

Direct and Indirect Speech Acts in Court Speeches

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Abstract

Speech acts theory is not about words, phrases or sentences which are mainly used as units of interaction between people, but basically about actions that are achieved through such utterances. 'Speech acts theory' belongs to the realm of Pragmatics. In this study, selected stretches of discourse of two court speeches are highlighted. These trailers emerge in a formal setting in the presence of an authority who makes judgments on disputes and claims. They are analyzed based on Searle's view of illocutionary act to find out types of direct and indirect speech acts that are employed by interlocutors in court trials. The study shows that there is little difference between the uses of the two acts depending on the speaker's role. Directives, declaratives and other acts are used by those who are in authority while assertives are employed by those who are to answer questions given by the former.

Keywords: speech acts, illocutionary act, pragmatics, directives, declaratives, assertives.

Introduction

Pragmatics is the study of meanings in context. It attempts to illustrate how meaning is interpreted depending on the context where it is used. Speech acts theory which is developed by Austin (1962) belongs to the domain of Pragmatics. Through an utterance, people can do actions like commanding, begging, promising...etc. Austin's (1962) and Searle's (1969) build a categorization to the types of speech acts and their functions. They classify levels of utterance as well as of illocutionary acts. Such speech acts occur in daily interactions in various situations and contexts including court trials. In law, trials refer to parties who have disputes coming together in a court to introduce information that serves as evidence. These tribunals take place before a judge, jury, attorneys, clients, convicts and many others so as to resolve their disputes.

The criminal trials are fertile ground for investigating the speech acts in terms of utterances that are direct and indirect. There are many studies tackle speech acts in court speech and they reveal interesting

results such as (Opeibi, 2003), (Bernal-Pulido, 2007), and (Kryk-Kastovsky, 2009) thus, the present study is intended to add to the literature of speech act studies and especially in speech courts. It attempts to reach comprehension and understanding of the way interactants inside courts employ different speech acts to serve different purposes. Therefore, the purpose of this paper is to search the types of direct and indirect speech acts employed in courtrooms based on Searle (1969) taxonomy of illocutionary forms.

Literature Review: Theoretical Background

Pragmatics

Language is used by people in their everyday life in order to interact with each other and as a means to express their feelings and thoughts. When someone says “he is thirsty”, his utterance might be understood in different ways, one interpretation is that “he is mere thirsty” but another interpretation is the speaker wants the listener to get him some water. The latter explanation usually requires knowledge about the frame that surrounds the event of uttering which is called context. In order to grasp the addresser's intention, the addressee does not rely only on the language structure but rather on the context.

Yule (1996) defines pragmatics as the contextual meaning and he clarifies how context influences what is said and helps the audience to perceive the invisible meaning of utterances. Being more detailed, Leech (1983) states that pragmatics is the study of how situational meaning of utterances have meanings according to situations. Pragmatics can be defined as the meaning of utterances according to their relation to context and how the speaker can successfully form their utterance in a way that enables hearers to get their intention appropriately.

Speech Acts Theory

Pragmatically, when language is used to do actions, this phenomenon is labelled as a speech act. Mey (1994) mentions that actions can be performed via utterances. For instance, when a manager speaks to his employee, by saying “we can let you go”, the manager does a speech act which is firing the employee, the former changes the status of the latter by not letting him be an employer anymore. Sometimes when the speaker utters something, he does not mean its literal meaning but he means something behind it. For a speech act to succeed, certain felicity conditions must be there which include certain circumstances. For example, in the sentence “the judge sentences the criminal three years in prison”, this sentence will not fulfil the felicity conditions if it is not said by a judge in a courtroom.

Nagane (2012) states that it is clear through the study of both the history and philosophy of language that the primary function of language is to present factual statements, while its other functions are ignored. The English philosopher Austin (1975) is considered as "the founder of Speech Act Theory" (Alhusban & Alshehri, 2022:49). The contribution which is made by him was the reason to stimulate many philosophers to focus attention on how language is used in everyday life to fulfil functions which are rather than conveying information only but to carry out actions as well. The speech act theory was first promoted by one of Austin's students, John Searle, in 1969.

