Legal Discourse: Analysis of Education and Criminal Convictions in Iranian Courts

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ABSTRACT--- ***This article assesses the role of education in criminal convictions by examining how incriminated cases violate maxim of quantity in relation to different speech acts which are used by interrogators in Iranian law courts. In this study we investigate this relationship by more than 20 incriminated cases (half of the cases educated and half of them non-educated). This research is based primarily on documents from judiciary written files. Data for this study is collected from Iran's judicial courts. We aim to show how maxim of quantity is violated in different educated and non-educated cases in relation to different speech acts. The analysis shows that non-educated cases violate maxim of quantity more than educated ones in relation to different speech acts.***

Keywords--- Forensic Linguistic, Cooperative Principle, Speech Act, Education, Criminal Conviction.

1. INTRODUCTION

"Language is as it is because of what it has to do"
Halliday (1973, p. 34)

When Halliday wrote 'language is as it is because of what it has to do' a functional theory of language was born, giving us a perspective of meaning-making that is grounded in social practice and in the many varied and complex contexts in which we find ourselves. Context is dynamic and socially constructed through and by discourse – both in its linguistic and non-linguistic semiotic modes – and we know that the legal world is context-rich. It is peopled by a hierarchical mini-nation of judges, lawyers, police and law-enforcement officers and then the common man and woman, who walk, like Adam and Eve, unknowing, through this strange world. Its texts are also richly layered with meaning; its language has evolved over many centuries and its peculiar form is a result of this history and specialized use. Leading scholars from the disciplines of linguistics, law, criminology and sociology examine the ways that language has and is being used, who is using it, and how they are writing, where they are speaking, why they are interacting in that way and what is being accomplished through that interaction (Coulthard and Johnson, 2010, p. 1).

The field of forensic linguistics has been growing in prominence in the past couple of decades. It is a field of applied linguistics involving the relationship between language, the law, and crime. The significance of how language shapes our society and serves to regulate social behavior makes forensic linguistics a very important and interesting discipline to study. The courtroom context provides us with an example of the relationship between language and people's lives. Courtroom discourse is a site of conflict. The opposing parties use language to introduce competing interpretations of past events, which means that the linguistic choices made by them become crucial in determining the outcome of the trial. The outcome can considerably influence the course of one's life. The topic of courtroom interaction has become increasingly popular as an object of linguistic investigation. Numerous studies focused on power relations, questioning strategies, manipulation of meaning, and other aspects (Mohammadzadegan, 2014, p. 9).

The term legal language, as Bhatia (1994) indicates:

> Encompasses several usefully distinguishable genres depending upon the communicative purposes they tend to fulfill, the settings or contexts in which they are used, the communicative events or activities they are associated with, the social or professional relationship between the participants taking part in such activities or events, the background knowledge that such participants bring to the situation in which that particular event is embedded and a number of other factors. (p. 101)

According to Mohammadzadegan and Behnam (2014):

> There is a direct relationship between quantity maxims' violation in relation to different speech acts and criminal conviction or acquittal. The highly significant positive correlations between quantity maxim

> violations in relation to different speech acts and criminal conviction showed that the violation problems/difficulties that are identified in incriminated or acquitted cases are restricted to the specific speech acts. (p.320)

This study aims to contribute towards the research field of forensic linguistics by building bridges among speech acts, quantity maxim violations, criminal convictions and education for detecting truth and forming more precise judgments. We believe that the science of forensic linguistics must be allowed to enter the Iranian judicial system. The main questions of this study, however, are: how maxim of quantity is violated in relation to different speech acts in educated and non-educated incriminated cases? Is there any direct relationship among speech acts, quantity maxim violation, criminal convictions and education?

Our main question in this study is:

Are there any direct relationships among speech acts, quantity maxim violation, criminal conviction and education in Iranian law courts?

The analysis is expected to show that, quantity maxim violation in relation to different speech acts has correlation with criminal convictions and education.

2. LITERATURE REVIEW

Forensic linguistics is not a new field, but over the past few years it has become more structured and better defined within the academic and forensic communities. Is it the accused killer's voice on the 911 recording reporting the crime? What exactly does it mean to die by accident, e.g., is sudden infant death an accident? Is it a request for drugs if a kid asks an undercover police officer, "What's chillin?" Does it make any sense to say that someone did not commit genocide, just acts of genocide? Who did, or did not, write that ransom note found in the Jon Benet Ramsey home? If a detective asks a suspect, "… do you want to speak with us about why you were arrested?" is the suspect waiving his right not to speak by answering, "Yes, I would like to know why I was arrested"? Does McDonald's own the Mc trade mark? (Liptak, 2001, p.10) These examples illustrate a few of the questions for forensic linguistics: phonetics (911 call), semantics (meaning of accident), pragmatics (intended meanings of "What's chillin'?" and genocide), stylistics (authorship of the ransom note), discourse analysis (suspect waiver of rights), and trademarks (McDonald's Mc trade mark).

