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The Role Of Language In Judicial Authorities' Works

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Dedication

I am dedicating this thesis to my beloved mother whose death to private it to admire my success. Although she is no longer of this world, her memories and hopes continue to bright my life.

To my wife, my little family and big family.

Thank you so much Mr. Djamel Ghenami, father and fellow of my study.

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Abstract

Judicial authorities has always formed the sanctuary of plenty of oppressed and weak people ; therefore, the justice sectors requires high authorities and substantial means for fulfillment of justice,, stability , and prosperity in society . Judicial authorities' uses plenty of instruments and tools to carry out its tasks. Among their instrument, it is obvious that language is like an invisible vehicle to express, embody, or fulfill judicial authorities' tasks. Language shapes for judicial authorities' works a neural network. It so without it the whole judicial body is paralyzed.

The work done in this thesis will try to display "The role of language in judicial authorities works" and how linguistic occurs in judicial authorities works by linking the linguistics approaches and legal approaches and then how language contribute to promote the justice sectors.

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General Introduction

Justice is one of the most important moral and political concepts .The word justice is derived from the Latin word “jus”, which means right or law. Justice is often used interchangeably with the word “fairness or equity ” justice is the proper ordering of people and things as is defined by several philosophers, sociologists, theologians and other scientists define justice as the order of people and things. All legal system includes a definition of justice in their codes of law and conduct. Justice is, in fact, the rope that holds societies together. Justice includes the notion of upholding the law, as in the work of police, judges and the court.

Language is indispensable to justice and any legal and judicial systems, like in the same way that it is indispensable social life in general.

The language is used to make law, to create political and legal institutions , and draw how to manage it, in the aim to provide authoritative resolutions of disputes begot by relationships between citizens ; and provide regulations which contribute a good management of people affairs .

The interest of the philosophers of law and justice in the language is not a matter current time, a long time ago philosophers of law and justice had dealt with the subject of language in law and justice, onset by Jeremy Bentham was perhaps the first philosopher, jurist and social reformer who had undertaken with questions of language in law, developing a radically empiricist theory of the meaning of words, which supported his utilitarianism and legal theory.

Then, philosophers of law have developed a, interrelated interest in using insights from the philosophy of language to address problems of the nature of law and develop the measures for pertinent management of the legal institutions.

After that the linguistics has been influenced by several author disciplines like psychology, sociology and neurology now linguistics has straddled the born to the field of legal and judicial sciences and provide this sciences plenty benefits that we cannot be seen , because language form in judicial invisible system neural network in nerve of judicial institution.

The research strives in this work to display the relationship between linguistics and the law and judicial sectors, and also expose a panorama of functions which draw the harmony and consonance in the works of the judicial authorities established by the use of language.

Despite the fact that the language is the useful instrument for judicial authorities work, its position is not undertaken carefully by researchers in judicial works.

The essential work of judicial authorities work can be observed in upholding public order, getting national and nation security, preserving human rights and citizens' rights.

And for accomplish these tasks ; language intervenes in diver and different aspects to serve in this mission.

Spoken language, and written language, modern means of communications are all exploited by judicial authorities.

For that we should ask:

1- How langue is exploited by judicial authorities?

How this exploitation is applied in the work of judicial authorities?

The exploitation of language by judicial authorities is not the same exploitation Carried out by linguists, Sociologists and psychologists.

Judicial authorities has its own community, own speech, own language structured in General by law.

And the language of judicial community has specific purpose to do, therefor it require

A specific language to manage and specific language to apply

The hypothesis that answers this question states that the judicial language is a specific language established to maintain justice and to carry out judicial procedures.

The research strives in the first chapter to demonstrate the linguistics function of language in judicial authorities' works and expose some application of the linguistics function of language in judicial authorities in second chapters.

Introduction

To make connection between linguistics and judicial works, it is required that analyses should find of both disciplines and the common points between them. Typically, as beginner linguists who sail in field of legal and judicial science we should search for language and how it is used in this discipline. The research is for the linguistics phenomenon in this discipline. That what this chapter the research will try to clarify.

1. The Nature of the Judicial Works through the Perspectives of Linguistics

The Nature of the Judicial authorities Works has always studied in legal perspective but there are Another studies had focused in the linguistics sides of Judicial authorities Works That the research try to shows up some sides

1.1. The Role of the Works of the Judicial Authorities

The judges of the nation are only the mouth which pronounces the words of the law; inanimate beings, who cannot moderate either force or rigor. It is therefore the part of the legislative body, which we have just said to be, on another occasion, a necessary tribunal, which is still so in this one; it is to his supreme authority to moderate the law, in favor of the law itself, by pronouncing less rigorously than it.[1]

According to Montesquieu (1777) "the judicial authorities represented by judge are the only spokespersons of law". Law is a set of general abstract rules that organize the relationship between the members of society.[2] In the linguistic perspectives, law forms a written language, that involves several forms of speech. These forms of speech can occur in other forms to accomplish allocation or the endorsement of some rights.

Law forms written language which presented in gazette like official known by all authorities; then judicial authorities works form the spoken language of law which is pronounced in general in solemn audience, and presented after on document called judgments.

[1] Montesquieux , spirit of law , 177 book xl , chapter Vi Page 327
[2] - Mohamed sghir baali , introduction in law , page 05

The judge's prerogatives can be summarized in the following four sections.

1. Judging disputes
2. Authentication.
3. Approbation
4. Habilitation.

1.1.1. Judging Disputes

In social life, there are several conflicts which require intervention and mediation of wise people in early stages of life in earth. The judicial authorities in modern life try to avoid the social oppression, vengeance and other arbitral acts which can disrupt the public safety.[1]

To achieve this task, some forms of communication are required for reporting the true facts before judge. Then, the judge should have considerable knowledge for understanding the conflicts exposed to him in order to justify his decision with streamlined arguments. The judge settles in litigation with crucial speech that cannot be irrevocable, and judge cannot be skeptical, he must make final decision.

1.1.2. Authentication

Through the observation of the several situations and facts of everyday life, people make, usually, significant and fast transition from one social situation to the other. This change leads to create transfer and elapse rights, then, the traces of transition can be erased through periods of time and lot of versions of the events can be simply pretended.

Through, preventive measures, the judicial authorities intervene to preserve the people rights in official documents. This type of operation is called authentication. For example each one of the whole population enjoys with personal rights like name, domicile, affiliation, nationality, etc. proving that somebody is called Hassan and his

[1] - article 157 of Algerian constitution (law 16 -01 of march ,06th2016 ,published in gazette n 14 march ,07th 2016

father is Hocine, and belongs to the Algerian nation that information is needed to be pronounced orally by judge and be maintained in official written documents. Thus, no other evidences can rebut this authenticity.

That what maintain the proverb "judgment is tittle of truth"

1.1.3. Approbation

All sayings of people can carry two probabilities "true" or "false", and the relationship between people can be surrounded by these two probabilities. Consequently, the judicial authorities carry out their mission to approbate the civil and commercial contracts. Then, all civil acts which are pecuniary or moral should be protected from falsification.

Here the judge intervenes for maintain the true and legal business and forbid the falsification.

1.1.4. Habilitation

To practice the political and social rights all people need something called legal capacity. This capacity required any legal system as an essential element for being a legal person either at the physical or moral levels.

