

How Language is used in the LADO process:

Principles & Issues of Expertise

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Synopsis

- Definition and key issues in **LADO**:
Language Analysis for Determination of Origins
- LADO as Gate-keeping: Case for Applied Sociolinguistics
- Institutional Pressures on LADO, and Context of LADO
- Some typical problems in non-expert LADO analysis
- Current recommendations / *Guidelines* for best practice
- Comparison of LADO practice to Forensic Linguistics
- Comparison of LADO practice to Sociolinguistics
- **Conclusions:** (1) Sociolinguistics required for LADO;
(2) Institutional pressures acknowledged/investigated;
(3) Independent comparative research & training needed
- **Research basis of LADO** must be specified & utilized:
Who defines expertise, and how?

Mirror, mirror, in the tongue...

- **Language assessment of refugees in the process of applying for asylum**
 - LADO - Language Assessment for Determination of (national, regional or ethnic) Origins *[inc. interpreting]*
 - Refers to such analysis neutrally, whether "good/bad" as well as to the entire process & institutional context
- **Gate-keeping mechanism employed by govts. to assess claims of origin and weed out false ones**
 - Often performed in context of general governmental/public skepticism & hostility to immigration, refugees
 - E.g. belief that most are economically motivated, as opposed to motivation by "a well-founded fear of being persecuted"
- **Assumes language reflects citizenship (?!?)**
 - Linguists: Reflects socialization & speech community

A case for Applied Sociolinguistics?

- **Basic LADO question is a sociolinguistic one:**
 - How does an applicant's linguistic performance in a LADO context correlate with their history of speech community membership and language socialization?
 - Are there people for whom mapping language onto social history is difficult or unreliable? Yes, of course.
- **Language often ascribed gate-keeping functions**
 - Workplace: hiring, discrimination, language choice
 - Education: admissions, testing, evidence of disability
 - Courts/policing: witness/suspect credibility, probity
- **ie, enforces society's class/ethnic/racial/etc. bias**

...case for Applied Sociolinguistics?

- **Linguistic assimilation of minority to majority**
 - = Symbolic of accepting majority values generally
 - = Precondition for access to elite groups / resources
- **Standardization (\cong Categorization, for LADO):**
 - The powerful judge whether the powerless's speech conforms to ?arbitrary? standards deserving of access
 - Analyst's job to make sure categorization is well-motivated
- **Applied Sociolinguistic Questions:**
 - Does LADO assessment serve appropriate functions?
 - Which procedures should (not) be employed in LADO?
 - Which cases/contexts are (not) decidable by LADO?
 - What linguistic expertise is required for LADO?

Institutional Pressures on LADO

- **Three key institutional positions**
 - Government immigration bureau: civil servant
 - Commercial analysis firm: employee/owner
 - Independent individual: academic linguist, free-lance interpreter, non-expert native-speaker (=NENS) analyst (ie, lacks extensive scientific training)
- **Differentially exposed to pressures** such as
 - Rules of procedure, staffing levels, caseload, costs, profit motive, government policy, public perceptions
 - Also have contrasting institutional norms & practices
- **Exert influence on beliefs, practice, assumptions**
 - Eg, on what constitutes a fact – how important is best-practice, etc.

Institutional Context of LADO

- **Varies widely from one country to another**
 - Rules may be set by government immigration agency
 - Decisions rarely made by regular courts - Appeal may be to independent bureau or administrative judge
 - No legal recognition of language validity, procedures
- **Roles/characteristics in asylum interviews**
 - Asylum applicant, typically w/o documents
 - Govt. immigration officer: may be low-ranking, young and not trained in languages or country expertise
 - Language analyst: scientific linguistic training? NENS status? independent or contracted employee?
 - Interpreter: qualified? native-speaker status?

