

Forensic Linguistics: A Conceptual Frame of Bribery with Linguistic and Legal Features (a case study in Iran)

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Abstract

Criminology is a wide-spread science with different scientific branches, one of which is forensic linguistics. Forensic linguistics as a sub-branch of linguistics is a new-born science which makes connection between linguistics and the law. Linguistic findings have been considered as evidences in courts in two last decades. Linguistics is a scientific study of language, and forensic linguistics as sub-branch of it could push linguistic findings into the jurisdiction. Forensic linguistics examines crime such as bribery with a new look. Bribery is a special crime committed by language; therefore, it is called language crime. The author aims to provide a conceptual frame, considering constructive features. Having gathered different data in Iranian courts and Bureau of Police investigation, the author found that speech act as a linguistic and constructive element is very important to form language crimes like bribery. Besides, bribery has five stages including problem, illegal proposal, perlocutionary act, completion and extension.

1- Introduction

In criminology, crime is examined through law and other sciences. Therefore, we face with the combination of different sciences. Different experts like psychiatrists, psychologists, sociologists, physicians, lawyers... have been analyzing and solving crimes, so criminology is not a pure science but an applied one. Nurbaha (1377/2000) says: "criminology is affected by sociology, psychology, biology and statistics. These sciences, especially, sociology and psychology have different definitions; therefore, it is hard to have a specified definition of criminology. However, we can offer limited definitions." Generally, criminology is not a closed science, because crimes are committed in different ways and forms. New and up-to-date forms of crimes committed in internet show the need of internet experts.

The crimes committed by language can be studied by a new look. Language crimes are insult, foul language, bribery, perjury, false advertisement, plagiarism etc. Even crimes like larceny, kidnapping and murder which require language before realization can be considered as language crimes; therefore, they need linguistic analysis. Therefore, forensic linguistics as a new science incorporated linguistics and the law. As mentioned above, bribery is a language crime. Bribery has linguistic features; however it is committed by its physical constituent like giving and taking money, giving and taking service etc. So, we expect to see some legal features. The author intends to analyze linguistic and legal features of bribery.

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2- Methodology

Having studied different sources especially foreign ones, the author gathered data in Iranian courts and Bureau of police investigation. Then, the author identified crime of bribery and analyzed it with consideration of linguistic features. Besides, the author attained legal features and studied legality of the case. In this field research, the author observed and studied more than 100 cases (different crimes) in courts and Bureau of police investigation. The result showed that there is compatibility between linguistic and legal features. Therefore, a conceptual frame about bribery can be effective in explaining of bribery. This research applies at descriptive and analytic method.

3- Forensic Linguistics

Forensic linguistics is a sub-branch of linguistics which mainly deals with linguistic theories, findings and methods to solve language problems. Crystal (2003:29) says that foreign language learning is probably the most important application of applied linguistics. Even at the first look, language learning seems to be the only discipline related to applied linguistics; however, there are also other applications. One of the new branches of applied linguistics is forensic linguistics. Tiersma and Soolan (2003:213) say that: "Forensic linguistics is an interdisciplinary course originated from linguistics and law which has developed in America and Europe since 1997. Since then, linguists offer their evidences in courts for detection of realities and more careful judgment. This cooperation is developing day after day." Shuy (1998) defines forensic linguistics, quoting from Levi (1994), as follows: "Forensic linguists have been developing their works into communication, advertisement and common issues between language and law. Now forensic linguists deal with sound identification, identification of writer of a written text, asymmetry of power in courts, miscommunication between lawyer and client, perjury, problems related to legal texts, libel, problems about brands, interpretation and translation of communication in courts, recorded interviews as evidences. This field has been called forensic linguistics since 1980."

Linguistic findings in legal process show development of a new and scientific science which joins the relationship between linguistics and law. This new science can be as effective as legal medicine, legal psychology etc. There is a growing need for this new science in courts; however, many countries like Iran have not heard anything about this science. Even the pioneer countries like America and England have enjoyed this new-born science just in the last decade.

