

A Study on the Prosecutor's Presupposition Strategies in Courtroom

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Abstract: As technology improves by leaps and bounds, forensic linguistics, as a separate and interdisciplinary research field, has attracted the attention of a growing number of scholars. The purpose of courtroom discourse is clearer than that of everyday language. In a trial, all parties involved, whether judges, prosecutors, defense attorneys or defendants, are committed to achieving their stated goals through a variety of linguistic strategies and techniques. And presupposition itself is a highly purposeful linguistic strategy. As a result, judges, prosecutors and lawyers often use the technique of presupposition to obtain information in their own favor in court interrogations. From the perspective of forensic linguistics, this paper uses the theory of presuppositions, including semantic and pragmatic presuppositions, to provide a qualitative analysis of real cases in courtroom. The results show that the application of presuppositions in court allows the prosecutor to control the defendant's answers to a certain extent and has a positive effect in their own favour.

Keywords: Presupposition, Courtroom inquiry, Case study.

1. Introduction

With the deep development of globalization, forensic linguistics has gradually attracted the attention of more and more scholars and professionals as a new field of interdisciplinary research. Forensic linguistics combines the theories and methods of law and linguistics with the goal of interpreting legal texts through the analysis of language and improving the efficiency and accuracy of legal practice. In the past, law and linguistics were seen as two distinct branches of scholarship that developed independently of each other. However, as academic research deepened and interdisciplinary collaboration advanced, forensic linguistics emerged from the intersection of these two fields and gradually developed its own unique research framework and theoretical system. The study of legal linguistics not only helps to deepen people's understanding of legal texts, but also promotes the accurate transmission and effective communication of legal information. In legal practice, whether in the legislative, judicial, or enforcement process, accurate verbal expression is key to ensuring fair enforcement of the law. As a result, the development of legal linguistics has important practical and far-reaching implications for improving the professional level of legal work, protecting the rights and interests of citizens, and promoting the construction of the rule of law in society.

In judicial practice, the purpose of the court's discourse is clearer. Each participant, whether judges, prosecutors, or defense attorneys, strives to achieve their legal goals through precise language skills and strategies. This purpose not only reflects the investigation of the facts of the case and the demonstration of the application of law, but also especially reflects in the clever application of presupposition in the process of inquiry.

Presupposition itself is a kind of language means with purpose. As a result, judges, prosecutors and lawyers often use presuppositions to gain information in their favor in court interrogations.

From the perspective of forensic linguistics, this paper uses

the theory of presupposition, including pragmatic and semantic presupposition, for qualitative analysis in court trials. The results show that the application of presupposition in court allows prosecutors to control the defendants' answers to a certain extent and to produce positive effects in their own favor.

2. Literature Review

2.1 Concept of Presupposition

The concept of "presupposition" originated from philosophy. The presupposition was first proposed by Gottlob Frege, a German philosopher, in his book *Sense and Reference* in 1892, and was introduced into the discussion of philosophy of language [1]. Frege used the concept of "presupposition" to explain the logical phenomena in semantics, and he took "Kepler died in misery" as an example, indicating that the presupposition of that sentence is "There was a man called Kepler." [1] Even in the negative proposition "Kepler did not die in misery", the presupposition that "There was a man called Kepler." is still valid. However, it was not until the 1960s and 1970s that philosophers began to pay widespread attention to this field of study. In this period, philosophers and linguists studied mainly from the perspective of semantics, exploring the meaning of language and how to understand the world through language expression. These studies not only enriched the theoretical system of philosophy, but also provided the theoretical basis for the later development of linguistics.

However, as the limitations and deficiencies of semantic presupposition gradually appear, linguists all over the world begin to study presupposition from another perspective, namely pragmatics. In 1978, Stalnaker argued that pragmatic presupposition is a kind of mutual knowledge [2]. In his view, presupposition is not only closely related to the meaning of the sentence itself, but also to the linguistic environment of communication [2]. Later, in 1981, Grice argued that pragmatic presupposition was non-controversial [3]. Stalnaker and Grice greatly developed and enriched presupposition, extending it from semantic presupposition to

pragmatic presupposition.