According to Crystal (2003), "Foreign language learning is probably the most important application of applied linguistics. Even at the first look, language learning seems to be the only discipline related to applied linguistics; however, there are also other applications". (p. 29)

Tiersma and Soolan (2003) argued that:

> Forensic linguistics is an interdisciplinary course originated from linguistics and law which has developed in America and Europe since 1997. Since then, linguists offer their evidences in courts for detection of realities and more careful judgment. This cooperation is developing increasingly (as cited in Momeni, 2012, p.1263).

Levi (1994) defines forensic linguistics, as follows:

> Forensic linguists have been developing their works into communication, advertisement and common issues between language and law. Now forensic linguists deal with sound identification, identification of writer of a written text, asymmetry of power in courts, miscommunication between lawyer and client, perjury, problems related to legal texts, libel, problems about brands, interpretation and translation of communication in courts, recorded interviews as evidences. This field has been called forensic linguistics since 1980 (as cited in Momeni, 2012, p.1263-1264).

If we want to find the origin of forensic linguistics, we should go back to 64 years ago. "In 1949, Philbrick published his book under the title of "Language and the Law: the Semantics of Forensic English1" and this work paved the way for future researches (Quoting from Eades, 1994 and Levi, 1993).

Most of the researchers refer to Jan Svartvik's work named "The Evans' Statements" as the first typical work related to forensic linguistics. "Svartvik could show the linguistic analysis focusing on four statements which had been made to police officers by Timothy Evans about the deaths of his wife and baby daughter. The analysis showed the incriminating parts of four statements had a grammatical style measurably different from that of uncontested parts of the statements and a new forensic area was born" (Olsson, 2004).

Initially, the growth of forensic linguistics was slow up to the past 19 years. Since then, there has been a rapid growth in the amount of cooperation between courts and linguists. Linguistic findings in legal process show development of a new and scientific science which joins the relationship between linguistics and law. This new science can be as effective as legal medicine, legal psychology etc. There is a growing need for this new science in courts; however, many countries like Iran have not heard anything about this science. Even the pioneer countries like America and England have enjoyed this new-born science just in the last decade (Momeni, 2012, p. 1264).

Intentions and answers are two main factors in detecting truth and judgments, especially culprits' answers in relation with intentions of judges or interrogators. One factor which is important in intentions is speech acts. Recognizing

the speech act that is being performed in the production of an utterance is important because it is the speech act that to some extent tells us what the speaker intends us to do with the propositional content of what he says. The identification of the speech act that is intended by the production of an utterance is vital than as it provides appropriateness constraints for defendants' responses. By this I mean that after every utterance, conversational expectations are created (either implicitly or explicitly) which serve us in understanding later conversation, in producing a relevant and appropriate response. Not only this, but if we cannot understand the function intended by the production of a certain utterance, then we will also be unable to form opinions about the position of a speaker with respect to the content of his utterance. So, recognizing speech acts could be essential for ascribing the correct beliefs and goals to a participant, for gleaning background knowledge of that participant and thus for being able to build on the knowledge gained from the current conversation in order to facilitate future interactions with that speaker (Schiffrin, 2005, p. 5-6). In forensic linguistic, especially in the absence of clear and/or typical evidence, the main goal is finding new clues from the culprits' sentences by motivating them to speak more or less. Speaking more or less is related to the quantity violation of Gricean maxims.

We suppose that the speech acts are the main parts of questioning while cooperative principles are the main parts of answering in legal discourse for detecting truth and judgment.

Speech acts can be classified according to how they affect the social interaction between speaker and hearers. The most basic categorization consists of five different types of speech acts: assertives (equivalent to Searle's (1969) category of representatives), directives, commissives, expressives, and declaratives (also called performatives) (Searle, 1979 and Searle and Vanderveken, 1985) (Table 1).

