A LINGUIST AS AN EXPERT WITNESS

Knowledge, attitude and perceived importance of Legal professionals in Malawi

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Introduction

This chapter investigates the knowledge, attitude and the perceived importance of legal professionals towards the role of linguists as expert witnesses in Malawi. This is a multidisciplinary study, which brings together the field of law, linguistics and psychology. The work of linguists as expert witnesses (also known as forensic linguists) can first be attributed to Jan Svartvik in 1986, when he analysed statements of Timothy Evans who was hanged for the murder of his wife and a baby. The analysis Jan Svartvik made, demonstrated that disputed and incriminating parts of a series of four statements, which were made to the police officers by Timothy Evans about the death of his wife and daughter, had a grammatical style different from that of uncontested parts of the statements (Coulthard & Johnson, 2007). The work of the linguist helped the court to pardon Timothy Evans posthumously. Since then, the frequency at which courts around the world have called upon linguist experts (forensic linguists) to provide their professional knowledge in disputes, and help answer questions that are centred on the language of both written and oral texts has increased tremendously in the past two decades.

Forensic linguists can analyse meanings of specific words, phrases, clauses and sentences, to offer expert opinion on a text's clarity, readability, comprehensibility, and ambiguity. They can determine authorship of anonymous, disputed, or questioned documents, and can interpret contracts, wills and other binding documents (Expert Institute Expert, 2020). As such, courts in many countries continue to engage services of forensic linguists at both investigative and trial stages. Some of the court cases that require expertise of forensic linguists include defamation, trademarks, authorship profiling, identification, textual genuineness, threats, offensive language, and sexual harassment. However, in Malawi, the role of linguists as expert witnesses is not fully realised despite that the court is confronted with different cases centred on the question of language. The study, therefore, explores whether legal professionals know of the depth of services offered by linguist experts, and if they have ever utilised such expertise. Furthermore,

the study explores legal professionals' perceived importance of using linguist expert in helping them delivery justice in Malawi.

To this end, this study sought to address the following objectives:

1. Examine knowledge of legal professionals about the existence of linguist experts
2. Investigate legal professionals' attitude towards forensic linguists
3. Assess legal professionals' perceived importance of linguists' experts in courts

Literature review

Forensic linguistics as forensic science

Forensic science is not a standalone discipline. It encompasses fields like pathology, toxicology, accounting, anthropology, botany, dactyloscopy, and computational forensics. All fields that make up forensic science involve a series of enabling scientific principles that assist the criminal justice system. They are considered as distinctive scientific disciplines, since they study traces of activities in order to address problems relevant to the court, police, intelligence, and security in general (Guillén-Nieto & Stein, 2022). For forensic scientists to carry out such an activity, they need to identify a trace. Trace is any information residue of the investigated event. It is a mark, a signal, or an object that serves as a visible sign and a vestige indicator of an action, and is an indispensable piece of the forensic puzzle (Guillén-Nieto & Stein, 2022). The problem of finding, detecting, and recognising relevant traces requires a comprehensive and systematic study to understand the types and mechanisms of transfer, which is the meaning-making process. Without the discovery of the trace, there will be no object of analysis or reasoning. The information provided by the trace through logical scientific steps has a strong relevance in decision-making, which can determine evidence.

Forensic linguistics (FL), which is an applied area of linguistics, applies the same process. It, therefore, fits into the larger field of forensic science. Discourse analysis, for instance, provides a careful and systematic analysis of language, and it is a requisite conceptual tool in determining a linguistic trace. Such an analysis of language can provide critical reflections, decisions, and actions that would condition the entire forensic process. The main issue here is that nearly each case needs to have an individual baseline of expectedness from which scientific and logical decisions can be made informed by experts.

A linguist as an expert witness

Grobler (2007) defines an expert witness as someone with special knowledge, skill, experience, training or education in a particular field, which permits them to testify to an

opinion that helps the court in resolving a question that is beyond their understanding and competence. An expert witness also makes their knowledge available to the courts to help them understand the issues of a case, and reach a sound and just decision (Grobler, 2007). There are a number of research studies worldwide that discuss reasons why lawyers engage expert witnesses, and why courts welcome experts when their testimony is deemed helpful in deciding a disputed fact (Finegan, 2021). Linguist experts testify in cases involving authorship identification (Fobbe, 2022), defamation (Shuy, 2010), trademarks (Shuy, 2002), voice analysis (Thompson, 1985; De Jong-Lendle, 2022), and textual genuineness (Zaśko-Zielińska, 2022). In all these cases, language is at the heart of the dispute, and linguists are increasingly called upon to testify. Testimony from the experts is preferred because it assembles evidence from unfamiliar sources and helps explain and interpret subtle facts that are technical in nature; it also ensures a scientific explanation of what police and the court may only intuit but not validate (Finegan, 2021).

