# Key Aspects in Relation to Forensic Linguistics

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| ARTICLE INFO | ABSTRACT |
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The current study explores some key aspects in connection with forensic linguistics covering its discipline. Therefore, this study sheds some light on prominent types of linguistic evidence such as forensic stylistics, forensic phonetics, forensic transcription, discourse analysis, author identification, and more focus on forensic translation. It includes areas directly related to forensic linguistics like software forensic, plagiarism detection, and document examination. Forensic applications with respect to descriptive linguistics involving forensic linguists, the linguistic investigation of authorship, and text types shall be considered as well. Principles and skills needed for forensic translation will be also provided. In conclusion, the present study proposes that judges, lawyers and legal translators and interpreters, and specialized linguists should work together to have better understanding of law issues. They should benefit from the legal oral and written texts and legal translators should provide consultancy and experience towards legal issues and cases. Further suggestions and recommendations will be presented accordingly.

## 1. INTRODUCTION

One of the branches of applied linguistics dealing with the linguistic evidence analysis to elucidate the ambiguities in legal issues is forensic linguistics. It is that type that uses scientific mechanisms derived from other linguistics subfields like stylistics, pragmatics, dialectology, phonetics and semantics. In courts, these mechanisms are used during police investigation process aiming to solve legal issues (Ariani, Sajedi, & Sajedi, 2014).

From the outset, in his book entitled "The Evans Statements: A Case for Forensic Linguistics", Jan Svartvik, the linguistics professor, introduced the term 'forensic linguistics' for the first time in 1968. In addition, the application of linguistics and sociolinguistics to legal issues was discussed in the 1980s by Australian linguists. Conferences and seminars were held regarding forensic linguistics. For example, the Federal Criminal Police Office (BKA) Germany organized a two-day conference in 1988. The University of Birmingham held the First British Seminar on Forensic Linguistics in 1992. It is important to note that the establishment of the Centre for Forensic Linguistics emerged in 2008 at Aston University at Birmingham to cope with the growing appeal for forensic linguistic skills. (Gao, 2010). Thus, forensic linguistics is an interdisciplinary approach to Linguistics and Law.

## 2. LITERATURE REVIEW

Literature reviews some certain aspects of forensic linguistics. These aspects are as follows:

### 2.1 Forensic Linguistics Applications

As mentioned earlier, linguistics is a multidisciplinary area that has many branches. For example, forensic linguistics studies the language in the area of law. According to Art & Humanities Research Council (2009), the applications of forensic linguistics involve Author identification, Forensic stylistics, Discourse analysis, Linguistic dialectology, Forensic phonetics, Forensic transcription, Variation, and forensic interpretation and translation when experiencing more than one language that has to be used within legal contexts (McMenamin, 2002).

Thus, the author's identification depends on the individual's analysis of their idiolect. In forensic stylistics area, written and spoken materials are subject to scientific analysis for determining the measurement of content, speaker identification and meaning, or

determining the authorship in order to identify plagiarism. Discourse analysis is concerned with analyzing sign, written, or oral language use. As for linguistic dialectology, it refers to the study of dialects in a methodological manner on the basis of anthropological information. Forensic phonetics concerns the production of accurate transcriptions of what was being said. Olsson (2003) pointed out that forensic phonetics can identify the similarities between the speakers of different separate recordings. In forensic transcription, there are two main types of transcriptions. These include written documents and audio and video records. It is crucial to have accurate and reliable text transcription since it is considered the data becoming the available evidence. As for Variation, intra-author variations involve different texts provided by one author. It is not necessary to provide two texts by one author in a way that is different from texts provided by two different authors. Within any legal context, it is important to indicate that forensic translation involves court interpreting and translation. It has other terms such as forensic, judiciary, or legal interpreting, referring to interpreting services offered in legal issues and courts of law. Gonzalez, Vasquez, and Mikkelson (1991) confirmed that legal interpretation refers to interpretation occurring in a legal setting, represented by courtroom or an attorney's office, in which activities pertaining to law is conducted. According to the legal setting, legal interpretation includes quasi-judicial and court interpreting. It is good to know that forensic translation is a new multidisciplinary discipline. It emerges in studies of translation. It also plays a pivotal role in criminal investigations, forensic evidence, and forensic analysis. This type of translation is crucial due to several reasons. It provides protection of the legal rights of the suspect/defendant because of the probability of the interference of the translator or the interpreter to help the judge make the right verdict.