Yule (2010) defines speech act as "an action performed by a speaker with an utterance". Speech acts can be understood according to the addresser's intention as well as the influence it has on the addressee. In other words, it refers to the attempts by the addresser to get the addressee to do something. Austin (1962) states that linguistic forms can be used commonly to achieve certain communicative purposes under particular situations. That is to say, when a language user says something, a listener simultaneously gets the former's intention. For instance, when someone says "could you please open the door?" He/She does not ask whether the hearer has the ability to open the door, but instead, the speaker means to command his listener to "open the door". According to Austin (1962), such language functions can be understood unconsciously by language users.

Since 'speech acts theory' has challenged the traditional belief of philosophers that the main function of language is to describe the world, this theory is regarded as a new approach to linguistics. Austin (1962) starts his theory by differentiating between the "constative" utterances which refer to stating true or false statements and "performative" utterances which show how actions are performed through words as promising, requesting, regretting, begging, thanking, etc.

Direct and Indirect Speech Acts

Searle (2005) illustrates that speech acts are classified into direct and indirect. In addition, Yule (1996) states that direct speech acts occur when the connection between the form and the function of the speech is direct as when asking someone "can you ride a horse?", in this example the speaker is asking whether his/her addressee has the ability to ride a horse. To put it another way, the form of the sentence is interrogative and the function of it is questioning not requesting or ordering. Indirect speech act refers to the case where there is no direct connection between the form and the function of the sentence as in the example "can you pass me the ball?", it is clear that the speaker is not asking whether we have the ability to pass the ball, rather he is commanding his listener to pass him to do an act.

Aspects of an Utterance

Different classifications of speech acts have been proposed by linguists. The following subsections will illustrate these levels according to two linguists who are Austin (1962), and Searle (1969).

The Austinian Perspective

Austin mentions that each utterance consists of three components which are as follows:

1- Locutionary act which refers to producing sounds which are combined together to make a sensible statement. Nagan (2012) mentions that the locutionary act involves three levels: “There is the phonetic act, of making noises, the phatic act of making a grammatical sentence, and the rhetic act of saying something meaningful. These together make up the locutionary act.” Locutionary act refers to the surface or literal meaning of a statement. For example, when saying ‘it is snowing’ it means “it is snowing”.

2- Illocutionary act stands for the consideration that language users do not make utterances without a communicative purpose they have in their minds. That's when saying for example “can you bring me my coat? “ The speaker does not ask whether the listener has the ability to bring him the coat, but instead, to request him to do an action which is bringing the coat. Illocutionary act stands for the speaker's intention behind uttering something and it includes questioning, commanding, promising, guarantee, pledge ...etc.

3- The last level of utterance as Austin (1962) states is perlocutionary which refers to the response that the listener makes to the speaker's conveyed intention that the addressee brought the coat as in the previous example.

It is important to mention that among these three acts of speech, the illocutionary one has received attention that it focuses on what the speaker wishes to convey by uttering a sentence. Yule (1996) claims that: “Indeed, the term speech act is generally interpreted quite narrowly to mean only the illocutionary force of an utterance”

Searle's Aspect

The American philosopher Searle (1967) contributed greatly to the theory of speech acts. He mentions that the way to understand language is to understand the speaker's intention. Sentence is often the main unit of speech but a phrase or a word can be too if they hold intention. Searle insists on knowing the speaker's intention in order to understand the meaning of utterances. Searle rejects his teacher's view of the categories of an action and he tries to give another view of

the components of an act. Searle presents speech acts theory as consists of four levels which are as follows:

- a - Utterance acts: uttering words.
- b - Propositional acts: referring and predicating.
- c- Illocutionary acts: performing illocutionary acts.
- d- And perlocutionary acts: consequences or effects.

Searle views an act as a mixture which involves both semantic and pragmatic notions that it makes a link between the literal meaning and contextual one of an action.

Classification of Illocutionary Force

Searle (2005) classifies illocutionary acts into five classes which are as follows:

1- Representative/ Assertives: This type refers to statements which can be judged as true or false. The verbs which are used in this type of act are: believe, think, conclude, deny, report and affirm, etc.

