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A Literature Review of Forensic Linguistics

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Abstract-Speech is an activity to express the ideas or thoughts. Speech is an oral communication delivered by someone which had a certain purposes. It is whether to persuade, to entertain, or to give information. To express the ideas or thoughts, the language is needed. Speech and language are two fields that play role in human communication. Speech and language cannot be separated to each other. In delivering the speech, the language must be considered. The law issues that occurred by language in speech is possible to use forensic linguistics to investigate the language used in speech. The objective of this research is to review a literature of forensic linguistics. This research used descriptive qualitative method. The data of this research are some books related to forensic linguistics. As a result of analysis, it is showed that forensic linguistics as the interdisciplinary field which examines, defines, and investigates language in court as evidence to police, judges and lawyers. Some text types of forensic linguistics are emergency call, ransom demands and other threat communications, suicide letters, final death row statements, confessions and denials by public figures. Moreover, several areas of forensic linguistics that can be investigated in law issues are auditory phonetics, acoustic phonetics, interpretation of expressed meaning (semantics), interpretation of inferred meaning (discourse and pragmatics), stylistics and questioned authorship, language of the law, language of the courtroom, interpretation and translation.

Keywords: literature review; forensic linguistics; speech

INTRODUCTION

Have you ever stood in front of a lot of people and expressed your ideas? Well, when you stood and spoken and you are only the one to be heard, it is called speech. What is speech? Speech is an activity to express the ideas or thoughts. It is just an oral communication delivered by someone which had a certain purposes. It is whether to persuade, to entertain, or to give information. To express the ideas or thoughts, we need language. Speech is related to language. Without language, the speech cannot be delivered to the listeners. Language is a communication system used by someone which consists of sounds, words, and grammar. Then language is what defines and delineates the whole of human knowledge, (Davies & Elder, 2004). Speech and language cannot be separated since they both have a correlation to each other. To create a good speech, we need a good language arrangement. We must have adequate knowledge of language. The scientific study of language is called linguistics. Linguistics refers to the systematic study of the

structure and language development in general. Linguistics is divided into two field studies; they are micro linguistics and macro linguistics. Micro linguistics is the study about the internal of language structure aspects. The study that concerned with micro linguistics is phonology, morphology, syntax, and semantics. Meanwhile, macro linguistics is concerned with the external factor study of language. The study that related to this macro linguistics study is sociolinguistics, psycholinguistics, antropolinguistics, etholinguistics, and applied linguistics. Applied linguistics is an interdisciplinary field which identifies, investigates, and offers solutions to language-related real-life problems. Both an approach to understanding language issues in the real world, drawing on theory and empirical analysis, (and) an interdisciplinary area of study, in which linguistics is combined with issues, methods and perspectives drawn from other disciplines is defined as applied linguistics, The British Association for Applied Linguistics in (McMenamin, 2002).

Applied linguistics studies how the language problem is solved or it can be asserted that applied linguistics presents the solution of problem that occurred toward the language itself. Applied linguistics studies some areas of language and other fields that is combined becoming a new field of language, (McMenamin, 2002) proposed the areas of applied linguistics, those are adult language learning, child language, communications in the professions, contrastive linguistics and error analysis, discourse analysis, educational technology and language learning, foreign language teaching methodology and teacher education, forensic linguistics, immersion education, interpreting and translating, language and ecology, language education in multilingual settings, language and gender, sociolinguistics, language and the media, language for special purposes, language planning, language autonomy in language learning, lexicography and lexicology, literacy, mother tongue education, psycholinguistics, rhetoric and stylistics, second language acquisition, sign language. One of subfield study of applied linguistics that analyzed the language in law is forensic linguistics. Forensic linguistics is a branch of linguistics that investigates, examines, or analyzes the language in the law field. In this case, the language concerned with the issues that occurred in law cases such as crimes or dispute, that lead to court that is used as evidence tool shown to police, lawyer, or judges. Therefore this study is about forensic linguistics. In additional, (Olsson, 2008) asserted that forensic linguistics is the interface between language, crime and law, where law includes law enforcement, judicial matters, legislation, disputes or proceedings in law, and even disputes which only potentially involve some infraction of the law or some necessity to seek a legal remedy.

