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# Forensic Linguistics

## A forensic discipline in Germany

As a forensic discipline, forensic linguistics has been established for many years at Germany's Federal Criminal Police Office (BKA) under the designation of "author identification" and therefore occupies a special position, not only in Germany. Its tasks include analysing incriminating texts from a wide range of offences on the one hand and managing the National Collection of Incriminating Texts on the other which, beyond performing corpus queries and other investigative functions, also supports the police in their forensic activities. This article presents the possibilities of linguistic text analysis, the most important theoretical foundations, the procedural steps and the relevant methods. While forensic linguistics at the BKA is closely connected to other forensic sciences and exhibits a high degree of professionalism, further development potential exists for the training of forensic linguistics expertise beyond the BKA.



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### 1. INTRODUCTION

Linguistics covers the scientific research of language in the context of the law, under designations such as "language and law". Objects of investigation include discourses on law and law-related issues, communication in the justice system, as well as the analysis of problems of a linguistic type that acquire legal relevance in the course of an investigation or proceedings. While the language of legislation or other legal texts in the German-speaking world numbers among the subjects researched by "legal linguistics"<sup>1</sup>, the analysis of incriminating texts falls within the area of "forensic linguistics".

#### The author profile

As a forensic discipline, forensic linguistics deals with the analysis of incriminating texts of unknown or disputed authorship.

This analysis serves two objectives. One of them, which in most cases is intended to support ongoing investigations, is the preparation of a so-called author profile. The text and the literary skills it displays represent a form of self-presentation on the part of the author, from which, where possible, information about the author is gleaned in the sense of a socio-biographical categorisation, which should make it possible to narrow down the circle of potential perpetrators. The categories include mother tongue (first language) competence, regional or dialectal classification, education level, professional environment or group membership, age group, as well as knowledge, interests or attitudes (cf. Ehrhardt 2021, Rn 25).

This task is internationally designated "author profiling" or "authorship profiling"; it has little to do with the term "language

profiling”, which is occasionally encountered among private providers in the German-speaking countries. “Language profiling” claims that it is able to make psychological statements about the author based on the language of a text and thus goes beyond the scientifically legitimised practice of forensic-linguistic analysis. A linguistic analysis neither makes statements about the character traits of an author or a perpetrator, nor whether they are lying or are serious in making their pronouncements. Such conclusions are reserved for forensic psychology or tend to fall in the area of offender profiling.

#### **The text comparison**

The second objective of the linguistic analysis of texts is to determine authorship through a comparison of texts, which can take a wide range of forms. Thus, texts of disputed or anonymous authorship can be compared with texts of a known person (a suspect) in order to harden or weaken an existing suspicion, or to compare texts of anonymous authorship with other anonymous texts in order to be able to combine criminal offences, if necessary. In the English-speaking world, the text comparison is called “author identification”, although the term “identification” is misleading because the identification of a real person is performed not by the linguist but by the court.

#### **Texts as evidence**

The importance of analysing texts is to be found in the fact that many crimes are accompanied by some form of communication which often takes place in writing. Thus, linguistic analyses have long since no longer been limited to classic communications such as threatening or blackmailing letters, but potentially extend to any text that proves relevant for investigators or the courts. Depending on the context,

these texts are themselves offences (e.g. threatening letters), refer to these offences (e.g. whistleblower letters), or arise in connection with them (e.g. collusion in the darknet). Due to their causal relationship with the offence, they thus represent evidence in the forensic sense (cf. *ibid.*, Rn 6). The medium with which written texts are transmitted has also changed as a consequence of the development of digital forms of communication, so that “classic” computer-written texts are now joined by accounts, posts, forum contributions and blogs. While it used to be the case, especially in the case of blackmail, that the blackmail letter itself was often the first and only clue about the perpetrator, all written forms of digital communication are a possible approach nowadays, especially when perpetrators exploit the technical possibilities of anonymisation.