Issues of Expertise & Training

- **Different areas of knowledge/expertise required** by participants in the asylum process
 - Scientific linguistic knowledge (analyst)
 - Native-speaker knowledge (informant, interpreter)
 - Qualified interpreting skills (interpreter)
 - Knowledge of country info (bureau officer, ?analyst?)
 - Correct basic understanding of relation of language to social experience/identity (all participants)
- **Problem: Different levels of training/qualification**
 - Undermines validity/reliability of LADO process now

Typical flaws of Non-expert Analysis, I

[Some of these apply to eg, bureau employees, judges too]

- **Prescriptive views of linguistic purity/mixing/bilingualism**
 - Ignores common extent of borrowing, choice, accommodation
- Linguistic authenticity equated w/typical national identity
 - “True X-ians wouldn’t say that”
- **Categorical, stereotypical view of speech community**
 - Result: Misidentify authenticity of minority, marginal, multilingual speakers, or those with mobile, disrupted histories (ie refugees!)
- **Identity of analyst often hidden, credentials unspecified**
 - Eg, “university-educated in literature and linguistics”
- Incorrect folk-linguistic attitudes/beliefs influence results
 - Mono-lingualism = belonging to one culture = ‘normal’
 - (‘Monoglot ideology’, Silverstein 1996, Blommaert 2006)

Problems with Expertise of Analyst

- **No post-graduate training** in linguistics
- Computational linguistics focus is on, e.g.:
 - Machine translation, speech synthesis, text processing
 - How about phonology/phonetics/morphology/syntax?
- Undergraduate training **fails to meet standard**
- No evidence of sociolinguistic awareness for:
 - Language choice/attitudes/variation/code-switching
- **No competence in Af-Reer Hamar ethnic dialect?**
 - Crucial linguistic Q: Is speech plausibly of that clan?

Typical flaws of Non-expert Analysis, II

- **Common belief: political & linguistic boundaries coincide**
 - Languages indigenous to Afghanistan & border nations: Aimaq, Baluchi, Brahui, Farsi (Dari), Turkman (Ethnologue; Eades et al 2003)
 - Belief in transparent link between ethnicity & language choice
- Result: authentic language use (w.r.t. speaker socialization) incorrectly judged; speaker assigned wrong national origin
- **No understanding of how power relations in institutional contexts seriously influence language behaviour**
 - Crucial mistakes/misinterpretations attested in literature (Corcoran 2004, Maryns 2005, Eades et al 2008)
- **Unaware of pressures resulting in language choice/shift**
 - Indexical divergent/convergent shifts express speaker identity,
 - Influenced by identity of interlocutor, power relations in context
- Result: normal, predictable language shift or variation misinterpreted as “inconsistent” or “deceptive” behavior

Pressure Language choice

- **Non-native standard substituted for native Krio**
- Ex: Initial IV of Krio girl by Belgian official (Maryns 2005)
[not ex. of LADO, but of basic problems w/language for refugees]
 - (1) **I:** in English
 - (2) **AS:** I no sabi *[Krio – means “I don’t understand”]*
 - (3) **I:** =we have. We have all the time, so you don’t have to worry.. ok.. just
 - (4) we’ll take it slow.. Ok. Is it ok with you.....
 - (5) **AS:** I don’t go to school
 - (6) **I:** but if.. what we’ll try.. ok.. you have to try.. ok.. so if you . will try you just sign here .. hen..
 - (7) you make a cross. ok or. a round a circle...ok. Thanks.

Typical flaws of Non-expert Analysis, III

- **Little to no sociolinguistic knowledge**, e.g.:
 - Unaware of inherent variation within a language
 - Confuse group-preferential patterns w/ group-exclusive ones
- Result: assignment of speaker to wrong linguistic group
 - Unaware that hegemonic linguistic ideology, prejudicial language attitudes are common, & favour speakers of powerful languages
 - Ignorant that speakers may try to use more powerful language as most appropriate to formal settings & authoritative hearers (Principle of Subordinate Shift, Labov 1984)
- Result: judge speaker unfairly as “deceptive/suspicious”
- **Ignorant of some of the most basic linguistic concepts**:
 - Confuse speaker-competence w/analytic linguistic knowledge
 - Result: value NENS native speakers trained linguists
 - Believe main analytic units = “words, accents”
 - Unable to use basic tools (eg IPA transcription) accurately
- Result: not competent to perform valid/reliable analysis

Exs. of inadequate LADO

- **Appeal no. 73545/02** against decision by Refugee Status Branch (RSB) of **New Zealand Immigration Service**
- Swedish firm Språkab examined claim of Afghani origin
 - Based on tape of appellant speaking for c. 15 minutes
- **Extracts from language analysis offered by Språkab:**
 - "The person speaks Dari with a clear Pashtu accent..."
 - "The way [he] speaks indicates that he might be illiterate..."
 - "[He] uses a typical Pakistani word *patata* (=potatoes), which indicates that he has lived in Pakistan for a period of time..."
 - "Considering his strong Pashtu accent, the person's mother tongue seems to be Pashtu."