Previously the similar research have been conducted by some researchers, such as in research of (Ariani, Sajedi, & Sajedi, 2014) that focused on a framework and brief overview of the key elements of forensic linguistics covering the discipline, the history and development of it, and the use of linguistic evidence in legal proceedings. The results of this research showed that some typical types of linguistic evidence namely author identification, forensic stylistics, discourse analysis, forensic phonetics, forensic transcription and variation (intra-author and inter-author). Following a brief introduction to the field that examines some general issues, areas directly related to forensic linguistics are put forward. To this end, a section on document

examination, software forensic, semiotics and plagiarism detection are included. Besides, the study pays its attention to some forensic applications of descriptive linguistics such as forensic linguists, text types, author, and the linguistic investigation of authorship. Based on the background of the research above, thus this present research is different, since this research are going to review a literature of forensic linguistics.

METHODS

This research is designed by using descriptive method. The data of this research are some books and articles related to forensic linguistics. The data are taken from online library and journals. In collecting the data, library research and documentation is used to obtain the data. Some steps are done in analyzing the data, which is collecting, observing, reading and describing. Then the data is analyzed qualitatively.

RESULTS AND DISCUSSION

Grounded by the objective and the analysis of the research, thus it can be obtained the results of the research. The results of the research are explained in the following discussion.

Speech, Language and Linguistics

Speech is an activity of speaking in public or giving speeches to express their opinions, or to give an idea about something. Speech is usually performed by a person who gives speeches and statements about things/events that are important and should be discussed. According to Sapir (1921) speech is a human activity that varies without assignable limit as we pass from social group to social group, because it is a purely historical heritage of the group, the product of long-continued social usage. A speech is a voyage with a purpose, and it must be charted. The person who starts nowhere, generally gets there, (Carnegie, 1956). Furthermore, Rozakis (1995) stated that a speech is logical and coherent when its sentences and ideas are related to each other. Brydon & Scott (2008) defines that the speech is written out completely and read to the audience. A good speech can give a positive impression to the people who heard the speech. Ability to speak a good speech or in public/public can help to achieve a good career. However a good speech also should have a good arrangement of language. Speech and language are both interconnected. Speech

cannot be carried out if language does not exist. [McMenamin \(2002\)](#) mentioned that language is the association of the combination of sounds, words, and sentences to conventional meanings used and understood by a community of speakers. The term language is used in the singular, as though languages were a single unitary phenomenon. Language is the ability to express one's thoughts by means of a set of signs, whether graphical, gestural, acoustic, or even musical, ([Dutoit, 1997](#)). However, language is often viewed as a vehicle of thought, a system of expression that mediates the transfer of thought from one person to another. In everyday life, language also serves equally important social and emotional functions, ([Finegan, 2008](#)). The study of scientific language is called linguistics. According to Lyons (1968) in ([McMenamin \(2002\)](#)), scientific means the "investigation (of language) by means of controlled and empirically verifiable observations and with reference to some general theory of language structure". Linguistics is a social science because its primary focus is on language as a human behavior, although some of its descriptive and analytical methods reflect those of mathematics and the natural sciences. Moreover, Finegan (2008) said that linguistics can be defined as the systematic inquiry into human language into its structures and uses and the relationship between them, as well as into the development and acquisition of language. The scope of linguistics includes both language structure (and its underlying grammatical competence) and language use (and its underlying communicative competence). Human language, understood as a systematic use of speech sounds, signs, and written symbols for communication among people, is a very complicated system, which can be analysed on different levels and from various points of view, ([Masaitien, 2009](#)).

