

# Forensic Linguistics

Introduction to Applied Linguistics

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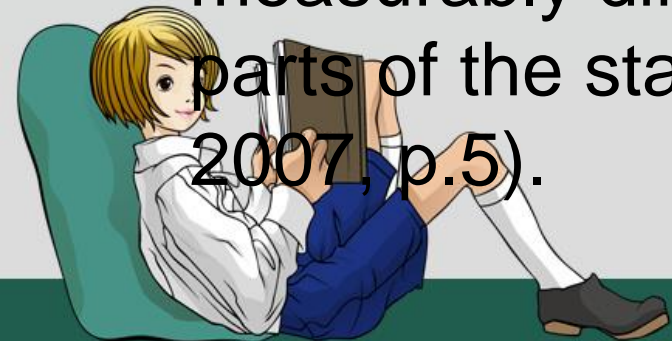
# Definition and Domain:

- Forensic Linguistics (FL): Linguistics aspects of legal process. e.g. falsification, plagiarism, trademark and hoax
- More concerns of FL are:
  - a. the language of legal document
  - b. the language of police and law enforcement
- Linguistic evidence and expert witness testimony in courtroom etc



# A brief history

- Jan Svartvik (1968) published: *The Evans Statements: A Case for Forensic Linguistics*. In It he demonstrated that disputed and inscriminated parts of a series of four statements which had been made to Police Officers by Timothy Evans about the deaths of his wife and baby daughter, had a grammatical style measurably different from that of uncontested parts of the statements (Coultard and Johnson, 2007, p.5).



# The Language of Legal Process

- See the case of:
  - a. Lawyer vs Vicky Pollard
  - b. Lawyer vs Thony Blair
  - c. Lawyer vs ambulance technician
- (Coultard and Johnson, 2007, p.18-24).

=> Vicky Pollard represents social stereotype of a working class, delinquent, unintelligent chav and is disrespectful of institutional authority and uncooperative, flouts truth maxim.



# Conts...

- ⇒ Tony Blair: flouting the maxim of quantity, sometime more and less to signal his authority
- ⇒ Ambulance Technician: important witness and is able to give expert evidence, cooperative



# The Language of the Law

- Legal language: “grammatically complex, sparsely punctuated, over lexicalized, opaque written text”.
- Legal style and register: legal language has a reputation of archaisms and convoluted syntax.
- Legal language= difficult to understand and therefore distances and disadvantages the lay person



# Conts...

- But Legal language has functional perspective that formulaic formality is part of the way participants orient to what is going on. It is to signal that a formal 'high stakes' activity is starting. e.g.

Theft (Amendment) Act 1996.

*...Be it enacted by the Queen's most majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:....*



# Grammatical Words in Legal Contracts

- Taken from two Corpora of legal texts: BNC and COMET (Brazil):
- Ten most frequent words in:
- BNC: the, of, and, a, in, to (infinitive, it, is, was, to (preposition) etc
- COMET contracts: the, of, or, and, to (preposition), in, any, to (infinitive), shall, be etc.





# Conts...

- In the ten most frequent grammatical words in the contracts, the distinctive ones are: 'or', 'any', 'shall' and 'be'. etc.
- *Interpreting legal words*: generally the words "and", and "or" are construed as interchangeable when necessary to effectuate legislative intent. e.g. ...the nature and quality of his/her act **and** of distinguishing right from wrong at the time of commission of the offence (Californian Penal Code 25(b)).



# Conts...

- Potentially ambiguous constructions can cause all kinds of problems in the interpretation of statuses (Coultard and Johnson, 2007, p.42).
- *Lexical words in legal contracts.*

=> In BNC, 56 most frequent items are grammatical, by contrast, the contract corpus has 15 lexical items in the top 57: agreement, company, lessee, party, respect, agent, notice, property, time, provided, date, including, parent, guarantor, lessor.



# Important Notes:

- Legal genres
- Collecting Evidence
- Order in court
- (the above chapters: read Coultard and Johnson, 2007).



# Language as Evidence

- The work of the forensic linguist: examining Morphological meaning and phonetic similarity, syntactic complexity, lexico-grammatical ambiguity, the recording of interaction in written form-police interview note.
- The work of the forensic phonetician:  
=>transcribing, profiling speaker, identifying speaker, recognizing voice line-ups and native speaker.



# Conts...

- the work of document analyst:
- There two group of experts: graphologists and hand-writing analysts.
- graphologists: have expertise to link certain hand writing features to 'character' and able to link certain hand writing to person's suitability for a particular employment.



# Conts...

- Hand writing analysts have much firmer scientific credentials by focusing on , distinct letter forms, or graphemes and on graphetic variation within each form.
- (Ellen, 1989 cited in Coultard & Johnson, 2007) said that “there is no practical possibility that one (writer) will resemble (any) other in every respect”.



# Conts...

- While Davies (1986 cited in Coultard & Johnson, 2007) states that:  
“for copied signatures, a close approximation to the shape of the signature imitated will tend to correlate with a deterioration in the line quality, whereas if the copyist concentrates on good line quality\_smooth curves, lack of tremor and a relatively rapid movement of the pen, then there will tend to be a perceptible divergence from the graphic shapes imitated” (p.156).



# Important Note:

- Idiolect and uniqueness of encoding
- On textual borrowing
- For the above two chapters (Read Coultard & Johnson, 2007).





# The Linguist as expert witness

- expressing opinions:
  - a. 'I personally feel quite satisfied that X is the author' (most positive)
  - b. 'It is in my possible that X is the author' (50% positive)
  - c. 'I personally feel quite satisfied that X is the not author' (most negative) (p.202).



# Expert Witness

- Legally appointed by the court
- Bromby (2002, cited in Coultard & Johnson, 2007), expert witness has the following rules;
  1. Expert evidence presented to the court should be, and should be seen to be, the independent product of the expert, uninfluenced as to form or content by the exigencies of litigation;



# Conts...

2. An expert witness should provide independent assistance to the court by way of objective, unbiased opinion in relation to matters within his expertise and should never assume the role of an advocate;
3. An expert witness should state the facts or assumptions on which his opinion is based. He should not omit material facts which could detract from his concluded opinion.



# Conts...

- **Consulting and testifying as tour guide**

=> Forensic Linguist “explains and elucidates facts about language and usage as a result of which judge and jury will then be in the same position as the linguist and so can make linguistically informed decision” (p.211).



# A substitutes prosecution witness

- Solan (1998 cited in Coultard & Johnson, 2007) explains that although juries and judges may well be able to analyse words, phrases, and even sentences as well as any professional linguist, they may have problems with long documents or a series of related documents, because they may not be able to make the necessary link.



# Reference

- Coultard, M. & Johnson, A. 2007. An Introduction to Forensic Linguistics: Language in Evidence. London/New York: Routledge.