As Finegan (2021) notes, a forensic linguist can be approached as a potential expert witness when there is existing litigation involving a contested linguistic issue. First, there are reported disputes about morphological meaning in a trademark case. For example, in 1997 McDonald's Corporation sued Quality Inns International, Inc., who wanted to create a chain of basic hotels, and call them McSleep (Coulthard & Johnson, 2007). The Corporation argued that they are the owners of McDonald's, together with the initial morpheme 'Mc', on the grounds that they had invented a 'McLanguage', and therefore no company could use this (Coulthard, 2005). They further argued that the use of 'Mc' in McSleep Mark, was a deliberate attempt to draw on the goodwill and reputation of the McDonald's brand.

Coulthard and Johnson (2007) also report a case that involved syntactic complexity in a letter in which a claimant argued that a letter they had received, which contained information about how to claim benefits, was so badly written that it had actually failed to inform them of their rights. In support of this claim, the expert witness identified a series of syntactic features that, she argued, were likely to pose serious comprehension problems. She cited multiple negatives, complex embeddings, nominalisations, passivisation, subjectless verbs, and difficult combinations of logical operators (Coulthard, 2005; Coulthard & Johnson, 2007).

Forensic linguists can also give expert opinion in cases to do with threats, such as in extortion and blackmail cases. These include cases where a victim is forced to give money or property to someone by coercion (Tiersma & Solan 2012). A threat is usually accompanied by claims that show that something bad will happen to the victim if they do not consent (Tiersma & Solan, 2012; Berg & Surmon, 2019). Berg and Surmon (2019) offer linguistic characteristics of a threat, using Speech Act Theory to show how an

expert witness would argue for such cases in court. They offer a point of reference in view of authenticating threats, evaluating the urgency, and assigning authorship of the threatening texts.

Linguist experts can play an imperative role in author identification during investigation (Chaski, 2012). Some of the texts that might have criminal and security implications include anonymous letters, ransom notes, suicide notes, and suspicious text messages. Walt (2019) also provides linguist experts with guidelines that can ensure reliability and validity of their expert evidence in cases related to authorship identification if their evidence is to be useful in court. Such guidelines can then help judicial officers in deciding the amount of weight to be attached to the linguist expert testifying in court. Sanni (2022) further provides linguistic pattern in African suicide notes, where he identifies lexical choices, pragmatic acts and cultural specifics that bring about positive and negative emotions, reflecting on the sociological and psychological vulnerabilities of suicide completers.

Some cases that required linguistic experts in Malawi

Malawi has registered several cases that required the opinion of linguist experts at investigation and trial stages. These cases range from the interpretation of the meaning of an individual word, clause and provision of linguistic evidence. Sadly, such cases were investigated and tried without the involvement of linguistic expertise in many cases. Below are some of the isolated cases that are very familiar to most Malawians.

- ### The meaning of the word 'majority' of the electorate

This is an example of a case that called into question the meaning of an individual word – "majority" – of the electorate. This matter arose in a very recent and possibly one of the most popular cases in the history of Malawi, in which presidential elections were legally challenged and contested in a court of law with a full hearing (Kondowe, 2022; Kondowe & Mtanga, 2023). A quorum of five high court judges who presided over the presidential elections case in 2019 errored the Malawi Supreme Court of Appeal in their interpretation of Section 80(2) of the Constitution in *Gwanda Chakwamba* v *Attorney General* case No. 20 of 2000. The provision stipulates that "the president shall be elected by a majority of the electorate through direct universal and equal suffrage". In *Gwanda Chakwamba* v *Attorney General*, the Supreme Court of Appeal defined majority win as "first past the post", which may even mean that a single vote can lead to someone winning an election. In consultation with English and legal dictionaries, the five high court judges faulted such a definition. The high court judges resolved that the term "majority" should mean 50%+1, where the winner should get more than half of the votes.

