

Forensic Linguistics in Russia: State of the Art and New Challenges

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Abstract. The article discusses some current issues (“sore points”) of forensic linguistic expertise in Russian criminal and civil law proceedings. Forensic linguists have been increasingly invoked by Russian law enforcement authorities in recent years. Linguists, who were neophytes in legislation, have eagerly rushed to undertake forensic examinations. As a result, many mistakes in expert reports misled judges and provoked criticism. The author suggests some ways to improve the objectivity and reliability of linguistic evidence based on unification and standardization of methodological approaches to forensic linguistic education (training) in law and philology (dual specialization) and forensic linguistics practice (case study).

Keywords: *forensic science, linguistics, speech science, evidence, expertise*

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Судебная лингвистика в России: современное положение и новые вызовы

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Аннотация. В статье рассмотрены некоторые актуальные проблемы («болезненные моменты») судебно-лингвистической экспертизы в российском уголовном и гражданском судопроизводстве. В последнее время судебных лингвистов активно привлекали российские правоохранительные органы. Лингвисты, которые были неопитами в законодательстве, охотно проводили судебно-экспертные исследования. В результате многие ошибки в заключениях таких экспертов ввели в заблуждение судей и вызвали шквал критики. Автор предлагает несколько способов повысить объективность и надежность лингвистических доказательств путем унификации и стандартизации методологических подходов к судебно-лингвистическому образованию (обучению) в области права и филологии (двойная специализация) и экспертно-лингвистической практике (на конкретном примере).

Ключевые слова: *судебная экспертиза, лингвистика, речеведение, доказательство, экспертиза*

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The Phenomenon of Forensic Linguistics Expertise Genesis in Russia

Since 1993 forensic linguistics has been gaining ground as a very broad and diversified field of applied speech science all over the world including Russia [1]. John Olsson [2, p. 4] claimed, “Like almost all sciences it is not possible to say that Forensic Linguistics

began at a specific moment in time.” Russian linguists had been periodically invoked to court proceedings since the end of 1991, when the development of “glasnost” required special legislation on Russian language usage in political, business, social media, Internet discourse and other areas. Linguistic expertise as forensic speech examination

emerged in 2000. It was defined as a multidisciplinary field in the theory of linguistic expert science, combining criminalistics and linguistics, investigation of the crime scene and speech examination, forensics and discourse analysis, criminology and the theory of speech acts, the theory of expertise and textology [3–7].

The growing number of litigation cases (defamation and verbal extremism, libel charges, accusation of insult, fraud, bribery, threats, terrorism, ransom demands, slander, calumny, sedition, abuse and many other delicts) inspired a booming demand for linguistic evidence in the courtroom. It became obvious that forensic linguistic expertise can provide important evidence that may help to reveal ambiguity, disguise, language manipulations, etc. Linguists were called upon to help investigators when hate speech provoked a crime action or the accused person was verbally forced to make a false confession.

It was detrimental to the genesis of forensic linguistics in the Russian legislation and academic community that the result of forensic linguistic expertise, as Kniffka H. noted, “has come to public attention only in “major” or “sensational” cases, including those in which the linguistic expert’s testimony succeeded or failed in a “spectacular” way” [8, p. 27].

Forensic linguistics in the Russian science was defined as the scientific study of language applied to forensic purposes. And linguistic expertise was stated to be the use of specialized linguistic knowledge for crime investigation and for resolving information disputes and corporate conflicts in civil proceedings. Initially, the growth of forensic linguistics was exponential. Russian language scholars were widely called on to analyze texts and statements in defamation cases, and tried to deal with disputed confessions, hate speech, abuse, blackmail, obscenity in advertising, etc. They attempted to penetrate many areas related to crime committed with jargon expressions or ambiguous words, both investigating crime and absolving people wrongly accused of crimes, whether their subspecialty was specifically appropriate or not. Roger W. Shuy said, “you don’t want to get boxed in to agreeing to perform analyses that are outside your expertise” [9, p. 24].

Around the same time an attempt to set up a new forensic discipline was made in Russia. Methodology that required the development of a special interdisciplinary method of speech analysis called forensic speech examination was formulated.

