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The conscious and cooperative availability of bare linguistic meaning in Hungarian legal proceedings¹

Abstract

In continental legal systems, such as Hungarian, the judges' institutional role is to interrogate defendants, witnesses and experts in a thorough and unbiased manner (Resán 2011). Judges consciously try to minimize the influencing properties of questions in order to give an equitable judgement (Varga 2015). Although all elements of language can be influential, some may be unintentionally so. This paper presents two influence minimizing strategies used by judges, both of which are connected to the availability of bare linguistic meaning intended as a minimal linguistic meaning. I argue that bare linguistic meaning can be consciously and cooperatively available for judges during the legal proceedings. This research is based on my own corpus of 25 criminal trials. I have analysed the recorded texts in the framework of Privileged Interactional Interpretation (Sternau et al. 2015). The present paper offers rare data to the interactional meaning theory. It may also have a significant role in legal practice because it is important to recognise all pieces of implicit information.

Keywords: legal proceedings, influence minimizing strategies, minimal linguistic meaning

1 Introduction

This paper aims to present how Hungarian judges try to consciously and cooperatively facilitate access to bare linguistic meaning of the testimonies to gain unambiguous and unmistakable information. In the literature there is no agreement whether the context-independent bare linguistic meaning, which does not include pragmatic inference, is consciously available for the speakers in the discourse or not. Most of the researchers who investigate everyday conversations argue that bare linguistic meaning is not consciously available for the speakers in the discourse (Recanati 2004). If it becomes available, it is because the participants have misunderstood each other and disambiguation is called for: the semantic meaning is the same for them, but the pragmatically enriched interpretation is dissonant.² However, in the courtroom there are legal consequences of how the participants interpret the utterances. This is the reason

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² Pragmatic enrichment is an enrichment of the non full propositional content encoded by a linguistic utterance (Carston 2004).

why the judges try to consciously gain the bare linguistic meaning during the interrogation. In other words, the judges' intention is conscious when they try to facilitate access to bare linguistic meaning. In these cases the judges usually try to avoid ensuing misunderstandings, or they monitor the information of the utterances.

I will first present the issues relating to the concept of bare linguistic meaning. This problem can be traced back to the connection between the bare linguistic meaning and the minimal linguistic meaning. This connection leads us to distinguishing bare linguistic meaning interpretations in the dichotomy and trichotomy levels of interpretation theories. After that I present the Privileged Interactional Interpretation (PII) theory adopted in my present analysis. Subsequently, I introduce the legal corpus which I used for this research and then I discuss cooperativity in courtroom discourses. In the second main part of my paper I will present my analysis and my conclusions.

2 Theoretical background

2.1 The concept of bare linguistic meaning

Bare linguistic meaning contains only the pronounced and coded linguistic meaning, which is typically not a full proposition, therefore it has no truth-conditional value.³ There is no pragmatic inference at this level and it is context-independent (Sperber & Wilson 1986/1995, Ariel 2002a, Carston 2004). The first question is, how the bare linguistic meaning is connected to the minimal meaning. There is consensus among linguists that every utterance has both a minimal meaning and a conveyed meaning (total meaning) which includes all types of pragmatic inferences. But there is no agreement in some other points (cf. Sternau et. al 2015: 86-87) to be highlighted in (1) to (3):

- (1) What belongs to the minimal linguistic meaning? Is it only the bare linguistic meaning or does it contain some type of pragmatic inference too?
- (2) Are there only these two kinds of meanings, or are there others?
- (3) Do all theoretically-proven levels of interpretation have a distinct role in the discourse?

In the next part, I will try to give answers to these questions through investigating the distinct theories.

2.2 The bare linguistic meaning in the two-level interpretation theories

Let us first consider the two-level interpretation theories. The basis of these dichotomy theories is the Gricean distinction of the "what is said" and the "what is conveyed by the utterance." In the Gricean theory, the minimal linguistic meaning is "what is said." The content of this level is the bare linguistic meaning which also includes reference resolution and disambiguation (Ariel 2008: 261). In the Neo-Gricean theories there are two major approaches to "what is said" as the minimal linguistic meaning. One of them is the minimalists' framework

³ The full proposition is a truth-conditional meaning, in Relevance Theory it is called as explicature. The full proposition results from enriching an incomplete logical form by pragmatic meaning(s) until a determinate proposition is generated (Ariel 2002a: 373, Carston 2004: 633).

