

**University of Tikrit
College of Education for
Humanities
English Department
Linguistics M.A 2nd Course**



**Sociolinguistics and
Forensic Linguistics**

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1-History and development of Forensic Linguistics to the present

Forensic Linguistics is, rather, the application of linguistic knowledge to a particular social setting, namely the legal *forum* (from which the word *forensic* is derived) .

The phrase “FORENSIC LINGUISTICS” was coined by JAN SVARTVIK in 1968. In his book *The Evans Statements: A Case for Forensic Linguistics*. JAN SVARTVIK re-analyzed the statement made by JOHN EVANS who was accused of a murder of his wife and his 13 months old daughter, by application of linguistics method to legal questioning he helped police officials to solve this case.

JAN SVARTVIK is considered as the father of Forensic Linguistics. From 1980 Forensic linguistics received the attention of linguists , Australian linguists discussed the application of linguistics and sociolinguistics in legal aspects . In 1993 , International Association of Forensic Linguistics was founded.

At present many universities and institutions are offering courses in the area of forensic linguistics. In India , due to linguistic diversity and multilingual nature of country it can provide wide scope for linguists .

Forensic linguistics, legal linguistics, or language and the law, is the application of linguistic knowledge, methods, and insights to the forensic context of law, language, crime investigation, trial, and judicial procedure. It is a branch of applied linguistics

The early years of Forensic Linguistics were characterised by two critical issues:

1. The need to discover the scope and effectiveness of Forensic Linguistics as a form of expert testimony within the court system.
2. The need to improve methodologies within Forensic Linguistics and to make these transparent to non-linguists. These issues are still ongoing. It is tempting to add a third point to the above: the need to develop a theory of authorship as a socio-cognitive process, the relationship between individual and community or social authorship and the nature of institutional authorship. However, the scope of such a discussion is beyond the present article.

Like all sciences — even new ones — a discipline's scientific methods, the need to educate non-specialists and the constant testing of the limits of the science are always key issues.

1.2 Definition of Forensic Linguists

Forensic linguists work in a very wide range of social contexts. In addition to research about how language is used in written and spoken legal settings, they also provide expert evidence to courts about language issues. Sometimes this involves analysis of language and communication in legal contexts such as police interviews, courtroom interaction or legal documents.

They study how people use language in all sorts of situations, like in, schools, and even everyday conversations. They use their knowledge to help solve legal problems by figuring out things like who wrote something, if someone is lying, or what someone really meant when they said something. Their work helps make sure the legal system is fair for everyone.

Forensic linguists look at how people use language to see if someone is innocent or guilty. For example, they helped prove that ROBYN KINA was wrongly convicted of murder because of how she spoke English. They also make sure that tests used to figure out someone's nationality are fair and accurate, especially for refugees.

Forensic linguists are like language detectives who look at all parts of language to find clues. They can tell where someone comes from by their accent, catch people who copy other people's work, and even figure out who wrote a threatening letter by how they use words and grammar. They also make sure that instructions are easy to understand and that lawyers don't use tricky grammar to hide the truth in court.

Forensic linguists have contributed as expert witnesses to court cases involving murder, sexual assault, kidnapping, fraud, drug dealing and many more such serious crimes or legal injustices. (Holmes,2013:429)

Forensic linguists are most frequently called in to help a court answer one or both of two questions: what does a given text „say“ and who is its author? In answering these questions linguists draw on knowledge and techniques derived from one or more of the sub areas of descriptive linguistics: phonetics and phonology, lexis syntax,.

1.3 What does a Forensic Linguist do?

A forensic linguist is a professional who applies linguistic expertise to legal cases and investigations. They analyze language in written and spoken forms to provide insights on matters such as authorship, meaning, and intent. Forensic linguists may be called upon in a variety of legal situations, including criminal cases, civil disputes, and government investigations. They may assist in cases involving threatening letters, hate speech, fraud, plagiarism, and other forms of communication.

Some of the tasks that a forensic linguist may perform include:

- Analyzing language samples to identify the author or authors of a text
- Assessing the credibility of written or spoken statements
- Providing expert testimony in court on linguistic matters
- Analyzing linguistic patterns in social media or other online platforms
- Examining the language used in contracts or other legal documents to clarify meaning and intent
- Identifying linguistic clues in recorded conversations or interviews

Overall, the goal of a forensic linguist is to provide objective analysis and interpretation of language in legal contexts, helping to resolve disputes and establish the facts of a case

Forensic linguist applies linguistic knowledge and techniques to the language implicated in (i) legal cases or proceedings or (ii) private disputes between parties which may at a later stage result in legal action of some kind being taken.