Table 1: Detailed Description of Speech Acts (Searle (1979) and Searle and Vanderveken (1985))

Speech Acts	Descriptions	Verb Associated with Speech Acts	Example
Assertives	Statements that can be verified as true or false	Assert, claim, affirm, assure, inform , predicts, report, suggest, insist, hypothesize, swear, admit, confess, blame, praise	I assure you that we will meet our budget goals in 2001.
Directives	Statements that call upon the listener to do something	Direct, request, ask, urge, demand, command, forbid, suggest, insist, recommend, implore, beg	I urge to you vote against this resolution.
Commissives	Statements that commit to a course of action	Promise, vow, pledge, swear, consent, refuse, bet assure, guarantee, contract,	I assure that you will receive more funding next year.
Expressives	Statements that express a psychological position about a state of affairs	Apologize, thank, condole, welcome congratulate, complain, protest, compliment, praise,	I complement your achievement in meeting your third-quarter numbers.
Declaratives	Statements that, through their utterance, perform an act	Fire, pronounce, declare, appoint, confirm, endorse, renounce,denounce, name, call, repudiate	I am firing you.

As stated in Grice's "Logic and Conversation" (1975), "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged" (p. 48). There are a number of conventions, or maxims that are associated with this principle, which are (taken from Brown and Yule 1983, p. 32):

> Quantity: Make your contribution as informative as is required. Do not make your contribution more informative than is required.
> Quality: Do not say what you believe to be false. Do not say that for which you lack adequate evidence.
> Relation: Be relevant.

Manner: Be perspicuous. Avoid obscurity of expression. Avoid ambiguity. Be brief (avoid unnecessary prolixity). Be orderly.

3. METHODOLOGY

As this is a field research, we gathered 20 incriminated cases (half of the cases educated and half of them non-educated) from Iranian law courts. The target number of cases for this study is 40 cases in two groups namely interrogators and incriminated cases to show an average sampling of the trends in speech patterns of interrogators who use them in relation to educated and non-educated incriminated cases and to consider quantity maxim of incriminated cases in relation to the questions. Tools which are used for data collection is on the basis of observations, samplings, taking photographs, using tables and asking questions about cases from lawyers and judges.

Table 2: Participants in the Study

N=40		
INTERROGATORS (N=20)	INCRIMINATED (N=20)	
	EDUCATED (N=10)	NON-EDUCATED (N=10)

Table 3: Questions in the Study

N=162			
EDUCATED (N=100)		NON-EDUCATED (N=62)	
REPRESENTATIVES	N=13	REPRESENTATIVES	N=4
DIRECTIVES	N=73	DIRECTIVES	N=45
EXPRESSIVES	N=5	EXPRESSIVES	N=3
DECLARATIVES	N=9	DECLARATIVES	N=10
COMMISSIVES	N=0	COMMISSIVES	N=0

A qualitative analysis based on pragmatic interpretation will be employed in order to find speech acts of interrogators and cooperative principles of culprits who are educated and non-educated. In this study, not only 20 tables were used for showing the results of correlation between speech acts and maxim of quantity in different cases (educated and non-educated) but also samples were treated with the descriptive statistics like figures for each case (20 figures).The figures are expressed in percentage. Finally, the results of each case (educated and non-educated) will be analyzed in percentage terms and compared with each other to draw the conclusion. In this study just summary figures are drawn for showing the results and detailed tables and figures for each case (20 cases) which used at the beginning of the study for analyzing each individual 20 cases are ignored.

In relation to legal discourse, Danet (1980, p. 447-463) classifies speech acts based on Searle's classification in the following way:

1. Representatives which are utterances that commit the speaker to something being the case or assert the truth of proposition, including testifying, swearing, asserting, claiming and stating.
2. Commissives which commit the speaker to do something in the future, such as in contracts, marriage ceremonies and wills where both the relevant parties engage in commissive acts.
3. Expressives which express the speakers' psychological state about or attitude to a proposition, including apologizing, excusing, condemning, deploring, forgiving and blaming.
4. Declaratives whose successful performance brings about a correspondence between their propositional content and reality, including marriage ceremonies, bills of sale, recipes, appointments ,and nominations; and the legislative stipulation of rights and of definitions of concepts; lawyers' objections, sentences, and appellate opinions, indictments, confessions, pleas of guilty/not guilty, and verdicts; and there is a subcategory of representative declarations for certain institutional situations, e.g., a judge making factual claims, requiring claims to be issued with the force of declaration, and also require the speaker to have certain authority, representative declarations share with representatives a sincerity condition. This would cover a marriage ceremony, bills of sale appointment or nominations, legislative stipulation of rights and definitions of concepts, indictments, confessions, pleas of guilty/not guilty, verdicts, etc.
5. Directives which are future-oriented speech acts, seeking to change the world, to get someone to do something, most prominent in legislation that imposes obligations.