(e.g. Bach 1994, Borg 2005, Cappelen & Lepore 2007). Contrary to Grice, the minimalists make a distinction between referential expressions. In their theory, only those referential expressions are part of the minimal meaning which are available from the narrow context.⁴ Apart from the process of disambiguation, only the so-called saturation pragmatic process belongs to the minimal meaning. To put it simply, saturation is a type of inference, which is mandated by a linguistic element (for example a pronoun in the case of reference resolution). The maximalists represent the other major Neo-Gricean theory (e.g. Sperber & Wilson 1986/1995, Recanati 2004, Ariel 2008, Carston 2009). In their framework, the pragmatic inference at the level of minimal linguistic meaning is not necessarily mandated by a linguistic element. This pragmatic process is free because it is not under linguistic control, so they call it free enrichment (Carston 2004: 639). Consequently, in these theories the bare linguistic meaning is not a distinct level of interpretation (for a discussion, cf. Ariel 2008, Carston 2004). To summarize, the completion of the propositional form could happen in three different ways (Carston 2004: 636-641):

- Disambiguation: This process takes place when the linguistic system could order more than one meaning to the given linguistic form, therefore the logical form could be completed in multiple possible ways.
 Example: *The Porsche is in the garden.* If the family owns a toy car and an actual Porsche, disambiguation is needed to identify the one in question.
- Saturation: The completion of the incomplete logical form happens using non-linguistic information but there is a linguistic element which indicates there is an approximate contextual value to be found.
 Example: *My neighbour bought a Porsche.* In this utterance the process of saturation is the reference resolution of the determinate noun phrase *my neighbour*, namely who is the specific person whom the speaker calls *my neighbour*.
- Free enrichment: It is not linguistically mandated that a contextual value is required, though a contextual component appears in the proposition.
 Example: *Anna parked the Porsche.* There is no linguistic element which denotes a place component, but the hearer would certainly assume it happened in the streets, in the garage or under a shade of a tree, because it had to happen somewhere.

In Relevance Theory, bare linguistic meaning, namely, the typically incomplete logical form is a distinct level of interpretation. The maximalists' interpretation of the "what is said" is a third level of interpretation, between the bare linguistic meaning and the implicature (Sperber & Wilson 1986/1995, Carston 2004). They call this level of interpretation explicature.⁵ In the next section I discuss this trichotomy theory further.

⁴ The term narrow context covers a short list of variables, such as speaker and the hearer as well as time and place of utterances (Bach 1999: 72).

⁵ Relevance theorists call the inferences on the level of explicature as explicated inferences, while on the level of implicature as implicated inferences. There is no relevant difference between these two types of inference, but explicatures are logically prior to implicatures in Relevance Theory (Ariel 2008: 291).

2.3 *The bare linguistic meaning in the three-level interpretation theory*

Although the bare linguistic meaning is a distinct level within this trichotomy framework, according to relevance theorists, it is not available for the interlocutors in the discourse, because the inferences of the explicature level of interpretation are automatic, so it has no interactional role (Sperber & Wilson 2004).

There are other opinions on the availability of the bare linguistic meaning. Recanati (2004) says that the bare linguistic meaning is only intuitively available for the interlocutors. Only in the case of a misunderstanding could it be made consciously available. In Hansen's viewpoint (2008) the bare linguistic meaning could be consciously available, but only if the hearer is non-cooperative, for example in manipulative uses of language like advertisements or adversarial uses of language such as courtroom interaction. Contrary to these standpoints, the minimalist Bach (1994) and the maximalist Ariel (2002b) do not rule out the interactional role of the bare linguistic meaning. Cappelen and Lepore (2007) also argue that a so-called shared content must exist which is the context-independent constant proposition, and it makes the precise understanding for the interlocutors in the given conversation possible. Although Cappelen and Lepore consider the minimalist "what is said" to be the shared content, I will argue it is the bare linguistic meaning. This statement relates to the observation that saturation, which is a typical process of a minimalist "what is said", also must rely on speaker intentions (Ariel 2008: 271).⁶ I will show this with my examples, where the judges try to access the bare linguistic meaning in a conscious and cooperative way to try and gain this context-independent shared content.

