A Review of Maite Correa's Article on Forensic Linguistics: An Overview of the Intersection and Interaction of Language and Law

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ARTICEL INFO	ABSTRACT
	This review article attempted to provide readers with a valuable, informative, and critical summary of a specific topic or area in the field of forensic linguistics. Maite Correa's article entitled Forensic Linguistics: An Overview of the Intersection and Interaction of Language and Law is the subject of this study. The article presents a summary of the expansive field of forensic linguistics (FL) and shows the various ways in which the discipline might help to a criminal justice system. A synopsis of some of the most famous and widely discussed legal cases is provided, as well as an explanation of the intersections between applied linguistics and other academic fields. In a critical point of view, the author has thoroughly discussed each point of the debate. The problem of various types is mentioned and clearly analyzed. The problems were described first, followed by explanations to help readers understand the issues being discussed. Nevertheless, the article lacks compatibility, so readers might only get its explanation without knowing what kind of methodology was used to analyze the data.

SUMMARY OF THE ARTICLE

This article provides an overview of the broad field of FL and highlights the different ways the discipline can contribute to the criminal justice system. It presents a summary of some of the most well-known and discussed legal cases and outlines the intersections between applied linguistics (mainly pragmatics, discourse analysis, and sociolinguistics) and this emerging field in three interrelated areas: first, language as the medium of communication between law enforcement authorities and suspects/witnesses or as the medium of legal argumentation in the courtroom; second, language of the law (issues of intelligibility, interpretation and construction of legal language); third, crimes of language and linguistic evidence (use, validity, and reliability in the courtroom). Challenges and limitations of the field are also discussed.

Law is codified in, and later mediated through, language. This means that without language, there is no law. However, the language of the law is very different from everyday language, which often results in disadvantages for the ordinary user. For this reason, the shades of meaning of legal language often have to be meticulously reviewed by forensic linguists, i.e., linguists who apply their knowledge of linguistic theory to the forensic context of the law. Just as physicians are trained to see things in an X-ray that the average person with excellent vision cannot see. So linguists are trained to see and hear structures that are invisible to lay persons. Forensic linguistic evidence is any type of text (spoken, signed or written) that can be used in a criminal investigation or as evidence in court. These texts include emergency calls, ransom notes, anonymous letters/calls, suicide letters, text messages, police records, confession statements, etc. Although the most well-known task that forensic linguists undertake as expert witnesses might be author identification, they also deal with other crimes of language, such as threats, bribes, conspiracy, or perjury, among others.

Forensic stylistics (or stylometry) is a technique that utilizes the linguistic analysis of writing style for the purpose of authorship identification.

Based on the premise that there is individual variation in the use of language and that much of this variation is unconscious (and thus difficult to disguise), in order establish the linguistic fingerprint of a specific text, several methods of rigorous quantitative and qualitative analysis can be used. As a general rule, the forensic linguist compares the text presented as evidence (questioned text) to other texts written/spoken by the presumed author (known writings) and determines the likelihood that the same (author identification) or different (authorship exclusion) person. Forensic linguists called to provide information on the authorship of a text must have a strong background in several areas of linguistic analysis: sociolinguistic variation, stylistics, phonetics, syntax, dialectology, discourse analysis, etc. In the same way, those who deal with crimes of language need to possess strong training in pragmatics, among other areas, in order to identify whether a crime or speech act was committed or not. After they reach their conclusions, these have to be transmitted in a simple, non-technical manner to their audience.

Several pieces of research have analyzed the complexity of language in jury instructions and how faulty comprehension can result in fatal consequences. Forensic linguist, Levi, reported a death penalty case (U.S. ex rel. Free v. McGinnis) in which Levi herself was called to provide expert testimony and demonstrate that the majority of the members of a jury could have misunderstood central points of law that were "essential" to apply in this case. On the same note, Saxton found that, although 97% of a group of jurors claimed to have understood the instructions given to them before the trial, 40% of them still believed (after the trial) that having a defendant charged with a crime was strong evidence that they had committed the crime. Additionally, and quite ironically, looking up confusing words in the dictionary is strictly prohibited for jurors. As a consequence, those who have tried have been accused of misconduct for consulting an outside source, which strongly highlights the need to revisit accessibility of legal language for the average citizen.

There is no doubt that each discipline needs its own jargon to facilitate communication within the profession. However, it is also undeniable that people have the right to understand the laws that pertain to them. If comprehension of legal language is often impaired by "linguistic features that are not specifically legal", there is no reason why that language cannot indeed be modified in order to be made more accessible for its users.
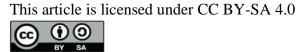
For example, in the following interaction:

A: "How do you know her?"
B: "We used to work in the same building."