- *The meaning of the clause 'maximum of two consecutive terms'*

The matter ensued in 2009, where the second State President, Bakili Muluzi, wanted to contest the election for a third time, after he had served for "a maximum of two consecutive terms", as provided for in Section 83(3) of the Constitution. After the third term, President Bingu wa Mutharika had taken over from Bakili Muluzi, and completed his first term. A legal battle ensued. Lawyers from the two camps alleged that the clause "maximum of two consecutive terms" provided for two different interpretations. Lawyers of the government side argued that the word "maximum" is operative, and as such Bakili Muluzi could not run again. Lawyers for Bakili Muluzi argued that the operative word is "consecutive" that he can run as often as he wants provided that the terms are not consecutive. The matter was taken to a constitutional court.

- *Robert Chasowa's disputed suicide letter*

Robert Chasowa, a 25-year-old University of Malawi student, was found dead on 24 September 2011 at the-then Polytechnic campus. The student was said to be an ardent critic of the late State President Bingu wa Mutharika. Police alleged that the student had killed himself, and they produced suicide notes as evidence (Smith, 2012). However, the chair for the Commission of Inquiry, Judge Andrew Nyirenda agreed with the postmortem results, which showed that the student was murdered, and that the suicide letter was faked

It is evident that the three cases mentioned here raise serious questions regarding language use. Insofar as the high court judges interpreted the meaning of the word "majority" using English and legal dictionaries, the conclusions would have carried more weight if a linguistic expert was involved. Similarly, in resolving the ambiguity of the clause "maximum of two consecutive terms" a linguist could also have been engaged to help interpret the clause. In the disputed suicide letter, even though a forensic pathologist analysed the dead body, a language expert could also have analysed the disputed suicide letter, and seen whether the reports of the two experts collaborated. These sampled cases clearly show that there is demand for linguists as experts in Malawi, in spite of them hardly being utilised.

Thereoretical framework

The Theory of Reasoned Action (TRA)

Data for the study was analysed and interpreted using the Theory of Reasoned Action (TRA), which explains the association between one's attitudes and the behaviours they perform. It is mainly used to predict how individuals behave based on their pre-existing attitudes and behavioural intentions. According to the proponents

of the theory, Fishbein and Ajzen (1975), TRA suggests that a person's behaviour is determined by their intention to perform the behaviour, and that this intention is, in turn, a function of their attitude towards the behaviour and subjective norms. The magnitude of the person's intention to perform a behaviour lies on the behavioural intention (Blue, 1995). This suggests that the belief on the outcomes of performing the behaviour, in turn contributes to one's attitude towards the behaviour. For instance, if one perceives certain behavioural outcomes as positive, they will have positive attitude towards the said behaviour, and vice versa.

In this study, the legal professionals' behaviour to use linguists as expert witnesses in court would be determined by their intention to use them, which would further be determined by their attitude towards the behaviour of using linguist experts. Taking from Blue's (1995) argument, if legal professionals perceive using forensic linguists as expert witnesses in courts to be beneficial in providing linguistic professional knowledge, then they will have positive attitude towards the behaviour of involving these linguists. Attitudes can be formed through experience, social influence, learning and observation (Glasman & Albarracín, 2006). In this study, it was therefore expected that experience, knowledge and perceived importance would positively affect legal professionals' attitude towards linguist expert witness use in courts.

Methodology

Study setting and participants

This study employed a descriptive cross-sectional research design involving a quantitative method of data collection and analysis. A total of 105 legal professionals, comprising Malawi's judges, magistrates and lawyers, were recruited to participate in the study. All legal professionals who are allowed to practice before the court were eligible to be included in the study, hence no exclusion criteria. This selection criteria yielded various legal professionals with different education levels and work experience.

Data collection tools

In order to examine legal professionals' knowledge, attitude and perceived importance of linguist experts in court, this study used a self-developed questionnaire (see Appendix below on page XXX). The survey instrument consisted of five main sections, soliciting the demographic characteristics of the participants (four items), their awareness (four items), knowledge (eight items), attitude (five items), and perceived importance of linguist experts (seven items). In total, the instrument had 28 open- and closed-ended questions. The first two sections used open-ended question, and the last three sections used closed-ended questions, which were scored on a 5-point Likert scale. To ensure the

instruments' internal consistency on the sample, reliability analyses using Cronbach's alpha were calculated, and the coefficient alpha values were good and acceptable, ranging from 0.75 to 0.82.