4- Criminology

Nurbaha (1377/2000) defines criminology as follows: "Criminology is study of crime. It deals with creation of crime, development of crime and prevention of crime. Criminology is under effect of sociology, psychology, biology and statistics, all of which have different definitions especially sociology and psychology. Therefore, it is hard to have an acceptable and specified definition of criminology. However, we can have limited definitions. Professor Vouin in his work named "penalty and criminology" says that criminology is scientific study of crime.

In criminology, different sciences integrate with each other; therefore, linguistics can be added to the law like sociology, psychology, biology and statistics. A new form of linguistics under the title of forensic linguistics was formed since the arrival of linguistic analysis to the law; consequently, judicial system achieved a new chance to solve language crimes like foul language, perjury, libel, plagiarism, threatening message and letter, kidnapping letter, suicide letter, bribery etc.

5- Crime

Longman (2006) defines crime as “illegal activities in general”. Since crime has different forms; that is, an activity might be a crime in one view and not be crime in another view, a comprehensive and acceptable definition has not been offered. In Islamic jurisprudence, crime is defined on the basis of Koran: “to do or to tell something that God has forbidden.” An Islamic article in Iranian codes says: “‘To Do’ or ‘Not To Do’ for which there is penalty, is referred to as a crime.” For example, ‘fraud’ is To Do and ‘avoiding to help an injured’ is Not To Do.

6- Language Crime

One of the crimes is language crime and its culprits are punished according to codes. Gibbons (2003:261) define language crime as: “there are a number of speech acts that may be illegal- in other words there are crimes committed by performing some kind of illocutionary act, such as offering a bribe; accepting a bribe; threats; extortion; perjury; suborning a person to a language crime; soliciting an illegal act (e.g. hiring a hitman); using foul language.” These definitions show that identifying language crimes is a sub-part of criminology and linguists can help to solve these kinds of crimes.

7- A Case of Bribery

Situational Context: Police officers went to arrest several drug dealers in one of the commercial skyscrapers in Tehran. When the police officers started to detect drugs, they found some pictures of an antique statue, some pictures of a strongbox and some old coins. Police officers impounded the whole. At this time, the owner of these goods put some money (600000 Tomans=about 6000 \$) on the table.

This is the ambiguous part of the case, because there are two claims here. The police officer claimed that the culprit wanted to bribe him for drugs, so he got the money and took it to the court and sued for bribery; whereas, the culprit claimed there was no bribery, he just put his money on the table.

The important part of this case is the difference between decrees from two courts. The first court released the culprit, but the second court retried the culprit and condemned him. The first court says: “to have pictures of antique statue is not a crime; therefore, giving bribe for something which is not a crime is not reasonable. Besides, the report of the police officer cannot prove bribery.” Hence, the culprit was released. But, the second court condemned the culprit after reviewing the case. It gave verdict as follows: “Report of the police officer and the issued indictment can prove the bribery.” Therefore, the culprit pleaded guilty to bribery.

8- Legal Analysis

As the author analyzes this case with Iran’s codes, it is better to define bribery. Mirmohammad Sadeqi (1380/2002: 364-365) says: “bribery is giving and taking money, deed to and from governmental staff for doing or not doing his occupational duty.” In Iran’s codes, each crime has three constituent elements including legal element, physical element of crime and spiritual element.

Legal element codified with No. 3 states: “each governmental staff from court, office, city hall, governmental institutions, army forces, all governmental companies, governmental agencies and ¹the three powers directly or indirectly gives or takes money or deed to do or not to do his occupational or moral duty or his workmate’s occupational or moral duty will be punished as follows...”

Physical elements have several points, one of which is “it is not necessary for bribe receiver to take money before doing or not doing.” Second point is “the amount of money does not leave any effect on realization of bribery.” Third point is “surreptitiousness does not leave any effect on realization of bribery.” Fourth point is “it is not necessary that the bribe offerer or bribe receiver gives or takes the money or deed for him.” Fifth point is “it is necessary that the bribe be related to occupation duty”. Sixth point is “it is not necessary that the bribe leave effect on the process of doing or not doing.”