The apparent violation of the maxim of relation (the response is unrelated to the question) implies, assuming that B is cooperating, that they must have met at work (otherwise, this response would not make sense). In this way, what is said, what is intended by the speaker, and what is understood by the hearer is not necessarily the same. Speech acts are, then, analyzed on three levels (Austin, 1975):

1. Locutionary: what is actually said;
2. Illocutionary: speaker's intent;
3. Perlocutionary: effect of the speech act on others.

The perlocutionary level is intrinsically related to the power relationship between the interlocutors, in which an ostensible request by a police officer "Does the trunk open?" was interpreted as a command or

order "open the trunk" by the driver of the car, who proceeded to open the trunk, and in doing so consented to its search. According to the Cooperative Principle, there is no apparent reason why the police officer would want to know whether the trunk opens or not, which leads the listener to infer that this is, in fact, a request to open it (maxim of relation). According to the theory of speech acts, although the police officer is only asking about the trunk working properly (locutionary act), the driver of the car interprets the speaker's intent as an order (illocutionary act) and he opens the trunk (perlocutionary act). Since illegally procured evidence (without a warrant or consent) cannot be admitted in court, it is important to determine whether the speech act was indeed a question (to which a response like "yes, it does open" would have sufficed), or a command by a person in a power position. In this particular case, the Supreme Court found that the suspect had given voluntary consent to the search and the stolen checks found in the trunk were admitted as evidence.

Contrary to popular belief, a forensic linguist's duty is not to perform text analysis with the objective of discovering the writer's intent or describing his/her psychological profile or state. For example, one book that has received a great deal of criticism is Author Unknown: On the Trail of Anonymous because the analysis presented in it is "purely speculative", includes "conclusions based on literary allusion", and is "more consistent with literary criticism than linguistic science".
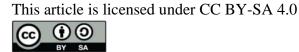
Other areas that fall outside of forensic linguistics are, among others, graphology, handwriting analysis or document examination. Graphology has been repeatedly questioned for its pseudo-scientific nature. Handwriting analysis and document examination, on the other hand, although helpful in shedding light on criminal cases, bases their research on scientific theory other than linguistics, such as chemistry, computer science, or physics, among others.

Lastly, it is vital to note that what the forensic linguist analyzes is language, not guilt or innocence (Shuy, 2005). In other words, although the expert testimony of a linguist might be helpful in a case, it is the prosecution's burden to prove the accused's guilt beyond a reasonable doubt. Legal decisions are for judges to make and the forensic linguist's testimony is just one piece in the puzzle.

The researcher concluded that law is inconceivable without language: without language there would be no laws, no trials, and in some cases, no evidence. Although the field of forensic linguistics is still in its infancy, its contributions to the criminal justice system are nonetheless significant.

This article has provided the reader with an overview of the intersections between forensic linguistics and other areas of applied linguistics (mainly sociolinguistics, pragmatics, and discourse analysis) in three interrelated areas: linguistic evidence, language and the law, and language during legal procedures and courtroom discourse. It has shown how applied linguistics can contribute, not only to a more understandable codification of the law, but also to the maintenance of the rights of linguistically vulnerable populations.

Like any other emerging discipline, forensic linguistics presents numerous limitations that should not be overlooked. First, linguistic evidence alone is often not enough to convict or exonerate a person, although it may contribute to a larger body of evidence. Second, while linguistic analysis is becoming increasingly accurate with the aid of technology, it is still not 100% infallible and it is still subject to interpretation. Finally, the impossibility of experimental manipulation in the courtroom makes some assumptions about what happens there difficult to demonstrate. While this may be the case, what needs to be clear is that when linguists serve as expert witnesses, their aim is mainly to assist the jury in understanding the evidence by shedding light on issues that might not be obvious otherwise.

EVALUATION

The writer has discussed each point of the discussion well. The problem of different types mentioned and analyzed clearly as how qualitative research needs to do. The problems were described firstly then the explanations came to have its readers get easy in understanding the problems being discussed. All explanations in the journal related to the problems that had been stated in the research focused. The results of the research can be trusted as the data taken to be analyzed came from trustable resources which fulfill the reason that it was aggregative. On the other hand, it explained about areas related to forensic linguistics. However, this article has a little lack of compatibility since it is a library research that it did not showed the methodology of the research. Therefore, the readers only can get its explanation without knowing what methodology was used in analyzing the data.

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