FORENSIC LINGUISTICS IN THE CURRICULUM OF UNIVERSITY STUDIES: NEEDS, POTENTIALS, AND LIMITATIONS

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Abstract. This article discusses forensic linguistics as a field of linguistics that due to its potential may be implemented into university curricula. It aims to present the possibilities of this branch, as well as its needs and confinements. The article starts with a brief historical example of using forensic linguistics in practice and is followed by an outline of the field itself – its fundamental aspects and specific relationship with law. Further, there is a description of the potential and needs of forensic science; a given part includes numerous examples of how this field addresses such aspects of the developing world as hate speech or cybersecurity. Moreover, it emphasizes how university curricula and potential students would benefit from implementing courses connected with this field into the program. It is also pointed out what limitations are linked with forensic linguistics. The article ends with a conclusion regarding the relationship between such a fast-developing field and the growing demand that would be satisfied due to implementing forensic linguistic courses into university curricula.

Keywords: forensic linguistics, linguistic studies, university, curriculum, law
INTRODUCTION

In 1952, Derek Bentley was found guilty of killing a police officer and was given the death penalty. Bentley’s name was purified in 1993 when he was granted a posthumous royal pardon. Even though pardons are not rare, this one was special since it was one of the first instances forensic linguistics was ever used to justify a pardon. Bentley’s confession was investigated by a linguist Malcolm Coulthard, who discovered multiple occasions where the language used in allegedly Bentley’s letter was not consistent with his idiolect. As a result, prosecutors decided that the police had tampered with the confession (Giles et al., 2007).

This is only one incredibly vibrant example of the practical and even social use of forensic linguistics. A given field offers huge potential in multiple areas of life and therefore, it is worth studying and elaborating. As a field, forensic linguistics is relatively new since it:

(...) began to develop an identity as a distinct field in the UK in the 1980s and ’90s with the cases of Professor Malcolm Coulthard, the most famous of which was the Birmingham Six appeal. In 1993, the International Association of Forensic Linguists was established. Forensic linguistics is now largely recognized as its distinct field; it has spread around the world, broadening in scope and becoming recognized and utilized in a variety of jurisdictions and contexts (Perkins, 2021: 1).

Forensic linguistics could be generally defined as a field in which language is analyzed in legal settings (Perkins, 2021). The specialized knowledge, in this case, the linguistic one, is thus applied in the context of criminal and civil law (Ariani et al., 2014). This specific relationship involves several aspects of law, for instance, legal processes, law enforcement, legal disputes, or even more serious law violations (Sarifuddin et al., 2021).

Professionals working in forensic situations usually apply their skills in three main areas, namely comprehension of language in the aspect of written law, comprehension of language in the aspect of judicial and forensic processes, and finally, presentation of the linguistic evidence (Coulthard & Johnson, 2007).

Forensic linguists can provide conclusions based on the dialect, syntax, phonetics, and grammar structures to determine the person who may be involved in a crime (Coulthard & Johnson, 2007: 121). What is more, “they also study the judicial process from point of arrest, and through the interview, charge, trial and sentencing stages” (Ariani et al., 2014: 233). Taking into consideration the wide range of facets within forensic linguistics, this paper aims to present the possibilities, needs, and confinements of implementing forensic linguistics into university curricula.

MATERIALS AND METHODS

Forensic linguistics encompasses diverse areas, including authorship analysis, plagiarism detection, cybersecurity, and addressing speech-related crimes. It plays a crucial role in investigating digital communication, identifying linguistic patterns, and combating hate speech. Despite its potential, forensic linguistics faces limitations, such as its inability to determine legal punishments, interpret complex intentions, and tackle coded language.

RESULTS AND DISCUSSION

Even though it may seem that forensic linguists’ scope of activities is quite confined, after further investigation into a given topic, a basic conclusion could be drawn – this area is more complex and more relevant than anyone could presume:
The majority of existing forensic linguistic work relates to three broad categories: written legal language (e.g., analysis of how PACE instructions are interpreted and understood), spoken legal language (such as analyzing power in interviews), or investigative linguistics and the provision of evidence (Perkins, 2021: 2).

Whereas the last of the abovementioned areas is used the most often, there are more particular tasks that deserve to be mentioned in this place, such as comparative authorship analysis, sociolinguistic profiling, interactional meaning, determining meaning, and trademark disputes and copyright infringement (Perkins, 2021). However, this is not all the potential that is hidden behind forensic linguistics.

Apart from determining the copyrights of texts and speeches, and providing help for legal authorities, forensic linguistics may be used for stylistic analysis of computer programming; it involves identifying similar strings of code in programming assignments. More broadly, forensic linguistics is useful in terms of detecting plagiarism (Ariani et al., 2014). Because those are developing areas, more and more specialists are needed to perform such tasks. Therefore, implementing courses in forensic linguistics into the university curriculum may appear incredibly useful.