Ex. of linguistic counter-analysis

- **Expert: Dr Ruth Schmidt, Senior Lecturer in Urdu, Dept of East European & Oriental Studies at University of Oslo**
 - Dr Schmidt holds qualifications in linguistics, has written extensively on Urdu and other Indo-Aryan languages
- "No phonetic data is presented... the vocabulary items discussed are not transcribed consistently or scientifically"
- "The analysis contains exclusively lexical data... No indigenous Pashtu words are provided in the analysis"
- "Use of a single vocabulary item is not proof of residence in Pakistan... There is no proof to support the claim of the speaker's 'strong Pashtu accent'."
 - **Schmidt's analysis accepted by NZ court of appeal.**

Guidelines for best practice

- As a result of linguists' growing awareness of such cases **efforts to codify best practice** have begun to occur.
- 2003 report by Eades, Fraser, Siegel, McNamara & Baker
 - Study of 58 Australian Refugee Review Tribunal cases
 - Language analysis by overseas agencies based on "folk views"
 - Such language analysis by NENS "not valid or reliable"
- **2004 LNOG *Guidelines for the use of language analysis...***
 - 19 coauthors and signers from Africa, Europe, Australia, USA
 - Published and discussed in peer-reviewed linguistics journals
 - Endorsed by IAFL, SPCL, LAGB, BAAL, ALAA, ANELA, AIDA etc...
- 2008 *Minimal Requirements* draft proposed by IAFPA WG
- **None yet based on systematic comparison of data from multiple sources, independent of institutional pressures**

LADO & Forensic Linguistics, 1

Similarities:

- **Bureaucratic setting and (adversarial) process**
- Total institutional power to determine applicant's fate, status and identity
- Applicants may have lawyers
- Appeals may be heard by judges

However:

- **No legal presumption in favour of applicant**
- Established legal standards (expertise, evidence, interpreting etc.) unfortunately may not apply

LADO & Forensic Linguistics, 2: Credentialling of Experts

- **Details/limits of expert's relevant qualifications – public**
- Duty to provide independent, unbiased, objective opinion
- **Make explicit all evidence, data, assumptions relied upon**
- Cite relevant scientific or professional literature
- **Testimony is the product of reliable principles & methods** which are **generally accepted** in the scientific community, have been tested, **subjected to peer review** & publication
- Were all analyses/tests/measurements made by expert?
- **Acknowledge range of opinion, motivate choices made**
- Fairly give facts/arguments counter to opinion expressed
 - “Requirements for Expert Reports” (UK, Regina vs Bowman 2006)
 - Federal Rule of Evidence 702, as in US Supreme Court case (*Daubert* 1995)

LADO & Forensic Linguistics, 3

- FL often focuses on speaker/text's unique identity
- Arguments often rely on *Axiom of the Idiolect*:
“No two speakers are identical in linguistic production”
- Voice identification by forensic phoneticians:
 - Does recording A match speech sample of suspect B?
 - E.g. phonological inventory, organization of vowel system, range of variation, voice quality
- Plagiarism compares disputed texts with known ones:
 - Do written characteristics of A match samples B-F?
 - Eg, choice of lexicon, collocations, syntax, stylistic habits

LADO & Sociolinguistics, 1: Variation in Production

- Contrast with *Axiom of the Speech Community*:
 - “Speakers who share language socialization are alike enough in linguistic production & evaluative norms to be identified as members of the same Speech Community”
- If language is indexical of origins, **can LADO reveal if speaker is alike enough to other SpComm members?**
- Speech community member competence overlaps:
 - Essentially same grammar, lexicon, stylistic repertoire
 - Same phonological inventory, vowel system
- However, **a range of heterogeneity in speech is normal:**
 - Inherent variation due to linguistic and social contexts
 - No single categorical reference norm exists for a language
 - Range of inter-speaker variability and intra-speaker variation within a speech community is routinely established empirically

LADO & Sociolinguistics, 2: Norms and Perceptions

- **Speech community members** also broadly **share**:
 - Norms for interpretation of speech and variation
 - Language attitudes, ideology, pragmatics, etc.
- However, Production/Perception asymmetry exists, which is evidence for **socially-based bias typical of NENS**
 - NS can produce distinctions but they can't reliably judge them
 - NS can't reliably identify social characteristics of speakers from own speech community (or for themselves!)