In the following I will argue that bare linguistic meaning can be consciously and cooperatively made available for the interlocutors or rather for judges in courtroom discourses. I support this claim with my analyses of Hungarian courtroom discourses. However, before I come to the issue of cooperativity in the courtroom, I present the Privileged Interactional Interpretation theory as the framework of my research. At the same time, I also introduce the analysed corpus.

2.4 *The framework: Privileged Interactional Interpretation theory*

In the Privileged Interactional Interpretation theory (Sternau et al. 2015) the researchers argue that the bare linguistic meaning can be accessible for interlocutors such that there are four psychologically relevant levels of interpretation identified in the discourse: bare linguistic meaning, explicature, strong implicature and weak implicature.⁷ Either one of these four levels can be the Privileged Interactional Interpretation⁸ in the discourse which then functions as the primary interpretation of an utterance as intended by the speaker and understood by the addressee. Such a PII contains the minimal information which the speaker wants the statement

⁶ This is the reason I focus on referential expressions in this paper. Borg (2005) and Cappelen & Lepore (2007) argue that reference resolution belongs to the minimal linguistic meaning in the two-level interpretation theories.

⁷ Relevance theorists differentiate the strong and weak implicatures: "A proposition may be more or less strongly implicated. It is strongly implicated (or is a strong implicature) if its recovery is essential in order to arrive at an interpretation that satisfies the addressee's expectations of relevance. It is weakly implicated if its recovery helps with the construction of such an interpretation but is not itself essential because the utterance suggests a range of similar possible implicatures, any one of which would do" (Sperber & Wilson 2004: 620).

⁸ In the terminology of Jaszczolt it is the primary meaning (Jaszczolt 2010).

to contain according to its relevance and truthfulness (Ariel 2002b, 2008, Jaszczolt 2010, Sternau et. al 2015). I should emphasize that in this theory not only one minimal linguistic meaning is relevant: the Privileged Interactional Interpretation of a given utterance is the minimal linguistic meaning in the discourse. The Privileged Interactional Interpretation is always the most relevant level of interpretation in the given context. These four psychologically relevant levels maybe ordered on a scale of interpretation strength. A and B are interpretation levels associated with some utterance where level A is stronger than B if (Sternau et al. 2015: 89):

- A's propensity to be confirmed by the interlocutors as the Privileged Interactional Interpretation is higher than that of B.
- A is confirmed as the Privileged Interactional Interpretation with a higher degree of confidence than B.
- Denying A is more difficult for the speaker than denying B.

Following these three pragmatic criteria, the strength scale looks as follows: bare linguistic meaning > explicature > strong implicature > weak implicature.⁹ In general, it is difficult to separate the bare linguistic meaning from the explicature, but they are distinct levels because of the criteria of deniability. The bare linguistic meaning, as opposed to explicature, is not deniable.¹⁰

Let us see an example for the adaptation of this theory (Ariel 2008: 302-303):

- (1)
- | | |
|----------------------------|---|
| M.A. (San Francisco): | I'd like to leave a message for X. |
| Hotel Operator (New York): | I'll connect you to their room. |
| M.A.: | No, no. I don't want to wake them up.
It's midnight in New York! |
| Hotel Operator: | No, it's not. |
| M.A.: | What time is it there? |
| Hotel Operator: | It's 11:53. |

For the Hotel Operator the Privileged Interactional Interpretation is the coded, bare linguistic meaning (accurately midnight) for the explicature (about midnight). We know this, because the operator reacts to the bare linguistic meaning. The pragmatically enriched meaning, the explicature is also relevant in the context, but this interpretation was rejected with the answer of the operator. In everyday conversations usually the explicature is the Privileged Interactional Interpretation, but the unenriched bare linguistic meaning could be also the privileged interpretation of an utterance in the discourse as the first example shows (Ariel 2002a, 2008). Which of the interpretations is the privileged one in a given context is highly dependent on the

⁹ In this scale the bare linguistic meaning is the strongest interpretation level, but even the weak implicature could be the privileged interactional interpretation.

¹⁰ In the exceptional case, when the bare linguistic meaning has a full propositional form, this level is also deniable.

context. I argue that this is not rare at all that bare linguistic meaning is often the privileged interpretation of an utterance in the courtroom discourses.