Ethical consideration

Before conducting this study, the research protocol had to follow some ethical principles to protect the lives, privacy and confidentiality of participants. We sought ethical approval from the Registrar of the High Court and the Supreme Court of Appeal in Malawi to conduct this study. After the approval, we developed an online, self-administered questionnaire, which was designed through a Google Form, and was sent through different social media channels (e.g., WhatsApp) and emails. The online questionnaire included a consent statement, and participants were to read the statement, and accept to take part in the survey before they attempted the questions. To ensure confidentiality and privacy of the participants, the questionnaire was made anonymous; only the researcher had access to participants' personal demographic data. All electronically downloaded data for the statistical analysis was kept in a password-protected computer.

Data analysis

An Excel document containing data for this study was downloaded from the questionnaire. Afterwards, the data was entered in IBM® SPSS® statistics Version 26 for analysis. Prior to the data analysis, the collected data was screened for accuracy and completeness. To ensure the instruments' internal consistency on the current sample, reliability analysis using Cronbach's alpha was calculated. Descriptive statistics for all the tested variables were calculated and tabulated from raw data. Pearson correlations were also calculated to establish the relationship among the study variables. One-sample t-test was employed to measure if the population was statistically different from the hypothesised value on the study variables. To test if there were disparities between population sub-groups, independent samples t-test and the Analysis of Variance (ANOVA) were used. Finally, a regression analysis was used to examine if knowledge, and perceived importance predicted legal professionals' attitude towards linguist experts.

Results

Socio-demographic characteristics of the participants

A sample of 105 legal professionals were recruited to participate in the study. There was a balanced representation of participants on professional and work experience sub-groups, and the number of participants did not possess significant differences. However, there was a wide gap in education, where the majority (64%) had bachelor degrees, distantly followed by postgraduates (21%), with diploma holders coming last (15%). In terms of gender, 71% were male participants. Details of participants' socio-demographic characteristics are illustrated in Table 1.

TABLE 1: Socio-demographic characteristics of the study participants (n=105)

Participants' groups	Sub-groups	Frequency	Percentage
Gender	Male	75	71
	Female	30	29
Profession	Judicial Officer	55	52
	Lawyer	50	48
Education	Diploma	16	15
	Bachelor	67	64
	Postgraduate	22	21
Work experience	5 years and less	32	31
	6–10 years	39	37
	11 years and more	34	32

Descriptive and Pearson correlation statistics of study variables

The study examined three main variables, and to ensure the self-developed instrument's internal consistency on the sample, reliability analyses using Cronbach's alpha were calculated. Cronbach alpha (α) coefficient values for the three scales were all good and acceptable: knowledge, with 7 items, $\alpha = 0.75$; attitude, with 5 items, $\alpha = 0.82$, and perceived importance, with 7 items, $\alpha = 0.76$. Table 2 presents descriptive statistics and Pearson correlations analysis for all the three variables measured in this study. Correlation results showed that there were strong positive significant relationships within all the three scales. The strong correlation postulates that the variables had a strong relationship, which suggests shared variability between them.

Table 2: Descriptive statistics and Pearson correlations among study variables (n=105)

Variable	*Mean*	*SD*	1	2	3
1. Knowledge of linguistic expert	3.89	0.73	1		
2. Attitude towards linguistic expert	4.21	0.77	0.73**	1	
3. Perceived importance of linguistic expert	3.99	0.71	0.81**	0.73**	1

** Correlation is significant at *p* <0 .001 level (2-tailed)

Awareness of linguistic expert's role in court

This study explored Malawi's legal professionals' awareness of the work of linguistic experts in court. In an attempt to know whether the participants had ever heard about a linguist as an expert witness in court, the study discovered that of the 105, 43 (41%) of the legal professionals had never heard of the experts. The study further revealed that 25 (24%) and 34 (32%) of the participants were not knowledgeable and not sure, respectively, about the nature of the cases linguistic experts would be a valuable resource in the delivery of justice. This means that only 46 (44%) of the legal professionals were fully knowledgeable about the nature of the cases linguist experts would be instrumental in the justice delivery system. Regarding legal professionals' experiences on court cases in which the grammatical interpretation of language was the main concern, 85 (81%) of the participants admitted having such cases. When asked what they do upon coming across such court cases, out of 85 participants, 48 (56%) indicated that they interpreted the intended meaning themselves, while only 4 (05%) indicated consulting a linguist expert, see Table 3.