Mirmohammad Sadeqi (1380/2002:389-392) numerates some points as spiritual elements for bribery. The first element is ‘intention and motive.’ Two other spiritual elements are “bribe offerer and bribe receiver should be aware of position and power of bribe receiver” and “bribe offerer and bribe receiver should know the money or deed is related for doing or not doing the occupational duty. For example if the receiver thinks it is a gift for his new born baby, it is not considered as bribery.”

With these explanations, the author adapts the case with constituent elements of bribery as follows:

- Legal element: stated articles in codes
- Physical elements; Physical Conduct: defendant’s action “putting money on the table” and police officer’s action “taking it”.
- Physical elements; several conditions/points: 1- bribe receiver should be a governmental employer = he is a police officer. 2- money or deed given and taken = money was taken. 3- the amount of money is not effective. 4- surreptitiousness is not effective. 5- to take money before or after doing or not doing is not effective = money was given at first. 6- bribe should be related to bribe receiver’s occupation duty = he is a police officer and he can hide or eliminate the proof. 7- it is not necessary that the bribe leave effect on the process of doing or not doing = the defendant pleaded guilty.
- Spiritual element; intention: the defendant put the money for drug case not pictures of antiques.
- Spiritual element; motive: defendant did put his money on the table himself.
- Spiritual element; two parties are aware of bribe receiver’s power = police officer and drug smuggler know the context and police’s duty.
- Spiritual element; bribe offerer and bribe receiver should know the money or deed is related to

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The three powers are executive, judicial and legislative.

doing or not doing the occupational duty = the defendant put the money on the table, because he knows context of police station.

9- Linguistic analysis

In order to get the answer for the question ‘if the culprit offered bribery’, the author divided the analysis into two parts. First, the author consulted with experts and stated their views. Second, the author offered her linguistic analysis to show if bribery occurred.

9-1- First Part: Views of The Experts

- Interrogator of the first court: It is not an example of bribery.
- Interrogator of another court: It is not an example of bribery.
- Judge of the second court: It is an example of bribery.
- One lawyer: It is an example of bribery.
- Police officer of the case: It is an example of bribery.
- One colonel: It is an example of bribery.
- One linguistic professor: It is an example of bribery.

9-2- Second Part: Linguistic Analysis

Shuy (1993: 54-56) states three conditions for bribery. First, bribe offer is a performative speech act, second it can be an indirect offer; that is, a bribe offer might not have illegal vocabularies like: “If you do me a little favor, I will compensate for you.” Third, the proposal can be embedded. It means: 1- It lacks explicitness. 2- It lacks the inferred comprehension of the indirect offer. 3- Two or more strands of activity occur simultaneously. [For example, an offer can be accompanied by an action.] Shuy introduces four elements as constructive elements for bribery. They are problem, proposal, completion, extension (if agreed). With these elements, the author analyzes this case:

- There are not any performative speech act and an indirect offer, because none of the experts heard the speeches between police officer and defendant. The embedded offer lacks explicitness but there is an inferred comprehension of the indirect offer. On the other hand, the four constructive elements are interpreted differently by two parties; police officer and defendant. In defendant’s view, there is no problem and no proposal; consequently, there are not two other elements either. However, there are problem and proposal in police officer’s view.

According to Shuy’s constructive elements, we cannot solve this problem because none of the experts heard the dialogue between two parties. However, the author agrees with the second court’s verdict because:

9-2-1- Presupposition of conviction: The police officer, in advance, knows what he wants. On the other hand, the defendants know why the police officer detects their workplace because detection and arresting are done by judge’s order. Therefore, the discourse between police officer and defendants has the required presupposition. Yule and Brown (1989:29) define presupposition as follows: “presuppositions are what is taken by the speakers to be the common ground of the participants in the conversation.” (quoted from Stalnaker, 1978:321)

Besides, the definition says there is knowledge that the speaker thinks that his audience is aware. Since, one of the defendants cooperated with police officer in advance and there some received reports to police by other sources about smuggling in the defendants' workplace, two parties interact with each other explicitly. Therefore, we cannot justify the interrelation if one of the parties claims: "Oh, I did not mean that (bribery)."