Legal capacity is recognition in by the law to some persons, that they have ability to undertake their responsibility and to carry out their obligation and to be better governing their rights. [1]

Law is making of a set of general rules which organize the societies and relationships between people. If one rule makes some snags to the interests of people the judge can intervene to make exception to lift this snag and allow that the fluidity of relationships resumes its route. Young people cannot have the ability to marry or practice trade for reasons of age, so the judge can provide this capacity to young people.

1.2. Ways to Express and Practice the Judicial Authorities Prerogatives

[1] - article 07 ordinance n 05-02 concerning the family Code and article 05 and 06 of code of trade

The judge exhausts those prerogatives within several forms which are indicated in the following points:

1.2.1. Operative Part of Judgment

The way in which the judge expresses his decision in the case exposed before him is called "the verdict". The legal conditions require that the verdict must be uttered in pubic audience and the clerk must note all what is uttered. The verdict is usually used when judge arbitrates in disputes.[1]

1.2.2. The Signature and Visa

The signature and visa are forms for expressing authentication, approbation, and habilitation. One can ask: "why do we find the signature and the visa of the president of the court in several administrative commercial, civil and official registers and documents?"

The answer to this question is that the signature and the visa of the president of the court make authentication and approbation to ensure that all information noted in those documents and registers are true. Moreover, those documents and registers make authentic evidences before the judge in any case of disputes.

Through the examination of the ways in which the expression and practice of the prerogatives of the judicial authorities, we can understand that the features of judicial authorities are only in form of words and language. Thus, without the use of language we cannot make justice and the process of justice do not it work. Furthermore, justice necessarily needs specific social forms of communication like "pleading", "claiming", and so on. And without these forms, the work of the judicial authorities becomes only interference in the affairs of the private social life of people.

As a result, the work of the judicial authorities is exactly a form of spoken and written language whose role is to maintain social organization. There is therefore a great

[1] - article 272 of Algerian code of civil and administrative proceeding

interest in placing the work of the judicial authorities at the center of interest of linguistic perspectives.

Judicial works and sings

According to Jeremy Bentham, the right is a set of signs. Law (meaning relevant here) is the systematic organization of community life with standards considered binding to members of society and its institutions. The law is an essential part of this form of systematic organization. Most of these criteria have standard language. Lawyers are familiar with these standards: Murder may constitute a criminal offense (or defamation may be harm or some conventions may be enforceable as contracts ...), thanks to the expression by any person or institution

Moreover, the legal and judicial systems can be distinguished from through verbal acts, because any legal system consists most of verbs. The legal experts may be familiar with terms whose meaning and content cannot be understood except by specialists. These terms are considered to be meanings of interconnectedness, and sometimes we may need to have established rules of jurisprudence to regulate legal and judicial speech and harmonize judicial work.

The Linguistic Tasks of the Judicial Authorities

Since we have explained, above, the general frameworks and prerogatives of the judicial authorities, the following part tries to illustrate and simplify for the reader the linguistic tasks of the works of the judicial authorities

1.3. Understanding and Interpreting the Written Laws

Law-makers characteristically use language to make law and must provide an authoritative resolution of the problems begot by the confusion of people's interests and to organize the people's relationship and life in the society. So, lawyers, judges and all judicial authorities must master some linguistic notions in the fields of justice, and to understand and learn the law. They also should know the international human rights issues, and how law and language are related.[1] The objective behind this mastering is to

[1] - Isson, John. "What Is Forensic Linguistics?" *www.thetext.co.uk/what_is.pdf* (PDF)

deal with the confusion of people's interest and make people aware about what is their right and what is wrong because people are not, in general, connected with law.

In general law is produced by political decision makers who are not in general preoccupied by language.[1] But judges as legal philosophers give special importance to language and the philosophy of language. Judges in their works try to explain the normativity of law. Indeed, the law is considered as a guide to conduct the members of any community. One easy way to express this abstract feature of law is by underling that law makes normative statements like "obligations", "right", "must", "may". The judges try to interpret the written texts, not with the way that literary texts are interpreted but in other methods that are specific for them to facilitate the exposition of the confused situations.

1.3.1. **Understanding Written Law**

Understanding written law isn't just a matter of language; it's also governed itself by law. This law determines what a particular juridical instrument "means" in our legal system.

There are many crucial questions for judges such as "what do these words mean?", "What did law make this instrument mean?" "How does it fit into the rest of the corpus juris?" "How are the legal sources and authorities taken all together to be established"? Questions like these require some particular systems of law, and their answers depend on the other legal rules in place[2].

The legal instrument effect doesn't just beget from the meaning of its language but according to the favorite set of linguistic conventions. "What to read and what linguistic conventions to use?" is itself a question of law. Judges need some rules to understand the written law that we call the "standards of jurisprudence".

[1] - Endicott, Timothy, "Law and Language", The Stanford Encyclopedia of Philosophy (Summer 2016 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2016/entries/law-language

[2] - William Baude & Stephen E. Sachs - THE LAW OF INTERPRETATION – havard law review volume 130 February 2017 number 04 p 1083

Jurisprudence, as is described by Jeremy Bentham, is the art of knowing what has actually been done in the way of internal government.[1] Jurisprudence refers to a set of philosophical principles, or interpretive theories, for making sense of laws.

The interpretation made by magistrate is called in common law systems "statutory Interpretation" of which England is the strong example. In Roman and Civil law, a statute (or code) guides the magistrate. Statutory interpretation is the process by which courts interpret and apply law. In the English Parliament historically lawmakers cannot enact a comprehensive code of legislation, this is why it was left to the courts to develop the jurisprudence, and having decision of any case and giving the reason for decision[2], the decision would become binding on later courts.

Judges use various tools and methods of statutory interpretation, such as traditional canons of statutory interpretation, legislative history, and purposes. The canons of interpretation, also known as canons of construction, canons give common sense guidance to courts in interpreting the meaning of legislation.[3] Canons of interpretation have several kinds of rule that we enounce in this following lines.

1.3.1.1. Textual Canons

Textual canons are rules of thumb for understanding the words of the laws texts. Some of the canons are still known by their traditional Latin names.[4]

1.3.1.2. Substantive Canons

Substantive canons instruct the court to favor interpretations that promote certain values or policy results.

[1] Bentham Papers, University College London, box lxix, folio 195 [hereafter as UC lxix. 195].

[2] ***Ratio decidendi*** is a Latin phrase meaning "the reason" or "the rationale for the decision". The *ratio decidendi* is "the point in a case that determines the judgement" or "the principle that the case establishes".

[3] https://en.wikipedia.org/wiki/Statutory_interpretation#Canons

[4] https://en.wikipedia.org/wiki/Statutory_interpretation#Canons

1.4. Interpretation of Written Law

Like what that it has announced interpretation of literary texts is different to interpretation of law texts because the aims of interpretation of law is to make texts utilities not its legal or literary value .

1.4.1. perspectives of Judicial Interpretation

Jeremy Bentham was perhaps the first to make a deliberate attempt to use philosophical insights about language to interpret the law texts. He developed a radically empiricist theory of the meaning of words, which supported his utilitarianism and his legal theory.[1] Bentham seems to have thought of the meaning of a word in causal terms, as

"Its capacity to act on a subject by raising an image of perceptible substances or emotions for which, he said, the word was a name. 'By these general terms or names, things and persons, acts, and so forth are brought to view.[2]

Philosophers of law including judges look to the utility of terms used in law texts and its role to determine the policy target by lawmakers. The interpretation of law is focused on language, using standardized linguistic conventions to discover a document's meaning or a drafter's intent.