It was not until the 1980s and 1990s that domestic linguistics experts began to study the linguistic phenomenon of presupposition. He Zizhan (1997) defines presupposition as a prerequisite based on linguistic structure and relies on logical concepts, semantic meaning and context to infer the meaning of discourse [4]. He believes that semantic presupposition can only deal with logical sentence relations, while pragmatic presupposition is closely related to context such as time, place and occasion of discourse [4].

2.2 Studies on Pragmatic Presupposition in Courtroom Discourse

In recent years, legal linguistics has become a new branch of linguistic research, which has attracted the attention of many scholars. They turned their attention to the study of courtroom discourse, which has achieved results both at home and abroad. At the same time, court discourse also plays an important role in the field of legal linguistics. Courtroom discourse refers to the discourse that takes place under certain circumstances, following certain procedures and rules. This part mainly reviews the research on legal linguistics and court discourse at home and abroad.

In China, more and more scholars begin to devote themselves to the study of courtroom discourse, and have achieved rich results. Among them, the more representative is the book *Courtroom Questions Responses and Their Interaction*, written by Professor Liao Meizhen. This book is the first in China to make a comprehensive analysis of Chinese court discourse by using the Speech Act Theory, and to make a detailed analysis of questions and answers in court [5]. In addition, Xiang Boyang and Li Guifang studied the presupposition of discourse in Chinese criminal courts [6]. They believed that the prosecutor usually presupposes the defendant to be guilty, while the defense usually presupposes the defendant to be innocent or guilty [6]. In 2021, Chen Haiqing and Cao Shanshan conducted a study on the questioning methods of prosecutors based on real trial data, and further studied the preset trigger language [7].

Abroad, some researchers have studied the courtroom discourse from the presupposition perspective. Woodbury referred to presupposition theory in his study of speakers' intent in court [8]. In Woodbury's view, presupposition in the courtroom is an effective strategy to help speakers influence the judge's decision and ultimately the outcome of the trial [8]. However, Monika Gyuro believes that the use of presuppositions can lead to an unequal status between the interrogators and the responder [9].

As can be seen from the above mentioned studies, presupposition is a pragmatic strategy by which the speaker can limit the response of others, so as to obtain the desired answer.

2.3 The Application of Presupposition Strategies by Prosecutors in Courtroom

The trial of court cases is conducted mainly through verbal conversations, so there is a lot of presupposition in the

conversations between lawyers, prosecutors and judges. As a rule, interrogators do not ask meaningless questions in court. The object of questioning is often not to obtain some unknown information, but to confirm some information which they know, but have not been told by the other side, and thus to turn the argument of the court in their own direction. The application of presupposition strategies can greatly improve the efficiency of obtaining information in courtroom.

Presupposition can be divided into semantic presupposition and pragmatic presupposition. It can be distinguished from the following point of view. Semantic presupposition is the inference made about the propositions of the sentence itself. For example, Mark is ill. The presupposition of this sentence is "There is a person called Mark". If this statement is not true, then Mark is not sick. The presupposition of this statement remains that Mark exists. Therefore, based on the characteristics of the presuppositions, linguists usually use a negative test to judge. In addition to negative testing, there is another method called the presupposition trigger. Common ones are implicative verbs, factive verbs, iteratives and so on. As far as semantic presuppositions are concerned, semantics usually considers presuppositions to be related to the structure of the language itself, and not to the context.

3. The Following Takes a Real Court Case as an Example to Analyze the Use of Linguistic Presupposition in Court Trials from Two Aspects: Semantic Presupposition and Pragmatic Presupposition

3.1 Semantic Presupposition in Courtroom Interaction

In this part, the author selects the defendants Chen and Gong to organize and lead pyramid selling activities from the *China Court Trial Online* for analysis from the perspective of semantic presupposition.

(1) Prosecutor: Chen, is your attorney present?
Defendant Chen: Yes.

This is an excerpt from the beginning of the trial. The prosecutor asked the defendant, "Is your attorney present?" The reason why the prosecutor asks this question is because the prosecutor knows that the defendant Chen has his own lawyer who can protect his legal rights and interests. It was assumed during the interview that the defendant had his own lawyer, and the defendant did not deny this fact.

(2) Prosecutor: Did your mother inform the members of the group that she left the pyramid scheme to you because of her physical problems?
Defendant Gong: My mother was not well at that time.