1.3.1. Legal Cases and Proceedings

A legal proceeding consists potentially of three stages: the **investigative** stage, the **trial** stage and the **appeal** stage. The investigative stage is also sometimes referred to as the *intelligence* stage. In this part of the process it is important to gather information relating to the (alleged) crime. Not all of the information which is gathered during investigations can be used in court, and so a linguist who assists law enforcement officers during the intelligence stage may, in fact, find that there is no requirement to give evidence at any subsequent trial. Similarly, a linguist whose work is used at trial may

not be required to assist the court at the appeal stage, if the content of the appeal does not include linguistic questions.

1.3.2 The investigative stage

Typically, requests for linguistic analysis originate with law enforcement departments or, in some countries, at the invitation of an investigating magistrate. Examples of linguistics intelligence work have included analysis of ransom notes, letters purporting to provide information on a case, mobile (cell) phone text messages, and specific threat letters. Linguists have also been asked to analyse texts purporting to be suicide notes. Even though the police in such cases may not suspect foul play, it could be important to attempt to establish whether the questioned text can throw any light on the cause or circumstances of death.

Also at the investigative stage, the police may need to have an opinion on a text or an interview tape, perhaps to assist in developing interview and interrogation strategies.

1.3.3. The trial stage

At the trial stage any one of a number of types of linguistic analysis may be called for, including questions of authorship (*Who wrote the text?/Who is the speaker in this recording?*), meaning and interpretation (*Does this word mean x, y or something else?*), threat analysis (*Does the text contain a threat?*), or text provenance and construction (*Was the text dual-authored? Was it written rather than spoken?* etc). The inquiry could be of a civil or criminal nature, and this will determine the level of „proof“ acceptable to the court in question. Usually, the forensic linguist is instructed some time before a case gets to court. An expert report is submitted to the instructing legal team — either for the prosecution or the defence (or the plaintiff/claimant in a civil case). Even though the linguist prepares a report for one „side“ in a case rather than the other, it is the court for whom the work is really done. The first duty of the linguist — like that of any other forensic expert — is to the court, and not to the client on whose behalf the analysis was originally carried out.

1.3.4 The appeal stage

If a defendant is convicted of a crime it is not uncommon, especially these days, for the defence legal team to launch an appeal almost immediately. The structure and nature of appeals varies from country to country, and in some countries appeals centre on the claim that new evidence has been made available, or that existing evidence should be looked at in new ways. It is becoming increasingly common for linguists to be called in to assist legal counsel at the appeal stage, either because there may be some dispute about the wording, interpretation or authorship of a statement or confession made to police, or because a new interpretation of a forensic text (such as a suicide or ransom note) may have become apparent since the conviction.

1.3.5 Private disputes

A not inconsiderable part of the forensic linguist's work consists of private cases. By this is meant that the work is commissioned by private individuals not involved in litigation at the time of the commission. Such cases include identifying the author of anonymous hate mail, the investigation of plagiarism for a school or university, or on behalf of a student accused of plagiarism. It sometimes happens that the linguist's report may have an influence on the client's decision to take matters further, either in a civil or a criminal court, but this is not common. Usually, what happens is that the report is submitted and the client deals with the matter internally — either within a university department, a business organisation, or, as may also be the case, within a family.

1.4 Forensic linguists examine every level of linguistic analysis: The goal of forensic phonetics

A/forensic phonetics is concerned with the production of accurate transcriptions of what was being said.

Transcriptions can reveal information about a speaker's social and regional background. Forensic phonetics can determine similarities between the speakers of two or more separate recordings. Voice recording as a supplement to the transcription can be useful as it allows victims and witnesses to indicate whether the voice of a suspect is that of the accused, i.e. alleged, criminal. (John Olsson, 2007).

For the phonetician, when a recording is of poor quality the non-expert may hear one thing, while the expert with a trained ear and the help of sophisticated equipment and software may perceive something entirely different. The forensic linguist is also concerned not with deciphering words, but rather with their interpretation. (Malcolm Coulthard, 1997) **B/Lexical evidence** has been used to show that plagiarism is likely. Sociolinguists have also been useful in determining the characteristics of the most likely author of less well-known texts, like threatening letters written by anonymous people. Frequently, characteristics can be discerned that imply the writer is not an English native speaker, for example, It is often possible to identify features which suggest that the author is not a native speaker of English, for instance, or that they are not highly educated, or that they come from a particular social or ethnic background. (Holmes,30)

C/Grammatical evidence has supported claims that a text written to explain procedures was incomprehensible, thus excusing an error which had serious consequences. Linguists have also identified grammatical strategies which can disadvantage witnesses in court cases. The passive voice and intransitive verbs, for example, are often used by defence lawyers to avoid attributing agency to a person accused of a crime.

Reference.

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Olsson, J. (2003). What is forensic linguistics? England: Nebraska Wesleyan University.

<https://legaldesire.com/forensic-linguistics-intersection-of-language-and-law>