William Baude & Stephen E. Sachs view that "Legal interpretation is neither a subfield of linguistics nor an exercise in policymaking"[3]. Rather, it is deeply shaped by preexisting legal rules. These rules tell us what legal materials to read and how to read them. Like other parts of the law, what we call "the law of interpretation" has a claim to guide the actions of judges, officials, and private interpreters — even if it isn't ideal. We argue that legal interpretive rules are conceptually possible, normatively sensible, and

[1] - Endicott, Timothy, "Law and Language", *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2016/entries/law-language

[2] Endicott, Timothy, "Law and Language", The Stanford Encyclopedia of Philosophy (Summer 2016 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2016/entries/law-language

[3] - William Baude & Stephen E. Sachs - THE LAW OF INTERPRETATION – havard law review volume 130 February 2017 number 04 p 1081

actually part of our legal system [1] So the legal interpretation should be performed in the theory of statutory and constitutional interpretation, distinguishing purely linguistic questions from legal questions to which language offers no unique answer and the appropriate theory of meaning can change with the context.

1.4.2. Rules of Judicial Interpretation

Literal interpretive methods offer only an approach or an intellectual approach to address conflicts of statutory interpretation, but the rules of judicial interpretation set out more specific standards to help resolve them. They do not in the form of mandatory rules, but validly constitute guides and arguments[2]. The rules of interpretation relate to the extra literals elements of the law, that is to say, in the context of the law (rule of the unity of the text, rule of harmonization with the related laws and the "maxim ejusdem generis" to its object or intention.

1.4.2.1. The Unity of the Text

The rules relating to the context, that is to say those relating to the general scheme of the law, take into account either the relationship between the various provisions of the same law, or the relationship between a law and the laws surrounding it. The first rule that emerges is that of the unity of the text, according to which the law forms a whole, of which the unit emerges from several elements of the text. The divisions, the pivotal words, the references, the uniformity of the vocabulary reinforce this unity.

The provisions of a law are interpreted one by the other by giving each of them the meaning that results from the whole and which gives it effect [3] ". It leads the interpreter to consider the elements of the law as a whole and to seek unity in the most encompassing elements of the text such as title, headings, preamble, and object. It is also by virtue of this rule that the use of the same word several times in the text of the law presumes that the legislature intended to give it everywhere the same meaning. On the

[1] - William Baude & Stephen E. Sachs THE LAW OF INTERPRETATION havard law review volume 130 February 2017 number 4 page 1082

[2] -. Pierre-André CÔTÉ, with the collab. Stéphane BEAULAC and Mathieu DEVINAT, Interpretation of Laws, 4th ed., Montreal, Themis Publishing, 2009, p. 45-49

[3] - Quebec Interpretation Act, supra, note 4, art. 41.1

other hand, the use of different words suggests that the legislator intended to give them different meanings.

1.4.2.2. Harmonization With Related Laws

Relationships between a law and its surrounding laws result in the rule of harmonizing the law with related laws. The hierarchy desired by the legislator in the scheduling of various laws on the same subject must be preserved by the interpreter. It is therefore his responsibility to avoid conflicts between laws, to ensure the uniformity of the vocabulary between related laws - which are also called laws in pari materia - and to apply the laws according to their purpose.

Two useful rules to resolve conflicts of harmonization between the laws associated with these reporting relationships: the primacy of the particular rule (specialia generalibus derogant) and the primacy of the new rule (posteriora prioribus derogant).
To resolve a conflict of laws, the text of a particular law is given precedence over a more general text stating a contrary rule. It is said that the particular rule derogates from the general rule. This is the primacy of the particular rule. We apply this rule to the extent that it is possible to distinguish the level of generality from the two contradictory pieces of legislation. In the presence of texts of the same level of generality, the second rule of the primacy of the new rule. In this case, the text of the new law is given precedence over any earlier law enacting a contrary rule. It is said that the new rule derogates from the old rule.

The legislator can certainly exclude the application of these rules, provided however that it is done explicitly. This is what he does when he uses the words "notwithstanding anything to the contrary" or "notwithstanding anything to the contrary" to rank various laws or provisions of the same law among themselves.

1.4.2.3. Ejusdem Generis

The Latin phrase “ejusdem generis” expresses another rule of interpretation arising from the general scheme of the law, which requires the interpreter to take into account

the scheduling terms and provisions of the law. In this regard, law drafters, particularly in common law countries, have introduced certain usages that have shaped several rules of interpretation. The maxim Ejusdem generis originates from these uses them. Anglo-Saxons editors, who enumerate all possible cases of application of the law, unlike the editors of civil law countries that expose the law by broad and encompassing principles.
For the purposes of the maxim Ejusem generis, it should be noted that in any legislative provision containing a list of specific cases followed by a more general term, the latter must be limited to cases of the same kind as those mentioned even if he is likely to kiss more.

1.4.3. Understanding Language Used in Judicial Processes

Judicial processes mean any notice or court action by a court that obtains jurisdiction over a person or property. Common forms of procedure include "subpoena", warrant and warrant the process normally takes effect by serving a person, arresting a person, posting it on real estate or seizing personal property. [1]

Civil procedure is the body of law that sets the rules and standards that courts apply when deciding on civil suits). These rules govern the manner in which a lawsuit or case may be brought; what type of process service (if any) is required; the types of pleadings or statements, motions or motions and orders admitted in civil cases; the timing and manner of the statements and the discovery or disclosure; the conduct of the trials; the judgment process; various remedies available; and how the courts and clerks must operate. [2]

Criminal procedure is the decision-making process of criminal law. Although the criminal procedure differs considerably from one jurisdiction to another, the process usually begins with a formal criminal charge in which the person on trial is either free or on bail, or incarcerated, and results in conviction or conviction. Acquittal of the

[1] -Walker, David (1980). *Oxford Companion to Law*. Oxford University Press. p. 1003. ISBN 0-19-866110-X.
[2] -https://en.wikipedia.org/wiki/Civil_procedure

defendant. Criminal proceedings can take the form of inquisitorial or accusatory criminal proceedings.[1]

Judicial interpretation shape different ways that the judiciary uses to interpret the law, particularly constitutional documents and legislation. This is an important issue in some common law jurisdictions such as the United States, Australia and Canada, because the supreme courts of those nations can overturn laws made by their legislatures via a process called “judicial review”.

For example, the United States Supreme Court has decided such topics as the legality of slavery as in the Dred Scott decision, and desegregation as in the Brown v Board of Education decision, and abortion rights as in the Roe v Wade decision. As a result, how justices interpret the constitution, and the ways in which they approach this task has a political aspect. Terms describing types of judicial interpretation can be ambiguous; for example, the term judicial conservatism can vary in meaning depending on what is trying to be "conserved". One can look at judicial interpretation along a continuum from judicial restraint to judicial activism, with different viewpoints along the continuum. There are different ways to do judicial interpretation.

1.5. -The Provision of Evidence

One of the main goals of Linguistics is to offer a careful and systemic analysis of language in crime investigation. This analysis is called in legal language forensic linguistics.

