

ACCUSATORY SPEECH AS A BRANCH OF LEGAL DISCOURSE: A PRAGMATIC ANALYSIS

Abduraimova Anora Norbutayevna

Senior Teacher at Uzbekistan State World Languages University

Email: anoraabduraimova@uzswlu.uz

ORCID: <https://orcid.org/0009-0003-5861-0434>

Abstract

This article examines accusatory speech as a distinct component of legal discourse within the framework of pragmatic linguistics. It explores the communicative nature of accusatory speech, its functioning as a speech act, and its interaction with pragmatic categories such as presupposition and implicature. Drawing on established theories in pragmatics and discourse analysis, the study highlights the context-dependent and evaluative nature of accusatory speech and its role in shaping legal discourse. The findings demonstrate that accusatory speech operates as a strategic communicative tool influencing interpretation and decision-making in legal settings.

Keywords: accusatory speech, legal discourse, pragmatics, speech act, presupposition, implicature, context, communicative strategy

Introduction

Legal discourse represents a highly institutionalized and norm-governed form of communication, where language is not merely a means of exchanging information but also a tool for constructing legal reality, establishing truth, and assigning responsibility. It is characterized by strict procedural rules, fixed participant roles (judge, lawyer, witness, prosecutor), and predefined communicative goals such as proving guilt, defending innocence, or interpreting evidence. Within this structured environment, language acquires performative power, meaning that what is said directly contributes to shaping legal outcomes and social judgments.

Within this domain, accusatory speech occupies a central position, particularly in courtroom discourse, police interrogations, prosecutorial arguments, and written legal documents such as indictments and charge sheets. Accusatory speech is not limited to direct statements of blame; rather, it is a complex pragmatic phenomenon that constructs guilt, frames narratives of events, and positions individuals within a legal framework of responsibility. For example, in courtroom settings, an accusation is often not just a claim about past actions but a strategic linguistic act aimed at persuading the judge or jury through structured argumentation, evidential support, and rhetorical framing.

From the perspective of pragmatic linguistics, language is understood as a form of action rather than a passive system of signs (Austin, 1962; Searle, 1969). In this sense, accusatory speech functions as a specific type of speech act with a strong illocutionary force, aiming to attribute responsibility, construct blame, and influence legal interpretation. Its perlocutionary effect is equally significant, as it may lead to conviction, social labeling, or institutional consequences for the accused.

Moreover, accusatory speech in legal discourse is deeply context-dependent. Its meaning and effectiveness are shaped by procedural stages (investigation, trial, sentencing), institutional hierarchy, and evidential support. The same accusatory expression may function differently depending on whether it is presented as a formal charge by a prosecutor or as a testimony by a witness. This highlights the importance of pragmatic context in determining the force and interpretation of accusatory acts.

Despite its central role in legal communication, accusatory speech has not been sufficiently examined as an independent object of linguistic inquiry. Existing studies often treat it as part of broader legal argumentation or courtroom discourse, without focusing on its specific pragmatic mechanisms, such as presupposition, implicature, and rhetorical framing.

Therefore, this study aims to analyze accusatory speech within the framework of pragmatics, with particular attention to its communicative structure, context-dependence, and interaction with presuppositional and implicational meanings. By examining how accusations are constructed, interpreted, and legitimized in legal settings, the research seeks to contribute to a deeper understanding of language as a tool of power, persuasion, and institutional control in legal discourse.

Theoretical Framework

The theoretical foundation of this study is based on key concepts in pragmatic linguistics and discourse analysis. One of the central theories is speech act theory developed by Austin (1962) and further elaborated by Searle (1969). According to this theory, utterances perform actions, and accusatory speech can be classified as a directive or assertive act depending on its function in context.

Another important concept is presupposition, which refers to the implicit assumptions embedded in an utterance (Levinson, 1983). In legal discourse, presuppositions are often used strategically to present certain facts as given or unquestionable.

Grice's (1975) theory of implicature is also essential for understanding accusatory speech. Implicature explains how speakers convey meanings indirectly, allowing them to influence interpretation without making explicit claims. This is particularly relevant in legal contexts, where indirectness can serve persuasive or strategic purposes.

Additionally, the study draws on discourse analysis, particularly the work of Fairclough (1995), which emphasizes the relationship between language, power, and social context.

Legal discourse is inherently linked to institutional authority, and accusatory speech reflects this power dynamic.

Methods

The study employs a qualitative approach based on pragmatic and discourse analysis. The data consist of examples of accusatory speech derived from legal contexts, including courtroom discourse, legal documents, and constructed scenarios reflecting typical legal interactions.

The analysis focuses on identifying pragmatic features such as illocutionary force, presupposition, and implicature. Contextual factors, including participant roles (e.g., prosecutor, defendant, judge) and communicative goals, are also taken into account.

By applying these analytical tools, the study aims to reveal the mechanisms through which accusatory speech functions within legal discourse.

Results

The analysis reveals several key features of accusatory speech.

First, accusatory speech functions as a performative act. It constructs a narrative of responsibility and guilt, rather than merely describing events. This aligns with Austin's (1962) concept of performativity.

Second, context plays a crucial role in interpreting accusatory speech. The meaning of an utterance depends on institutional roles and situational factors. For instance, the same statement may carry different weight when uttered by a prosecutor versus a witness.

Third, presupposition is widely used in accusatory speech. Statements often assume the truth of certain propositions, thereby framing the accused in a particular way. This strategy can subtly influence perception.

Fourth, implicature enhances the persuasive power of accusatory speech. Speakers may imply guilt or responsibility without stating it directly, allowing for strategic ambiguity.

Finally, accusatory speech is strongly evaluative. It reflects subjective judgment and often carries a negative connotation, contributing to its persuasive impact.

Discussion

The findings demonstrate that accusatory speech is a complex and multifunctional component of legal discourse. Its classification as a distinct branch is supported by its specific communicative functions and pragmatic features.

The use of presupposition and implicature highlights the strategic nature of legal communication. Speakers construct arguments not only through explicit statements but also through implicit meanings. This underscores the importance of pragmatic competence in legal contexts.

Furthermore, the context-dependent nature of accusatory speech suggests that meaning is co-constructed by participants within a specific institutional framework. This aligns with discourse-analytic approaches emphasizing the role of context in meaning-making.

The evaluative dimension of accusatory speech raises ethical considerations. While it is essential for legal processes, it also has the potential to influence judgment and bias interpretation. Understanding its mechanisms can contribute to more transparent and fair communication.

Conclusion

This study has examined accusatory speech as a branch of legal discourse from a pragmatic perspective. The analysis shows that it is a performative, context-dependent, and strategically constructed form of communication.

By integrating theories of speech acts, presupposition, and implicature, the study provides a comprehensive understanding of how accusatory speech functions in legal settings. Future research may explore cross-cultural differences or apply quantitative methods to further investigate this phenomenon.

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