Applied Linguistics

Definitions of applied linguistics may take the form of a short statement, such as: "the theoretical and empirical investigation of real-world problems in which language is a central issue" ([Brumfit, 1997 in Davies & Elder, 2004](#)). [Masaitien \(2009\)](#) mentioned that applied linguistics is concerned with the application of linguistic theories and their findings in solving various language problems, mostly in the teaching of foreign languages, studying language disorders, in translation, lexicography, and stylistics. In addition, [Davies & Elder \(2004\)](#) said that applied linguistics is often said

to be concerned with solving or at least ameliorating social problems involving language. Applied linguistics is broadly defined as the application of linguistic knowledge and principles to human needs, [McMenamin \(2002\)](#). Applied linguistics examines some fields that combined with language. One of them is forensic linguistics, which comes from forensic and language. These fields became a study which investigates language in judicature or court. Forensic linguistics is interdisciplinary field which examines, defines, and investigates language in court as evidence to polices, judges and lawyers.

The Perspective of Forensic Linguistics

The actual phrase Forensic Linguistics was not used until 1968 when a linguistics professor by the name of Jan Svartvik recorded its first mention in a now famous analysis of statements by Timothy John Evans. 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. Forensic linguistics is the interface between language, crime and law, where law includes law enforcement, judicial matters, legislation, disputes or proceedings in law, and even disputes which only potentially involve some infraction of the law or some necessity to seek a legal remedy, ([Olsson, 2008](#)). [McMenamin \(2002\)](#) asserted that forensic linguistics is the scientific study of language as applied to forensic purposes and contexts. Furthermore, [Coulthard, Johnson, & David \(2017\)](#) mention that forensic linguistics is a sub-field of linguistics that is particularly engaged with professional and institutional interaction in legal contexts. Forensic linguistics is the study of language within a legal context. Texts, both spoken and written, form the basis of the study, analysis, and measurement of language, ([Beckman, 2007](#)). Forensic linguistics studies understanding language of the written law, understanding language use in forensic and judicial processes, and the provision of linguistic evidence.

[Gibbons & Turell \(2008\)](#) asserted that anyone who studies forensic linguistics, or language and the law more generally, is inevitably going to come into contact with legal language. By "legal language," I mean the distinct manner of speaking and writing that has been developed by just about any legal system throughout the world. A primary concern of

many forensic linguists is legal discourse, particularly courtroom proceedings. In this setting, the professional players (judges and lawyers) typically use some kind of legal language to communicate with each other. Even when members of the lay public are involved as parties, experts, or jurors, they will inevitably be confronted with legal language, which in many cases will create a need for some kind of explanation or translation (as when jury instructions try to explain legal concepts in ordinary language). Even greater problems arise when lay persons who do not speak the official language of the courtroom become intertwined with the legal system.

Forensic Text Types

Olsson (2008) suggested that forensic linguistics concerned with investigative linguistics, that is to say the aim is to provide the investigator with methods of text analysis on a text type basis rather than to provide the court with scientifically evaluated evidence. In referring to text types found in forensic linguistics we are really referring to a number of different contexts of situation, each of which generates one or more text types.

The text types will be discussed are as follows:

1. Emergency call

In an emergency call, the recipient or emergency operator's ability to extract primarily linguistic information in threatening situations and to come up with the required response in a timely manner is crucial to the successful completion of the call. Emphasis on intonation, voice pitch and the extent to which there is cooperation between the caller and the recipient at any one time are also very important in analyzing an emergency call. Full cooperation includes frank and timely responses.

Urgency plays a role in emergency calls, so hesitations, signs of evasiveness, and incomplete or overly short answers indicate that the caller might be making a false or hoax call. A genuine call has distinctive interlocking and slight overlap of turns. The recipient trusts the caller to provide accurate information and the caller trusts the recipient to ask only pertinent questions. If the caller uses a rising pitch at the end of every turn, it might represent a lack of commitment; the recipient's use of a rising pitch indicates doubt or desire for clarification. The call ideally moves from nil knowledge on the part of the recipient to a maximum amount of knowledge in a minimum possible period of

time. This makes the emergency call unlike any other kind of service encounter.