Table 3: Responses of what legal professionals do on language concerns (n=85)

What legal professionals do on language concerns	Frequency	Percentage
I interpret the intended meaning myself	48	56
I review similar legal cases	21	25
I consult a colleague	7	08
I consult the Internet	5	06
I use a language specialist	4	05

Knowledge, attitude and perceived importance of linguist experts

The study used a one-sample *t*-test to determine whether the respondents were knowledgeable about linguistic experts and their role in court; their attitude towards the linguistic expert and their work, and their perceived importance of the linguistic experts.

Each variable was measured on a test value of a 3.0 (a median in a 5-point Likert scale). A score that was significantly lower than 3.0 meant that the respondents did not know of the linguistic experts; had a negative attitude towards them, and perceived their role as trivial. Conversely, a significantly higher-than 3.0 score meant that the respondents had a profound knowledge of the linguist experts; had positive attitude towards them, and perceived their role as important. Table 4 shows the one-sample t-test results.

Table 4: One-sample t-test results on the study variables (test value = 3)

Variable	Mean	SD	t(104)	p-value
1. Knowledge of linguist expert	3.89	0.73	12.49	< 0.001
2. Attitude towards linguist expert	4.21	0.77	16.09	< 0.001
3. Perceived importance of linguist expert	3.99	0.71	14.22	< 0.001

The results, as shown in Table 4 above, indicate that legal professionals had profound knowledge of the linguistic experts; had positive attitude towards them, and perceived their role as important ($p < 0.001$). Thus, all means were significantly above our test score, which was 3.0, which is the median in a 5-point Likert scale ($p < 0.001$).

Disparities regarding socio-demographic characteristics of the participants

Besides the overall legal professionals' knowledge, attitude and perceived importance of linguistic experts, the study further sought to compare participants' knowledge and experiences using socio-demographic sub-groups. The first to compare was gender, and independent sample t-tests were used. Interestingly, there were no significant differences between male and female participants among all three variables ($p > 0.05$). Regarding professional differences, results showed that judicial officers ($M = 4.05$, $SD = 0.60$) had higher knowledge of linguistic experts than lawyers ($M = 3.71$, $SD = 0.82$); $t(103) = 2.469$, $p < 0.05$. Furthermore, results indicated that judicial officers ($M = 4.35$, $SD = 0.66$) had a higher positive attitude than lawyers ($M = 4.05$, $SD = 0.85$); $t(103) = 2.059$, $p < 0.05$ (see Table 5a).

The study further compared legal professionals' knowledge, attitude and perceived importance of linguistic experts especially looking at the differences between those who had ever heard of the linguist experts, and those who had never heard of them. Independent samples t-test results revealed that there was a significant difference in attitude only. Those who heard of the linguistic experts ($M = 4.36$, $SD = 0.58$) had a higher score than those who had never heard of them ($M = 3.99$, $SD = 0.95$); $t(103) = 2.465$, $p < 0.05$. There were no other significant differences among them ($p > 0.05$). Concerning experiences on cases, in which the grammatical interpretation of language

was the main concern, results indicated that there were no significant differences ($p >$ 0.05) between those who had had some experience with such cases, and those who had had no experience among all the three variables (see Table 5b).

To determine the differences based on participants' education level and work experience, one-way analysis of variance (ANOVA) was used. The results indicated that work experience did not show any significant differences among the groups on all the variables tested ($p > 0.05$). However, as illustrated in Table 6, significant results were observed across the three education groups on knowledge [F(2,102) = 4.36, p = 0.015], and perceived importance [F(2,102) = 3.16, p = 0.047]. Concerning knowledge, post-hoc comparisons, using the Tukey HSD test, indicated that the mean score for participants with postgraduate degrees was significantly higher than those with bachelor's degrees (*MD* = 0.491, p = 0.024), and diplomas (*MD* = 0.534, p = 0.006). Similarly, concerning perceived importance, post-hoc comparisons, using the Tukey HSD test, indicated that the mean score for participants with postgraduate degrees was significantly higher than those with bachelor's degrees (*MD* = 0.408, p = 0.047), and diplomas (*MD* = 0.461, p = 0.019).

