

Pragmatic Features Of Lawyer's Speech

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Abstract: This article explores the pragmatic features of lawyer's speech within legal discourse. Drawing upon examples from courtroom communication, legal interviews, and written submissions, the study analyzes how pragmatic strategies – including speech acts, implicature, politeness, hedging, and presupposition – contribute to persuasion, credibility, and legal argumentation. Through linguistic-pragmatic analysis, the article identifies key markers of power, institutional authority, and communicative intention that distinguish legal speech from everyday discourse. The study also emphasizes the importance of intercultural and ethical awareness in legal pragmatics.

Keywords: Pragmatics, legal discourse, lawyer's speech, speech acts, politeness strategies, courtroom communication, implicature, legal linguistics.

Introduction: Language in the legal field functions not only as a tool of communication but also as an instrument of power and persuasion. A lawyer's speech is a unique phenomenon that reflects the intersection of linguistic competence, legal reasoning, and pragmatic appropriateness. Unlike ordinary language, legal speech is institutional, formal, and performative: each utterance can have real legal consequences. Therefore, understanding the pragmatic features of lawyer's speech is crucial for interpreting how meaning, intention, and social relationships are negotiated within the courtroom.

Pragmatics, as defined by Levinson (1983), studies the relationship between linguistic forms and their users. In legal settings, pragmatics focuses on how participants use language to achieve specific legal and rhetorical goals. According to Austin's (1962) theory of speech acts, every statement in a courtroom performs an action: accusing, defending, objecting, or asserting. Searle (1979) expanded this framework by identifying categories such as directives, commissives, and declaratives that are central to legal communication.

Lawyers strategically use pragmatic mechanisms such as presuppositions (to suggest facts implicitly), hedging (to reduce risk), and implicatures (to convey meaning beyond literal content). The principle of cooperation (Grice, 1975) and the politeness theory (Brown &

Levinson, 1987) are particularly relevant to lawyer–client and lawyer–judge interactions, where face-saving and institutional respect are paramount.

The courtroom is a highly structured communicative environment where speech acts are constrained by procedural rules and institutional hierarchy. Lawyer's speech serves multiple pragmatic functions:

1. Informative Function – to present factual data and evidence clearly and concisely.
2. Directive Function – to influence witnesses, jurors, or judges through questioning and persuasion.
3. Performative Function – to execute legal acts (e.g., 'I object', 'I rest my case').
4. Evaluative Function – to interpret and reframe facts in favor of a client.
5. Interpersonal Function – to maintain professional decorum and authority through politeness and formality.

Consider the following courtroom exchanges that reveal pragmatic strategies in action:

Hedging: Hedging softens the accusation, preserving politeness and reducing direct confrontation while subtly undermining the credibility of the witness. A wide range of linguistic units have the hedging potential. F. Salager-Meyer (1994) suggests a taxonomy

of linguistic means which can function as hedges. The most common among them are:

1. Modal auxiliary verbs may, might, can, could, should, would, must particularly in their epistemic senses.
2. Lexical verbs which convey modal meanings, among them the so-called speech act verbs used to perform acts like evaluating, assuming or doubting rather than merely describing: the epistemic seem and appear, also believe, assume, suggest, estimate, tend, think, argue, indicate, propose, speculate, suppose etc.
3. Adjectival, adverbial and nominal modal phrases: a) Epistemic modal adjectives (it is) possible, probable, un/likely modify the propositional content of the utterance; b) modal nouns render epistemic certainty or, on the contrary, doubt: assumption, claim, doubt, possibility, probability, estimate, suggestion, likelihood, etc.; c) modal adverbs perhaps, possibly, probably, practically, likely, presumably, virtually, apparently have epistemic meanings similar to functions of modal verbs;
4. Approximators of degree, quantity, frequency and time can have the form of adjectives and/or adverbs, for example: somewhat, A wide range of linguistic units have the hedging potential. F. Salager-Meyer (1994) suggests a taxonomy of linguistic means which can function as hedges. The most common among them are:
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 4. Approximators of degree, quantity, frequency and time can have the form of adjectives and/or adverbs.

Example 1:

Lawyer: "It seems that the witness may have misinterpreted the events of that evening."

