Forensic Linguistics and its Influence on the Modern Judicial System

Irina Petrovska

Elena Shalevska

Conflicting Truths

DAAD 2019, Vrsac, Serbia

What is forensic linguistics

- Forensic linguistics -   at its core…a method for determining authorship

-applications in a variety of areas

 e.g. a way to determine whether **plagiarism** has occurred

- One area in which forensic linguistics has proved particularly helpful is in the determination of **valid versus faked suicide notes.**
- Conventional wisdom dictates that the vaguer a note is, such as "Goodbye, cruel world," the more likely it is to be a fake designed to cover up a murder or other crime
- Whereas genuine suicide notes contain more details

In summary…

We can say that the forensic linguist applies **linguistic knowledge** and techniques to the language implicated in either **legal cases** or proceedings or private disputes between parties which may at a later stage result in legal action of some kind being taken.

(Olsson, 2013)

History

- Although efforts to pin point plagiarism had been made centuries before, the actual phrase *Forensic Linguistics* was not used until **1968** when a professor of linguistics by the name of Jan Svartvik recorded its first mention in a now famous analysis of statements given to police officers at Noting Hill Police Station in 1953

Forensic linguistics and legal cases

- After this instance, many other linguists turned to law and witness' statements analysis

- Notable cases include appealing against the convictions of Derek Bentley (posthumously pardoned) the Birmingham Six, The Guildford Four, the Bridgewater Three...

- These last four cases all relied on the work of **Britain's most distinguished forensic linguist,** Professor Malcolm Coulthard of Birmingham University, a discourse analyst who had first taken an interest in forensic questions following an inquiry from a colleague

Forensic analysis: Procedures and Techniques

- There are **two main types** of expert analysts in the field of Forensic linguistics
  - linguists and
  - phoneticians
    - Use of combination of software, expertise and statistical approaches in analyses
    - Computer scientists have developed technologies to automate linguistic and phonetic analyses
    - These approaches do not require an expert to implement them but do need expert interpretation

Authorship Analysis (Written Language)

- There are two types of authorship analysis employed in the field of Forensic linguistics:
    - *Sociolinguistic profiling* and
    - *Comparative authorship analysis*

    - The former is used for writings such as an email or text message by an unknown author
    - To determine authorship, experts analyze it and make inferences about the author's background such as their age or education
    - They do this, for example, by scrutinizing the use of slang terms, dialect words and spelling mistakes
- The latter is employed when the authorship of a piece of writing is in dispute
- In such cases an expert compares the disputed text with samples of known authorship, assessing linguistic similarity and distinctiveness, such as repeated spelling errors
- Then, the expert gives an opinion of the likelihood that the texts were written by the same person

Meaning Analysis (Written and Spoken Language)

- Similar to the type of analysis mentioned above, the meaning analysis also has two sub divisions:

- Determination of meaning and

- The use of corpus linguistics

- The determination of meaning involves analyzing words or phrases – **often slang or regional dialect terms** – in text or speech

- The latter subdivision uses software in order to process hundreds of documents such as online extremist texts

- It identifies **keywords**, phrases and themes, which can be used for intelligence gathering and investigative purposes

Speaker Analysis

- The analysis of the speaker falls under the Forensic phonetics field of study

- It includes **speaker profiling**:

     - an analysis in which an expert listens to speech samples and uses a highly trained ear and specialist software to analyze speech and accent features to build a profile of the speaker

     – and speaker comparison – an analysis in which sample of a known individual are compared with those of uncertain origin

- By analyzing the features in all samples, the expert assesses the similarity and distinctiveness and considers whether the results support the view that the recordings are of the same speaker

Can Forensic Linguistics Establish Guilt or Innocence?

- The question that most of the laymen are concerned mostly with must be whether or not forensic linguistics can be the determiner of someone's guilt or innocence

- The simple answer would be **no**

- However…

- By meeting scientific forensic criteria and presenting convincing linguistic evidence in court, forensic linguists can certainly contribute to pronouncing someone **innocent** or **guilty**

- It is important to note that when it comes to linguists giving evidence in court, it is clear that lawyers and linguists have different goals

- The job of the lawyer is to convince or persuade the jury that the defendant is guilty or innocent

- The job of the linguist is to present an opinion and to explain that opinion and let the judge or jury decide

Future prospects of forensic linguistics

- It seems that the future of forensic linguistics lies with **corpus-driven approaches** (Kniffka 2007).

- The forensic linguistic community also needs to bring together relevant scholars and linguistics experts of non-English backgrounds with those of English-speaking backgrounds in order to promote diversity

- Kniffka implies that the English-speaking work on forensic linguistics has not always been aware of work published in German, or other languages for that matter

- Kniffka claims that the forensic linguistic work in Germany was already well advanced when it was only just beginning in English-speaking contexts

Conclusion

- Despite the fact that linguistic expertise has been frequently favorably compared to fingerprint or DNA evidence, the current state of the art in practices such as voice identification and authorship attribution has not yet reached the same level of reliability

- Linguistic expertise facilitates elimination of a suspect as the perpetrator, but is not in a position to identify one with certainty (cf. Solan and Tiersma, 2005: 242).

- Yet…

- Advances in technology and science, as demonstrated above, allow experts to compare documents and voice recordings more quickly and more easily than before

- This gives hope for the future of Forensic linguistics as a science on part with the others in the judicial systems

- Many agree that the findings of Forensic linguistics are invaluable in the courts and can help the innocent, and help the judge make a correct decision when determining the field.

- Although still a developing science, Forensic linguistics has all the potential to become the bridge between the language experts and the judicial systems around the world

References:

- Hollien, Harry. 2012. About forensic phonetics. Linguistica. University of Florida.
- Grant, T. & Perkins, R. 2013. Forensic Linguistics. In J. A. Siegel & P.J. Saukko (eds.). Encyclopedia of Forensic Sciences, 2nd edn.
- Jan Svartvik.1968. The Evans Statements, a Case for Forensic Linguistics. Goteborg
- Kniffka, H. 2007. Working in Language and Law: A German Perspective, Basingstoke: Palgrave Macmillan.
- Olsson, John. 2013. What is forensic linguistics?. School of Law, Bangor University, Wales
- PostNote No. 509. September, 2015. Forensic linguistics analysis. The Parliamentary Office of Science and Technology, Westminster, London.
- Solan, L.M. and P.M. Tiersma. 2005. Speaking of Crime: The Language of Criminal Justice, Chicago and London: Chicago: The University of Chicago Press.
- Watt, D. 2010. The Identification of the Individual through Speech. In C. Llamas & D. Watt (eds.). Language and Identities, Edinburgh: Edinburgh University Press

Thank you for your attention