Table 5a: *t*-test results showing gender and profession differences on the study variables (n=105)

Variable	Male		Female					Judicial Officer		Lawyer				
	M	SD	M	SD	t	df	p-value	M	SD	M	SD	t	df	p-value
1. Knowledge	3.86	0.59	3.97	1.00	-0.686	103	=0.494	4.05	0.60	3.71	0.82	2.459*	103	=0.016
2. Attitude	4.24	0.68	4.13	0.96	0.624	103	=0.534	4.35	0.66	4.05	0.85	2.059*	103	=0.042
3. Perceived importance	4.00	0.66	3.95	0.83	0.321	103	=0.749	4.04	0.61	3.93	0.81	0.850	103	=0.397

* = p < .05

Table 5b: *t*-test results showing awareness and experience differences on the study variables (n=105)

Variable	Heard		Not heard					Case experience		No case exp				
	M	SD	M	SD	t	df	p-value	M	SD	M	SD	t	df	p-value
1. Knowledge	3.95	0.66	3.80	0.82	1.052	103	=0.295	3.95	0.63	3.64	1.04	1.732	103	=0.086
2. Attitude	4.36	0.58	3.99	0.95	2.465*	103	=0.015	4.28	0.72	3.91	0.90	1.949	103	=0.054
3. Perceived importance	4.00	0.57	3.98	0.88	0.131	103	=0.896	4.03	0.67	3.81	0.85	1.265	103	=0.209

* = p < .05

Table 6: ANOVA results showing education differences on the study variables (n=105)

Group	Variable	Characteristics	Number	M	SD	F	p-value
Education	Knowledge	Diploma	16	3.75	0.45	F(2,102) = 4.36	= 0.015
		Bachelor	67	3.79	0.76		
		Postgraduate	22	4.28	0.67		
	Perceived importance	Diploma	16	3.86	0.52	F(2,102) = 3.16	= 0.047
		Bachelor	67	3.91	0.75		
		Postgraduate	22	4.32	0.63		

The role of knowledge and perceived importance on attitude

Linear regression was used to test if Malawi's legal professionals' knowledge, and perceived importance of linguistic experts, would significantly predict their attitude towards the linguistic experts. Using 'enter' regression method, the prediction model was statistically significant, F (2, 102) = 70.804, $p < 0.001$, and accounted for approximately 59% (R^2 = 0.588) of the variance of attitude. These results indicated that legal professions' knowledge, and perceived importance of linguistic experts significantly predicted their attitudes. Table 7 presents the raw and standardised regression coefficients of the predictors.

Table 7: Regression results for attitude (n=105)

Model	Unstandardised Coefficients		Standardised Coefficients		
Dimensions of satisfaction	B	Std. Error	Beta	t(102)	p-value
1 Knowledge	0.414	0.114	0.393	3.630	=0.000
2 Perceived importance	0.447	0.117	0.414	3.826	=0.000

Discussion

This chapter was designed to explore Malawi's legal professionals' awareness of the linguist experts, and their work in court. The study discovered that 41% of the participants had never heard about the existence of linguistic experts. The study further revealed that 56% of the legal professionals were not certain on the nature of which court cases linguistic experts would be needed. As for those who admitted having experiences of court cases where language issues were the main concern, 56% of the participants indicated that they interpret the intended meaning themselves, while only 4 (05%) indicated that they had ever consulted a linguistic expert. While linguistic experts are being used in various developed countries to validate facts in a court of law (Clarke & Kredens, 2018), and that more legal professionals are becoming aware of the critical role linguists bring in courts (Coulthard et al., 2017), preliminary evidence from this chapter shows that most legal professionals in Malawi are not aware of the existence of linguist experts, as well as the type of cases in which the linguists would help. For the few who are aware, they are reluctant to use them, in spite of their readiness to use medical, police and other expert evidence. Instead, "they interpret the intended meaning themselves".

Several interpretations can be drawn from these results. First, linguist experts are not used in Malawian courts, because most legal professionals are not aware of their existence. Using the Theory of Reasoned Action (Fishbein & Ajzen, 1975), lack of awareness and knowledge would be a major barrier to the intention to perform a behavior, and it would

be the barrier to the performance of the behaviour itself. Therefore, it is certain that those who are not aware of linguistic expertise would not intend to invite them. This is in line with Pakistan's legal system, where lawyers are reluctant to use linguistic experts because mostly, they are not aware of the role, content and scope of their expertise (Ali et al., 2022). Even in Western countries, where the use of linguists as expert witnesses has greatly increased, before it was well marketed, lawyers and judges were reluctant to accept evidence from such experts in courts (Tiersma & Solan, 2002). This reveals a huge weakness in legal education, which undermines the role of linguistics when in essence, law is dominated by linguistics (Gibbons, 2003). Furthermore, legal professionals are trained, and are skilled at seeing cases from their own professional perspectives, which eventually influence their thinking and perceptions towards other fields. Nevertheless, good education should aim to expose students to important overlapping essentials from different fields and show relationships, in this case, law and linguistics.