Expert linguists had become extremely needed by Russian law enforcement authorities. Lawyers, attorneys, police officers, judges tried to use linguistic evidence as a magic wand to resolve any case where language material had been involved. Linguistic scholars, who were neophytes in legislation, eagerly rushed to undertake forensic text examinations. As a result, many mistakes occurring in linguist expert reports misled judges and provoked criticism in public opinion, receiving unflattering epithets of “absurd” conclusions in the media, and charges of dilettantism. Contradictory and inconsistent results of linguistic text examinations were exposed to crucial criticism. Judges expressed opinions that linguistic evidence is very subjective, depends on expert linguist background, political and cultural views and beliefs.

It is obvious that professional forensic expertise has nothing to do with a naïve or subjective interpretation of a text. Social practice shows that a forensic linguist’s opinion is assessed today fairly meticulously both from the point of view of its content and from the point of view of the expert’s competence, educational background, qualifications and professional skills.

The profession of an expert linguist (forensic linguistic expert) has gained exceptional popularity in Russia recently due to the high demand in the expert services market. Forensic linguistics has expanded in litigation practice, but the problem of finding correlation between the specializations of linguists and criminalists (forensic experts) persists.

The tasks of forensic linguistic analysis are very diverse. No two cases are exactly alike, no two forensic linguistic examinations nor testimonies are identical.

The most generic cases can be solved using typical methodological approaches on the basis of theoretical and methodological issues summarizing the results of forensic text analysis within the expert’s narrow linguistic specialization (lexical or grammatical ambiguity, morphological, lexical, phraseological, pragmatic meaning, narrative analysis of disputed statements, etc.).

“A forensic linguist with some professional experience would be the last to claim that forensic linguistics are not different from established philological analysis of texts, or from methods used in applied linguistics, etc. There is a lot of evidence that the new applicational field also requires a more thorough theoretical discussion, a wider horizon of methodological devices, much deeper critical reflection of

its limitation and, in particular, an entirely new dimension of the inter- and multi- disciplinary perspectives from which the data and results of FL-analysis are to be viewed and interpreted, and which, I would not hesitate to state, constitute the essence of FL" [8, p. 26–27].

Currently, forensic linguistic expertise in Russia is in a new stage of development, responding to new challenges of the time and society's needs, not only and not so much in the application of linguistic knowledge, but in obtaining objective and consistent conclusions that do not depend on scientific schools or individual preferences of the person acting as the forensic linguistic expert. The field of forensic examination is now open to a range of potential consumers, whose language competence allows critical evaluation of the quality, completeness and correctness of the application of linguistic methods of text analysis in each civil or criminal case.

Nowadays, forensic linguists are involved in many areas that relate to crime and other delicts, from trademark infringement disputes to accusations of extremism, terrorism and fabrications of verbal evidence.

"Experts, including linguists, are commonly called upon in such trials to bring the knowledge of their fields to bear on the outcomes of the cases. Such expertise also carries the authority of their respective disciplines. Linguistics is based on the truth about how language works" [10, p. 1].

But it would be incorrect to limit the forensic application of linguistics to helping the prosecutor or the defender to gain expert evidence. Very often, forensic linguistic experts join civil cases as well. Linguistic expert evidence in the Russian legislation can be offered by state or private forensic expert institutions or independent scholars with advanced linguistic degrees and obligatory additional professional training and independent of the parties.

The forensic application of linguistic analysis can be defined as encompassing the multiple branches of linguistics that are used as evidence gaining instruments in criminal and civil cases. Linguists must obtain additional forensic training in the expert specialty and differentiate between experts' and jurists' competences. The essence of forensic application of linguistic analysis is the recognition that roles and goals of forensic linguists (experts witnesses in courts) and analytical linguists (scientists or specialists) are different legally speaking.

The aim of this paper is to delineate forensic linguistic activity in Russia, define the distinguishing characteristics of forensic linguistic

experts' work and differentiate it from forensic specialist (or consultant) activity, bearing in mind the challenging and even destructive potential of Internet communication where verbal conflicts have become everyday reality.

Language as "Corpus Delicti"

In state and private forensic institutions and centers of the Russian Federation forensic linguistic examinations are conducted in such fields as analysis of text, messages and discourse (forensic semantics); plagiarism detection (forensic textology); analysis of names (forensic nomination); analysis of intellectual property (trademark comparison, patent expertise, etc.).

Linguistic analysis of text meaning is useful in the following cases: insult – a linguistic expert can determine if the questioned utterance could be understood as an offence; threat to harm or kill – an expert can determine if a certain expression could be understood as a threat; libel and defamation – declarative statement or opinion. Speech communication that generates conflicts, disputes and delicts may be called offensive. Such delicts are committed by the use of language in everyday life, business, political, legal communication. Texts, messages, oral conversation bear traces of verbal activities and serve as an essential source of evidence. In this way, the use of language can be both an instrument and a trace of speech crime.