2.5 *The corpus*

My analysed corpus is made up of recordings and written notes of 25 Hungarian criminal trials. I recorded these trials with a dictaphone (Olympus WS-831) and I also made written notes about non-verbal communication in the courtroom. These texts have been anonymized and transcribed using the method of Conversation Analysis (Jefferson 1984), I present the relevant transcription nominations in the Appendix.

2.6 *Cooperativity*

Before the analysis, it is necessary to mention cooperativity in connection with the Hungarian legal system. At first, we must answer the question: What is cooperation? At this point I cite Grice (1975: 45), who said the following about cooperation: “Make your conversational contribution what is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged.” As we shall see, there are some differences between what the required contribution is in an ordinary speech situation and in a courtroom discourse, as the latter has legal consequences. Thus, how differently the participants interpret the utterances in the courtroom has a vital role. It should be emphasized, that the purpose of the courtroom interrogations is always to clarify the state of affairs (Dobos 2014).

Let us see an example of non-cooperative behaviour in an extract from an interrogation from Hansen (2008: 1404):

(2)

Question: *And you mentioned that he bought a **Porsche** during that time period, is that right?*

Answer: *Uh-huh, yes.*

Question: *And to your knowledge, he only bought **one Porsche**, is that right?*

Buying “a Porsche” is logically compatible with buying several Porsche cars, but it normally implicates “only one”. Hansen believes that a cooperative hearer would pragmatically enrich the meaning for the “only one” interpretation. In my view, in an ordinary speech situation the speaker of the last question would presumably not be cooperative, but in the courtroom this question can be rational and reasonable, because it could have significance how many Porsches were bought by that man. For example, the authorities did not find the relevant Porsche, or they would like to know how wealthy the owner is. In the adversarial war-like legal system, during the cross-examination, the participants may often not be the fully cooperative interlocutors (Hansen 2008, Ariel 2008, Dobos 2014, Bednarek 2014). But in the Hungarian legal system, the judges’ role is to interrogate the witnesses in an unbiased way (Fedor 2014: 451). Meizhen and Yadi (2017) argue that the judge and the person being interrogated are able to cooperate if they share their goals, or if the goal of the judge is neutral to the interrogated person. In these cases, they approach the positive pole of the cooperative continuum, because in their theory, cooperation is a matter of degrees, not a binary issue. I would like to show, that judges are able to obtain the context-independent bare linguistic meaning and they can make

this meaning available for every participant in the courtroom. They do this in a cooperative and conscious way because this is an effective way of clarifying the given state of affairs and avoiding misunderstandings.

3 Analysis

Before the analysis, it should be emphasized, that the availability of bare linguistic meaning is connected to two major strategies used by the judges. I will present my examples about these strategies. On the one hand, judges try to gain the bare linguistic meaning in the utterances of the witnesses because they would like to bring the implicit content of the witness' testimony to the surface. On the other hand, judges try to gain the bare linguistic meaning in their own utterances to avoid misunderstandings. This unequivocally shows the conscious effort to obtain mutual access to bare linguistic meaning.

3.1 *Strategy 1: When the bare linguistic meaning is the privileged meaning for the judge in an utterance of a witness*

Let us see my first example, which is connected to the first strategy.¹¹

(3)

Witness: () *a tulajdonos úr* (0.5) *ő hát csinált egy két olyan dolgot, amiről nekem nem volt tudomásom.*

'() **the owner** (0.5) well he did some things that I was not aware of'

Judge: *Ki a tulajdonos úr?*

'**Who is the owner?'**

Witness: *Hát a Kovács Ferenc.*

'Well, it's **Ferenc Kovács.**'

Judge: *Ühüm.*

'Hmm.'

The judge knows exactly who the owner is. Consequently, the judge could interpret the witness' first utterance at the explicature level: he could make the pragmatic enrichment, the reference resolution with the person of Ferenc Kovács. But he did not make this inference at the surface, the Privileged Interactional Interpretation here is the bare linguistic meaning for him, because the judge is reacting to this interpretation, not to the enriched meaning with reference resolution. In this case the judge is checking the witness' knowledge. The judge would like to know, whether the witness uses "the owner" definite description for the same person as he or not. But why is it so important? This second example will give the answer.

(4)

Judge: *Ki volt akkor a cég vezetője akinek kiküldésre került ez a levél?*

'**Who was the manager** to whom the letter was sent?'