The following examples will illustrate the point:

- 1. Water boils at 100° Celsius.
 - 1. A. I believe that water boils at 100° Celsius.
- 2. Money doesn't guarantee happiness.
 - 2. A. I think Money doesn't guarantee happiness.

2- Directives: They refer to acts in which the speaker orders the listener to do something. This type includes verbs as order, ask, invite, challenge, command, beg, request, dare, etc., as in the examples:

- 3. Open the door.
- 4. Can you please lend me some money?
- 5. I invite you to my birthday party.

3- Commissives: They are acts in which the speaker commits himself to do something in the future by using verbs as promise, guarantee, vowing, pledge, swearing and undertaking, etc.

- 6. I promise that I will help you.
- 7. I will go there by next week.
- 8. I pledge to donate 700\$.

4- Expressives: They refer to statements which are used to express the speaker's feelings as in apologize, thank, welcome, appreciate, regret and congratulate, etc.

9. Congratulations!

10. Thank you for your invitation.

11. I'm happy I've finished my exams.

5- Declarations: Acts in which the speaker alters the external state of an object or a condition by making an utterance as in:

12. I pronounce you husband and wife.

13. I sentence you to 3 years imprisonment.

Austin (1962) presents five types of utterances according to the illocutionary force:

1- Verdictives: Verdictives are identified by giving verdicts, estimation, appraisal, etc.

2- Exercitives: Exercitives include acts of exercising of power, right, or influence. The examples are appointing, voting, ordering, urging, advising, and warning.

3- Commissives: They consist of actions of committing oneself with doing a future action as in promising, vowing, pledge, etc.

4- Behabitives: They include acts of expressing a person's feeling and attitudes towards something as in apologizing, thanking, appreciating, etc.

5- Expositives: They make plain how utterances fit into the course of an argument or conversation, how words are used, or in general are expository. The examples are 'I reply', 'I concede', 'I illustrate', 'I assume', and 'I postulate'.

Speech acts do exist in court language. Apparently, judges perform speech acts when they make remarks throughout court proceedings. Studies conducted on the speech acts performed during courtroom proceedings were only about the analysis of speech acts in judicial decisions. This study is conducted to determine the speech acts used by the judges, attorneys, accused and witnesses during courtroom proceedings. This study can also contribute to the theory of speech acts by providing an analysis of speech acts which occur in such highly institutionalized setting.

Research Questions

1. What speech acts are used during courtroom proceedings by the judges, attorneys, accused and witnesses?

2. What are the most frequent direct and indirect speech acts utilized during these courtroom discussions?

Method

Sample

The current study is qualitative in nature. The researcher elicited the data from scripts available on the internet for court speeches. The data includes two documents concerning a trail for texting while driving in an American context, and a trail of a stolen car which involves investigation of drug trafficking.

Instrument

The instrument of analysis is the model of speech acts proposed by Searle (2005) which includes five categories on which the analysis of data has been based.

Results

Trial 1

S1

Deputy DA: [Stand up and talk to the jury.] The person has been accused of using someone's vehicle illegally (Assertive). A 2004 model Corvette was reported of being stolen to the police on the 8th of February at night (Commissives). Later, the police arrested the accused while driving the Corvette (Assertive). The keys utilized by the accused carried his fingerprints (Assertive). His fingerprints on the keys will reveal that he is guilty of the theft (Commissive). ("Kennisgeving Voor Omleiding," n.d.)

In S1, there are five direct speech acts corresponding to five messages which are outlined above. The illocutionary point in the first, third and fourth speech acts are to inform the audience about the topic of the case which is to be held. Its direction of fit is from words to world. The illocutionary point of the second speech: a 2004 model Corvette was reported of being stolen to the police on the 8th of February at night. Furthermore, his fingerprints on the keys will reveal that he is guilty of the theft are commissive that deputy DA tells that these aspects of the case will be discussed in the court.

S2

Judge: The witness may be called by the prosecution. (Directive)

Deputy DA: The owner of the car should attend. (Directive).
("Kennisgeving Voor Omleiding," n.d.)

The sample in S2 contains two speech acts, both are indirect and their illocutionary point is directive. The first one is used by the judge to give permission to the deputy DA to call the first witness while in the second utterance, deputy DA orders to call the first witness.