After identifying the educated and non-educated cases, the speech acts of questions and then the cooperative principle violations (especially quantity maxim) in answers in relation to different speech acts are analyzed. However, in

order to ensure the reliability of the researcher's analysis, the random selection among different cases used. We used randomly 20 files (half of the cases are educated and half of them are non-educated) among 100 criminal files.

We use the following criteria on how Gricean maxims would be used in answers analysis. We just focus on the quantity maxim.

- *The Analysis of the Quantity Maxim:*

The amount of information provided is evaluated as:

1. Whether the defendants have provided unnecessary details about their defenses,
2. Whether the information they have provided is sufficient enough to support their claims by evaluating whether what they argue needs to be further explained and developed.

In fulfilling maxim of quantity, the speaker/writer should be as informative as it is required. He/she should not give too little information or too much. People who give too little information risk their listener not to be able to identify what they are talking about because they are not explicit enough (Adriani, Hamzah, and Ardi, 2013, p. 70). Experienced police officers are wary of people that give "extraneous information" in their testimony; such behavior is often a sign that a person is trying to disguise a certain piece of information by surrounding it in other, irrelevant facts. It may also be the case that they are simply talking to try and satisfy the needs for a response, but that they are over-extending due to the need to avoid the particular matter at hand. Violations of this maxim, however, can be seen in the excerpt, and in observations made during the ride-along. In another words, those who give more information than the listener/reader needs may give new clues about events for detecting new idea about that crime. The effect of this maxim is to present that the statement is the strongest, or most informative that can be made in the situation (Adams, 1996, p. 18).

Maxim violation of quantity occurs when a speaker/writer gives more or less information than the situation requires. If a speaker/writer violates the maxim of quantity, he/she does not give the listener/reader enough information to know what is being talked about, because he/she does not want the listener/reader to know the full picture (Adriani, Hamzah, and Ardi, 2013, p. 70).

4. RESULTS AND DISCUSSION

A qualitative analysis based on pragmatic interpretation will be employed, in order to find speech acts of questioners and quantity maxim violations of culprits. When we considered the number of participants and questions which were asked by interrogators in this study, we faced two primary results which both of them are unexpected. According to table 3 in the methodology chapter, we can draw figures 1 and 2:

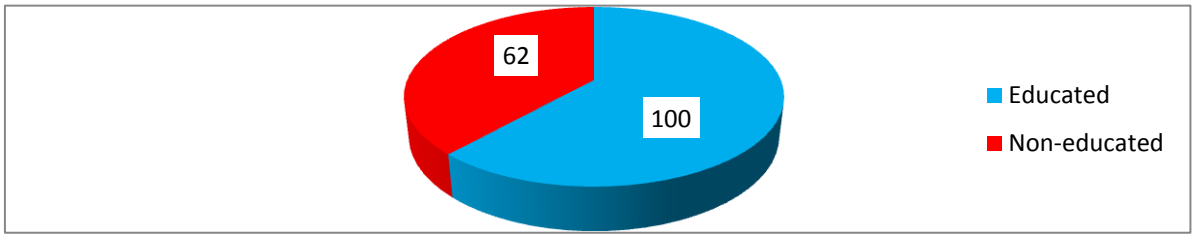

Figure 1: The Number of Questions in Educated and Non-educated Culprits

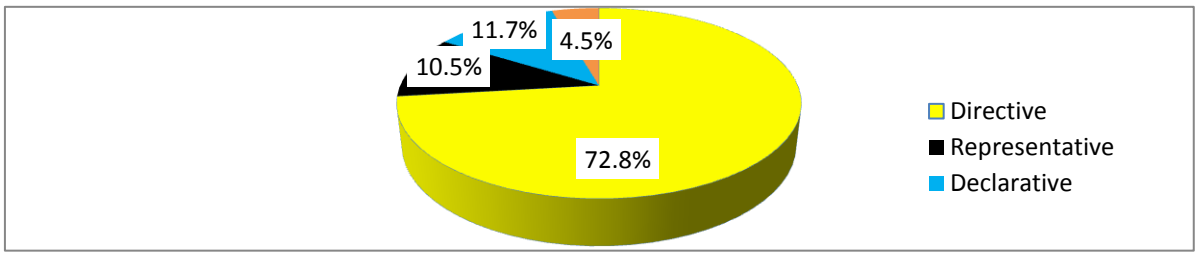

Figure 2: Frequencies of Speech Acts in the Questions

This analysis indicates the following results:

1. The number of questions used in educated cases is more than non-educated ones. It is unexpected results that we experienced throughout this study.
2. Among all 162 asked questions, 72.8% are directive, 10.5% are representative, 11.7% are declarative, 4.5% are expressive and 0% is commissive. So directive speech act is most frequent speech act and commissive is the least frequent one. This analysis can answer to the question that: what are the most and

least frequent speech acts which are used in written criminal files by interrogators in educated and non-educated culprits?