The results of this analysis can be used by many different professionals. For example, police officers can use this evidence not only to debrief witnesses and suspects more effectively but also to solve crimes more reliably. Lawyers, judges and jury members can use these analyses to help appreciate questions of guilt and innocence more fairly. And translators and interpreters can use this research to communicate with greater

[1] -https://en.wikipedia.org/wiki/criminal procedure

accuracy. Forensic Linguistics serves justice and helps people to find the truth when a crime has been committed. [1]

More than forty years ago, Jan Svartvik,[2] a linguistic expert, displayed dramatically just how helpful Forensic Linguistics can be. He analysed the transcript of a police interview with Timothy Evans, a man who had been found guilty of murdering his wife and his baby daughter in 1949. Svartvik showed that parts of the transcript differed considerably in their grammatical style when he compared them to the rest of the recorded interview. On the basis of this research and other facts, the courts conclude that Evans had been wrongly accused.

Unfortunately, Evans had already been executed in 1950. However, thanks to Svartvik's work, 16 years later, he was officially acquitted and his name was rehabilitated. Svartvik's work is considered today to be one of the first major cases in which Forensic Linguistics was used to achieve justice in a court of law. Today, Forensic Linguistics is a well-established, internationally recognized independent field of study.[3]

Importantly, forensic linguistics work is used not only to uncover crime and perpetrators, but also to protect the innocent. An excellent example of how this can be achieved is a special, fixed-form, written text called "Miranda Warnings."[4]The fact that someone has been arrested does not necessarily mean that he is guilty. And even when a suspect has actually committed a crime, the police are still required to ensure that the laws of the land are respected and protected. To ensure that these regulations and procedures are always followed, the police are obliged to read the official text in many countries.

[1] - What is Forensic Linguistics?" [blog post]. In: *Language Matters!*, December 12, 2016, https://lama.hypotheses.org/70.
[2] -John Olsson (2008), *Forensic Linguistics, Second Edition*. London: Continuum ISBN 978-0-8264-6109-4
[3] - Coulthard, Malcolm and Alison Johnson (2010): *An Introduction to Forensic Linguistics: Language in Evidence*. London and New York: Routledge, p. 5
[4] - 2. Coulthard, Malcolm and Alison Johnson (eds.) (2013): *The Routledge Handbook of Forensic Linguistics*, London and New York: Routledge, p. 7

In the United States, this text is called Miranda's warnings. Forensic linguists specializing in the analysis of "Miranda rights" can show how variations in the reading of the text can change the way it is understood. They could also study how translations of the text could change the original legal intent. Today, forensic linguistics is generally divided into two main areas with many different sub-branches.

1.5.1. Written Language

The written language examined by a forensic linguist can take different forms: telephone messages, notes, handwritten letters, social media publications, etc. This different form can form object of transcripts of police interviews with witnesses and suspects; criminal messages, suicide, abduction, blackmail, etc... The examination of texts to answer the questions concerning the author or not.

1.5.2. Spoken Language

Language used by interpret during official hearings of witnesses, suspects and victims; the language used by offenders or victims during a crime. The purpose of this area is not just what has been said, but how it has been said. Linguists who primarily study the written language look at characteristics such as spelling, sentence construction, word choice, punctuation, and so on. On the other hand, linguists who mainly examine the spoken language focus on the accent, the speech, etc.

As the name suggests, most of the experts in forensic linguistics have a degree in linguistics, the study of language. However, a large number of forensic linguists also possess a degree or advanced training in other academic fields such as law, psychology, sociology, computer science and criminology.

There are many famous cases involving the analysis of language by judicial linguistics. These cases involve suicide letters written by famous artists such as Kurt Cobain; ransom notes related to Charles Lindbergh (the first pilot who managed to cross the Atlantic between New York and Paris) whose son was kidnapped and found dead in the garden of the Lindbergh family's home; a note of kidnapping discovered after the

disappearance of Jon Benét Ramsey, a queen of childish beauty carried away by her family and found dead in the cellar of the family.

Cases involving forensic linguists have not all involved violent crimes. There are also many legal disputes concerning trademarks. One of the most famous is the lawsuit brought by Apple's Beatles Corps against Apple Inc.'s Steven Jobs.

Another type of nonviolent crime common for which forensic linguists can provide useful evidence, which involves arguments about the authors behind a text like a poem or novel. These cases involve plagiarism issues. When one does not know who wrote a text, a forensic linguist can analyze language samples of several authors, then determine which author language best matches the disputed text. J.K. is a popular literature where this technique has been used. Harry Potter of Rowling and the Da Vinci Code of Dan Brown.4

As the need for forensic linguists continues to grow, several universities have introduced undergraduate and postgraduate programs in this area. The best known in the UK is Birmingham Aston University and its judicial language center.

2. The linguistics phenomenon in judicial authorities works

We have presented the deferent aspects of use language by the judicial authority's works; we try to discover the links between General Linguistic Theories in the Works of the Judicial Authorities

3.1 General Linguistic Theories in the Works of the Judicial Authorities

2.1.1. Structuralism in the works of the judicial authorities works

In sociology, anthropology and linguistics, structuralism is the methodology that implies that the elements of human culture must be understood in terms of their relationship to a larger, more global system or structure. It allows us to discover the structures that underlie all things that humans do, think, perceive and feel. Alternatively, as the philosopher Simon Blackburn has summarized, structuralism as:

"The conviction that the phenomena of human life are intelligible only through their interrelationships." These relations constitute a structure and, behind the local variations of surface phenomena, there are constant laws of abstract structure ". [1]

Structuralism in Europe developed in the early 1900s in the structural linguistics of Ferdinand de Saussure and the Linguistics Schools of Prague, in Moscow and Copenhagen[2]. In the late 1950s and early 1960s, when structural linguistics faced serious problems such as Noam Chomsky and became less important, many social scientists borrowed Saussure's concepts for use in their respective fields of study. The French anthropologist Claude Lévi-Strauss was undoubtedly the first researcher of this type, arousing a keen interest in structuralism[3]

Judicial Structuralism is a way judges use by searching for the meaning of a particular constitutional principle only by "reading it against the larger constitutional document or context," according to Finn. Judges try to understand how a particular ruling fits within the larger structure of the entire constitution.[4]

According to Jeremy Bentham, the law is an assemblage of signs. Law is the systematic regulation of the life of a community by norms considered binding on members of the community and its institutions. A law is a standard that is part of such a form of systematic regulation. Many of these standards have no canonical language (is, no form of words that, in accordance with the law, determines the content of the standard). Lawyers are familiar with these norms: murder can constitute a criminal offense (or defamation can be a tort or certain agreements can be enforceable in the form of contracts ...), and not because of the expression by any person or institution a rule that

[1] - Blackburn, Simon (2008). *Oxford Dictionary of Philosophy*, second edition revised. Oxford: Oxford University Press, p. 353, ISBN 978-0-19-954143-0

[2] - Deleuze, Gilles. 2002. "How Do We Recognise Structuralism?" In *Desert Islands and Other Texts 1953-1974.* Trans. David Lapoujade. Ed. Michael Taormina. Semiotext(e) Foreign Agents ser. Los Angeles and New York: Semiotext(e), 2004. 170–192. ISBN 1-58435-018-0: p. 170.