S3

Clerk: You may have a seat. (Directive)

Reporter: Please tell me your last name to be written down. (Directive)

Deputy DA: [Stand up.] (The owner's first name), what do you do for living? (Directive)

Car Owner: I am the owner of Martinez Car dealership. (Directive)

Deputy DA: Where does your dealership lie? (Directive)

Car Owner: 102 Main Street, Martinez (assertive). ("Kennisgeving Voor Omleiding," n.d.)

In S3, there are six speech acts which are directives and an assertive. In the first speech act, the clerk indirectly permits the car owner to have a seat while the other directives which are mentioned in this speech are for getting information about the car owner. The car owner's response functions as assertive to inform.

S4

Clerk: Rise please. (Directive) your right hand up . (Directive) Do you swear to God that your statement in front of this court shall be completely true (directive), entirely true (assertive), and absolutely true (assertive), so you might be blessed by God? (Directive).
("Kennisgeving Voor Omleiding," n.d.)

In S4, six speech acts are illustrated in the above sample that are four directives and two assertive. Directives are employed here to order the defendant to do certain things in order to promise that he will testify honestly. Assertives here are used as parts of the question.

S5

Clerk: The jury finds the defendant guilty (Declarative). ("Kennisgeving Voor Omleiding," n.d.)

In this utterance the clerk changes the accused's status by declaring that she is guilty.

S6

Deputy DA: You were aware that you were driving a stolen car, weren't you? (Directive)

Defendant: Yes. (Assertive). ("Kennisgeving Voor Omleiding," n.d.)

In S6, the deputy DA directly asks whether the defendant knows the car was stolen or not.

Trial 2

S1

My customer, Adam Steve, is saying that James Peter, was inconsiderate in driving, and that his inconsideration led to serious harm to Adam (Assertive). You will realise in this court that inconsideration is the inability to take other's safety into account (Assertive). Taking people's safety into consideration is a characteristic of a normal person (Assertive). (Kennisgeving Voor Omleiding, n.d.-b)

This part of the second trial contains three speech acts which are said in Plaintiff's Opening Statement in order to show that his client is innocent.

S2

What you have mentioned will be discussed shortly (commissive), but first of all, I'd like to introduce myself and my customer (Directive). My name is Tomas Renhan, and my customer is James Peter (Assertive). James is a twenty year old university student (Assertive). Due to James's parents passed away in a car crash last year, he has got a big burden on shoulders (Assertive). James helps his siblings with their school assignments every day (Assertive). James is a part-timer and is studious young man (Assertive). James is always home in the evening (Assertive). (Kennisgeving Voor Omleiding, n.d.-b)

As it is noticed that most speech acts in this part are direct ones since the attorney tells the story of his client.

S3

Counsel for Plaintiff: Adam, please inform (directive) the court where you were sitting at the time of the robbery? (Directive). I was in the passenger seat (Assertive). (Kennisgeving Voor Omleiding, n.d.-b)

In S3, the counsel for plaintiff asks and orders Adam directly and in turn he answers him-her in the same form.

S4

Counsel for Plaintiff: Thanks a lot, (expressive). Robert. No more questions (Assertive).

Any more interrogation? (Directive). (Kennisgeving Voor Omleiding, n.d.-b)

Here the judge uses an indirect way to question.

S5

Counsel for Plaintiff: How long have you known him?

Alex Williams: It has been a long time.

Here three speech acts are used, the first one is a directive that the counsel for the plaintiff asks the witness to get information concerning his friend. William's reply is assertive and it is direct.

S6

Counsel for Defendant: What were you doing on April 10, 2016? (Directive)

Alex Williams: I was working out at the gym with James, Robert and his sister Sara. About 8:45, we went to M22's in James's vehicle to have dinner (Assertive). Sara was in the passenger seat with James. Robert and I were sitting in the back (Assertive).

In this sample, two acts are used. The first one is directive, when the counsel for the defendant asks the witness, William. The second one is assertive as illustrated above is used when William was telling the story.