A basic underlying assumption we make when we speak to one another is that we are trying to cooperate with one another to construct meaningful conversations. This assumption is known as the cooperative principle. As stated in Grice's "Logic and Conversation" (1975, p. 165-175), "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged". In other words, we as speakers try to contribute meaningful, productive utterances to further the conversation. It then follows that, as listeners, we assume that our conversational partners are doing the same. This is the basis of the cooperative principles violation in relation to different speech acts analysis in this study.

4.1 Quantity Violation in Relation to Different Speech Acts in Educated Culprits

After analysis of 10 educated culprits, we came to this conclusion that quantity violation happened most frequently in relation to declarative speech acts than other speech acts like expressive, representative and directive respectively (figure 3). As we did not see commissive speech act in this study we ignore this speech acts here.

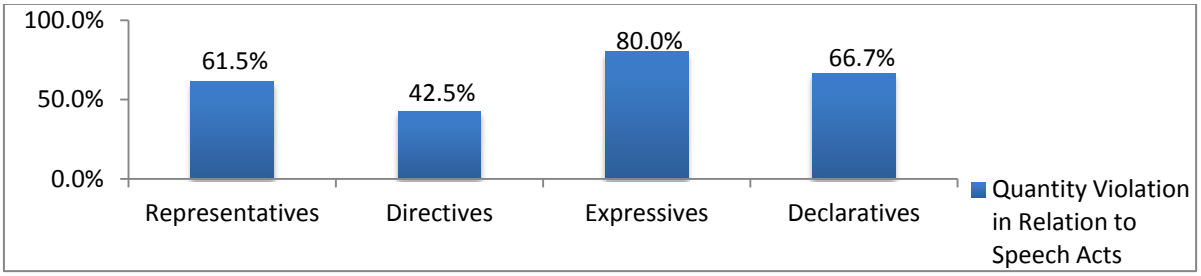

Figure 3: Quantity Violation in Relation to Different Speech Acts in Educated Culprits

This analysis indicates the following result:

Quantity violation in relation to different speech acts in educated culprits is different and the violations happened most frequently when declarative, expressive, representative and directive speech acts were asked respectively. It is the answer to the first part of the main question in this study which is: are there any direct relationships among quantity maxim violation in relation to different speech acts and educated culprits?

4.2 Quantity Violation in Relation to Different Speech Acts in Non-Educated Culprits

After analysis of 10 non-educated culprits in Iranian criminal courts, we came to this conclusion that non-educated cases violate quantity maxim when they face representative and expressive questions more than other speech acts like declarative and directive respectively (figure 4). As we did not see any commissive speech acts in this study we ignore it in this figure.

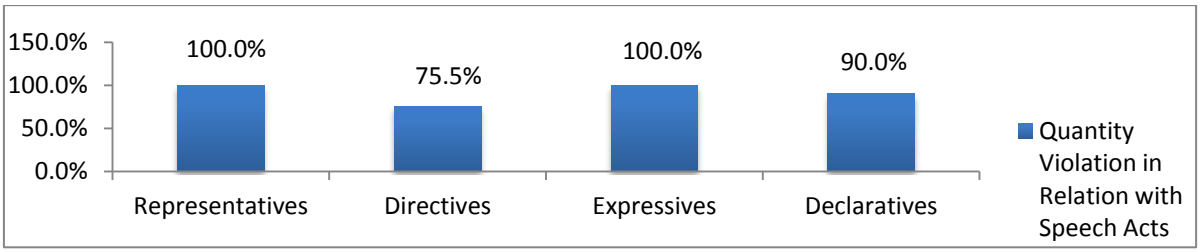

Figure 4: Quantity Violation in Relation to Different Speech Acts in Non-Educated Culprits

This analysis indicates the following result:

Quantity violation in relation to different speech acts in non-educated culprits happened most frequently in representative and expressive speech acts. It is the answer to the second part of the question in this study which is: are there any direct relationships among quantity maxim violation in relation to different speech acts and non-educated culprits? On the basis of this study, quantity violation happened most frequently in

relation to representative, expressive speech acts and least frequent in directive and declarative speech acts respectively.