## **2. FORENSIC LINGUISTICS**

### **2.1 Theoretical foundations**

Two central assumptions form the theoretical framework for the aforementioned tasks of “Author profile” and “Text comparison”. The first concerns the acquisition of written language and the development of literacy skills (also as an adult). As language is a means of communication, its acquisition is closely associated with the individual’s own socialisation, with the consequence that certain social factors and influences are reflected in the way people use language (cf. Philipp 2015, 58 f). The way this influence manifests itself in the use of language can in principle be reconstructed from this in reverse to allow a socio-biographical categorisation of the author.

#### **Language as a form of self-presentation**

The second assumption purports that for language users, language is a means

not only of communication, but also of self-presentation, which each and every person uses to express their own individuality. The term “individual style” is used to describe what potentially distinguishes the individual from others in their use of language. As language is acquired through exchange with the speech community and cannot be changed at will by the individual, the individualising aspect of language use is directly related to the speech community and the norms and conventions that apply over and above the individual (cf. Felder 2016, 45 f).

Style – and thus also individual style – is commonly understood as a choice between linguistic alternatives, although this only refers to those alternatives that are actually available in a specific communication situation. Who speaks with whom about what, how, in which setting, with which objective – all this determines which linguistic choices are available or not. Generally speaking, the more conventional a situation, the smaller the linguistic leeway. Moreover, the norms and rules that apply vary in their strictness, as does the range of their validity. This continuum is ultimately also limited by the individual requirements of the language user, e.g. by their personal vocabulary, experience or cognitive skills.

Individual style is thus a construct which makes it possible to describe commonalities and differences in language use, not only with reference to the language system or communication situation, but also with reference to other language users, i.e. in order to distinguish different authors from one another. Individual style does not mean that the linguistic choices of the individual persons would produce a style that necessarily distinguishes this person from others in every situation. The fewer variants available to the author, the less specific the expression of an individual preference. And even if more variation were possible, but

an author only tends towards very frequent variants, he or she will remain stylistically inconspicuous. The possible variations and the way they are exploited also decide whether an author produces a marked style that enables them to be distinguished from others.

## 2.2 Methods

The analysis of texts of disputed authorship is traditionally a philological task. In literary science, theology or medieval studies, research takes place on the basis of the hypothesis that statements can be made about the provenance of certain texts or text versions through the comparison of texts, especially in connection with other findings, e.g. biographical or historical. However, there are differences between philological and forensic approaches: for the forensic analysis, non-specialist information mainly conceals the danger of bias; moreover, texts are only assigned to other texts but never to people; ultimately, this attribution takes place solely in the context of a statement of probability. The statement itself refers to the hypothesis (or to the alternative hypothesis) of the contracting party in respect of the authorship and is an estimate by the expert as to how strongly or weakly the hypotheses are supported by the evidence (cf. ENFSI 2015, 16, 27).

## Work steps

The linguistic evaluation of a text is based on a text-linguistic approach (cf. Brinker et al. 2018; Sandig 2006) and follows a fixed procedure that strictly separates the elicitation of the findings from their interpretation. The investigation begins with an error analysis, followed by a style analysis and, if necessary, a text structure analysis. In the next step, the results of the individual analyses are interpreted within the scope of “discussion” or compared with each other in a text comparison and then inter-

preted with respect to their commonalities and differences. The interpretation is always based on the totality of the findings, i.e. on the obtained set of findings. Reference works, semi-automatic queries in the Collection of Incriminating Texts, in digitally prepared corpora and via internet search engines permit statements to be made about the frequency of mistakes, formulations and their variants and thus support the estimate of the expert, including in empirical terms. Individual mistakes or stylistic anomalies of the kind that a layperson would also notice therefore always have merely a provisional indicator function, as these first have to be confirmed in the overall analysis of the findings or otherwise rejected. The discussion of the results is followed by a conclusion that summarises the results and, in the case of a text comparison taking the form of a statement of probability, indicates whether it can be assumed that the investigated texts were authored by the same person or not.

#### **Analytical method**

The error analysis itself follows three steps (cf. Spillner 1990a): First, mistakes are identified, then described, and finally interpreted with regard to their genesis. From sets of mistakes, it is possible to elicit the literary skills of the author and whether the mistakes are slips of the pen or indicate a lack of knowledge of the rules. Estimating a mistake to be a slip of the pen depends on whether corresponding literary skills are evident on other levels, i.e. word choice, formulations, text layout and other aspects are correct and appropriate and whether the author uses correct spelling. Slips of the pen have different causes and can be traced back to, for example, fatigue, typing habits or even technical settings on the keyboard or mobile phone.