¹¹ See also: Varga (2017).

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- Witness:** *Nagy Zoltán ügyvezetőnek* küldtünk levelet illetőleg utána a bíróság is *Nagy Zoltán ügyvezetőt* hívta fel arra hogy ezeknek a kötelességeknek tegyen eleget.
 ‘We sent the letter to **manager Zoltán Nagy** and then the court also called on **Zoltán Nagy**, to fulfill these duties.’
- Judge:** *Nagy Zoltán? Nem Kiss Aladár?*
 ‘**Zoltán Nagy? Not Aladár Kiss?**’
- Witness:** *Parancsol?*
 ‘Excuse me?’
- Judge:** *Nem a Kiss Aladár?*
 ‘Not the Aladár Kiss?’
- Witness:** *Nem. A Nagy Zoltán.*
 ‘No. Zoltán Nagy.’
- Judge:** *Korábbi vallomásában azt mondta, hogy a Kiss Aladár. Azért kérdezek rá.*
 ‘**In your earlier testimony you said, that it was Aladár Kiss. That’s why I asked.**’

The judge knows the witness’ earlier testimony, but he does not automatically enrich *the manager* noun phrase, he asks the witness. In this case the judge realises a contradiction which he has to resolve. This is really common in courtroom interrogations, because of the judges’ institutional role. Judges try to circumstantially interrogate the witnesses without their previous knowledge, and generally they also try to express the least amount of already known (Varga 2015). As we could see, in the courtroom it is extremely important, that even the most minor details are fully and explicitly stated to avoid misunderstanding. In the third example, the judge also checks the reference resolution using the bare linguistic meaning. Here the referent could be directly identified from the former utterances. Before the prosecutor’s question they had already talked about Lilla Molnár. Even so, the judge does not make the reference resolution with the determined noun phrase *the woman* automatically, he interrupts the witness and checks whether every interlocutor is thinking about the same woman, Lilla Molnár. The judge converges here to the positive pole of the cooperation continuum, because her question is helpful for every participant in the courtroom and it also useful for precise administration.

(5)

- Prosecutor:** *Ezt ki csi (0.5) ezt ki tette volna meg? Ugyanaz aki az autót is?*
 ‘Who would (0.5) Who would have done this? Was it the same person who did it with the car too?’
- Witness:** *>Igen<a hölgy aki azt hiszem*
 ‘>Yes<**the woman** who I think’
- Judge:** *Bocsánat még Molnár Lillát mondja?*
 ‘Sorry, are you still talking about **Lilla Molnár?**’
- Witness:** *Igen.*
 ‘Yes.’

In the example (3)-(5), the enriched explicature interpretation level is accessible for the judges, but they control their inference, they do not automatically accept the enriched level of interpretation. Accordingly, the explicature is also a relevant level of interpretation in these examples, but the Privileged Interactional Interpretation is the bare linguistic meaning, because the judges react to this level of interpretation. In these examples the judges check and try to access and bring up to the surface the context-independent shared content. Because of this check, this content becomes accessible for everyone in the courtroom.

The following examples will show the second strategy, when judges try to avoid any possible misunderstandings caused by their own utterances.

3.2 Strategy 2: The judges try to gain the bare linguistic meaning in their own utterances

Let us see example (6).

- (6)
Judge: *A két hüvelykujj (1.0) sérüléséből. A Nagy Ferenc két hüvelykujjának sérüléséből, azok mértékéből milyen következtetés vonható le?*
 ‘From the injuries of the two thumbs (1.0). **From the injuries of the two thumbs of Ferenc Kovács**, what kind of conclusion could be drawn?’

As we can see, the judge makes a self-initiated repair (Kitzinger 2013), when he recognizes that maybe not every participant knows unequivocally, that Ferenc Kovács is the owner of the aforementioned thumbs, although, it could be concluded from all of the evidence and prior utterances. For this repair, the judge must gain the bare linguistic meaning consciously, because he intentionally made the self-repair when he recognized he was not explicit and unambiguous enough. In this utterance the judge is highly cooperative, because he tries to help the interlocutors in the correct interpretation.

