

A BRIEF INTRODUCTION TO FORENSIC LINGUISTICS

Consider the following historical occasions:

1)

In 70 BC Gaius Verres, a Roman magistrate, stood trial for numerous crimes he had committed by abusing his power as governor of Sicily from 73 to 71 BC.

Defending him, Quintus Hortensius, a successful Roman advocate and orator, resorted to biding time as a potentially successful strategy, hoping to delay the trial until Verres's allies, who had won the local elections, would be installed in office.

On August 5, 70 BC Marcus Tullius Cicero, acting as prosecutor, abandoned the tradition of giving a long opening speech complete with intricate arguments and a lengthy presentation of evidence, and opted for a succinct presentation of the evidence instead, which, accompanied by witness statements led to Verres' voluntary exile.

2)

In 1170 Henry II, King of England, on hearing that Thomas Beckett, the Archbishop of Canterbury, had excommunicated the priests who had crowned his son and heir, cried out in the presence of several of his knights, "Will no one rid me of this turbulent priest?"

On 28 December 1170, Beckett was assassinated by four knights of the royal household.

3)

On 17 January 1998 William Jefferson Clinton, 42th US President, answering a question during his deposition in a sexual harassment lawsuit stated that he "[had] never had sexual relations with [Monica Lewinski]".

Seven months later, during his grand jury testimony, he acknowledged "inappropriate intimate contact" with her but explained that it did not constitute part of a sexual relationship in his understanding of the term.

On 19 December 1998, he became the second American president to be impeached, following a yes vote in the House of Representatives on whether, inter alia, he had lied under oath.

On the face of it, the examples supra of individuals using language to a certain effect may have little in common.

On closer inspection, they all turn out to carry substance of professional interest to forensic linguists, who could help answer the following questions:

- Did the style of Cicero's speech influence the outcome of Verres' trial?
- Was Henry II guilty of incitement to murder?
- What is the meaning of the term "sexual relations"?

Questions related to language use in legal and forensic contexts have long been asked and answered both inside and outside courts of law.

Yet, it has been only relatively recently that linguistic inquiry in legal and forensic settings has come to function as a branch of linguistics in its own right.

The nature of forensic linguistics - unlike of some other, more theoretically oriented, branches of linguistics – consists not so much in solely describing linguistic phenomena, as in utilising language description to address and control relevant aspects of reality.

The phrase 'forensic linguistics' seems to have been coined by Jan Svartvik in his now seminal case study *The Evans Statements: A case for Forensic Linguistics*.

In it, he analysed four statements that Timothy Evans, executed in 1950 for the murder of his baby daughter, was alleged to have made following his arrest. Using both qualitative and quantitative methods Svartvik demonstrated considerable stylistic discrepancies between the statements, thus raising serious questions about their authorship.

Interestingly, almost twenty years before the publication of Svartvik's report, the term forensic English was used (and thenceforth rather forgotten) in Philbrick's *Language and the Law: the Semantics of Forensic English*.

Today 'forensic linguistics' appears to be functioning as an umbrella term referring to research and practice in all those areas where legal and linguistic interests converge.

Generally speaking, it is concerned with the role, shape and evidential value of language in legal and forensic settings.

Some areas are:

- organisation of interaction in legal settings (e.g. in police interviews)
- speech style in the courtroom (e.g. structure of cross-examination, jury instructions, summing-up)
- structure and semantics of legal instruments
- legal terminology
- legal translation and interpreting
- comprehensibility of legal instruments, e.g. the police caution and temporary restraining orders
- language and disadvantage before the law
- linguistic minorities and linguistic human rights
- linguistic evidence in asylum cases
- forensic authorship analysis
- analysis of contested meanings in e.g. trade name disputes or threats to harm and/or to kill
- forensic dialectology.