4.3 Results of the Quantity Maxim Analysis

On the basis of this study we can say that the violation of quantity in relation to different speech acts is different and the implications of this violation can be helpful in choosing best speech acts in relation to different culprits (educated or non-educated). In figure 5, we tried to gather quantity violation in relation to all different speech acts in educated and non-educated cases in one figure. By analyzing of educated and non-educated cases' quantity violation in relation to different speech acts, we came to this conclusion that in educated cases quantity is violated most frequently in relation to the expressive speech act while quantity violation in relation to directive speech act is least frequently than other speech acts, but in non-educated cases quantity is violated in relation to the representative and expressive speech act most frequently while quantity violation in relation to directive speech act is least frequently than other speech acts (figure 5).

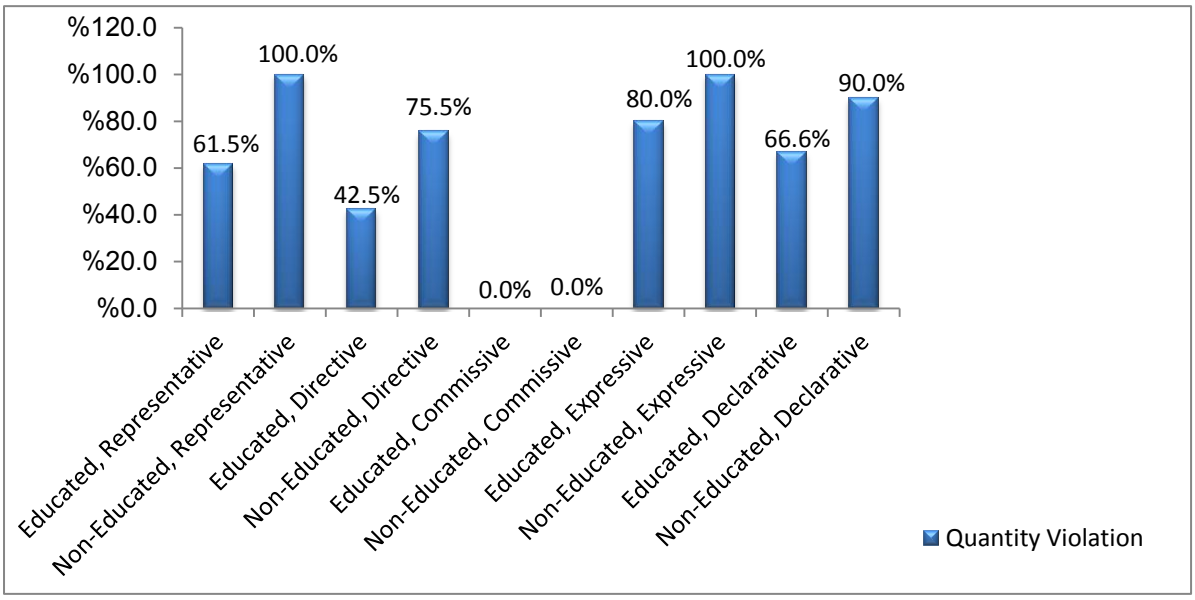

Figure 5: Quantity Violation in Educated and Non-Educated Cases in Relation to Different Speech Acts

The results of the maxim violations' analysis in relation to different speech acts in different criminal cases answer the research question that our study addresses.

First of all, in relation to the main question of this study, i.e., are there any direct relationships among quantity maxim violation in relation to different speech acts, criminal convictions and education? The result of the descriptive statistical analysis indicates that there is a significant positive correlation among quantity maxim violation in relation to different speech acts, criminal convictions and education. In educated cases, the average of quantity maxim violation is around 62.65% while in non-educated cases it is around 91.37 %. So it shows that quantity maxim violation in non-educated cases is more than educated cases. Finally we came to this conclusion that quantity maxim violation by educated and non-educated cases in relation to different speech acts can be different. This violation by non-educated cases in relation to representative and expressive speech acts is around 100 % while this violation in educated cases is around 61.5% in relation to representative speech acts and 80% in expressive speech acts. This finding reveals that speech acts which are used by interrogators in relation to educated and non-educated cases should be different. Educated cases violate representative and expressive speech acts more than others while non-educated cases violate expressive speech acts more than others. According to this analysis an unexpected result is that expressive speech acts in questioning in relation with educated and non-educated cases is the best speech acts for getting new clues in interrogations.