2. Ransom demands and other threat communications

Threat is a counterpart of a promise and is an important feature in a ransom demand. Ransom demands are also examined to identify between genuine and false threats.

3. Suicide letters

A suicide note is typically brief, concise and highly propositional with a degree of evasiveness. A credible suicide letter must be making a definite unequivocal proposition in a situational context. The proposition of genuine suicide is thematic, directed to the addressee (or addressees) and relevant to the relationship between them. Suicide notes generally have sentences alluding to the act of killing oneself, or the method of suicide that was undertaken. The contents of a suicide note could be intended to make the addressee suffer or feel guilt. Genuine suicide letters are short, typically less than 300 words in length. Extraneous or irrelevant material is often excluded from the text.

4. Final death row statements

Final death row statements (also just called 'final' or 'last' statements) are a relatively recent addition to text types in forensic linguistics, and stem from the long-standing American tradition of allowing the condemned person to say a few words immediately prior to execution.

Death row statements either admit the crime, leaving the witness with an impression of honesty and forthrightness; or deny the crime, leaving the witness with an impression of innocence. They may also denounce witnesses as dishonest, critique law enforcement as corrupt in an attempt to portray innocence or seek an element of revenge in their last moments. Death row statements are within the heavily institutionalized setting of death row prisons. The Forensic Linguistics Institute holds a corpus of these documents and is conducting research on them.

5. Confessions and denials by public figures

Why are these public denials and confessions important linguistically? These are public figures responding to their accusers, sometimes in public and sometimes in private. In these texts - diverse as they are - we have prominent people, some of whom are members of the establishment, facing and responding to

the establishment. Bacon is prepared to save the king's honour, because he believes that this is what a loyal subject should do, but he insists on his innocence as a matter of principle.

Areas of Forensic Linguistics

The classification of areas in forensic linguistics evolves as the field develops. It usually follows existing classifications in the structure and function of language as a basis for cataloging actual and potential subject areas, (McMenamin, 2002). The areas of forensic linguistics are as follows:

1. Auditory Phonetics

Auditory phonetics is the study of language sounds based on what is heard and interpreted by the human listener, i.e., the aural-perceptual characteristics of speech. The primary areas of auditory research in forensic phonetics are speaker discrimination and identification by victims and witnesses, voice perception, discrimination, imitation, and disguise, and identification of class characteristics of speakers, including first-language interference, regional or social accent and dialect, and speaker age.

2. Acoustic Phonetics

Acoustic phonetics is the study of the physical characteristics of speech sounds as they leave their source (the speaker), move into the air, and gradually dissipate. The acoustic analysis of speech sounds requires laboratory observation with instruments and specialized (but readily available) computer hardware and software. The primary area of acoustic analysis in forensic phonetics is speaker identification, but many studies have also been done to identify class characteristics of speakers, including physical height and weight, regional, social, or language group, voice and accent disguise, effect of intoxication on speech, and technical aspects of speech samples and recordings.

3. Semantics: Interpretation of Expressed Meaning

Semantics is the study of meaning as expressed by words, phrases, sentences, or texts. The focus of semantic analysis in forensic contexts is on the comprehensibility and interpretation of language that is difficult to understand. Some studies combine the semantic and pragmatic approaches to meaning interpretation. Primary areas of research in forensic semantics are the interpretation of words, phrases, sentences, and texts, ambiguity

in texts and laws, and interpretation of meaning in spoken discourse, such as reading of rights and police warnings, police interviews, and jury instructions.