For example, bribery (defined as corruptly giving something of value to a public official) actually does not require language. But in almost every bribery case, language is relevant to proving corrupt motives. Thus language can be used as evidence without being the subject of prosecution. On the other hand, perjury (swearing under oath that a statement is true, while believing it to be false) is a speech crime. The same holds true for verbal threats, blackmail, etc.¹ Utterances that contain nega-

¹ In the Criminal Code of the Russian Federation we can find some types of "speech" crimes. The first type called defamation constructs the *corpus delicti* of verbal crimes, such as: Slander, or the spreading of deliberately falsified information that tarnishes the honor and dignity of a person or undermines their reputation (Art. 128.1 of the Criminal Code of the RF); Slander against a judge, juror, or any other person taking part in the dispensation of justice, in connection with the examination of cases or materials in court (Art. 298.1 of the Criminal Code of the RF); Insult of a representative of public authority that includes denigration of the honor and dignity of another person expressed in an indecent form (Art. 319 of the Criminal Code of the RF); Insult of one serviceman by another during the discharge of their duties in the course of military service, or in connection with the discharge of such duties (Art. 336 of the Criminal Code of the RF); Contempt of court, expressed as insult of the trial participants (Art. 297 of the Criminal Code of the RF).

tive factual information about a certain person can be understood as libel or humiliation of honor.² Declarative statements are assertions about reality presented as the objective truth, without any signs of uncertainty on the part of the speaker or marks of subjectivity of the utterances. Utterances that contain value judgments, reflection, the speaker's attitude towards elements of reality and some marks of subjectivity are understood as an opinion. In the cases of libel and humiliation of honor, a forensic linguistic expert can determine the meaning and content of the questioned utterance and conclude whether the utterance contains negative information about a certain person, whether it is worded as a declarative statement or as an opinion, and whether there are disparaging words or phrases in the text.

Verbal delicts are defined as the organization of public performance of works of literature, art or folk art that contains obscene language, through theatrical performances, cultural, educational or entertainment events³ and distribution of copies of audiovisual products and sound records on any type of media, copies of printed products (except media products) that contain obscene language, without special packaging and text alerts.⁴ The task of forensic experts is to detect and explain obscenity in such materials.

Criminal libel is a crime and can be prosecuted in a criminal court like any other crime. The procedure is known as criminal libel action. Any person convicted of criminal libel can be sentenced to a fine or imprisonment. Under common law, to constitute defamation, a claim must generally be false and have been made to someone other than the person defamed.

Defamation may occur when one party (the eventual defendant, if a case goes forward) writes or says something that is false about another party (plaintiff) so that a third-party "receives" the communication, and the communication of false information damages the plaintiff.⁵ A statement can only

be defamatory⁶ if it is false; therefore, true statements of facts about others, regardless of the damage caused, are not defamatory (although such comments might represent other sorts of hate speech or privacy violations).

For forensic linguistic purposes, in cases of defamation it is important to distinguish between opinion, criticism and statement. In this way, semantic and syntactic structure of a statement and it being addressed to a person is linguistically examined. But culture-specific variations in tasks and objectives of forensic linguistics result more directly from the cultural realities involved. Some general effects of the legal system and the way it is being "plasticized" may result in differences related to forensic linguistic expert activities.⁷

In the cases mentioned above the forensic linguistic expert can determine the meaning and content of the questioned utterance and conclude whether it constitutes a statement, affirmation, assertion, proposition, asseveration, declaration or an opinion.

The third type refers to speech acts that inflict harm to human life and health. It includes verbal threat that is the threat of murder or infliction of grave injury to health, if there were grounds to fear the implementation of this threat,⁸ and propaganda of narcotic drugs, psychotropic substances or

⁶ It should be mentioned that defamation is defined as spreading of untrue discreditable information in the sense contained in the norm of Art. 152 of the Civil Code of the RF. Art. 1 of Federal Act No. 54-FZ dd. March 30, 1998 "On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols" requires to take into account the legal position of the European Court of Human Rights, expressed in its resolutions and concerning issues of interpretation and application of the Convention (especially article 10), while keeping in mind that the notion of defamation used by the European Court of Human Rights in its judgments is identical to the concept of dissemination of untrue discrediting information.

