on the other, it can be interpreted as an indirect way of preventing the woman from meeting her friends and an attempt to isolate her and control her free time. Isolating the victim is a typical strategy of coercive control (Pence, 1993; Queralt, 2022, p. 80).

The last important linguistic aspect of GBV is the use of threats. Threats are among the most common strategies used by perpetrators of GBV (Herrera et al., 2004) and one of the most common forms of verbal abuse, especially in psychological violence (Queralt, 2022, p. 108). According to Walker (1979, p. 148), perpetrators not only threaten their partner but also their family, with particular focus on female family members. In cases of GBV, after years of abuse, many victims have interiorised the potential harm of their

perpetrator so deeply that he no longer needs to resort to threats: the victim limits her own life (Walker, 1979). Analysing conversations between perpetrator and victim at the beginning of the cycle is therefore essential.

Threats may take different forms. The crime of threat is regulated by arts. 612 and 339 of the Italian criminal code, but no definition of threat is provided. Consultation of a legal dictionary provides a definition of threat as an "intimidating attitude concerning the moral sphere of the victim, whose capacity for self-determination is impaired, consisting of the implicit or explicit prospect of an unjust and future evil".[9]

According to Fraser (1998, p. 162), for an act to be deemed a threat, three conditions must be met, all of which involve the speaker's perspective: the speaker must (a) have the intention to carry out the threat (or be responsible for its commission); (b) believe that the act will damage the victim; and (c) intend to intimidate the victim by explaining their intentions. The model created by the FBI distinguishes between different kinds of threats: (1) direct, through explicit declarations such as "I will kill you"; (2) indirect, such as "You will see"; (3) conditional: "If you leave now, you will never be able to come back"; (4) veiled, such as, for example: "She is going to pay for this" (Garayzábal et al., 2019). Studying such a speech act is necessary to be able to prove whether the man is displaying a threat or not. Perpetrators might argue that they were not threatening, but merely warning victims; the forensic linguist can analyse language clues to try to determine the speaker's intention. According to Fraser (1998, p. 160), in different contexts the sentence "I'm going to take away your scholarship" can be perceived either as a threat or a warning, depending on the context and the speaker's intention.

Once a threat has been detected and classified, an assessment of the likelihood that the perpetrator will carry out the threatened violent act is essential for the safety of the victim. Detecting the intentions behind a threat can be a daunting task, yet this is an essential element of the risk assessment. The risk can be assessed as low, moderate or high. In situations of low risk, several authors (Davis, 1997; Turner & Gelles, 2003) point out that these kinds of threats display the use of general, vague language. Gales (2015) points to Napier and Mardigian's (2003, p. 18) observations that a threat is normally considered low risk when it contains lexically mitigated or conditional language (e.g., the use of modal verbs). Moderate risk tends to be perceived as believable, though a degree of doubt that the threat will be carried out remains. Here, descriptive language and a certain level of planning of the violent act is employed, especially in relation to the victim (Napier & Mardigian, 2003). Finally, high-risk threats tend to involve specific, detailed language (Davis, 1997; Turner & Gelles, 2003), and the language used is generally more decisive (Napier & Mardigian, 2003, p. 18).

5 Conclusions

In this article, we have provided a literature review of the contribution that forensic linguistics can make to the investigation of GBV crimes. Having introducing GBV, we gave an overview of forensic linguistics, placing particular focus on discourse analysis. We went on to consider GBV dynamics and strategies through the psychological models devised by Walker (1979) and Pence (1993). Next, we considered how forensic linguistics can deal with GBV in two main directions (Queralt, 2022): firstly, by supporting communication between professionals (police officers, lawyers and judges) and victims; and secondly, by providing scientific evidence, in particular through discourse analysis of the language used by perpetrators and victims. Future directions are revealed by this dual lens approach: forensic linguistics is, after all, a science that seeks to transform practice (Coulthard et al., 2017, p. 13) and can be especially relevant in relation to GBV crimes.

On the one hand, improving communication between victims and judicial actors includes a subset of actions which should be implemented in the future, in the drafting of clearer documents as well as creating professional training for police forces, lawyers and judges. Such training could be designed with the focus on forensic linguistics while bearing in mind the dynamics and peculiarities of GBV. Using a holistic approach is essential to the study and analysis of these crimes, especially considering the weight played by interpersonal relationships therein, and the stereotype against women that still exists today.

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9 In Italian: "Atteggiamento intimidatorio riguardante la sfera morale della vittima di cui risulta compromessa la capacità di autodeterminarsi e consistente nella prospettazione implicita o esplicita di un male ingiusto e futuro" (own translation). Brocardi.it (n.d.). Retrieved on 23 November 2022.

Victims can be supported by the forensic linguist in their preparation for examination and cross-examination in court, where both the lawyer of the victim and the lawyer of the perpetrator need to build different narratives of the same crime in order to support their clients. They do so through a detailed questioning strategy; an analysis of what actually happens could be vital to the unmasking of potential gender-based biases in the storytelling. In order to support the judicial system, further studies are needed to assess whether such biases are indeed used, and to what extent.

We must also consider the role of the forensic linguist in supporting victims *a posteriori* (Queralt, 2022, p. 132), that is, by helping her to improve the way she communicates her identity. Most victims experience a lack of clarity when expressing themselves, due to the trauma they have experienced, yet this lack of assertive language can produce a number of consequences in daily life: in the professional field, for example.

Language can be used as evidence in court in GBV crimes to prove coercion, control and manipulation. Most abusive relationships start with psychological violence, which can be detected in the use of language: analyses of corpuses of messages written by violent men could be important in detecting eventual patterns and identifying abusive relationships, ideally from the onset. A scientific and analytical approach can help to reinforce the victim's credibility, regardless of stereotypes. Moreover, the scientific assessment of verbal threats can also help in the early detection of violence, thus preventing its escalation. Finally, further in-depth study of both these aspects may shed light on all elements of GBV, thus assisting in the creation of more effective awareness-raising campaigns and incorporating prevention as well as punishment.

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