

Forensic Linguistic: An Emerging Field

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Abstract:

Forensic Linguistics deals with the examination of language evidence in a criminal or civil matter. Forensic linguistics have been an arena of significance in many fields especially in judicial systems, legal forensic matters, and investigation of the criminal cases. The word refers to legal and professional analysis of recorded or written evidence by forensic linguists to provide correct explanations. It can be carried out for three interrelated areas: (1) language as the medium of communication between law enforcement authorities and suspects/witnesses or as the medium of legal debate in the courtroom, (2) language of the law (issues of intelligibility, interpretation and construction of legal language), and (3) crimes of language and linguistic evidence. The objective of this research is to review the literature of forensic linguistics. This study used a descriptive qualitative method. As a result of analysis, it is shown that forensic linguistics is the interdisciplinary field that studies, explains, and investigates language in court as evidence to police, judges and lawyers.

Keywords: Linguistic Evidence; Forensic Linguistics; Professional; Interdisciplinary

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Introduction

For the very first time, the term ‘forensic linguistics’ was used by the linguistics professor Jan Svartvik in his book “The Evans Statements: A Case for Forensic Linguistics.” In the 1980s, Australian linguists discussed the application of linguistics to legal issues. They discovered that a phrase such as ‘the same language’ is open to interpretation. The Federal Criminal Police Office Germany, organizes a two-day conference in forensic linguistics in 1988. The First British Seminar on Forensic Linguistics was held at the University of Birmingham in 1992 (Gao, 2010).

In recent times, the application of linguistics to legal issues is labeled as “forensic linguistics”—has become increasingly common, varied and consequential. The word deals with legal and professional analysis of recorded and inscribed language by forensic linguists to provide a correct interpretation of the evidence. It is particularly used in legal matters, especially in the court and criminal justice systems. In the court system, forensic linguistics is broadly applied for the examination of the language evidence – either recorded or handwritten in crimes and civil matters. The analysis or examination is carried out for two reasons. First, the analysis is employed when the relevant investigation is carried out with focus to identifying witnesses or suspects in specific cases or scenes, or the determination of the significance of writing or utterance to a case. Secondly, forensic linguistics plays a significant role when written or spoken language samples are cross examine in the court as an evidence (Ariani *et al.*, 2014).

The scientific study of language is called linguistics. Linguistics refers to the systematic study of language development in general. Linguistics is divided into two field; micro and macro linguistics. Micro linguistics is a branch of linguistic that concerns with the study of language in concise way, without any concern for meaning or national content of linguistic expressions. In micro-linguistics, language is reduced to the intellectual mental elements of syntax and phonology. Meanwhile, macro linguistics deals with the external factor of language. Sociolinguistics, psycholinguistics, antropolinguistics, etholinguistics, and applied linguistics comes under the study of macro linguistics (McMenamin, 2002). The prime concern of many forensic linguists is particularly courtroom proceedings. In this setting, the professional players use some kind of legal language to communicate with each other. Even when members of the lay public are

involved as parties, experts, or jurors, they will inevitably be confronted with legal language, which in many cases will create a need for some kind of explanation or translation. Even bigger problems arise when a layman who does not speak the official language of the courtroom become intertwined with the court procedure.

Areas of Forensic Linguistics

The classification of forensic linguistics evolves as the field develops. It usually follows existing classifications in the structure and function of language as a basis for cataloging actual and potential subject areas, (McMenamin, 2002). The areas of forensic linguistics are as follows:

1. **Auditory Phonetics** - Auditory phonetics is the study of sound language based on what we heard and interpreted, i.e., the aural–perceptual characteristics of speech. The first areas of auditory research in forensic phonetics are speaker discrimination and identification by victims and witnesses, voice perception, discrimination, disguise and identification of class characteristics of speakers, including mother tongue interference, regional or social accent, dialect, and speaker age (Umiyati, 2020).
2. **Acoustic Phonetics** - Acoustic phonetics is the study of the physical trait of speech as they leave their source and move into the air, which is gradually scattered. The acoustic analysis requires laboratory observation with instruments and specialized equipment. The basic region of acoustic analysis in forensic phonetics is speaker identification, but many studies have also been done to recognize class characteristics of speakers, including physical height and weight, regional, social, or language group, voice and accent disguise, and the effect of inebriation on speech, and mechanical aspects of speech samples (Umiyati, 2020).
3. **Semantics** - Semantics is the study of meaning expressed by words, phrases, sentences, or texts. The focus of syntax analysis in forensic contexts is on the clarity and explanation of the language that is difficult to understand. Some studies integrate the semantic and logical approaches to meaning interpretation. Principal areas of research in forensic semantics are the interpretation of words, phrases, sentences, and

texts, opacity in texts and laws, and interpretation of meaning in spoken discourse, such as the reading of rights and police warnings (Umiyati, 2020).