⁷ In the Russian legal system, we can define a second group of verbal crimes committed against the Administration of Justice. These are knowingly false denunciation about a crime (Art. 306 of the Criminal Code of the RF); knowingly false testimony of a witness, a victim or an expert witness, and also intended mistranslation in court or during preliminary investigation (Art. 307 of the Criminal Code of the RF); provocation of bribe or commercial graft, that is, attempts to transfer money, securities, or other assets, or to render property-related services to a functionary or a person fulfilling managerial functions in profit-making and other organizations, for the purpose of creating artificial evidence of a crime of blackmail (Art. 304 of the Criminal Code of the RF); falsification of evidence (Art. 303 of the Criminal Code of the RF).

⁸ Art. 119 of the Criminal Code of the RF.

² Honor and dignity are protected from discreditation by stipulations of Art. 152 and Art. 152.1 of the Civil Code of the RF, and from insult that is the denigration of the honor and dignity of another person, expressed in indecent form, under Art. 5.61 of the Code of Administrative Offences of the RF.

³ Art. 6.26. of the Code of Administrative Offences of the RF.

⁴ Art. 6.27. of the Code of Administrative Offences of the RF.

⁵ Defamation is the communication of a false statement that harms the reputation of an individual person, business, product, group, government, religion, or nation. The United Nations Commission on Human Rights ruled in 2012 that the criminalization of libel violates freedom of expression and is inconsistent with Article 19 of the International Covenant on Civil and Political Rights.

their precursors.⁹ Forensic linguistic experts can help to determine if a certain expression should be understood as a threat or propaganda.

The next group comprises crimes against public security: public justification of terrorism;¹⁰ public appeals for forcible seizure of state power, its forcible retention, or forcible change of the constitutional system of the Russian Federation;¹¹ public appeals to actions aimed at violation of territorial integrity of the Russian Federation;¹² actions aimed at the incitement of national, racial, or religious enmity, abasement of human dignity, propaganda of the exceptionalism, superiority, or inferiority of individuals based on their attitude to religion, ethnic or racial identity;¹³ rehabilitation of Nazism¹⁴; propaganda and public demonstration of Nazi attributes or symbols or the attributes or symbols similar to Nazi attributes or symbols to the extent of blending.¹⁵

A forensic linguistic expert can determine if a certain expression should be understood as an appeal, excitation of racial, national or religious strife, or social hatred associated with violence or calls for violence. Also, they can identify propaganda of the exclusiveness, superiority or deficiency of people on the basis of their attitude to religion, social, racial, ethnic, religious or linguistic identity, or verbally expressed abasement of national dignity. Of special concern is the detection of propaganda or justification of terrorism, incitement to terrorist action, violence against individuals or organizations, or destruction of material objects for terrorist purposes; Nazism, or demonstration of its attributes or symbols or the attributes or symbols similar to those of Nazism to the extent of blending.¹⁶

One more group of speech crimes can be associated with economic violations.¹⁷ The task of an expert in forensic linguistics is to reveal demands and threats that may occur in communication.

The specific nature of verbal offences is that a mark, symbol, speech utterance, text, electronic message, discourse or oral speech that result from speech activity become the subject matter of a document conflict or information dispute. A speech product involves formal elements of a crime – and as *corpus delicti* becomes the forensic textual object of expert study. Law enforcement authorities use the conclusions of forensic expert examinations as evidence of the offence to establish the degree of public danger.

The Special Nature of Forensic Linguistic Expertise: Requirements for Expert Competencies, Methods and Technologies

The term “linguistic expertise” (*expert* from Lat. – knowledgeable, experienced) is quite often used in linguistic science and forensic practice to refer to a variety of linguistic studies that require the use of professional linguistic competencies (knowledge, skills and abilities). The results of linguistic expertise can be obtained experimentally, empirically using linguistic tools and means of studying the system of language and its elements.

However, forensic linguistic analysis is a special type of text examination; it differs from other linguistic studies by its special procedural status, which determines the specificity of what is required from a forensically trained linguist.

It is worth noting that in Russian criminal and civil law proceedings the expert’s written conclusion (report) and trial testimony are viewed as equally admissible types of evidence. A linguist can also act as a forensic consultant (spe-

⁹ Art. 6.13. of the Code of Administrative Offences of the RF.