[3] - blackburn, Simon (2008). *Oxford Dictionary of Philosophy*, second edition revised. Oxford: Oxford University Press, p. 353ISBN 978-0-19-954143-0

[4] -John E. Finn (2006). "Part I: Lecture 4: The Court and Constitutional Interpretation". *Civil Liberties and the Bill of Rights*. The Teaching Company. pp. 52, 53, 54.

it should be, but because the institutions of the legal system usually treat murder as an offense (or defamation as a crime ...). Moreover, legal systems cannot be distinguished from legal systems consisting solely of linguistic acts, since no legal system consists solely of linguistic acts.

A civil law system with a civil code and a criminal code can make murder a crime (and slander an offense ...) by a written act. It may be a written constitution that gives the Civil Code and the Penal Code the force of law. But the validity of the written constitution will depend on a norm that is not created by the use of signs: the rule that this text should be treated as enunciating the constitution[1]

2.1.2. Behaviorism in Judicial Authorities Works

Back in the 1940s the political scientist C. Herman Pritchett began tallying the votes and opinions of Supreme Court Justices. His goal was to use data to test the hypothesis that the Justices were not only following the "law," but were also motivated by their own ideological preferences.[2] In all judiciary systems judge take decisions according their intimate conviction. This conviction can be affected by several personal, social , and cultural factors which can who can put the fate of litigants into bet .So, the selection and formation of magistrate to lead the justice court must in stringent condition because like what we have said thereof judge is mouth of law.

2.1.3. Naturalism in judicial Works

Legal naturalism is a term coined by Olufemi Taiwo to describe a current of Karl Marx's social philosophy that can be interpreted as a natural law stream. Taiwo considered this as the manifestation of natural law in a dialectical materialistic context.[3] Methodological naturalists (naturalists) regard philosophy as a continuation of empirical research in the field of science. Some M-naturalists want to replace conceptual and justifiable theories with empirical and descriptive theories; they are inspired by Quinean

[1] -[1] - Endicott, Timothy, "Law and Language", *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2016/entries/law-language

[2] - Lee Epstein, Some Thoughts on the Study of Judicial Behavior, 57 Wm. & Mary L. Rev. 2017 (2016), http://scholarship.law.wm.edu/wmlr/vol57/iss6/3

[3] - https://en.wikipedia.org/wiki/Legal_naturalism

arguments more or less opposed to conceptual analysis and fundamentalist programmes. Other naturalists retain the normative and regulatory ambitions of traditional philosophy, but emphasize that it is an empirical question to know which normative advice is actually usable and effective for creatures like us.

Conceptual analysis of the concept of law should be replaced by reliance on the best social scientific explanations of legal phenomena, and (2) normative theories of adjudication should be replaced by empirical theories. These views are associated with American Legal Realism and Brian Leiter's reinterpretation of Realism. Normative M-naturalists, by contrast, inspired and led by Alvin Goldman; seek to bring empirical results to bear on philosophical and foundational questions about adjudication, the legal rules of evidence and discovery, the adversarial process, and so forth.

2.1.4. Cognitivism in judicial works

Cognitive Linguistics is an interdisciplinary branch of linguistics, relate knowledge and research from psychology and linguistics. It describes how language interacts with cognition, how language shapes our thoughts and how it evolves along with the change in mindset over time. Like the linguistics mental process the judicial works are also mental process operated by the cognitive functions and theories.

The jurisprudence is universal by the cosmopolitan theories as is described by Jeremy Bentham and it is generative as generative grammar by analogical deduction.
Also jurisprudence is managed by the cognitive functions (Perception, integration, storage, treatment, and action) in cognitive theories occurs the role of language in judicial works because parole and script forms are the only ways which judge percept and receive the facts.

This parole and script can be involved in evidence presented by opponents, and judge cannot shape his conviction except the evidences discussed in audience.

2.2. Linguistics phenomenon

2.2.1. Semantics phenomenon

According George Yule Semantics is the study of the meaning of words, phrases and sentences. In semantic analysis, there is always an attempt to focus on what the words conventionally mean, rather than on what an individual speaker (like George Carlin) might want them to mean on a particular occasion. This approach is concerned with objective or general meaning and avoids trying to account for subjective or local meaning. Doing semantics is attempting to spell out what it is we all know when we behave as if we share knowledge of the meaning of a word, a phrase, or a sentence in a language.[1]

Legal and judicial language is expressly or implicitly premised on a view of the relation between a law-making use of language, and the law that is made. It is the view that if a body or person is authorized to make law, it makes the law that it communicates by its use of language that is called 'the communication model'. It must be qualified in at least four ways, because the law itself regulates the making of law: The law that is limited by any limit on the power of the law maker (as to the substance of the law that it can make, or as to the process by which it can lawfully make law), and rules of law may qualify the law that is made, in a variety of ways that are not susceptible of any general characterization [4. Courts may resolve indeterminacies in the effect of an act of law making, and where they do so, their decisions may have conclusive legal effect, and if a court departs from what the law maker communicated (for good reasons or bad), the decision of the court may have conclusive legal effect (for the parties, and also for the future if the decision is treated as a precedent). So, the role of judicial works is the create The keys words that make connotations obvious for the intention targets by lawmakers

3.2.2 Pragmatics phenomenon

The dependence of the effect of legal and judicial language on the context is an example of a general characteristic of communication, which some philosophers of language have approached by distinguishing semantics from pragmatics. The distinction

[1] - George yule , the study of English , fourth editions , Cambridge University page 112

is, roughly speaking, between the meaning of a word or phrase or other linguistic expression and the effect to be attributed to the use of the expression in a particular way by a particular user. Of the language, in a particular context. The pragmatics of legal language is a broad field, since the term "pragmatic" could be used as a part of what legal scholars and modern theorists have described as a ground for interpretation (and also a part of what they have described as the theory of interpretation because "pragmatic" is a term not only for the effects of communication, but also for the study of these effects). For example, the work of judges can be described as an exercise in pragmatic inference. The technical sound of the word "pragmatic" may suggest that it is a term for the theoretical study of its object; In fact, the area of study is what could be inferred from the fact that someone said what he said in the context in which he said it. No object of study is less able to theorize.

3.3 Sociolinguistics phenomenon

3.3.1 **Bilingualism phenomenon** is the legal bilingualism, which is an ideal to which the Canadian legal order aspires. In practice this aspiration has led to the production of legislation and federal judicial decisions in both English and French. Legal bilingualism is based on the semantic and epistemological foundations. Post modem critiques of legal indeterminacy rest on the same impoverished view of human communicative symbolisms that sustains the claim that legal bilingualism can be realized by simply translating legal texts. Once the deferential and presentational capacities of human symbolisms are recognized alongside their rational and discursive properties, the relationship between language and legal knowledge reveals its complexity.

There are many the theories and practices of legal bilingualism and reviews the institutional requirements of a bilingual legal order. Legal bilingualism is contrasted with legal dualism in, where the semantic and epistemological lessons of legal bilingualism are then read back into the interpretation of unilingual legal orders.[1]

[1] - Roderick A. Macdonald* Legal Bilingualism

3.3.2 Diglossia phenomenon

In linguistics, diglossia (/daɪˈglɒsiə/) is a situation in which two dialects or languages are used by a single language community. In addition to the community's every day or vernacular language variety (labeled "L" or "low" variety), a second, highly codified lect (labeled "H" or "high") is used in certain situations such as literature, formal education, or other specific settings, but not used normally for ordinary conversation. In most cases, the H variety has no native speakers.