(Chambers, Trudgill & Schilling-Estes 2002; Labov 1966, 1994; Patrick 2002)
- **Native-speaker competence**, in light of sociolinguistics:
 - NS production authentically represents part of Sp Comm range
 - But NS perception systematically influenced by social norms – hence, NENS cannot validly or reliably identify speakers as members of their own Speech Community. (Fraser & Pedersen)

Research basis of Speech Community studies: Sampling

- **Random, stratified or judgment sampling of populations** from 12-300 speakers, who can be...
- ...Identified on independent social grounds as sharing social characteristics crucial for language:
 - Lifelong local residence
 - Parents' local residence
 - Shared social networks
 - Native speaker of variety
 - Few/no years lived abroad
 - Recognised local by others
- Sample stratified for age, sex, social class, ethnicity
- **Key: scientific comparison of heterogeneous groups,** made w/accountable, replicable, validated methods
- Ditto: recording, transcription, quantitative analysis etc.

Research basis of LADO?

- **Is applicant compared to relevant Speech Comm?**
 - Often, no meaningful, empirical comparison is made.
 - NENS analyst may just compare to own competence,
 - or to general knowledge of what “speaking X” is like.
 - Exceptionally a research product is cited (*Ethnologue*, a grammar, dictionary) - treated as prescriptive norm.
 - Linguist may be consulted – but prescriptive views, bias, ideology & NENS folk-beliefs still filter into result
 - **Very exceptionally, a linguist** aware of these issues, & familiar w/range of variation native to the Sp Comm from empirical research, **is in charge of analysis.**
 - **This last case should be the minimal requirement.**

Conclusions, I

- **Sociolinguistics** should routinely inform the research base, data collection & analysis procedures of LADO.
- This requirement adds to (and does not replace) the need to be informed by other **essential core areas** of linguistic science (phonetics, syntax, morphology, etc.).
- For all relevant disciplines, methods, assumptions, data quality & standards of evidence should be **accepted** in the scientific community, public & subject to peer review
- Any **credentialling** procedures must be **independent** of institutional pressures & open to **public scrutiny**.

Conclusions, II

- Since power relations in institutional contexts influence language behaviour, **institutional pressures should be acknowledged & their effects on LADO investigated.**
- **Independent research is needed** to compare large numbers of LADO cases across institutional contexts to
 - Examine the nature and distribution of (socio-)linguistic issues
 - If possible, classify them empirically into types, in order to
 - Determine the expertise required to address a range of problems
 - Make recommendations for provision of appropriate training, to be conducted by independent scholars & professionals, for:
 - Supervisory personnel – Analysts – NENS informants - Interpreters

Who defines LADO expertise, how?

- **This question remains unanswered & contested.**
- So long as that is the case,
 - Govt. procedure will be perceived as on shaky ground
 - Judgments will continue to be successfully challenged
 - Different standards will prevail among host nations
 - Linguists will actively criticise LADO procedures
 - Scholarly organisations will compete to specify them
- **LADO needs a secure, scientific research base against which expertise can be established.**

Further research directions...

- Sociolinguistic research into LADO is needed on:
 - Nature of, and social motivations for, code-switching
 - Ditto for linguistic accommodation and style-shifting
 - Standard/powerful languages vs unwritten/vernacular
 - Transformation of oral testimony into written text
 - Sociolinguistics of discourse in bureaucratic settings
 - Narrative structure of refugee testimony/interviews
 - Comparative attitude/ideology studies of host nations
 - NENS perception/labelling of common LADO varieties
 - Range of production variability in " " "
 - *And much more...*

My Email and Web links

- My email: patrickp@essex.ac.uk and homepage:
<http://privatewww.essex.ac.uk/~patrickp>
- *Guidelines for use of Language Analysis in Relation to Questions of National Origin in Refugee Cases:*
[.../~patrickp/language-origin-refugees.pdf](http://privatewww.essex.ac.uk/~patrickp/language-origin-refugees.pdf)
- Linguistic Human Rights website:
[.../~patrickp/lhr/linguistichumanrights.htm](http://privatewww.essex.ac.uk/~patrickp/lhr/linguistichumanrights.htm)
- LADO sub-page (soon to be updated!):
[.../~patrickp/lhr/lhrasylum.htm](http://privatewww.essex.ac.uk/~patrickp/lhr/lhrasylum.htm)

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