¹⁰ Art. 205.2 of the Criminal Code of the RF.

¹¹ Art. 280 of the Criminal Code of the RF.

¹² Art. 280.1 of the Criminal Code of the RF.

¹³ Art. 282 of the Criminal Code of the RF.

¹⁴ Art. 354.1 of the Criminal Code of the RF.

¹⁵ Art. 20.3. of the Code of Administrative Offences of the RF.

¹⁶ It is up to the forensic linguistic expert to examine extremist materials intended for publication, which call for extremist activity or justify the need for such activity, including works by the leaders of the National Socialist German Workers' Party and the National Fascist Party of Italy, publications substantiating or justifying national and/or racial superiority, or justifying the practice of committing military or other crimes aimed at the full or partial destruction of any ethnic, social, national or religious group (Art. 1 of the Federal Law No. 114-FZ of July 25, 2002 “On the Counteraction of Extremist Activity”).

¹⁷ That is the illegal use of a trademark or a service mark, name of the place of origin of goods, or similar designations for homogeneous goods, if this action has been committed repeatedly or has caused substantial damage (Art. 180 of the Criminal Code of the RF). The use of a trademark is regulated non-criminal norms (Art. 1515 of the Civil Code of the RF, Art. 14.10. of the Code of Administrative Offences of the RF). Advertising as *corpus delicti* is covered by Art. 14.10. of the Code of Administrative Offences of the RF following Art. 38 of the Federal Law of 13.03.2006 No. 38-FZ “On Advertising.” Extortion (Art. 163 of the Criminal Code of the RF) can also be classified as speech crime. Extortion is qualified as the demand that other people’s property or their right to property should be transferred, or that other property related actions should be performed under threat of violence or to destruction or damage of other people’s property, and also under the threat of dissemination of information that defames the victim or their relatives or of any other information that may cause substantial harm to the rights or legitimate interests of the victim or their relatives.

cialist), if he/she did not undertake a linguistic examination that was ordered by the judge or investigator at the preliminary (pre-trial) stage. A linguist consultant expresses his/her opinion orally as court testimony or in written form (a specialist report), but he/she does not state linguistic facts resulting from conducted research.

Incompetence of linguistic experts or linguist consultants in the choice of methods or techniques can lead to substantial errors. Linguistic expertise in cases involving accusations of verbal extremism or terrorism is often the decisive and the only evidence, because it is impossible to establish the objective side of a speech crime (*corpus delicti*) without competent semantic linguistic analysis. Therefore, we also aim to propose a set of recommendations that enable forensic linguistic experts to choose appropriate methods of linguistic analysis and avoid those that are inadmissible. The objects of forensic linguistic analysis are texts (statements), the properties of which are inextricably related to a legal case (crime or delict). That is why the expert's specialization requires special legal knowledge, besides the obligatory linguistic background.

We analyzed 483 forensic linguistic expert reports written over a three-year period (2016–2018) by state forensic experts and independent researchers in Moscow, Saint Petersburg, Kaluga, Barnaul, Tula and some other Russian cities. They contained linguistic analysis aimed at achieving the expert's tasks: to establish linguistic signs of verbal humiliation, indignity, abasement, disgrace, defamation, disrespect, contempt, disregard, aggression, discrimination, corruption, interpersonal conflict, bribe, leadership of an organized criminal community, etc. Fifth year students of Kutafin Moscow State Law University specializing in forensic expertise participated in our research as reviewers. They were divided into two groups: a) forensic experts with mainly linguistic background (21 students, 8 males and 13 females, aged between 22 and 23 years old) and b) forensic experts with mainly legal background (22 students, 6 males and 16 females, aged between 21 and 23 years old). The reviewers were asked to assess each expert report as evidence from the point of view of admissibility of the used linguistic methods and reliability of the obtained results.