The diglossia occur in judicial works in particular in trial ,More precisely in pleading, when layers use different aspect of speech that we can call level of the rhetoric persuasion.

Speech contest is the ideal instrument which the layers must master by using two varieties of speech; because court is composed by professional magistrates and jury selected among public.

Conclusion

The conclusion is that judicial works is language and forms of communications between the judicial institutions and members of society and author institutions. It also notices that how the linguistics phenomenon had conquered the universes of legal and judicial systems, and provided many benefits To judicial works, basically in lead down the justice and equity in society, and maintain its organization.

Chapter two deals with the linguistics applications in the juridical authorities work.

Chapter one deserves to be illustrated by some many example and linguistics applications that can draw the linguistics scenic of judicial works.

Introduction

For understand what the linguistics functions of in judicial works, the second chapter l try to analyze so legal notions with linguistics instruments, and to showing up its effects in judicial works.

1. The Linguistics Forms of the Works of the Judicial Authorities

1.1. Written forms

Written forms of judicial authority's works occur in several official documents. These documents are endowed of two principal characteristics. The first is probative [1]force and the second enforceability. Probative force is all facts sited in official documents that make the truth. Then, no evidences can disprove these documents and judge is divested to change any facts in documents except legal recourse or rectification and interpretation and expect no contentious judgment.

Enforceability[2], is when documents get the "res judicata"[3] he get with it the enforceability and all authorities in republic territory must execute the order included in written document and should help to execute the content of document. With these two features official judicial documents have values: legal value and linguistics values.

1.1.1. Legal Values of written forms

Legal values of official judicial written documents is manifested when documents reach to maintain the organization of society by reestablishment the rights to their owners , preserve public order , by the rigor in its execution.

[1] - article 338 of Algerian civil code
[2] - article 281 and 600 of Algerian civil and administrative proceeding code
[3] - ***Res judicata*** (RJ) or ***res iudicata***, also known as **claim preclusion**, is the Latin term for "a matter [already] judged", and refers to either of two concepts: in both civil law and common law legal systems, a case in which there has been a final judgment and is no longer subject to appeal; and the legal doctrine meant to bar (or preclude) continued litigation of a case on same issues between the same parties. In this latter usage, the term is synonymous with "issue preclusion".
Angelo Gambiglioni, *De re iudicata*, 1579
In the case of *res judicata*, the matter cannot be raised again, either in the same court or in a different court. A court will use *res judicata* to deny reconsideration of a matter.[1]

So, the rights including in this document must be valid, in contrast the document become caduceus.

1.1.2. Linguistics Values of written forms

Linguistics values of official judicial written documents occur in legibility. This legibility must be present in two levels.

- Grammatical level by choosing simple and adequate terms and, correctly sentence and phrase.
- Conventional and idiomatic level by adopting the rules of understanding and interpreting at wording and redacting the document.

Linguistics values avoid falling in “paralogism” at the creation the document and at the execution of document.

1.2. Spoken Forms

The scoop of forms spoken in the judicial works is narrow compared to the forms written according to the expression "verba volant scripta manent”.

Spoken forms in judicial works are used greatly in pleading and when verdict is pronounced. The law requires that pleading must be done in solemn audience; even the verdict must be done. The principles of fair trial require that trial must be in public audience, and in contradictory conditions.

This condition is dependent to principal proceeding which is oral pleading and with this way the principles of public audience and contradictory will be obsolete.

Spoken forms in judicial works provide celerity in judicial works and transparency. Also it can make legible the official judicial written documents. Since parole supports one sense. However, official judicial written documents have plenty senses.

1.2.1. The legal values of spoken forms of judicial works

The judicial deed doesn't produce its effect except after being pronounced in public audience and being testified by clerk, and this point it is the point of distinction between judging proceeding and gracious proceeding.

In judging proceeding the clerk mentions all words uttered by judge in official registers and in gracious proceeding the judge redact by themselves the official documents and the document produced its legal effects after the document is signed and sealed by judge.

1.2.2. the linguistics value of spoken forms

The linguistics value of spoken forms occurs in the investigation, precisely in questions of investigator. The question requires promptitude and analyses precisions .The Bloomfield taxonomy is new experience never be used in field criminal investigations.

But if this method is tried in investigations , interrogation of suspect , audition of witness ,this new method can bring goods results , because the aim of bloom taxonomy is to recall information , remember knowledge , and the second is to recall events by memory , and coordination of the Information for discovering the truth .

1.3. Judicial Works over the perspectives of Signs

A law and judicial proceeding, is not just an assemblage of signs, and law is not necessarily made by the use of language, and every legal and judicial system has norms that were not made by the use of language. Laws and judicial proceeding are not linguistic acts.

Laws, you may say, are standards of behavior that can be communicated (and some of which are made) by using language. But this is controversial among writers on legal interpretation. That we need something called understanding rules which not made by language that can help us to understand and interpret law.

This methods is used to results the disputes begot by paradox of language

For example: this history of the Greek Portagoras and his pupil in ancient Greece, there was a student called euathlus learning law by a teacher Protagoras. The teacher told the student that he will get paid after the student wins the first case. After the student learned and became a lawyer, the teacher raised the student a case demanding money.

Therefore, when does the teacher get his money? If the student wins the case? Or lose it? It is said that Protagoras was the one who brought up this paradox (the paradox of the court) in the fifth century BC.

What is the meaning of the paradox?

Contrary to some paradoxes may seem unrealistic there are some used to develop a person's critical thinking.

Conclusion may seem unacceptable, derived from hypotheses that may seem acceptable through logic may seem acceptable. In this comparison, there are two main opinions:

The first: The teacher wins in all cases that are to say if the teacher wins the case, he will receive the money by court order. If he loses, he will receive the money under the agreement.

Second: The student wins in all cases; f the student wins the case he is no longer forced to pay the money by order of the court, does not have to implement the agreement. If the case is lost, the agreement is not required to be paid. If we want to solve this paradox we have to know some of the data, - Is the agreement written?

If it is written and the teacher wins, the student can object to the judgment and the non-payment and the time will leave the dilemma to the opinion of the court. If the student wins then the teacher will easily get his money. - Is the agreement verbal?

If he verbally won the teacher then the teacher can evade the agreement and get money. If he verbally won the student then he can also evade easily agree.

What is the extent of the moral commitment of both parties? Did the teacher violate the agreement to commit this act? Many questions and possibilities that may have come to mind from the thought of this paradox.

In this paradox, all answers may be correct, and they may all be wrong. This is what made it a paradox! To solve this paradox we should apply the Principe of justice and fight against the circumvention of the law, and illicit enrichment [1]

2. Canons of Understanding interpreting Law and Judicial Process

It is cited in the first chapter The canons of understanding and construction which give common sense guidance to courts in interpreting the meaning of legislation and her we try to showing up some canons of understanding law.

2.1. Canons of Understanding Law

2.1.1. Plain Meaning

When writing law, the legislature betakes to use ordinary English words in their ordinary senses.