What is more, nowadays, forensic linguistics applies not only to investigating crimes, such as kidnapping or murder, but also in the field of cybersecurity. Since the popularity of technology and social media is growing, an increasing part of our lives has moved to digital channels. Consequently, crime committed in cyberspace is growing consistently. Communication on the Internet is predominantly verbal therefore, linguists’ contribution to solving such cases is significant. Having analyzed data such as text messages or social media feeds, a specialist can identify linguistic features that are peculiar to the author. Such knowledge is especially valuable in case of slang presence and other language influences appearing in investigated material, which enables to disclose information on the social background of the author (Perkins, 2021). As a result, there is a strong demand for expertise in this field.

In addition to the above-mentioned, there is a separate category of crime, which is closely related to language. This group includes offenses such as solicitation, bribery, conspiracy, threatening, or perjury (Tiersma, 2012). All of these are treated as speech acts that are illegal in certain circumstances. Their main feature is a strong connection with the actor’s intention which, particularly in case of language crimes, is not expressed directly. Depending on the context of a statement, a linguist can answer the question of the author’s purpose even though it may appear problematic from time to time. This constitutes another reason why professionally trained people are needed (Tiersma, 2012).

This knowledge applies to studies on hate and provocative speech (Sarifuddin et al., 2021). In the era of social media, this phenomenon is becoming increasingly widespread, which constitutes a serious social issue, especially among the young. To restrain the spread of hate speech in cyberspace, the said question should be examined. Such an examination requires not only a broad knowledge of sociolinguistics but also skills in data collection techniques (Sarifuddin et al., 2021).

There is a strong need for well-trained specialists in forensic linguistics and this demand shall be satisfied. An expert who conducts forensic linguistic studies has to be trained in their field, specifically in sociolinguistics, alongside the fundamentals of law. What is more, university curricula should include courses on data collection as well.
Notwithstanding the potential that forensic linguistics may offer, it is still confined by several factors. The first and most obvious one is that: “(...) linguists cannot determine the type of punishment given to the defendant because this is something that is outside of language” (Sarifuddin et al., 2021: 364). The role of forensic linguists is, therefore, limited to the work on presented materials. Even if they may be highly engaged in a given case, they have little impact on matters related to the law itself.

Secondly, there are numerous obstacles in the course of linguistic analysis that may pose a challenge and provoke ambiguity. For instance, in the case of solicitation, it may sometimes be troublesome to determine whether it is a real and sincere request to engage in a crime or just pure contemplating without specific intentions. What is more, a suspect can always state that their words were just a hyperbole (Tiersma, 2012).

Furthermore, people who plan any criminal activities often use a code made specifically to avoid being understood by others and caught. This fact does not necessarily constitute a limit but might considerably hinder the work of a forensic linguist. In fear of eavesdropping, people may also implement jokes in their speech acts, which makes the utterance look less sincere. The assessment is thus impeded (Tiersma, 2012).

Another problematic case for forensic linguistics is perjury because it entails ambiguity concerning meaning and intentions:

Linguists and philosophers have identified various types or categories of meaning, but in a perjury case what should matter most is how the defendant intended an utterance to be understood. If he intended his testimony to be understood in a way consistent with the facts that he believed to be true, his testimony should not subject him to criminal liability. On the other hand, the deviation between his testimony and his understanding of the truth, if it was material and intentional, should lead to a guilty verdict (Tiersma 2012:351).

As seen above, there are aspects of forensic linguistics that may be deemed difficult and demand special knowledge and expertise to perform a given task properly. Some of them are beyond any specialist’s control and the others require additional intuition. Nonetheless, it does not change the fact that forensic linguistics is a powerful branch of language studies and requires well-trained and well-educated professionals.

CONCLUSIONS

Forensic linguistics as a field of linguistics connecting the use of language with legal purposes meets numerous needs and offers as many possibilities. It may be useful during crime investigations, hearings of witnesses, conducting analyses of documents or recordings, and even detecting cases of plagiarism. Forensic linguists base their performance on specialized knowledge including knowledge of syntax, phonetics, grammar; or even slang, to draw conclusions that would finally help governing authorities execute their duties.

Additionally, forensic linguistics addresses the issues that are relatively new and emerged along with the development of technology. For example, such expertise may appear vital in terms of fighting hate speech on the Internet which is sadly evolving due to the growing popularity of social media. Moreover, forensic linguists are also involved in maintaining cybersecurity and detecting plagiarism-related crimes appearing in IT services, such as software engineering.
Naturally, there are also several challenges that forensic linguists need to face in their field. They are connected mainly with speech acts and the intentions on the side of a suspect but considering the advantages of this branch, those limitations are not necessarily definite. With a well-trained professional, all those confinements are to be overcome.

REFERENCES