Criteria of admissibility of a linguistic method in forensic text examination were as follows. A forensically admissible method should be legal, i.e. not violating human rights, scientifi-

cally recognized, noncontroversial, reproducible so that any specialist repeating the expert's actions can arrive at the same results, independent of taste preferences and ideological biases, reliable, accurate, objective and comprehensive. Russian legislation imposes some additional requirements and limits non-compliance, which entails the recognition of an expert report or specialist opinion as inadmissible evidence. Thus, the Russian legislation imposes an obligation on a forensic expert to ensure the safety of the submitted objects of examination and prohibits changing their properties as a result of the application of analytical methods without corresponding permission from the court. An expert is not entitled to carry out such studies that might change the properties of objects without the permission of the investigator or the court. A forensic expert has no right to collect evidence by themselves. The expert shall carry out full, comprehensive and direct investigation of the text recorded on the concrete physical medium as the piece of evidence attached to the case on the basis of generally accepted scientific and practical data within the limits of the forensic linguist expert's specialty. It also has to be ensured that any text that is the product of speech activity becoming an object of forensic examination acquires the properties of integrity, continuity, perfection of structure, meaningfulness, coherence, connectedness. Semantics of the text examined by the forensic linguist is actualized in the context of a concrete communicative situation implemented in the legal case.

It is essential to distinguish legal issues from language ones. Language of the law demands to respect rules (laws) of the language. Prosecution and lawyers, judges and other jurists are considered to be experts on the law and are usually competent in the language of law. Therefore, jurists very often object if an expert in the linguistic field tries to interpret a statute. On the other hand, it is specifically the task of the judge to decide on issues of facts (for example in accusations of blackmail, extortion, provocation of bribery, etc.). The role of the forensic linguistic expert in the legal process is to assist the investigator during the case by acting as the "fact finder", and to make all factual and legal determinations based on sound scientific arguments. Thus, a forensic linguistic specialist can help jurists as a consultant revealing the ordinary or special meaning of the language of law.

Our experimental data analysis showed that linguistic methods used by forensic linguists in

solving expert tasks differ from one expert report to another. Quantitative data confirms that the majority of reviewers in both groups considered inadmissible such linguistic methods as introspection (95%), summarization (76%), retelling (87%), paraphrasing (93%), synonymic transformation (88%), associative experiment (98%), content analysis (84%), conceptual analysis (69%), and combining a series of texts into a complex single text (99%).

The main explanation given by reviewers is that the methods mentioned above modify the essential semantic properties of the text as an object of forensic study.

After summarizing the results of our research, we can offer the following recommendations:

- A legal requirement for admitting a particular linguist to forensic expert activity is that they obtain additional professional training. In other words, a linguistic expert, in addition to a degree in linguistics, should have specific forensic knowledge and skills within a linguistic expert specialty – additional professional competencies in the field of expertology. Texts become objects of forensic linguistic examination only if they are fixed on a physical storage medium. Text as the object of forensic linguistic examination occurs in a particular defined communicative situation, conditions and specific circumstances of speech production, which determine the individual context actualizing word meaning.

- Speech samples represent a dynamic system, which undergoes logically consistent changes: new types of speech information carriers come to life; new ways of communication give rise to new products of speech activity: hypertext and creolized texts, advertising texts, trademarks, content of websites and web portals, graffiti, etc. The Russian language in which speech communication occurs is also changing. The processes taking place within the Russian language in the post-Soviet period have largely affected its status in Russia and the modern world. The changes affect both the use of the language, removing many prohibitions and taboos that have existed in the field of speech etiquette, and the language system itself, which should also be taken into account by linguistic experts.

- A special property of a speech product as the object of forensic examination is its dualistic (informational and material) nature, multiplied by legal aspects of judging speech acts as crime. The profession of a forensic expert in the field of forensic linguistic analysis is

focused on practical activity using a system of special knowledge acquired through special training and language learning. The activities of a language scholar, analyst or practitioner and the activities of a forensic linguistic expert carrying out forensic linguistic examinations differ in subject, object and tasks (objectives) of study. The object of forensic linguistic examination is a product of speech activity, expressed in the form of oral statements, written or creolized (i.e. consisting of verbal and nonverbal components) text recorded on any physical medium. In creolized texts, the verbal and visual components are inextricably linked. If you delete one of the components, the remaining component either stops providing information or has to be interpreted differently. If the product of speech activity is presented in the form of a "virtual verbal trace," such as recorded only in the memory of a person who heard an oral statement or saw a written text, but without material embodiment, such a derivative text obtained by mediating its perception by another person cannot be the object of forensic linguistic expertise. However, such "verbal traces" may be interpreted as hearsay evidence by linguists acting as specialists but not forensic experts. A result (product) of speech activity that does not have the properties of a text also cannot be examined as an object of forensic linguistic analysis. A text is characterized by inherent categories: integrity, connectivity, completeness, etc. Products of speech activity (e.g. quasi-texts, artificially combined samples of speech activity, fragments of text, individual words and expressions outside the context of their use) are not suitable for forensic linguistic analysis because they do not convey the actual meaning of the text. Many aspects of linguistic analysis become relevant only in the study of the text: thus, approval, evaluation, and motivation are implemented exclusively in the text. In this regard, forensic linguistic expertise distinguishes a specific object – the product of speech activity, which has the properties of text and is recorded on a physical medium, and is subject to linguistic analysis to solve specific issues in order to establish linguistic facts or gain linguistic evidence. Texts as objects of forensic linguistic inquiry require special treatment governed by the principles of forensic science. Experts who are not familiar with these principles are known to commit procedural errors that lead to incorrect conclusions, as they artificially combine texts (oral or written texts) produced in different conversations (communicative situations, under different circumstances) into one so-