Mistakes can point to a region or dialect, to non-mother tongue competence or even,

if one measures them against the current official spelling rules, to the relative age of the author. Mistakes are not limited only to orthography and punctuation, but also extend to grammar and word choice. While spelling standards are specified that make it easy to decide whether a word is written correctly or incorrectly, this is more difficult to do, for example, with variations of word order, as German permits many possibilities depending on the situation, especially when texts closely follow the spoken language, such as, for example, when communicating via messenger services. Word usage that seems incorrect when set against the standard language does not necessarily have to be a mistake, but can point to varieties such as, for example, specialist, regional or group usage. Depending on the context, differences are also to be considered between the three main varieties of the standard German language: unusual word combinations or, depending on the perspective, even unusual word forms can arise out of Helvetisms, Austriacisms or Teutonisms.

#### **Style and text structure**

The style analysis analyses the linguistic shape of the text, including formal design elements. Unlike with the error analysis, the use of speech here is to be evaluated according to the degree of its appropriateness, which is determined by the text type and communication situation. The transitions from stylistic appropriateness to inappropriateness (e.g. with a view to the word choice) are fluid, which therefore makes it more difficult to describe and evaluate possible variants. Bearing in mind the text linguistic approach mentioned above, on the basis of which the style analysis takes place, an analysis of the text structure is also performed, depending on the text. This looks at how the author structures their thoughts, whether

they prefer direct or indirect formulations, how they present their arguments, where their focus is, which thematic aspects they realise in the text, and much more besides. The focus of this analytical step is on the design of the text in its entirety, on text-wide phenomena, such as, for example, the intertextual references or the development of topics, and on the referencing of text function, content and the linguistic means used (cf. Brinker et al. 2018). At this point, references are also regularly made to extralinguistic aspects which can complement investigations or for their part support the working hypotheses of investigators.

### **3. FORENSIC LINGUISTICS IN GERMANY'S FEDERAL CRIMINAL POLICE OFFICE**

In the Forensic Science Institute of the Federal Criminal Police Office (BKA), forensic linguistics resides in the “Language, audio” department in the specialist group “Biometry” under the designation “Forensic Linguistics”<sup>2</sup> and has been represented in the BKA for approximately 40 years.

#### **The beginnings: The Red Army Faction (RAF)**

The initial trigger for using linguistic methods for investigative purposes were the attacks and assassinations carried out by the Red Army Faction in the 1970s. Early on in the investigations, the police hoped to gain insights into possible authorships and indications of complicity based on the analysis of the written confessions given by the RAF. Under the impression of the abduction and murder of Hanns-Martin Schleyer in 1977, the Forensic Science Institute of the German BKA initiated a pilot project on “Linguistic text comparison”, which instructed a linguist with the analysis of the texts (cf. Atzbach 1989, 7). At the beginning of the 1980s, the former

president of the BKA, Horst Herold, commissioned group KI 2 with the further development of text comparison including computer-based support for performance of the central office function. A test and trial phase lasting four years was followed by a three-year practical phase (cf. Steinke 1988, 175), in which over 700 texts were compared in over 130 investigative proceedings of the BKA (cf. Atzbach 1989, 6). When the project ended in 1987, the BKA organised a symposium in the following year with representatives from the field of linguistics, in order to discuss the fundamental suitability of linguistics as a forensic discipline or “text comparison as evidence in police work” (ibid., 7). In the years that followed, forensic linguistics finally became firmly established as a field of work, and linguistically trained employees were appointed.

