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A Course in Applied Linguistics
M.A. in English Language and Linguistics

(Forensic Linguistics)

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What is forensic linguistics and language and the law?

The main idea is that forensic linguistics has evolved into a well-established sub-field of applied linguistics, focusing on language within legal and investigative contexts. It has its own professional organization, journal, summer school, research centers, and study programs. Forensic linguistics encompasses three main areas: **investigative forensic linguistics, the study of legal written language, and communication within legal processes.**

1. **Investigative forensic linguistics** involves tasks like authorship analysis, socio-linguistic profiling, deception detection, and determining language origin.
2. **The study of legal written language** includes issues like readability, ambiguity, legal translation, and language policy.
3. **Communication in legal processes** covers areas such as police interviews, courtroom discourse, vulnerable victims/witnesses, legal-lay communication, and court interpreting.

Investigative forensic linguistics

Concerning evolving methodology and challenges faced by investigative forensic linguists, who provide advice and opinions for investigative and evidential purposes. **Forensic linguistic methods**, while developing, are sometimes seen as less scientific than other forensic sciences like forensic phonetics due to the nature of linguistic analysis. However, forensic linguists are working to establish valid and reliable research methodologies to meet the standards required for court admissibility.

It is also important to provide an example of forensic linguistic analysis in a murder case involving text messages. Malcolm Coulthard, a forensic linguist, analyzed messages sent from the victim's phone as well as messages sent by the suspect to identify consistent and distinctive linguistic patterns. This analysis, alongside other evidence, contributed to the conviction of the suspect for murder, showcasing the practical application of forensic linguistic expertise in legal proceedings.

Written legal language

The passage discusses the acceptance of linguistic expertise in different areas of forensic linguistics. While linguistic evidence in investigative forensics faces challenges in court acceptance, linguistic expertise related to written legal language is more readily accepted. Recent research in legal language focuses on areas such as the history of legal language, syntactic and lexical complexity, ambiguity and interpretation, legal translation challenges, and the Plain Language Movement advocating for improved readability in legal documents.

Key features of legal language include lengthy sentences, nominal and prepositional phrases, complex sentence structures, minimal punctuation, and syntactic discontinuities. The Plain Language Movement aims to make legal documents more reader-friendly while retaining syntactic and lexical complexity. Additionally, the passage touches on the importance of social competence in communication within social and institutional contexts, highlighting the need for professional training and task-based learning approaches in teaching discursive competence.

Communication in the legal process

The communication within the legal process, particularly addressing legal-lay interactions and the challenges faced in ensuring mutual understanding. It discusses complexities in jury instructions and police cautions, emphasizing the importance of plain language techniques to enhance accessibility. Successful linguistic interventions, such as simplifying juror instructions and improving police cautions with linguists' help, are highlighted.

Furthermore, the pedagogical implications of studying legal communication, suggesting its relevance for teaching English as a second language and incorporating citizenship education in secondary school curricula. It emphasizes the need for lay individuals to understand legal language, communicate effectively, seek legal representation when necessary, and navigate police interviews and courtroom discourse. This requires educators to stay informed about recent research in these areas.

Police interviewing discourse

The evolution of police interviewing techniques influenced by the Police and Criminal Evidence Act 1984 (PACE) and the implementation of the PEACE framework, emphasizing ethical **considerations and tailored approaches based on the interviewee type:**

1. Evolution of Police Interviewing: Shift from confession-focused to information-elicitation approach prompted by PACE, promoting ethical and fair interviewing practices.
2. PEACE Framework Implementation: PEACE framework stages guide the interviewing process, focusing on neutrality, fairness, and effective communication.
3. Tailored Interview Approaches: Different approaches like Cognitive Interview (CI) for cooperative witnesses, Conversation Management (CM) for reluctant ones, and adherence to the PEACE model for suspects, ensuring rapport building, effective questioning, and ethical considerations throughout the interview process.

The legal system relies on witness examination as a fundamental aspect of the adversarial process. This examination typically includes two main stages: examination-in-chief, where witnesses present their version of events, and cross-examination, where opposing counsels aim to challenge and cast doubt on witness testimonies. Cross-examination is characterized by coercive questioning tactics designed to discredit witnesses and control interpretations of evidence. It serves as a platform for counsels to communicate their perspectives to the judge and jurors, often emphasizing power dynamics reinforced by physical courtroom arrangements such as ceremonial dress codes and the positioning of judges.

One of the challenges within cross-examination lies in linguistic barriers, especially for interpreters tasked with bridging cross-linguistic gaps. Providing interpreters with evidence-based training is essential to enhance their understanding of court discourse and their role in facilitating communication. Moreover, reforms have been introduced to address ethical concerns in questioning vulnerable witnesses. These reforms include modifying questioning techniques, using intermediaries, and restricting certain lines of questioning, particularly regarding sensitive topics like previous sexual experiences of victims. Such reforms aim to protect witness.

Educational programs and awareness initiatives are crucial for empowering individuals to understand legal processes, effectively communicate in legal settings, and contribute to fairer courtroom discourse. Integrating such programs into secondary school curriculums and training sessions can enhance access to justice by equipping participants with the knowledge and skills necessary to navigate legal proceedings and contribute meaningfully to the legal system. integrity and prevent the distortion of truth during cross-examination.

In summary, witness examination, especially cross-examination, plays a crucial role in the legal process but also presents challenges and ethical considerations. Reforms such as interpreter training and modified questioning techniques for vulnerable witnesses are essential to uphold the integrity of the legal system and ensure fair and effective cross-examination practices.

Pedagogical implications

Raising the awareness of the general public is equally important, especially as part of the secondary school curriculum and foreign language teaching programs (classes on General English and English for Specific Purposes). The main ideas are:

- 1. Importance of Raising Awareness:** It is crucial to raise awareness among the general public about the role of language, power dynamics, and narrative construction in legal settings. This awareness should be integrated into secondary school curriculums and foreign language teaching programs to ensure that individuals understand legal processes and feel empowered to navigate them effectively.
- 2. Development of Discursive Competence:** In addition to general language competence, individuals, whether communicating in their native language or a foreign one, need to develop discursive competence. This includes the ability to communicate effectively in legal contexts, understand legal procedures, and possess the linguistic skills to ensure their narrative is heard and understood in legal roles such as victims, witnesses, defendants, litigants in person, litigation friends, or jurors.