4. Discourse and Pragmatics: Interpretation of Inferred Meaning

Analysis of discourse is the study of units of language larger than the sentence, such as narratives and conversations. Discourse in spoken and written language can take many forms, especially in conversations tied to specific social contexts. The social context of discourse is determined by variable factors such as the speaker and hearer, their social roles, their personal or professional relationship, topic, purpose, time and place, etc.

Analysis of a speaker's intended meaning in actual language use is the study of pragmatics. Pragmatics is important for forensic purposes because speakers and writers do not always directly match their words with the meaning that they intend to convey. Since listeners and readers may also be unsuccessful in matching expression to intended meaning, the speaker's or writer's intended meaning is more open to interpretation by the listener or reader, sometimes resulting in mistaken understanding, miscommunication, and, eventually, conflict.

Primary areas of discourse and pragmatics include analysis of spoken and written language, study of the discourse of specific contexts, such as dictation, conversations, hearings, etc., the language of the courtroom, i.e., of lawyers, clients, questioning, and jury instructions, and language of specific speech acts, such as threats, promises, warnings, etc.

5. Stylistics and Questioned Authorship

The focus of forensic stylistics is author identification of questioned writings. Linguistic stylistics uses two approaches to authorship identification: qualitative and quantitative. The work is qualitative when features of writing are identified and then described as being characteristic of an author. The work is quantitative when certain indicators are identified and then measured in some way, e.g., their relative frequency of occurrence in a given set of writings.

6. Language of the Law

Systematic analysis of legal language is represented by work such as that of Goodrich (1987), Conley and O'Barr (1998), and others; the plain language campaign has been taken up

by Tiersma (1999), who has also expanded into other linguistically relevant aspects of legal language. Tiersma's website has internet links on plain legal language and language rights, and his attention to the pragmatics of courtroom language is cited elsewhere in this chapter.

7. Language of the Courtroom

The courtroom personae who speak are witnesses, lawyers, and judges. Research related especially to the discourse and pragmatic use of courtroom language has made this one area of forensic linguistics that holds considerable potential for affecting case outcomes. Studies of courtroom language are analyses of the language of all the players: Language of witnesses; Language of lawyers; Language of judges.

8. Interpretation and Translation

Interpreting is a complex skill under any circumstance, but it is especially difficult in forensic contexts. Translating in the legal context requires much more than a literal, word for word match-up of two languages. Good translations are constrained by the intended meaning of the writer, the new text created by the translator, and the meaning given the translated text by the reader.

Speech, Language and Forensic Linguistics

Speech and language hold the big role in communication. Speech and language are two things that cannot be separated, they are interrelated one another. If language is a tool of communication, meanwhile speech is the activity to express the ideas by a certain goals that should be achieved. Language plays a big role in speech and speech needs language in successful speaking. Therefore, the exploration of speech and language can be interestingly carried out through in forensic linguistics. Forensic linguistics can be used as evidence in investigating the language in speech since speech is usually done in politics, economics, education and so forth. Forensic Linguistics investigates those involved both on an individual level (police officers, judges, suspects) and an institutional one (jury panels, written laws, or the court system). Additionally, situational context is a key factor in classifying a forensic linguistic case as such, (Beckman, 2007).

CONCLUSIONS

Grounded by the objective of this study, it can be concluded that speech and language are two things that cannot be separated, they are

interrelated one another. The law issues that occurred by language in speech is possible to use forensic linguistics to investigate the language used in speech. Forensic linguistics as the interdisciplinary field which examines, defines, and investigates language in court as evidence to polices, judges and lawyers. Some text types of forensic linguistics are emergency call, ransom demands and other threat communications, suicide letters, final death row statements, confessions and denials by public figures. Moreover, several areas of forensic linguistics that can be investigated in law issues are auditory phonetics, acoustic phonetics, interpretation of expressed meaning (semantics), interpretation of inferred meaning (discourse and pragmatics), stylistics and questioned authorship, language of the law, language of the courtroom, interpretation and translation.

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