LEGAL DISCOURSE, POWER AND PRAGMATICS

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Abstract
Since ancient times legal discourse has been of interest to both philosophers of language and lawyers. The paper seeks to reveal the interdisciplinary methods where language and law are intertwined. As a method of analysis, the author uses Critical Discourse Analysis (CDA) as a linguistic tool to show the different power relationships, the pragmatic peculiarities, and syntactic complexities of the language of the law. The author aims to investigate how the question-answer sequences of a cross-examination reveal inequality, domination and control in the court proceedings. A methodological approach to CDA, sociocognitive approach (SCA) provides linguistic means to examine the examples in question. The paper reveals how power is expressed in language use by analyzing the presuppositions, implicatures, speech acts and turn-taking sequences. Moreover, the author adds information with regard to cross-examination as a discourse genre.

Key words
legal discourse, Critical Discourse Analysis, power, pragmatics, sociocognitive approach, presuppositions, implicatures, speech acts, turn-taking sequences

1 Introduction
The underlying assumption of this paper is that language and law require an interdisciplinary approach to be investigated as a distinct discourse genre, i.e. legal discourse.

Law is most often considered as an oral activity: thus a good command of spoken language proves to be a necessary criterion to put a client’s case strongly before a judge.

Austin’s philosophical work (1962) on speech acts gave rise to many legal analyses which presumed a relation of an individual utterance to a formal system. Sociologists and discourse analysts approach legal discourse from different perspectives. They consider the differences in ideology, gender and social class and those between lawyer and client, which may result in power differences “in their relationships” (Wodak & Meyer 2008).

According to Kryk-Kastovsky (2006), the language of law has several pragmatic characteristics: firstly, the turn-taking system in court is similar to institutional settings. Lawyers initiate questioning, in contrast to everyday conversations, where both parties may ask questions and give answers. Secondly,