Discussion

The current study used two court speech trials. Different statements were extracted in order to be analyzed. The statements' speech acts were analyzed whether they are direct or indirect. Based on Searle's classification of speech act, the selected extractions were identified as: directive, statement, commissive, declarative and assertive. It was found that direct speech acts are most used in court speeches rather than indirect ones (22 instances). It was also found that directive whether they indicate question or command is usually used to ask questions or ordering the accused or witness to come or leave (7 tokens). Assertive speech is often used by the witnesses, accused and attorneys when telling details of the story and when replying questions (8 instances). Commissives are used by the court usually in the opening statement when telling the audience about the aspects of the case which are going to be discussed (4 times). Declarative act is frequently used at the end of the court by the judge when sentencing the accused as it is mentioned in S5 in the first trial (3 tokens). It is noticed that exclamatory sentences are not used at all.

Conclusion

To conclude, it is possible to state that speech acts are used as ways to achieve certain communicative purposes. When someone wants to perform an action, he/she can use language to do so. Speech acts can be employed to command, promise, pray...etc. Speech acts that are used by participants who hold conversation in court are in both direct and indirect manners. Direct speech acts appear more than indirect ones in this kind of discourse (22 for the former and 11 for the latter) since most of the utterances are questions and responses. Directives, assertives, commissives, declaratives and expressives are among other speech acts which are frequently employed in the court trials.

Suggestions for Future studies

During the course and analysis of this study, I only used the interactional analysis of some court debates, specifically the transcript of the judges, attorneys, witnesses and accused speeches in various situations in the courtrooms. Future studies may make use of any recordings, videos, observation of the actual courtroom speeches for an in-depth analysis and study that could support the transcribed utterances of the speakers. Gestures, facial expressions, intonation of voice and any body language could also refer to something important during the actual proceedings that might be worth searching.

Bibliography

- Alhusban, H. A., & Alshehri, N. (2022). "Wallah! I Beg Your Pardon. . .": A Cross-cultural Study of Apology Speech Acts. *Journal of Intercultural Communication*, 22(1), 69–80. <https://doi.org/10.36923/jicc.v22i1.28>
- Austin, J.L. (1962). *How to Do Things with Words*. Oxford University Press, Oxford and New York.
- Bernal-Pulido, C. (2007). A Speech Act Analysis of Judicial Decisions. *European Journal of Legal Studies*, 1(2), 1–20. https://cadmus.eui.eu/bitstream/handle/1814/7716/EJLS_2007_1_2_15_BER_EN.pdf?sequence=3
- Crystal, D. (2008). *Dictionary of Linguistics and Phonetics*. 6th ed. Malden, MA: Blackwell Publishing.
- Kryk-Kastovsky, B. (2009). Speech acts in Early Modern English court trials. *Journal of Pragmatics*. <https://doi.org/10.1016/j.pragma.2008.06.009>
- Leech, G. (1983). *Principles of Pragmatics*. London: Longman Inc
- Lyons, J. (1981), *Language, Meaning and Context*. Cambridge University Press, Cambridge
- Searle, J. (1983). *Speech Acts: An Introduction to the Theory of Applied Linguistics*. Cambridge University Press, Cambridge
- Kennisgeving voor omleiding. (n.d.). <https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.courts.ca.gov/documents/mocktrialsript->

contra.pdf&ved=2ahUKEwjV1-2A-
4rxAhVhplsKHa97D3UQFjAAegQIAxAC&usg=AOvVaw3ixKzRfzuVlt_wibk
XxarX. <https://www.google.com/url?sa=t>

Kennisgeving voor omleiding. (n.d.-b). <https://www.google.com/url?sa=t>

Mey, J.L. (1994). *Pragmatics: An Introduction*. Oxford: Blackwell

Nagane, D. • (2012) *Research Journal*. Volume 2 Issue 10 *Indian Streams*.

Opeibi, B. O. (2003). The acts of a speech act: An examination of a courtroom
discourse. *Lagos Notes and Records*, 9(1), 172–195.
<https://africaneditors.org/journal/LNR/abstract/74365-81548>

Searle, J. (1967). *Speech Acts*. Cambridge University Press.

Yule, G. (1996). *Pragmatics*. Oxford: Oxford University Press.