Analysis of the number of questions in educated and non-educated cases is a qualitative analysis. The results of this analysis showed that the total number of questions is higher in educated cases than non-educated ones and it is around 5 questions per interrogations and the total number of questions in non-educated cases is 3.1 per interrogations (figure 6). So the number of questions which were asked in educated cases is more than non-educated ones.

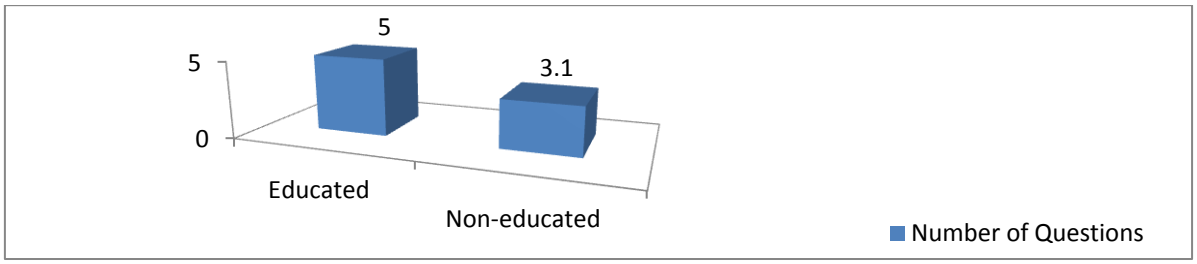

Figure 6: The Number of Questions in Each Interrogation

When we considered educated cases and non-educated ones holistically in figure 7, we came to this conclusion that the most frequent speech act in educated and non-educated cases is directive speech act while the least frequent one is expressive speech acts (if we ignore commissive speech acts), while on the basis of this study findings expressive speech acts for questioning is an appropriate speech act which must use by interrogators more than other speech acts. Meanwhile, the total number of different speech acts such as directive, representative and expressive in educated and non-educated cases is close to each other respectively (except declarative speech acts) (Figure 7).

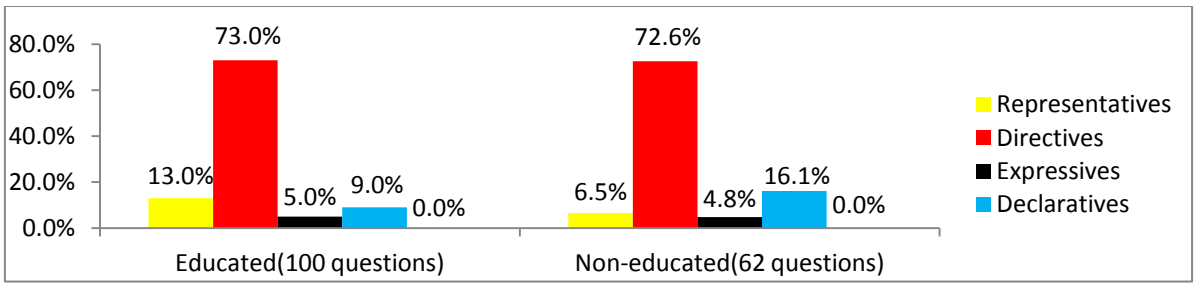

Figure 7: Speech Acts in Educated Cases and Non-educated Ones

In this analysis, the most remarkable result is that the directive speech act is most frequent speech act and expressive speech act is least frequent one in different cases (educated and non-educated cases) (if we ignore commissive speech acts) (figure 8). In addition, the number of expressive speech act in educated and non-educated cases is close to each other than other speech acts (Figure 9).