In the excerpt, defendant Gong did not directly answer questions posed by prosecutor. The defendant chose irrelevant answer to answer the prosecutor's question when asked whether his mother had given the pyramid sales transaction to Gong due to the health problem. Then, under the repeated questioning of the prosecutor, the defendant Gong admitted that he had not participated in the whole process, which reflected the defendant's admission that he had participated in

and organized pyramid selling activities.

In both cases, the prosecutor uses a presupposition strategy during questioning, which guided the conversation. In fact, although in case (2) the defendant did not directly answer the prosecutor's questions, he passively admitted that his mother was involved in organizing and leading pyramid selling activities.

3.2 Pragmatic Presupposition in Courtroom Interaction

As research has continued to deepen, linguists have discovered that presuppositions are sensitive and important to context. Hence, the pragmatic presuppositions put forward by linguists. Linguist Yule pointed out that in the process of communication, presupposition is not directly expressed by people in words, but an assumption made by speakers before speaking [10]. For example, "Li cried before she finished her novel." The assumption of this sentence is that Li has finished writing the novel. And "Li died in a car accident before finishing the novel." This sentence does not have the presupposition of the previous sentence, so the presupposition is cancelled. It can be seen that the study of presupposition in pragmatics mainly focuses on context.

In fact, pragmatic presupposition is a further development of semantic presupposition. Compared with semantic presupposition, pragmatic presupposition pays more attention to context. In court, prosecutors often use pragmatic presuppositions to achieve their own goals.

(3) Prosecutor: When did you start to help your mother Chen transfer money?

Defendant Gong: 2017.

Prosecutor: What month is it in 2017?

Defendant Gong: In October.

In this excerpt, the prosecutor directly asked the defendant when Gong helped his mother transfer money, not whether he helped his mother transfer money. The presupposition of the question was to admit that Gong had been helping his mother run a pyramid scheme. Gong did not deny this assumption and fell into the prosecutor's trap, directly answering the time of helping his mother transfer money online. By asking this question, the prosecutor achieved his goal and obtained the desired result.

(4) Prosecutor: Gong, during the investigation, was your confession true?

Defendant Gong: All true.

(5) Prosecutor: Gong, is the confession you made during the investigation by the reconnaissance agency true?

Defendant Gong: That's true.

In both conversations, the prosecutor uses the word "confession". A "confession" is a statement that a person makes, admitting that they are guilty of a crime. The prosecutor used the word "confession" instead of "narrate" and "describe" because the "confession" presupposes that the defendant is guilty. In court, prosecutors often use implicit verbs to presuppose a guilty act by a client, and a defendant's answer to a question is, to a large extent, an admission that he

or she committed a crime.

(6) Prosecutor: Besides helping Chen collect funds, what else are you responsible for?

Defendant Gong: I didn't take the money. I've never been in charge of anything.

Prosecutor: Have you forwarded the relevant notices of the VR platform, or promotional materials? Is there any?

Defendant Gong: Never.

In case (6), the prosecutor applies the presupposition in the question, "Besides helping Chen collect funds, what else are you responsible for?" He had to admit his guilt that he was involved in the pyramid scheme, so the defendant could not plead guilty at a later trial. However, if the defendant's answer does not cooperate with the questions raised by the prosecutor, and the prosecutor and the defendant have no common knowledge background, then the original presupposition applied by the public prosecutor will be canceled.

4. Conclusion

Based on the analysis of real cases in China Court Trial Online, this paper selects representative case fragments and uses presupposition strategies in linguistics to focus on the application of pragmatic strategies in court trials. It is found that the prosecutor uses linguistic skills to trigger presupposition to hide the purpose of questioning, induce the defendant to tell the facts that are favorable to him, and successfully achieve the purpose of communication. The first part of this paper presents the research topics. The second part reviews the literature on presupposition and pragmatic presupposition in court discourse. The third part, combining real cases from both semantic and pragmatic presuppositions, shows how prosecutors use presuppositional strategies in court discourse to achieve their own communicative purposes. In summary, this paper uses the theory of presuppositions, including semantic and pragmatic presuppositions, to provide a qualitative analysis of presuppositional strategies in court interrogations. The results show that the application of presuppositions in court allows judges, prosecutors and lawyers to control the answers of the person being questioned to a certain extent and to produce positive effects in their own favor.

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