called “complex specific text.” A new context thus constructed can lead to misinterpretation. In addition, a complex separate text is not a product of authentic speech activity of a person and therefore cannot be examined as the object of forensic linguistic expertise and cannot contain evidentiary information in civil or criminal cases. In the context of an artificially combined text, the statement from the original conversation acquires a new meaning.

Evaluation of Forensic Linguistic Expertise

The results of our research revealed a serious problem in the quality of forensic linguistic expertise. Forensic linguistic investigations rely on the robustness and reliability of linguistic methods, their scientific approbation and validation.

Since forensic linguists deal with probabilities, not certainties, it is essential to refine this field of study. There are situations when two linguists give opposite conclusions on the same disputed text or utterance. Often, expert linguists go beyond their scope of competence and make decisions on matters of fact or law. An expert's report may include subjective judgments, unmotivated evaluations and assumptions, making it difficult to make objective and informed legal procedural decisions. In Russian legal proceedings, a written expert report or specialist opinion and their oral testimony can both be used as evidence. A forensic linguist's report and testimony are evaluated by law enforcement officers for admissibility, relevance, and reliability (validity).

It should be stated explicitly that in the Russian legal system the judge is responsible for the decision whether forensic examination of textual evidence and the linguistic expert's testimony were conducted correctly or not. A forensic linguistic expert's report may be either admitted or rejected if it contains procedural, cognitive or methodological mistakes.¹⁸

The judge can also appoint a re-examination if he/she finds violations of procedural rights of the participants of judicial proceedings in the appointment and production of forensic exami-

nations, which have influenced or could influence the content of expert conclusions.¹⁹

Evaluation of the expert's report and testimony may be challenged only together with the sentence or other final court decision in case of appeal, in the manner prescribed by law. The expert's conclusion has no predetermined power in the eyes of the judge and has no advantage over other evidence; like all other evidence, it is assessed according to general rules in conjunction with other evidence. At the same time, the judge should consider the skill and qualifications of the expert when determining whether the expert had submitted sufficient materials and properly identified the objects of examination. In this case, the forensic linguistic expert's qualifications and evaluation of the used linguistic methods are the most important factors.

The methodology of forensic linguistic analysis has to be independent of the expert's subjective opinion (bias). Thus, conclusions of forensic linguistic analysis must comply with the principle of scientific objectivity and verifiability of results, and the use of linguistic analysis methods should not be nominal. The procedure for the application of each linguistic method should be described in detail, and the results obtained from the application of each method must be discussed as the expert's opinion. Otherwise the conclusions will not meet another important principle of forensic practice, namely, the principle of scientific validity of linguistic expertise.

However, scholars who lack appropriate forensic competencies (special knowledge in the field of forensic science, forensic research skills, ability to use forensic methods and tools of oral and written text analysis) fail to see the difference between theoretical scientific research and forensic text examination. Linguistic methods cannot be applied in the forensic context unless they have been appropriately tested and do not cause disputes and discussions.

In this regard, the method of interpretations offered by some language scholars is unacceptable for forensic practitioners due to its sub-

¹⁸ Under the regulation of part 2, Art. 207 of the Criminal Procedure Code of the RF, if validity of an expert opinion is doubtful or if there are contradictions in the conclusions of two or more experts on the same issues, a re-examination may be assigned, the production of which is entrusted to another expert. Unfounded opinion means the opinion of the expert that is not based on a sufficiently substantiated conclusion, or one that does not apply or incorrectly applies the necessary methods and techniques of expert analysis.