2.1.2 Rule against Surplus

Where one reading of a text law would make one or more parts of the text law surplus and another reading would avoid the redundancy, the other reading is preferred[2]

2.1.3 Eiusdem Generis ("Of The Same Kinds, Class, or Nature")

When a list of two or more specific descriptors is followed by more general descriptors, the broad meaning of the general descriptors should be limited to the same class, if any, of the specific words that precede them.

2.1.4 Expressio Unius Est Exclusio Alterius ("The Express Mention of One Thing Excludes all Others")

Items that are not on the list are implicitly assumed not to be covered by law or a contractual term. However, sometimes a list in a law is illustrative.

[1] - paradox of day , com

[2] Georgetown Law" (PDF). *www.law.georgetown.edu*. Retrieved March 23, 2018.

2.1.5 In Pari Materia ("Upon the Same Matter or Subject")

When a text law is ambiguous, its meaning may be determined in light of others texts on the same subject matter.

3 Noscitur a Sociis ("A Word is Known by the Company it Keeps")

When a word is ambiguous, its meaning may be determined by reference to the rest of the text.

2.1.6 Generalia Specialibus Non Derogant ("The General does not Detract from the Specific")

The rule is generalia specialibus non derogant. The general principle to be applied ... to the construction of acts of Parliament is that a general act is not to be construed to repeal a previous particular act, unless there is some express reference to the previous legislation on the subject, or unless there is a necessary inconsistency in the two acts standing together.

The reason is that the legislature having had its attention directed to a special subject, and having observed all the circumstances of the case and provided for them, does not intend by a general enactment afterwards to derogate from its own act when it makes no special mention of its intention so to do....[1]

2.2 Canons of Judicial Interpretation

There are different ways to do judicial interpretation:

2.2.1 Balancing

Balancing happens when judges bring together a set of interests or rights and an opposing set, usually used to make decisions in First Amendment cases. For example, cases involving free speech sometimes require judges to distinguish between legally

[1] - http://www.duhaime.org/LegalDictionary/G/GeneraliaSpecialibusNonDerogant.aspx

permitted speech and speech that may be restricted or prohibited for security reasons, for example. Supreme Court Judge Felix Frankfurter criticized this approach by saying that the Constitution gave no indication of how to weigh or measure divergent interests...[1]

2.2.2 Doctrinalism show up how various parts of the Constitution have been "shaped by the Court's own jurisprudence", [2]

2.2.3 Functionalism

The intention of the founders implies that the judges try to gauge the intentions of the authors of the Constitution. Problems may arise when judges attempt to identify particular founders or founders to consult, as well as to determine what they meant on the basis of often scarce and incomplete documentation.

2.2.4 Originalism

Originalism implies that judges try to apply the "original" meanings of different constitutional provisions.[3] To determine the original meaning, a constitutional provision is interpreted in its original context, that is, the historical, literary and political context of the authors. From this interpretation follows the underlying principle which is then applied to the contemporary situation. Former Supreme Court Justice Antonin Scalia felt that the text of the Constitution should have the same meaning today as it was when it was drafted. An article in the Washington Post suggested that originalism was the "view that the Constitution should be interpreted according to its original meaning - that is, the meaning it had at the time of its adoption». «Meaning" based on original principles.

[1] -John E. Finn (2006). "Part I: Lecture 4: The Court and Constitutional Interpretation". *Civil Liberties and the Bill of Rights*. The Teaching Company. pp. 52, 53, 54.
[2] - ohn E. Finn (2006). "Part I: Lecture 4: The Court and Constitutional Interpretation". *Civil Liberties and the Bill of Rights*. The Teaching Company. pp. 52, 53, 54
[3] - ohn E. Finn (2006). "Part I: Lecture 4: The Court and Constitutional Interpretation". *Civil Liberties and the Bill of Rights*. The Teaching Company. pp. 52, 53, 54.

2.2.5 Prudentialism

Prudentialism discourages judges from setting general rules for future cases and advises courts to play a limited role.[1]

2.2.6 Precedent

Precedent Judges decide a case on the basis of the legal principle of stare decisis to rule on an earlier and similar case, finding a rule or principle in a previous case to guide their judgment in an ongoing case [2]

2.2.7 Strict constructionism

Strict constructionism implies that judges interpret the text only as it is written; once the meaning is clearly defined, there is no need to further analyze, based on this method, which advocates that judges avoid drawing conclusions from prior laws or the constitution and instead focus on what was written.[3] For example, Justice Hugo Black argued that the First Amendment's wording in reference to certain civil rights that Congress shall make no law should mean exactly that: no law, no exceptions.

2.2.8 Structuralism

Structuralism is a way judges use by searching for the meaning of a particular constitutional principle only by "reading it against the larger constitutional document or context," according to Finn. Judges try to understand how a particular ruling fits within the larger structure of the entire constitution.

2.2.9 Textualism

Textualism primarily interprets the law based on the ordinary meaning of the legal text.

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[1] - *John E. Finn (2006). "Part I: Lecture 4: The Court and Constitutional Interpretation". Civil Liberties and the Bill of Rights. The Teaching Company. pp. 52, 53, 54*

[2] -ohm E. Finn (2006). "Part I: Lecture 4: The Court and Constitutional Interpretation". *Civil Liberties and the Bill of Rights*. The Teaching Company. pp. 52, 53, 5

[3] - "The Judiciary: The Power of the Federal Judiciary", The Social Studies Help Center

2.3 Application of Canons of Interpretation

2.3.1 The Unity of Texts and Harmony

Everybody who overhangs the written texts observe that all law texts are structure in articles which organized in books and chapters and sections.

This organization is not done randomly, but the aims from this organization are to follow the unity of texts. Then the articles of law are divided in two kinds of articles.

2.3.1.1 Generalization and Excerptions

- **General Rules**

The articles involve the general rule forms the policy required by legal authorities

- **Exceptions**

The articles involve the exceptions of general rules which present regulation of situation make snag in application caused by divergence of articles.

2.3.1.2 Preemptory Norms and Residuary Rules

Compulsory can make criteria between the preemptory norms and residuary rules. This distinction make the scoop autonomy of will, and her law can require the formal linguistics model to express the will by preemptory will and, can unbridle to the will to design its own linguistics forms and way to express

2.3.2 Application of Ejusdem Generis

The law always must be understand and interpret by law. The article 44 of Algerian penal code states that the personal circumstances are circumstances links at the crime authors, not at the circumstances of infraction.

The effects of personal circumstances can increase or reduce the sentence but don't change in qualification of infraction. But the objective circumstances change entirely the qualification of infractions.

By the application of this rule in the case in the nature premeditation and watch apens , .some jurist qualify it's as personal circumstances; because it is psychological situation which influence person before he commit murder.

This definition came from literal interpretations, but the legal definition is not in the same way of interpretation.

The article 254 of penal code, murder is qualified homicide, but in article 246 all homicide committed with premeditation and watch apens is qualified assassination.

Here the circumstance premeditation and watch have changed the qualification from homicide to assassination. And in perfect legal term premeditation and watch apens become objective circumstances and not personal circumstances. [1]

3. The application of forensic science

3.1 The Linguistics Aspects of Evidences

All evidences is created and presented in trial with linguistics forms, written forms, spokes forms. The evidences in justice are divided in two genders: evidences created incidentally by the unfolding of events, and evidences created intentionally for protecting rights.