9-2-2- Context: one of the most common and important elements to interpret the text is context. Context usually refers to an environment in which utterances are produced. Role of context is so important that some analysts believe that the meanings of words are identified in context. Cutting says (2002:2): "Both pragmatics and discourse analysis study the meaning of words in context, analyzing the parts of meaning that can be explained by knowledge of the physical and social world, and the socio-psychological factors influencing communication, as well as the knowledge of the time and place in which the words are uttered or written (Stilwell Peccei 1999; Yule 1996)."

Yule and Brown (1989:38-39), quoting from Hymes (1964) introduce elements of context as follows: addressor (police officer in this case), addressee (defendant of the case), topic (arresting), setting (place: work place of defendants, time: 2007/1/21), channel (how to save the communication between participants: oral speech as question and answer in the case), key (evaluation: Was arresting assignment successful?), purpose (what did the participants intend should come about as a result of the communication event: to arrest the defendants for drug smuggling.)

We can draw this conclusion that the participants talk (question and answer) with each other in this context, because arresting someone is impossible without making questions and answers and without presupposition.

9-2-3- Schema, Frame and Script: These three principles apply sequentially in the context. Yule (2000:85) says: "These structures function like familiar patterns from previous experience that we use to interpret new experiences. A schema is a preexisting knowledge structure in memory."

Schema is a preexisting knowledge structure in the memory. This structure about bribery tells one of the constructive elements of the structure of bribery is illegal, but there is no illegal element in suggestions. There are two persons or groups involved in structure of bribery, bribe offerer and bribe receiver. These two persons are interrelating with each other about one problem. This structure tells us this problem is illegal and interrelation is done about this illegal problem.

After schema, we talk about frame. Yule (2000:85-86) says: "If there is a fixed static pattern to the schema is called a frame. A frame shared by everyone within a social group would be something like a proto typical version." When a person faces with a problem, he chooses a structure from his memory.

Therefore, shared frame about bribery presumes bribe offerer and bribe receiver, illegal problem and the interrelation in minds. At last, script is formed. Yule (2000:86) puts: "A script is a preexisting knowledge structure involving event sequences. We use script to build interpretation of account of what happened."

Fairclough (2001: 132) says: "scripts represent the subjects who are involved in these activities, and their relationships. They typify the ways in which specific classes of subjects behave in social activities, and how members of specific classes of subjects behave towards each other- how they conduct relationships." Therefore, sequence of events of bribery is as follows:

criminal conduct:

-one problem in the process of activity (any problem which can be solved illegally)

-a proposal to solve the problem (any kind of proposal)

accept/reject the proposal:

-(any act of accepting/rejection) if bribery receiver accepts the proposal, bribery has occurred.

There are some points worth saying:

- Criminal activity is specified by regulations and codes in each country, state and city. For example, in Iran, any bribe offer to governmental staff is illegal; whereas, the bribe offer to non-governmental staff is not illegal. Therefore, schema and frame of people can be different.
- Sequence of mentioned events show it is not necessary the bribe offer be verbal. For example, the offer can be done non-verbally. Even if it is done verbally, it is not necessary to articulate criminal words, that is, the offer can be done indirectly.
- The bribe receiver should infer the offer/proposal by the bribe offerer, so perlocutionary act (the effect of message on addressee that is the bribe receiver) causes the bribe receiver to react verbally or non-verbally. The reaction might be different according to culture, nation, race and even sex.
- Since there is an interaction between two parties who are aware of the topic, they are performing the scripts sequentially. Any reaction from bribe receiver is followed by bribe offerer. If the bribe receiver accepts the offer, there is a reaction definitely (this point is very important). This reaction can be 'hand shaking', 'silence of bribe receiver' and even 'taking money on the table.'

If the bribe receiver does not accept or reject the offer, the interrelation causes the bribe offerer to react. This reaction might be verbal and non-verbal. However, there are two important points: first, the interrelation between two participants does not stop suddenly; second, two participants perceive each other.