¹⁹ In accordance with paragraph 3 of part 2 of Art. 74 of the Criminal Procedure Code of the RF, an expert's written report and their testimony are admitted as evidence. And like all evidence (Art. 240 of the Criminal Procedure Code of the RF) they are subject to direct examination at the hearing (except for cases prescribed by Section X of the Criminal Procedure Code of the RF). A forensic linguistic specialist may be involved to assist in the assessment of the expert report and testimony at the request of a party or on the initiative of the court.

jectivity. By contrast, forensic experts are guided by principles of objectivity, completeness and comprehensiveness of research within their field of expertise, and verifiability of validity and reliability of their findings based on generally accepted scientific and practical data. Attempts to limit the interpretative procedures to a rigidly defined algorithm, which forms the basis of most certified techniques, often leads to superficial conclusions and violation of the logic of text analysis, when answering questions reaches beyond the competence of the linguist expert to the field of political science, ethics, psychology, sociology, etc. Speech interpretation is no less creative than speech production. In philology, the problem of meaning formation is associated with the variability of understanding of the text, which can also be presented as its interpretation. Understanding acts as a kind of universal evaluation category that allows us to correlate and identify the interaction of modules such as the use of language knowledge; construct and verify hypothetical interpretations; stay aware of the impracticability of the inner and model worlds; correlate the model world with the reserve of knowledge about the objective world, interpreted within the line of the interpreter's behavior.

However, due to the requirement of objectivity and reproducibility of examination results, a forensic expert conducting forensic linguistic analysis acts not as an interpreter who understands the content of the text in his own way, but as a researcher who can use only objective scientifically based methods and techniques. The objectivity and scientific nature of the applied method is proved by the existence of strictly boundary conditions of its application excluding ambiguous interpretation of the obtained result.

Methods of forensic linguistic expertise should reasonably determine what is said in the text, how (in what form) it is said and for what purpose it is said. The linguist uses semantic methods of research to establish what is said, lexicogrammatical and stylistic methods to establish the form of expression of information, and communicative or pragmatic analysis to establish the purpose.

Conclusions

A forensic linguist applies linguistic knowledge and techniques to the language implicated in legal criminal and civil proceedings, information and document conflicts or disputes.

Forensic linguistics has established itself in the Russian legislation as a multidisciplinary forensic speech science and is now rapidly

flourishing. In its broadest sense, forensic linguistics is the interface between language and law, speech and crime, where law includes law enforcement, judicial matters, legislation, disputes or proceedings in law, and disputes that only potentially involve some infraction of the law or some necessity to seek a legal remedy. But there are still huge problems: disunity of methods, lack of precise methodological recommendations on the solution of some problems of linguistic expertise, and the lack of surveys listing certificated and qualified forensic linguists. Approaches to forensic linguistic training and expert specializations differ. Analysis of linguistic expert practice and methodology of expertology allowed us to conclude that the existing lack of unity confuses law enforcement authorities, reduces the efficiency of the use of specialized linguistic knowledge for evidence production, discredits forensic linguistics in the eyes of the legal community, provokes statements about the bias of experts, subjectivity of their methods and fundamental impossibility of achieving objective and reliable results via linguistic methods.

Based on forensic expertology, approaches to linguistic expert training require standardization and compiling of the list and descriptions of competencies; classification and methods of forensic linguistic expertise should also be adopted. While supporting the idea of interagency certification of experts, we support the conclusion about the need to develop and introduce a forensic linguistics specialty passport according to the classification of forensic linguistic examinations. Validation and certification of scientific and methodological tools of forensic linguistic expertise is an urgent challenge. It is necessary to accumulate different forensic expert technologies in public library collections.

Therefore, the prospects of the development of forensic linguistics in jurisprudence can be defined as follows: a thorough compilation of forensic linguistics reports and court testimony in particular criminal and civil cases; systematization of incriminating text types, genres, e.g. threatening, blackmail, defamatory, extremism, etc. messages, letters, utterances; integration of legal and linguistic knowledge; establishment of a registry of professionally skilled and certificated forensic linguistic experts, validation of forensic linguistic methods and practical methodology, provision of guidelines for newcomers in the field.

The methodology of forensic linguistic research implies independence from the ex-

pert's taste or preferences. Any forensic linguistic analysis must comply with the principles of scientific objectivity and verifiability of results. The procedure for the application of each linguistic method should be described in detail, and the results of each method ap-

plication should be presented as an expert opinion. Otherwise, the conclusions will not meet another important principle of forensic practice – the principle of verifiability confirming the scientific validity of linguistic expertise.

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