When facing presuppositions such as complex

questions (Belnap 1969), witnesses might identify them and however give a vague question, if they attempt to unpack the components of the question to deal with them individually. For most cases, it is really difficult for a witness to give a proper answer but "yes" or "no". In fact, witnesses are sometimes expected or forced to do so. Presuppositions will not be evacuated from court interaction just for its complexity or trickiness (Freedman 1966; Kracht 1992; Kurzon 2018); on the one hand, lawyers seem to be addicted to such forms; on the other hand, the opposite lawyer can successfully and are expected to challenge them, to argue that those conditions (presuppositions) must be satisfied before the utterance can be used in any of the functions such as making assertion (Ehrlich and Sidnell 2006). In this part, a detailed analysis of presupposition is carried out to examine how lawyers use and deconstruct presuppositions in O. J. Simpson case, however, not with an exhaustive exploration of presuppositions therein.

Presupposition: When facing presuppositions such as complex questions (Belnap 1969), witnesses might identify them and however give a vague question, if they attempt to unpack the components of the question to deal with them individually. For most cases, it is really difficult for a witness to give a proper answer but "yes" or "no". In fact, witnesses are sometimes expected or forced to do so. Presuppositions will not be evacuated from court interaction just for its complexity or trickiness (Freedman 1966; Kracht 1992; Kurzon 2018); on the one hand, lawyers seem to be addicted to such forms; on the other hand, the opposite lawyer can successfully and are expected to challenge them, to argue that those conditions (presuppositions) must be satisfied before the utterance can be used in any of the functions such as making assertion (Ehrlich and Sidnell 2006). In this part, a detailed analysis of presupposition is carried out to examine how lawyers use and deconstruct presuppositions in O. J. Simpson case, however, not with an exhaustive exploration of presuppositions the rein.

Example 2:

Lawyer: "When did you realize the contract had already been violated?"

The presupposition embedded in the question ('the contract had been violated') implicitly asserts guilt before it is proven.

Politeness and Power: The politeness formula acknowledges institutional hierarchy and ensures the lawyer's credibility and respect within the legal frame. In legal speech, politeness is a complex tool where powerful participants, like judges and lawyers, strategically use indirectness, hedging, and honorifics

to maintain their authority, save "face" for themselves and others, and foster professional dialogue, while still holding the power to be overtly confrontational when necessary. Politeness in this context is not a sign of weakness but a sophisticated strategy to manage power dynamics, influence perceptions of credibility and fairness, and achieve specific goals within the formal and often adversarial legal environment.

Example 3:

Judge: "Counsel, please proceed."

Lawyer: "With your permission, Your Honor, I would like to present Exhibit B."

Implicature: In legal speech, implicature is the act of a lawyer conveying a meaning indirectly, beyond the literal words spoken, often through strategic arguments or statements. This is a key part of legal language because lawyers use it to suggest a conclusion, imply doubt, or make a point persuasively without stating it explicitly. This is often achieved by flouting conversational maxims, like quantity or quality, but with the expectation that a legal professional audience will be able to infer the intended meaning.

Example 4:

Lawyer: "My client has always cooperated fully with the investigation."

The implicature suggests innocence indirectly, relying on the cooperative principle of relevance rather than explicit denial.

The pragmatic characteristics of lawyer's speech are also influenced by cultural and ethical factors. In Anglo-American legal systems, assertiveness and logical argumentation are valued, while in Eastern legal traditions, indirectness and respect for hierarchy play a more dominant role. The lawyer must balance persuasion with professionalism, avoiding linguistic aggression or manipulation that could violate ethical norms.

Moreover, the ethical dimension of legal pragmatics demands that a lawyer's speech should aim not only at winning the case but also at upholding justice. Misuse of pragmatic devices – such as misleading presuppositions or strategic ambiguity – may result in ethical breaches and distortion of truth.

CONCLUSION

Pragmatic analysis of lawyer's speech demonstrates how linguistic strategies are intertwined with legal reasoning and social power. Through pragmatic competence, lawyers construct credibility, manage institutional relations, and frame arguments effectively. Understanding these features contributes to both linguistic theory and legal practice by showing

how meaning is negotiated in formal discourse. The study highlights that legal communication is not merely about stating facts but about performing actions, persuading audiences, and navigating social hierarchies through controlled linguistic and extralinguistic means.

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