Bribe offer is a both verbal and practical structure; two participants simultaneously articulate and perceive locutionary act, illocutionary act and perlocutionary act. Cutting (2002:16-17) numerates three levels. First, locutionary act 'what is said'. The first level of analysis is the words themselves, the form of the words uttered. Second, illocutionary act 'what is done in uttering the words' the function of the words, the specific purpose that the speakers have in mind. Third, perlocutionary act 'what is done by uttering the words'; it is the effect on the hearer, the hearer's reaction.

These explanations show that bribery is a complicated verbal and practical structure which applies according to schema, frame and script between participants. And, participants play roles on the basis of these three principles. So, the police officer as the bribe receiver and defendant as the bribe offerer play defined roles. Therefore, defendant's sentence "I put my money on the table, the police officer thought I want to offer bribe" cannot be anything rather than a defined behavior.

If we accept defendant's sentence, the defendant should object to police officer's behavior, taking money. Therefore, the author concludes that defendant offered bribe.

9-2-4- Tense of verb: The point justifies that the bribe offer is about drug smuggling not about pictures of antique. The interrogator of the case issues the decree as follows: "*offering bribe for something which is not a crime (to have pictures of antique) is not sensible and wise. Besides, there is no other proof rather than the police officer's report.*"

However, the police officer and interrogator about the bribe offer say as follows:

Interrogator: Tell the whole about bribe offer.

Police officer: About **this** case, I was sent to arrest after receiving the juridical permission and *some given information by one of the defendants named X. ...Y offered bribe to me, 600000 tomans (600 \$). I **had coordinated** with the head of police station; I accepted the bribe. All witness signed the written record. It is attached to the case. I ask the interrogator to summon the defendant (Y) to court.*"

Tense of "I had coordinated" is past perfect. It means 'the coordination' refers to time before arresting. So, the tense and frame confirm that the coordination has been provided by juridical permission and police station.

Past perfect tense shows the coordination has been provided before arresting and it is simply about the case that we have had information about in advance; it is the case of drug smuggling not pictures of antiques. Before arresting and detecting the work place of defendants, the police officer was not aware of pictures of antiques. Therefore, accepting bribe is related to the case of drug smuggling and mentioning pictures of antiques, coins and strongbox is distracting. Worth pointing that the antique statue is in Turkey and strongbox is in Orumiyeh².

9-2-5- Definite article: One of the definite articles in Persian language is a pronoun of "in= the/this" that the police officer used. This article shows that any word followed by is familiar for two parties. In linguistics, it means given information. Addressee is aware of given information. Halliday, and Matthiessen (2004), Yule and Brown (1989: 171) classifies given information into five groups: 1-lexical units which are mentioned for the second time (Yesterday I saw a little girl get bitten by a dog. I tried to catch the dog). 2- Lexical units which are presented as being within the semantic field of a previously mentioned lexical unit, again particularly those in definite expressions. (Robert found an old car. The steering wheel had broken off). 3- Pronominals used anaphorically following a full lexical form in the preceding sentences (What happened to the jewels? They were stolen by a customer). 4- Pronominals used exophorically (to refer to the physical context of situation) where the referent is present (Look out. *It's falling*). 5- Pro-verbals

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Orumiyeh is a city in North of Iran.

(William works in Manchester. So do I).

With these explanations, we can infer that word “case” in the phrase “about mentioned case” or “about this case” is given information. Therefore, when the police officer says that there was a bribe offer about the “mentioned case” or “about this case”, he means case of drug smuggling not case of pictures of antiques.

- Conclusion: Above reasons and experts’ opinion polls show that there was offering bribe and ‘pictures of antiques’ is a distracting point. Therefore, the police officer was offered bribe.

10- Conceptual Frame of Bribery with Legal and Linguistic features

As mentioned before, bribery is a language crime which two parties are involved. One offers bribe and one receives bribe. Both are criminals. The bellow frame is represented:

				Conceptual Frame of Bribery
		(Person (2	(Person (1	Stages and Features
		-	+	Problem-1
-	(2) +	-	(1) +	Illegal proposal-2 Locutionary act - -Illocutionary ac non-verbal act- article *
(1) _	(1) +	(2) _	(2) +	Perlocutionary act-3
-	+	-	+	Completion-4
-	+	-	+	Extension (if two parties -5 (agree