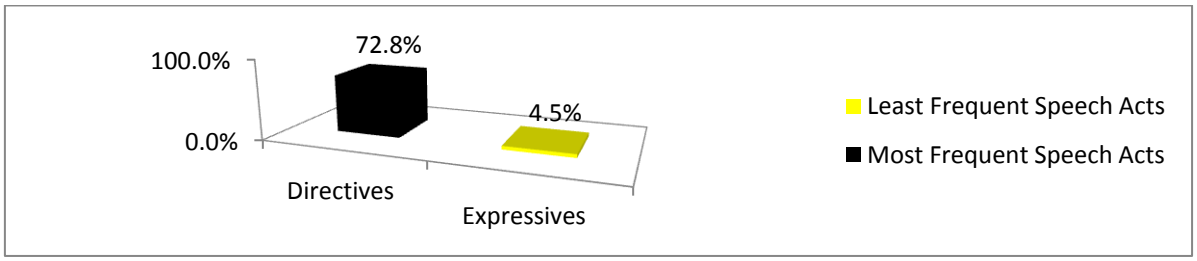

Figure 8: Most Frequent and Least Frequent Speech Acts

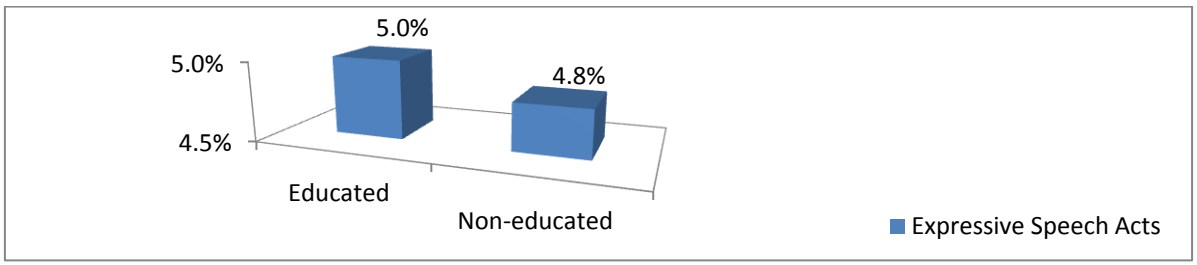

Figure 9: Expressive Speech Act in Educated Cases and Non-educated Ones

Moreover, this analysis showed that the frequencies of the speech acts in different cases (educated and non-educated cases) can be different, suggesting that the questions problem/difficulties in educated and non-educated cases can be related to the kind of speech acts which are used in the interrogations, it means that using directive speech act for

eliciting more or less information in educated cases on the basis of figure 5 is not appropriate speech acts because the quantity violation happened in directive speech acts less than representative, declarative and expressive speech acts respectively. So using directive speech act as a frequent speech act in relation with educated culprits in criminal courts is an inappropriate speech act while using expressive speech act is the appropriate one. In addition, using representative, expressive, declarative and directive speech acts for eliciting new clues in non-educated cases is an appropriate one respectively (figure 5).

5. CONCLUSION

5.1 Summary

Having studied more than 20 terminated and written criminal cases (half of the cases are educated and half of them are non-educated), we draw this conclusion that linguistic parameters like speech acts and cooperative principles can be analyzed by the jury, judges, lawyers and interrogators in relation with educated and non-educated cases separately for getting new clues from culprits (especially when there are no clear and typical available proof and documents for detecting truth). They can detect the truth by using different kinds of speech acts to force educated or non-educated culprits to violate maxim of quantity for catching new clues about a crime. It is possible to find some proofs in culprit's words to find the other aspects of the crime. Since interrogations are the main parts of detecting truth, communication is an inevitable part between interrogators and culprits. To uncover ambiguities in legal discourses, linguistic and pragmatic analysis can be used as a useful tool. Violation of pragmatic principles like cooperative principles in relation to different speech acts is useful in analysis of crime for eliciting more and precise information. This study showed there is a direct relationship among quantity maxim violation, speech acts, education and criminal conviction; therefore, it is possible to offer a conceptual frame for using purposeful speech acts for drawing out more information and precise judgments in educated and non-educated cases at last.

In sum, this study has two important conclusions: there is a direct relationship among quantity violation in relation to different speech acts, criminal conviction and education. In addition, some speech acts like directive speech act is most frequent, commissive speech act is least frequent and the number of expressive speech act is close to each other in educated and non-educated cases. Therefore, culprit's problems/difficulties in answering to the questions may be related to the kinds of speech acts which are used by interrogators. It is apparent that everything in legal language is subordinated to the effort to achieve *precision* and avoid ambiguity. This obsession is predominantly the cause for violation of Gricean principle in legal communication. Thus, language used in the legal setting is understandable to the specialist community but it keeps non-specialists at a respectable distance.

5.2 Suggestions for Further Study

In this section, suggestions for further study are put forward.

1. The same study can be carried out in acquitted cases.

2. It can be examined whether or not the specific crimes like bribery has different results than other crimes like defraud in the same study.

3. Further study can be carried out with other cooperative principles like quality, relation and manner.

4. The same study can be carried out in larger group of accused cases with different ages and genders.

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