Second, the reluctance of the knowledgeable legal professionals to use the service of language experts can also be attributed to personal and systemic issues. Regarding personal attribution, as in most Arab countries (El-Sakran, 2020), legal professionals may be reluctant to use linguistic experts for fear of being viewed as incompetent in the language. Furthermore, using a linguistic expert would indicate professional weakness on their part, as they regard language ability to be within their professional competence (Ali et al., 2022); therefore, they would rather ring-fence it. Concerning attributions from Malawi's legal system, evidence from this chapter suggests that Malawi's legal system is less receptive to linguistic expertise. The Malawi legal system needs to be responsive by incorporating the services of linguistic experts in cases like the ones we have hitherto highlighted. As courts have already incorporated evidence based on emails, social media, and audios (all of which were not accepted previously) (El-Sakran, 2020), it is in the same spirit that linguistic expertise should be valued. Moreover, it does not make any sense for courts to accept evidence from the police, IT experts, medical doctors and other technical experts, while ignoring linguistic experts.

Interestingly, when the legal professionals were prompted with items soliciting their knowledge, attitude and perceived importance of the linguist experts, their responses clearly shifted. They demonstrated significantly higher knowledge of the perceived importance, and positive attitude towards the use of linguists. This shift may have been brought about due to the prompted questions that, to some extent, reminded them of linguistic challenges they might have encountered. The Malawian legal system may, therefore, take advantage of this spirit in encouraging the legal professionals to begin to value forensic linguists in courts. In the end, legal professionals might openly call upon these linguists to help in determining whether the available linguistic evidence is legally compelling enough or not.

This chapter has further revealed that education and awareness had an impact on legal professionals' understanding of the linguist experts' services. Those who had heard of linguistic experts demonstrated more positive attitudes than those who had never heard of them. Furthermore, those with higher education level displayed a higher level of knowledge and perceived importance of linguistic experts' potential role than their fellow counterparts. Finally, the study found that knowledge and perceived importance positively predicted attitude. This means that the more knowledgeable one is, and the more one perceives linguistic experts as important, the more positive their attitude becomes. In line with TRA, prior knowledge of the existence of linguistic experts and their services, which could also be influenced by education level, and determine one's attitude and intention to use linguistic expertise in court, hence translating into the behaviour itself. It is said that knowledge is power, and the cornerstone of reputation and influence. Once legal professionals have full knowledge about linguist expert services, and the positive attitude towards their inclusion in courts, the influence to use these linguists may become inevitable (El-Sakran, 2020). To the linguists, there is also a need to shift their attention from theoretical linguistics to applied linguistics, which will enable them to have an impact in offering practical solutions to the challenges faced by the society like those in the justice system.

Conclusion

The involvement of expert witnesses at both investigative and trial stages of a case gives more credibility and adds weight to the evidence on the matter being contested. In Malawi, it is common practice for law enforcers and legal professionals to invite specialists, such as medical professionals, police investigators and IT experts, to testify in courts as expert witnesses. Such evidence helps judicial officers gain deeper insights to help them make informed decisions. It is undeniable that good professionals see and think in line with the traditions of their field; nevertheless, good education demands that professionals should draw their knowledge from different disciplines to broaden their understanding and treat matters prudently. This way, involvement of linguists in courts as expert witnesses cannot be overemphasised, since law exists for the social beings, and is practised using language. Therefore, even though lawyers, judges, and magistrates may be competent speakers of English, they are not specialists of language and may not see the impact of language and its implications on their legal decisions. Therefore, it is very useful for Law and Linguistics to combine their efforts, and benefit from their close relationships. Thus, linguists can help legal professionals by seeing language structure in ways that legal professionals were not trained to do.

The findings reveal a weakness in legal education, which overlooks the role of linguistics in addressing legal problems. The study further challenges linguists to bridge this gap.

For a long time, the general perception has been that linguistic knowledge is largely relevant to the training of English teachers. It is high time linguists made themselves known by moving from purely theoretical to practical linguistics, and embark on deliberate publicity and marketing efforts. The legal system in Malawi should also be responsive by involving linguistic experts as it does with other expert witnesses. We then recommend that legal professionals and linguists should open a conversation about the interrelationships of the two fields for efficient delivery of justice in Malawi and beyond.