The defendants’ denomination can be ambiguous for laymen in the courtroom, if there are more defendants in a case, because usually the court use numbers for distinguish the defendants.¹² In these cases it is also really important to avoid misunderstandings. In the example (7) the first defendant is Antal Lászlóné. In his question, the judge first names Antal Lászlóné first defendant, but then clarifies the denomination using her full name.

- (7)
Judge: *Az elsőrendű vádlott által megmutatott ő (.) elkövetési mechanizmus szóba jöhet-e amit az Antal Lászlóné mutatott.*
 ‘Could this have happened as the first defendant, Antal Jánosné described it?’
Expert: *Az Antal Lászlóné által bemutatott elkövetési mechanizmus nem jöhet szóba, bár ()*
 ‘No, what Antal Jánosné described is not a possible way this could have happened, although ()’

¹² These numbers indicate only the defendants order in the indictment (Fázsi & Stál 2012).

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- Judge: *Az tiszta sor, hogy az **elsőrendű vádlott** által bemutatott elkövetési mechanizmus nem adhat magyarázatot a **másodrendű vádlott** nyaki sérüléseire.*
 ‘Yes, it is clear that the first defendant’s description would not explain the second defendant’s neck injuries.’
- Expert: *Így van.*
 ‘Exactly.’
- Judge: *A **másodrendű vádlott** által elmondott elkövetési mechanizmus az megfelelő-e a valóságnak?*
 ‘Could this have happened as the second defendant described?’
- Expert: *Hát amit a tanúvallomásban ő előadott illetve igyekezett a bizonyítási eljárásban is bemutatni. Az a mechanizmus az magyarázni képes ()*
 ‘Well, what he said in his testimony could ()’

To make unambiguous the denomination in his own utterance, the judge need to know, that Antal Jánosné is not the only person who could be named as the first defendant. Consequently, we can say, judges know the enriched and the unenriched interpretation at the same time. In this example the judge is cooperative as like in example (6) where he tries to help in the interest of the appropriate interpretation. If the name of someone present at in the courtroom gets mentioned, the judges often ask witnesses to identify the person by looking at them. We can see this in the first utterance of example (8), in which the judge tries to have information about Béla Balogh’s injuries from the paramedic who was at the location of the crime. In line 9, the judge makes his own utterance clear like in example (7). In line 10, the witness mentions *a woman* and the judge unequivocally knows she is Antal Lászlóné from other witness’ testimonies, from Antal Lászlóné and from physical evidence, but instead of automatically interpreting *a woman* as Antal Lászlóné, in line 11 he checks the interpretation of line 10 after the enrichment. In order to do this, the judge must be aware of the unenriched interpretation of line 10. In the following the judge consciously and repeatedly uses the expression *a woman* for denoting Antal Lászlóné.

- (8)
- 01 Judge: *Ott volt a Balogh Béla, az a (0.5) úriember itt az első sorban.* ‘Was Béla Balogh there (0.5) the gentleman sitting in the first row here?’
- 02 Witness: *Igen.*
 ‘Yes.’
- 03 Judge: *Őt kellett ellátni. Így van?*
 ‘He needed medical assistance, correct?’
- 04 Witness: *Így.*
 ‘Yes.’
- 05 Judge: *Emlékszik rá hogy mije sérült?*
 ‘Do you remember what injuries he had?’
- 06 Witness: *Ő igen. ()*
 ‘Yes, ()’
- 07 Judge: *Más sérülése volt-e?*
 ‘Did he have any other injuries?’

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- 08 Witness: *Hát aztán a nyakát is mutatta ()*
 ‘Well, then he showed me his neck also ()’
- 09 Judge: *Mit mondott, hogyan keletkezett (0.5) ez a sérülése? Mit mondott a Balogh Béla?*
 ‘What did he say, how did he sustain (0.5) this injury? **What did Béla Balogh say?**’
- 10 Witness: *() csak odamutatott a buszmegállóba egy hölgyre,*
 ‘() he just pointed to **a woman** in the bus stop.’
- 11 Judge *Nem ismeri, az Antal Lászlóné?*
 ‘Do you not know **Antal Lászlóné?**’
- 12 Witness: *Nem. ()*
 ‘No.’ ()
- 13 Judge: *Rámutatott egy hölgyre, és mit mondott?*
 ‘He pointed to **a woman** and what did he say?’
- 14 Witness: *Azt mondta hogy ő (0.5) ő tette.*
 ‘He said that she (0.5) did it.’