#### **The Collection of Incriminating Texts**

Another key task of “author identification” as a discipline is the administration of the so-called Collection of Incriminating Texts, whose creation also goes back to the 1970s and which arose directly out of the investigative requirements of the time. Beginning with crime documents or letters of confession written by the RAF and later supplemented mainly with blackmail letters, the document collection in 2021 encompasses over 6,300 texts covering a wide range of offences. Apart from linguistic data, information on the offence and, if necessary, on the author can also be retrieved. The document collection, which is unique in this form, thus offers the possibility to compare new, anonymous texts on corresponding research with already available texts, which in certain circumstances leads to new investigative approaches. There are also frequent so-called “cold hits” which, among other things, correlate with texts from different or similar offences through

vocabulary queries and research on linguistic findings, including those that occur far apart in time (cf. Ehrhardt 2018, 179). If the database throws up suggestions, the relevant texts are examined and, if necessary, subjected to a systematic linguistic analysis. Database research for bringing together letters sent nationwide also serve in the context of more current series of threatening letters. Like every database, the document collection is also reliant on a continuous supply, as this is the only way to maintain topicality and thus the central office function that supports investigations. For this reason, the German state criminal police offices were required as early as 1989 to send documents (at the time above all in connection with blackmail and extortionist kidnapping) to the BKA.

#### **Special status of forensic linguistics**

The unusually early implementation of forensic linguistics as a forensic discipline is a unique feature of the BKA compared to other state forensic institutes, not only in Germany, but also in Europe. Through the appointment of (doctorate) linguists, a continuous connection to scientific research was enabled on the one hand, while the department participates actively in university training through teaching positions on the other. As part of the Institute of Forensic Science, forensic linguistics standardised its procedures in a similar way to other areas of forensic work, was accredited to DIN EN ISO 17020 in 2009 (cf. Ehrhardt 2013) and participates closely in the interdisciplinary discussion in the forensic sciences, which devotes itself to the appropriate theoretical framework for evaluating findings. A disadvantage of this particular situation is that an EU-wide or international collaboration with other national forensic institutes is only selectively possible, as few of them have a comparable area of work.

#### **Research**

The forensic work of forensic linguistics in the German Federal Criminal Police Office has always been linked to an explicit research assignment on questions of linguistic case work, which is accompanied by cooperations with universities. The beginning is marked by the commissioning of the linguistic Germanist Uwe Förster within the scope of the pilot project “Linguistic text comparison” (cf. Atzbach 1989, 7). Initially, the BKA’s own publications in the 1980s and 1990s mainly dealt with the general application of linguistics as a forensic discipline and thus contributed at times to an academically intensive discussion.<sup>3</sup> Since the end of the 1990s, the focus has been on in-house research into the text type specifics of incriminating writings (e.g. Stein/Baldauf 2000; Dern 2003). The fact that the blackmail letter is focused on here as a text type is not least because the areas of blackmail and threat were just as frequently represented as offences in case work up until 2008. The goal of this research is to elaborate text type-based characteristics of blackmail letters, in order to simplify the separation of potentially individualistic forms of design as a means to determining the authorships. Then there are questions about the aspect of possible pretence (Dern 2006; Schall 2008). Since 2015, a more recent focus of the research has been on pilot projects on automated methods of text analysis, which are intended to optimise the existing database system KISTE by testing different combinations of classifiers (cf. Ehrhardt/Grübsch 2019). At the same time, they therefore address a fundamental problem regarding automated methods of authorship attribution. As there is frequently little transparency about how and what form the combination of different algorithms influences the results of an attribution of texts, this still significantly restricts the use of automated methods in

court at the present time (cf. Fobbe 2021). One of the results of this field of research is a research cooperation with the Ruhr University Bochum, which has been able to secure the forensic linguistics department of the BKA as a practice partner within the scope of the project “SecHuman”.<sup>4</sup>

### Training and qualification

There is still no regulated training for becoming a forensic linguist in Germany, and a similar situation also exists in Austria.<sup>5</sup> The prerequisite for a qualification in this area is a university degree in linguistics, better still in German linguistics, with at least a master’s degree and, if possible, a PhD. The training should focus on the analysis of the written German and on the acquisition of very good, extensive grammar skills, supplemented with research areas which, from a range of perspectives, investigate the (written) language use of the individual in relationship to the speech community and are potentially relevant for forensic issues. These can include, for example, language variation, stylistics, corpus linguistics, written discourse analysis or sociolinguistics. Statistical and computer linguistics skills round off the list. This is joined by a qualification for the expert’s activity, which can take place through seminars of, for example, the Institute for Expert Witnesses (in Germany), as well as practical experience in the analysis of written language (not necessarily forensic texts). Advanced courses of study in “Forensic Linguistics”, as offered in the United Kingdom, or supplemental subjects, such as those offered at the University of Graz<sup>6</sup> since the winter semester of 2020/21, represent a good form of additional qualification, but cannot replace comprehensive, fundamental linguistic training. Specialising too early in forensic issues, e.g. with a bachelor’s thesis, should also be viewed critically, as it in no way

guarantees acquisition of the relevant linguistic knowledge.