- ✓ In bribery, there is bilateral relation. Distribution of roles depends on who gives money, service... and who receives money, service...Distribution does not depend on who offers illegal proposal first, but giving and receiving are important. However, the one who gives money and service is often problem owner.
- ✓ As the previous point says, there is bilateral relation. Therefore, two parties are important shown with person (1) and person (2) in the frame.
- ✓ Bribery begins when an illegal proposal is offered. If the process goes on till the end of stage “completion”, bribery has occurred.
- ✓ Sign of negative (-) in illegal proposal stage for person (1) means that problem owner might not offer the proposal but bribery might have occurred.
- ✓ Sign of positive (+) in illegal proposal stage for person (2) means that problem owner might not offer the proposal but his addressee does. However, the bribery occurs.
- ✓ Sign of positive (+) in illegal proposal stage for person (1) shown with (1) means that illegal proposal is offered by person (1). This illegal proposal might be verbal or non-verbal. If it is non-verbal, it can be an act like putting some money on the table. (as stated in our example)
- ✓ Sign of positive (+) in stage of prolocutionary act means that offering bribe has occurred and it can be verbal or non-verbal. If it is verbal, it can have phrases like “Ok, that’s deal”, “We deal” etc. If it is non-verbal, it can be an act like “shaking hands with each other”, “taking money on the table” etc.
- ✓ Sign of positive (+) in stage of prolocutionary act for any person means offering bribe has occurred. As mentioned before, giving and receiving are important to form bribery.
- ✓ The same number for person (1) and person (2) in each stage show they are related to each other.
- ✓ Sign of positive (+) in illegal proposal stage for person (1) shown with (1) can have two perlocutionary acts by person (2); accepting bribe or rejecting bribe. The two acts are shown by number (1).
- ✓ Sign of positive (+) in Illegal proposal stage for person (2) shown with (2) means person (2) offers bribe. This offer can have two perlocutionary acts by person (1); accepting bribe or rejecting bribe. The two acts are shown by number (2).
- ✓ Sign of positive (+) in completion stage means bribery has occurred and sign of negative (-) means bribery has not been formed; that is, money, service etc has not been given and taken.
- ✓ Sign of positive (+) in the last stage for any person means he is eager to repeat bribery. And, Sign of negative (-) means he is not eager to do so.
- ✓ **Conclusion:** The author thinks that different acts in two stages of proposal and perlocutionary act are important in formation of bribery. In proposal stage, there are performative speech act,

direct verbal proposal (locutionary act), indirect verbal proposal (illocutionary act) and even non-verbal proposal (special action like ‘putting money on the table’, ‘keeping money in one’s hand and showing it to the addressee’, etc). However, the more important part in formation of bribery is perlocutionary act. The author believes it is the most important part because in any communication, misinterpretation might happen when there is not compatibility between illocutionary act (addressor intends to convey) and perlocutionary act (addressee perceives). If the addressee misinterprets the addressor, two parties have to eliminate misinterpretation; otherwise, interaction stops. In our example, we see the interaction does not stop and continues till the bribery occurs.

***article:** In this stage, the second person (often bribe receiver) enters the structure of bribery.

11- Discussion

Linguistic findings in legal process formed a new and scientific branch in recent decades. This branch provides the connection between linguistics and the law; consequently, forensic linguistics was formed. Forensic linguistics offers the chance for judicial system to analyze the crimes like perjury, foul language, threatening letters or messages, bribery, etc with a new look. Bribery is a language crime and is formed by speech acts; consequently, language is an integral part. Bribery is formed when some actions are incorporated with linguistic features. In this research the author gathered data in Iranian courts and Bureau of Police Investigation. Having analyzed data, the author draws this conclusion that bribery has five stages and the acts are very important. Speech acts are bidirectional features; language and action both. Since bribery is a crime in which two parties are involved, the interaction is very important. Two parties play their roles based on defined schema, frame and script. In Iran, bribery occurs when giving and taking money, service, etc are done. This example has an ambiguous point. However, the author believes offering bribe has occurred, emphasizing the linguistic features. To sum up, linguistic features can justify formation of crimes like bribery.

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