Similarly to examples (6) and (7), the judge’s cooperativity is obvious in this example too. With these examples I argue that bare linguistic meaning can be consciously and cooperatively made available for judges in courtroom discourses. This is vital as with the two presented strategies the interlocutors can access the unequivocal, context-independent bare linguistic meaning, which can help in the correct interpretation of a given utterance.

3.3 When the bare linguistic meaning is not the privileged meaning

There are, of course, several examples, where the bare linguistic meaning is not the privileged meaning for the fluent proceedings, like in the following extract.

- (9)
- Judge:** *Köztartozásai vannak-e?*
 ‘Do you have any debt?’
- Witness:** *Igen.*
 ‘Yes.’
- Judge:** *Mennyi nagyjából a köztartozása összesen?*
 ‘**Roughly** how much is your debt altogether?’
- Witness:** *Négy millió forint.*
 ‘**Four million forints.**’
- Judge:** *Nagyjából négy millió forint.*
 ‘**Roughly four million forints.**’
- Witness:** *Igen.*
 ‘Yes.’

Here the judge thinks that the mentioned amount is not an exact number, so for him the bare linguistic meaning, the exact four million Hungarian Forints, is not the privileged interpretation. He pragmatically enriched the witness’ utterance, and he understood the four million

Hungarian Forints as an approximate amount. Although, the judges usually try to gain the bare linguistic meaning in their questioning strategies, as we could see in example (9), there are also exceptions.

4 Conclusions

The purpose of this research was to investigate the accessibility of bare linguistic meaning in courtroom discourses. In this paper I argued that bare linguistic meaning could be cooperatively and consciously made available as a Privileged Interactional Interpretation for the judges in the Hungarian courtroom discourses. This availability is connected to two major strategies which are extremely important in the legal proceedings. With these strategies, judges are able to bring the implicit content of witness' testimony to the surface and judges are able to avoid misunderstandings and ambiguity. Although in everyday conversations it is rare to have the bare linguistic meaning as the privileged meaning, this is not true for courtroom discourses. Judges make an effort to speak explicitly and formulate precisely, and they try to recognise every implicit information. It is vital that participants interpret the utterances in the legal proceedings in the same way as these utterances have legal consequences. The presented examples contribute to research on the concept of bare linguistic meaning which has been reported in the literature based on ordinary conversations to a major extent.

References

- Ariel, Mira (2002a): The demise of a unique concept of literal meaning. *Journal of Pragmatics* 34.4, 361-402.
- Ariel, Mira (2002b): Privileged interactional interpretations. *Journal of Pragmatics* 34.8, 1003-1044.
- Ariel, M. (2008): *Pragmatics and grammar*. Cambridge: Cambridge University Press, 261-308.
- Bach, Kent (1994): Semantic slack: what is said and more. In: Savas, L.T. (ed.): *Foundations of Speech Act Theory: Philosophical and Linguistic Perspectives*. London: Routledge, 267-291.
- Bach, Kent (1999): The semantics–pragmatics distinction: What it is and why it matters. In: Turner, K. (ed.): *The Semantics/Pragmatics Interface From Different Points of View*. Oxford: Elsevier Science Ltd., 65-84.
- Bednarek, G.A. (2014): *Polish vs. American Courtroom Discourse. Inquisitorial and Adversarial Procedures of Witness Examination in Criminal Trials*. New York: Palgrave Macmillan.
- Borg, Emma (2005): Saying what you mean: Unarticulated constituents and communication. In: Elugardo, R. & Stainton, R.J. (ed.): *Ellipsis and Nonsentential Speech. Studies in Linguistics and Philosophy 81*. Dordrecht: Kluwer, 237-262.
- Cappelen, Herman & Lepore, Ernie (2007): Relevance Theory and shared content. In: Burton-Roberts, N. (ed.): *Pragmatics*. New York: Palgrave MacMillan, 115-135.
- Carston, Robyn (2004): Relevance Theory and the saying/implicating distinction. In: Horn, L. R. & Ward, G. (eds.): *The Handbook of Pragmatics*. Cambridge: MA MIT Press, 633-656.