The written forms of evidences can be presented in official and private documents, and this document when is created intentionally for protecting rights, must be redacted with substantial and formal mentions, in defect the document lose it probative force. The document redacted incidentally by the unfolding of events doesn't require substantial and formal mentions.

The difference between evidences created incidentally and evidences created intentionally for protecting rights occur in the probative force , evidences created intentionally for protecting rights present shapes perfect evidences which proves the fact , and evidences created incidentally form that can the fact probable and present no perfect evidence and should be boosted by other evidences in Latin systems the written forms of evidences is called literal proof is defined as [2], "literal proof, or written proof, results from a series of letters, characters, figures, or any other sign or symbol endowed with an intelligible meaning , whatever their medium and their means of transmission "

[1] - ahcen bouskiaa , conferences of explanation of penal code , high Algerian school of magistracy , 2007
[2] - article 1365 of the French Civil Code

The spoken forms of evidences is presented in declaration, avowal and confession, and witness and all the probative ways must be in oral proceeding, and taken directly before the judge or the public office.

The degrees of the probative force of oral forms of evidence change versus the conditions and situations at time when it is got, because against the writing is endowed with stability and Constance, the oral forms can be affected by lie, memory disorder, linguistics problems and difficulty of expression.

3.2 The Forensic Aspect of Language

Jan Svartvik,[1] The linguistic expert, had discovered and showed up to the world that everybody in the world has its own vocal and graphic print and this print is shaped from several genetic psychological and social factors.

Graphic print is dealt with graphology exist long before Jan Svartvik but not as graphic print. Graphology is the analysis of the physical characteristics and patterns of writing claiming to be able to identify the author, indicating the psychological state at the time of writing or evaluating the characteristics of the personality. [2] It is generally considered a pseudoscience. [3]The term is sometimes used incorrectly to refer to the examination of forensic documents, due to the fact that certain aspects of the latter dealing with the Examination of handwritten documents are sometimes called "orphan" type analyzes.

Graphology has been controversial for more than a century. Although supporters emphasize the anecdotal evidence of positive testimonials as a reason for using it for personality assessment, empirical studies do not show the valid claim of its supporters.

[1] -John Olsson (2008), *Forensic Linguistics, Second Edition*. London: Continuum ISBN 978-0-8264-6109-4
[2] - ongman Dictionary of Psychology and Psychiatry, Longman Group United Kingdom, 1983
[3] - evo, B Scientific Aspects Of Graphology: A Handbook Springfield, IL: Thomas: 1986

The Voice Identification is as system to analyses voice end form process of comparing known voice samples to a recording of an unknown voice to determine if the speakers are consistent. Audio Forensic Expert makes use of critical listening, frequency and waveform analysis, and voice biometric software to ensure that the analysis is as accurate as possible.

The human voice has key characteristics that are determined by physical aspects of the vocal tract. Because each person is different, these characteristics can create a set of data for each voice to be used in the comparison. [1]

3.3 Evidences Administration

The evidences are instrument which allowed to judge to shape it personal conviction. And these evidences can be martial evidence like weapon of crime; DNA trace, fingerprints, literal evidences like documents, declaration s, avowal, wittiness. For making an equitable trial magistrate should get big awareness about the law dispositions, evidences disposition, convenience, competence and diligence[2].

Conviction is a state of mind shaped by cognitive process which begins by perception of event throws the narration spit by pleader and confirmed by the evidences discussed in audiences. The conviction should reach until mostly to certitude.

Being certain and persuaded is two different things, the first confirm the reality and second confirm narration. Then there are evidences which confirm the reality and there are evidences qui confirm narration. Against literal evidences, witness , declaration , as spoken forms which confirm narration not reality , because it is instruments involve transfer of information and this transfer is not stable and constant like written evidences and material evidences [3].

[1] -http://www.audioforensicexpert.com/voice-identification
[2] - banglore principles about the judicial deontology
[3] - maxime gutove , conference of cicr (international committee of red cross) residence of magistrates .2016

Basically, the evidence must be created occasionally by events flow, and judge or detective should track down the evidences and don't create the evidences.

Creations of evidence can be allowed in narrow scoop, for example for anticipation or wreck the crimes before it's be done as crime of criminal organization.

Conclusion

This chapter has analyzed the use of language in judicial authorities works for understanding, for interpreting, and for probating .So, linguistics tool is not only instruments but an essential substance in judicial works , That make a raw material and manufacturing machine in same the time .

In default of language the justice will be made otherwise in that cannot in civilized mode.

General Conclusion:

After having presenting panoply of function language and linguistics of judicial works, the result found is that language is not ancillary but essential substance in work of judicial authorities.

Fact that language makes the deference between justice of civilization and jungle law, because the mute and the taciturn cannot express the oppression.

All humans must live in Groups and community which are necessarily social organizations and, to maintain those organizations, some form of communication is required.

This legal communication has aim to all person in society do its duties and get its rights by civilizational ways.

The good governance require a best communication between
Official Institutions including justice sector and citizens, and this adequate communications can spread the legal and judicial security by celerity in solving problems, and legal snag in life of people of society.
Feeling justice doesn't suffice for building civilization, but feeling security can sow hope in people selves.
And this security either legal or judicial cannot establish except by clear codes, good competence and diligence, and master of legal and judicial language.

We should mention that language cannot alone make justice
Contrariwise language can beget paradox in their abstract application.
Language has several aspects in legal and judicial systems, its political aspect and judicial aspects, and humans' right aspect.

Political aspect the language occurs that is when language forms one national constants of nation and one component of identities.
The national language is required in communication between citizens and between constitutional institutions, and all other requests or demands don't redact in nation language it is caduceus.

The legal aspect occurs is when language form shape of chaps of proceeding in judicial process , but in contrary of rule proceeding serve rights , plenty legislations impose national langue in proceeding to have right to ligation .

General Conclusion:

The linguistics human right as a category of human rights, i.e. universal rights that belong to all persons,
linguistic rights are based on the idea of human dignity and worth as well as cultural tolerance. Examples of a linguistic right are the rights of a minority language community to receive education in their language and of people to receive governmental services in languages other than the socially dominant language. Although various proposals have been put forth to define such linguistic rights, there is so far no general agreement on them comparable to the principles of human rights codified by the United Nations.[1]
We note that language sway between two considerations in language policy, the langue as sovereignty phenomenon, and language as right of freedom of speech.

The conclusion obtained in this research is that a language forms really neural network in body of judicial authorities, also the research has discover that the nature of judicial authorities is purely linguistics occurs in written and spoken forms.
Among the results tracked down in this research is that language is managed by extra literal rules and technics cannot be understood by the classic rules of literal interpretation.
The language in judicial study can change plenty fits and can be studied in several specifics aspects , depending on the role played in cases and issues , sometimes in literal and linguistics aspect, other times in forensic aspects.
The specificity of judicial speech occurs in its specifics terminology, in rules of understanding, interpreting, that still stable and useful despite is created sometimes since long centuries ago.

The modern language requires that judicial work must convoy the modern aspect begot by technology and informatics.
The use of modern methods of informatics and technology has provide many benefits To judicial works in field of communication.

[1] -**Longman Dictionary of Language Teaching and Applied Linguistics Jack C. Richards and Richard Schmidt , PEARSON EDUCATION edition , Fourth edition page 243**

General Conclusion:

Nobody can deny that technology has brought celerity and quality in judicial works.