Consequently, a good legal translator understands that there are entirely single areas of law needing certain techniques in translation. As for the professional legal translator, he/she must comprehend the intended use of the translation since text documents are not always clear. Thus, the translator must first determine the clarity of the source text; it can be intelligible. Due to the fact that offenders should have fair trails, a forensic translator has a significant role in the courtroom. Such role is represented in mutual understanding and interaction occurred interchangeably between

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defendants, lawyers, and judges. in the trial of nonnative speakers in the American legal system, a forensic translator exists in the court (Ali & Abd Algane, 2013).

It is important to state the skills and principles needed for forensic translation. Hewitt (1995) argued that the skills expected of a professional forensic translator as well as the code of professional responsibility in connection with the performance of the interpreter include knowledge and skills, accuracy and completeness, impartiality and avoidance of conflict of interest, confidentiality, limitations of practice, and professional development. Hence, spoken utterances must be produced by the translator in accurate and unbiased transcription in the source language along with dialogue form in accurate and unbiased written translation in the target language.

## 2.2 Forensic Applications with Respect to Descriptive Linguistics

Such applications include forensic linguists, text, and linguistic investigation of authorship. A court often called on forensic linguists to help in answering questions such as: what does a given text 'say' and who is its author? Therefore, linguists rely on their knowledge based on areas of descriptive linguistics encompassing discourse and text analysis, phonetics and phonology, semantics, lexis syntax, and pragmatics in order to answer such questions (Coulthard, 1997).

With respect to text, the phonetician's job is to decode words and phrases from tape recordings in case of a poor- quality recording. For example, the professional expert with a trained ear and some help of sophisticated software may hear something entirely different compared to the non-expert one who may perceive something else. Hence, the forensic linguists are interested in deciphering and interpretation of the writings (Coulthard, 1997). Furthermore, a forensic text is probably to be any text of a spoken language; it is a forensic text if that text is implicated in legal context in a way or another. For instance, a parking ticket can be a forensic text, and an essay, a will, a contract, a health department letter, and a thesis are as such (Olsson, 2004).

Regarding the linguistic investigation of authorship, the issue of questioned authorship from the theoretical corner can be discussed by linguists. It should be noted

that native speakers have their own features of the language they speak and write. They also have their own idiolect, supposing that this idiolect will show itself clearly in text using noticeable and idiosyncratic options (Halliday 1989).

### 2.3 Areas Pertaining to Forensic Linguistics

The following areas involve document examination, software forensic, and plagiarism detection. MacMenamin (2002) stated that the overlap taking place between document examination and linguistics offers helpful covering relating to stylistic makers in spelling, punctuation, and abbreviation. Thus, the questioned document examination depends on physical evidence of a document during a scientific study. As for software forensic, the application of stylistic analysis to computer programing is another recent development in forensic authorship identification (MacMenamin, 2002).

It should be noted that computers' widespread use and the invention of the internet make it easier to plagiarize others' work. Therefore, plagiarism can be virtually detected in any field, concerning art designs, source code, and scientific papers. Software programs, pertaining the detection of plagiarism, have been used by computer science professors to suspiciously identify the similarity in working assignment. It is interesting to note that plagiarism detection can be either software-assisted or manual (MacMenamin, 2002).

### 5. CONCLUSION

Forensic linguistics is an area of linguistics dealing with solving legal issues and crimes (AHRC, 2009). The present study investigates the discipline of forensic linguistics and use of linguistic evidence in legal proceedings. This paper includes forensic applications of descriptive linguistics and areas related to forensic linguistics. It includes that there should be an interaction between linguists and lawyers. such interaction between those people is needed to flourish forensic development. This paper suggests that lawyers, linguists, translators, and judges should work together in the service of justice. Also, it sheds more light on forensic translation by providing skills and principles required for forensic translator. This study recommends that conducting future research studies tackling forensic interpreting is required. In addition, there should be more focus on future studies concerning forensic discourse analysis pertaining to linguistic investigation particularly in EFL context.

### ABOUT THE AUTHOR(S)

**Mohammad Husam Alhumsi** is an assistant professor of Applied Linguistics. He taught English courses at Saudi Electronic University. His research interests include phonology and phonemics, word recognition, and technology in teaching.

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