4. **Discourse and Pragmatics** - Analysis of discourse is the study of units of language larger than the sentence, such as conversations. Discourse in utterance and inscribed can take many forms, especially in conversations tied to specific social contexts. The social context of discourse is determined by variable factors such as the speaker, their social, personal, professional relationship, topic, purpose, time and place, etc. examination of a speaker intended meaning in actual language use is the study of pragmatics. Pragmatics is important for forensic purposes because narrator and writers do not always directly match their words with the meaning that they intend to convey. Since listeners and readers may also be unsuccessful in matching expression to the intended meaning, the speaker's or writer's intended meaning is more open to analysis by the listener or reader, sometimes resulting in mistaken understanding, miscommunication, eventually, conflict (Umiyati, 2020).
5. **Stylistics and Questioned Authorship** - The focus of forensic stylistics is author identification of questioned writings. Linguistic stylistics different approaches to authorship identification: qualitative and quantitative. The work is qualitative when we can identified the features of writing and then described them as being characteristic of an author. The work is quantitative when we can measure certain indicators in any way, e.g., their relative frequency or fluency of occurrence in a given set of writings (Umiyati, 2020).

Linguistic Evidence Forensic

Linguistic evidence is any type of text (spoken, signed, or written) that can be used in a criminal investigation or as evidence in court. These texts include emergency calls, ransom notes, anonymous letters/calls, suicide letters, text messages, police records, confession statements, etc. Although the most well-known task that forensic linguists undertake is to witnesses might be author identification, they also cross-examine with other crimes of language, such as threats, bribes, conspiracy, or perjury among others (Correa, 2013).

Forensic linguistics involves the application of scientific knowledge to language in the context of criminal and civil law. Forensic linguists shows concentration on understanding the verbal of the written law, its complexity, and its initiation, as well as the use of language in forensic procedures They also study the judicial process from point of arrest, to sentencing stages. For example, linguists are interested in the language of police interviews with witnesses and suspects, and the behavior of lawyers and witnesses in cross-examination.

The prevalence of computers and the development of the internet have made it simpler to plagiarize other people's work. Scientific papers, artistic creations, and source code are just a few examples of the many fields in which plagiarism can be discovered. Manual or software-assisted plagiarism detection is also possible (McMenamin, 2002).

A succinct definition of applied linguistics might be something like: "the theoretical and empirical exploration of real-world problems where language is a central issue" (Davies and Elder, 2006).

Additionally, according to Davies and Elder (2006), linguistics is frequently thought to be concerned with resolving or at the very least ameliorating language-related societal problems. According to Mcmenamin, the broad definition of applied linguistics is the application of language principles and knowledge to human needs. The application and study of linguistic is known as applied linguistics. Forensic linguistics is one of them; it is a combination of forensics and language. These areas evolved into a discipline of research that looks at how language is used in courts or juries. In the interdisciplinary discipline of forensic linguistics, language is examined, defined, and investigated under the court trial as evidence for higher authorities, juries, and attorneys (Toghuj, 2022).

Forensic linguistics can be fairly characterized as taking linguistic knowledge, methods, and insight, and applying these to the forensic context of law, investigation, trial, punishment, and rehabilitation. It is not a homogenous discipline in its interest, methods or approach, but rather both involve a wide spectrum of practitioners and researchers applying themselves to different areas of the field (Jessen, 2008).

From the moment of arrest through the interview, charge, trial, and punishment, the legal process is largely linguistic, and linguists have examined every

part of it. For instance, the language used by police when questioning witnesses and suspects has piqued the interest of linguists (**Coulthard and Johnson, 2007**). In interviews, there is some focus on issues of language deficit, whether this relates to persons who are considered vulnerable by psychologists or speakers of a second language the use of language in examination-in-chief and cross-examination, as well as the language of attorneys and witnesses, are topics of interest.

There is no doubt that each discipline needs its own jargon to facilitate communication within the profession. However, it is also undeniable that people have the right to understand the laws that pertain to them. If comprehension of legal language is often impaired by “linguistic features that are not specifically legal” (**Tiersma and Solan, 1999**), there is no reason why that language cannot indeed be modified in order to be made more accessible for its users (as the Plain Language Association International (PLAIN) has demanded since 1993). As a starting point, linguists can work with document designers and attorneys to conduct different tests on a representative way (in terms of literacy level) to collect sample of the target audience (**Coulthard, 2010**). Then, the linguist could suggest diverse phrasings while the attorneys make sure that the meaning is still the intended one as suggested by **Tiersma and Solan (1999)**.

Conclusion

Forensic linguistics is the interdisciplinary field that examines, defines, and investigates language in court as evidence to police, judges, and lawyers. Forensic linguistics leads to solving problems related to linguistic issues in a number of means by observing patterns, parallels or other differences in speech or written content Some text types of forensic linguistics are emergency calls, ransom demands, and other threat communications, suicide letters, final death row statements, confessions and denials by public figures. The fields of forensic and legal linguistics give legalists a chance at improving the prestige of rights and justice Moreover, several areas of forensic linguistics that can be investigated in-law issues are auditory phonetics, acoustic phonetics, interpretation of expressed meaning (semantics), interpretation of inferred meaning (discourse and pragmatics), stylistics and questioned authorship, the language of the law, language of the courtroom, interpretation, and translation. Language and law have come a long way hand in hand, growing in their distinct aspects and also the interdisciplinary aspects. The collaboration of both, knowledge of legal as well as linguistic methods and procedure can help in faster and smoother settlement of disputes. With the world running ahead with globalization as well as technology, legal norms require developments to fit in this world of data and communication

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