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LINGUIST EXPERT QUESTIONNAIRE (LEQ)

Introduction

Dr Wellman Kondowe and Dr. Flemmings Ngwira are academic staff members from MZUNI and MUBAS respectively interested in studies of language and law. We are contacting you because you are a legal profession to participate in our study titled A Linguist as an expert witness in court: Knowledge and perceptions of legal professionals in Malawi. In a number of countries, linguists are oftentimes called in court as expert witness to scientifically validate linguistic facts in a dispute. We have already obtained ethical approval from the Registrar of High Court and Supreme Court of Appeal in Malawi. Therefore, this questionnaire is about your thoughts on the role linguistic experts could play in Malawian courts in crimes that are predominantly centered on language. This is not a test; therefore, answer the questions as honestly as you can. All your answers will be treated with confidentiality. It should take you not more than 7 minutes to complete.

Part A: Demographic Information

The following questions ask about your demographic information, respond by ticking in the appropriate boxes provided.

Gender	☐ Male	☐ Female
Profession	☐ Lawyer	☐ Judicial Officer
Education	☐ Diploma	☐ Bachelor Degree
	☐ Master Degree & above	

Part B:

Respond to the following questions by ticking in the appropriate boxes provided

1. Have you ever heard about a linguist as an expert witness/forensic linguist?

2. List any case type you think a linguist expert would help in the justice delivery

3. Have you ever experienced any cases in which the grammatical interpretation of language was the main concern?   Yes ☐   No ☐

4. If yes, what do you normally do in such cases? Choose one most appropriate

   I interpret the intended meaning myself......................................☐

   I use a language specialist..☐

I review similar legal cases.. ☐

I consult a colleague.. ☐

I consult the Internet... ☐

Part C:

Please read each statement and circle a number 1, 2, 3, 4 or 5 which indicates how much you agree with the statement.

The rating scale is as follows:

1	2	3	4	5
Disagree completely	Disagree	Neutral	Agree	Agree completely

1	Grammatical interpretation of clauses in legal documents is one of the areas a linguistic expert becomes useful	1	2	3	4	5
2	Tracing accusations of fabrication of texts in certain cases would require linguistic expertise	1	2	3	4	5
3	Linguist expert is not very instrumental in identifying textual genuineness and authorship identification	1	2	3	4	5
4	Linguist expert cannot be required on disputes about the meaning of individual words (or part of the word) in a variety of cases.	1	2	3	4	5
5	A forensic linguist's goal is to provide the court and lawyers with the relevant linguistic evidence upon which to base legal decisions.	1	2	3	4	5
6	It is the job of a forensic linguist to help in determining whether the available linguistic evidence is legally compelling enough to sustain or deny a lawsuit that is centered on language	1	2	3	4	5
7	Linguist experts help answer different questions about language that legal professionals meet as they execute their duties.	1	2	3	4	5
8	Linguist experts can translate legal documents into local languages in order to enhance readability and comprehension	1	2	3	4	5
9	It is worthwhile employing forensic linguists' testimony in court	1	2	3	4	5
10	Forensic linguists are as good as any expert witnesses who testify on matters related to their professional expertise.	1	2	3	4	5
11	Involving linguistic experts in dispute resolutions would help us handle our work prudently	1	2	3	4	5
12	Using linguistic experts in our courts is not very important in this age and era.	1	2	3	4	5
13	Linguistic experts may not make any impact in the manner we make legal decisions.	1	2	3	4	5

Part D:

Please read each statement and tick a number 1, 2, 3, 4 or 5 which indicates how much you agree with the statement.

The rating scale is as follows:

1	2	3	4	5
Not at all	somewhat	moderately	adequately	absolutely

1	Where the grammatical interpretation of language is the main concern, for instance in the definition of "the state president shall only serve for the maximum of two consecutive terms", do you think a linguist expert is important?	1	2	3	4	5
2	Do you think our courts need services of forensic linguist on a language-related dispute such as offensive language, defamation, hate speech	1	2	3	4	5
3	Do you think there has been any case which was not be resolved well because there was no involvement of a forensic linguist?	1	2	3	4	5
4	Have you ever considered the use of the services of a forensic linguist to be important?	1	2	3	4	5
5	Do you think linguist experts would be helpful in investigating suspected suicide notes or anonymous letters?	1	2	3	4	5
6	Do you think it is helpful for legal professionals to use forensic linguists in the cases of language related issues?	1	2	3	4	5
7	Language experts would be beneficial in translating legal documents into local languages in order to enhance readability and comprehension.	1	2	3	4	5