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Argumentum 14 (2018), 450-464
 Debreceni Egyetemi Kiadó

- Carston, Robyn (2009): The explicit/implicit distinction in pragmatics and the limits of explicit communication. *International Review of Pragmatics* 1.1, 35-62.
- Dobos, Cs. (2014): *Nyelv és jog [Language and Law]*. Miskolc: Miskolci Egyetemi Kiadó.
- Fedor, Anett (2014): Bizonyítás a kiemelt jelentőségű büntetőügyekben [Evidence in criminal cases of high importance]. *Magyar Jog* 7-8, 444-454. [http://ujbtk.hu/fedor-anett-bizonyitas-a-kiemelt-jelentosegu-buntetougyekben/#_ftn9 – 2018.04.10.]
- Grice, Herbert Paul (1975): Logic and Conversation. *Syntax and Semantics* 3. New York: Academic Press, 43-58.
- Hansen, Maj-Britt Mosegaard (2008): On the availability of ‘literal’ meaning: Evidence from courtroom interaction. *Journal of Pragmatics* 40.8, 1392-1410.
- Jaszczolt, Katarzyna M. (2010): Default semantics. In: Heine, B. & Narrog, H. (eds.): *The Oxford Handbook of Linguistic Analysis*. Oxford: Oxford University Press, 193-221.
- Jefferson, Gail (1984): On the organization of laughter in talk about troubles. In: Atkinson, J.M. & Heritage, J. (eds.): *Structures of Social Action: Studies in Conversation Analysis*. Cambridge: Cambridge University Press, 346-369.
- Kitzinger, Celia (2013): Repair. In: Sidnell, J. & Stivers, T. (eds.): *The Handbook of Conversation Analysis*. Oxford: Blackwell, 229-256.
- Meizhen, Liao & Yadi, Sun (2017): Cooperation in Chinese courtroom discourse. In: Giltrow, J. & Stein, D. (eds.): *The Pragmatic Turn in Law. Inference and Interpretation in Legal Discourse*. Boston & Berlin: de Gruyter Mouton, 57-82.
- Recanati, F. (2004): *Literal Meaning*. Cambridge: Cambridge University Press.
- Resán Dalma (2011): A bírói pervezetés és szubjektivitás – befolyásolás a tárgyalóteremben. /Judicial procedure and subjectivity/ *Debreceni Jogi Műhely*, 8.4. [<http://goo.gl/WLBAOH>– 2018. 02. 05.]
- Sperber, Dan & Wilson, Deirdre (1986/1995): *Relevance*. Oxford: Blackwell.
- Sperber, Dan & Wilson, Deirdre (2004): Relevance Theory. In: Horn, L.R. & Ward, G. (eds.): *The Handbook of Pragmatics*. Cambridge: MA MIT Press, 607-632.
- Sternau, Marit, Ariel, Mira, Giora, Rachel & Fein, Ofer (2015): Levels of interpretation: New tools for characterizing intended meanings. *Journal of Pragmatics* 84, 86-101.
- Varga, Marianna (2015): Bírói kérdésfeltevések a magyar tanú- és szakértői bizonyításokban [Judges’ questions in Hungarian witness testimony and expert evidence]. *Jelentés és nyelvhasználat* 2, 79-107.
- Varga, M. (2017): A „puszta nyelvi jelentés” tudatos elérhetőségéről és a bírósági kihallgatásokon betöltött szerepéről. In: Szécsényi, T. & Németh T., E. (eds.): *Stratégiák és struktúrák: Tanulmányok Kenesei István 70. születésnapjára*. Szeged: JATEPress Kiadó, 227-236. [On the conscious availability of bare linguistic meaning and its role in Hungarian legal proceedings]

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Appendix

Conversation Analysis Transcription System (Jefferson 1984)

- (.) A full stop inside brackets indicates micro pause, a notable pause but of no significant length.
- (2.0) A number inside brackets indicates a timed pause, which is long enough in time and shows in transcription.
- () A space between brackets means that the words spoken here were too unclear to transcribe. (Furthermore, in this paper it is also indicates parts of the testimony I had to eliminate because of the Secrecy Obligation.)
- yes? A question mark means there is a rise in intonation.
- igen, A comma means a slightly rising intonation giving a sense of continuation.
- igen. A period means falling intonation.
- < > Arrows surrounding talk indicate that the pace of the speech has slowed down.
- > < Arrows in this converse direction mean that the pace of the speech has quickened.