While the training and development of official experts in the field of forensic science in Germany is appropriately anchored by policies and training regulations and in close cooperation between the state criminal police offices and the BKA, there are no regulations in place in this respect for experts in the private sector. Therefore, the quality of work done by experts in the private sector can sometimes vary considerably. Only occasionally have such experts made use of the possibility to be publicly appointed through the chambers of industry and commerce in order to set themselves apart from the competition. The main advantages of doing so are that the scientific qualification is verified and the suitability for working as an expert is certified within the scope of the licensing procedure. A current disadvantage is that the experience of the chambers of industry and commerce is extremely limited in this field due to low demand.

This situation also makes it difficult for contracting authorities both to find experts and to estimate the quality of the work carried out by the experts. The forensic linguistics department of the BKA has therefore prepared an up-to-date brochure for the police and justice system entitled “Forensic Linguistics/Author Identification”, which provides detailed information about the discipline and offers appropriate guidance (cf. Ehrhardt/Fobbe 2021).<sup>7</sup>

### 4. OUTLOOK

A survey carried out by the author in 2006 at regional courts and public prosecutors in Germany on their knowledge of forensic linguistics and their experience with corresponding expert opinions produced a widely differing picture. Some had very specific knowledge, others had vague ideas and gave incorrect (obsolete) classifications



(e.g. forensic linguistics as part of forensic document examination). A constantly rising number of cases in recent years reflects the increased demand for the analysis of written communication and may also indicate that the level of awareness around forensic linguistics as an option for forensic analysis has increased overall. While this is pleasing, it also means that more and more orders have to be rejected for reasons of capacity because, due to its singular position, the forensic linguistics department at the German BKA is a contact partner for the state criminal police offices as well as for courts and public prosecutors nationwide.

In order to promote forensic linguistics as a forensic discipline, stronger implementation at the level of the federal states would be just as desirable as stronger representation at the European level. Apart from taking the strain off the case work, this would not only consolidate forensic linguistics as a forensic science, but also further develop it in terms of content and methodology through the possibilities of professional exchange on the part of the police, setting common scientific standards and thus also catching up with related forensic disciplines around the world.

<sup>1</sup> Cf. the compilation of Felder/Vogel (2017). In the English-speaking world, the term “forensic linguistics” often also covers the field of legal linguistics.

<sup>2</sup> [https://www.bka.de/DE/UnsereAufgaben/Ermittlungsunterstuetzung/Kriminaltechnik/Biometrie/Autorenerkennung/autorenerkennung\\_node.html](https://www.bka.de/DE/UnsereAufgaben/Ermittlungsunterstuetzung/Kriminaltechnik/Biometrie/Autorenerkennung/autorenerkennung_node.html) (26.04.2021).

<sup>3</sup> Reference should be made here to issue 8–9, 1990, of the periodical *Kriminalistik*, which contains, among other things, contributions on forensic linguistics by Hehn, Spillner, Kniffka and Hecker/Steinke, as well as to the symposium volume of the BKA (1989) and the compilations of Kniffka (1990b) and Grewendorf (1992).

<sup>4</sup> Cf. <https://sechuman.ruhr-uni-bochum.de/> (26.04.2021).

<sup>5</sup> Information from Dr Karoline Marko, Institute of English Studies, University of Graz.

<sup>6</sup> <https://anglistik.uni-graz.at/de/studieren/ergaenzungsfaecher/zertifikat-forensiclinguistics/> (26.04.2021).

<sup>7</sup> The brochure can be obtained on request via the German BKA by requesters from the police and justice system.

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