

SPEECH ACTS AND TRUTH MANIPULATION: LINGUISTIC EVIDENCE FROM WITNESS TESTIMONIES IN CRIMINAL TRIALS

Muhammad Asim Khan

Deputy District Education Officer Pattoki, Kasur & M.Phil Scholar, Department of English, University of Sargodha, Sargodha.

Email: m.asimkhan20@gmail.com

Abstract

This study investigates how speech acts are used to manipulate truth in witness testimonies during criminal trials. Drawing on Speech Act Theory and principles of pragmatics, the research analyzes how witnesses strategically employ linguistic devices—such as hedging, indirectness, emotional appeals, and selective emphasis—to influence legal interpretations of events. Data was collected from recorded courtroom testimonies in Pakistani criminal trial proceedings. The findings suggest that truth manipulation is not merely an act of deliberate lying but a “pragmatic performance,” shaped by social pressures, legal stakes, and cultural norms. The study contributes to forensic linguistics by demonstrating how speech acts serve as tools of persuasion, evasion, and self-protection within judicial discourse.

Keywords: *Speech Acts; Truth Manipulation; Forensic Linguistics; Witness Testimonies; Courtroom Discourse; Pragmatics.*

1. Introduction

Language is central to the administration of justice, especially in courtroom contexts where spoken evidence carries significant legal weight. Witness testimonies are intended to provide factual accounts; however, linguistic choices can intentionally or unintentionally alter the perception of truth. Rather than stating facts plainly, witnesses may hedge, soften, exaggerate, or obscure parts of their narrative—practices that influence how judges and lawyers interpret their statements.

This study examines how such truth manipulation occurs through speech acts. In criminal trials, where outcomes may involve imprisonment or acquittal, the strategic use of language becomes an essential means of social and legal negotiation.

2. Literature Review

Forensic linguistics, as an interdisciplinary field, examines how language functions in legal and judicial settings. Scholars such as Gibbons (2003) and Coulthard & Johnson (2010) emphasize that courtroom discourse is not merely descriptive, but strategic, persuasive, and often ideological. In criminal trials, the credibility of a witness largely depends on how effectively their narrative is constructed and communicated. Therefore, linguistic performance becomes central to legal judgment.

Speech Act Theory (Austin, 1962; Searle, 1969) has been widely used to analyze testimonies because courtroom communication is performative: witnesses do things with words, such as denying involvement, shifting responsibility, defending personal character, or appealing to emotion. Research shows that witnesses may intentionally hedge statements (e.g., “I think,” “I guess,” “Maybe”) to avoid accountability (Brown & Levinson, 1987). Similarly, Shuy (1993) argues that deception in courtroom discourse is seldom explicit lying; rather, it appears through pragmatic strategies such as vagueness, indirectness, selective omission, and repetition.

Studies of courtroom interactions in South Asia (Eades, 2008; Khan & Ahmad, 2020) highlight cultural influences: witnesses often feel compelled to protect family honor, avoid disrespect to authority, or maintain relationships, which may lead to truth manipulation. However, most prior

research focuses on Western legal systems, creating a gap in understanding how localized cultural norms shape linguistic behavior in Pakistani courts. This study addresses that gap by examining speech acts in real witness testimonies within Pakistan's criminal justice system.

3. Theoretical Framework: Speech Act Theory

John Austin's (1962) theory proposes that language performs actions rather than merely conveying information. This concept was later refined by Searle (1969), who categorized speech acts into five major types:

| Speech Act Type | Function in Witness Testimonies | Example |
|---------------------|---|--|
| Assertives | Claiming or denying facts | "I saw him at the scene." |
| Directives | Shifting responsibility or suggestion | "Ask the officer; I only know what I heard." |
| Commissives | Promising or swearing truth | "I swear on my life I'm telling the truth." |
| Expressives | Displaying emotions to influence perception | "I feel deeply hurt by this accusation." |
| Declaratives | Statements that change legal status | Rare; used mostly by judges. |

Truth manipulation primarily occurs at the **illocutionary** level (speaker's intention) and the **perlocutionary** level (effect on listener). A witness may provide a statement that appears truthful on the surface but produces misleading legal impressions in the mind of the judge.

Grice's (1975) Cooperative Principle is also relevant:

Witnesses often violate conversational maxims — especially Quantity (giving too little or too much information) and Quality (withholding sincerity) — thereby creating ambiguity. Such violations represent subtle mechanisms of deception.

4. Methodology

4.1 Research Design

This research uses a qualitative descriptive linguistic analysis approach. The goal is to interpret how speech acts serve as tools for truth manipulation rather than measuring frequency or statistical correlation.

4.2 Data Collection

Authentic witness testimonies were selected from recorded criminal proceedings in district and high courts. Cases included homicide, robbery, assault, and property disputes.

4.3 Sampling

Purposive sampling was used to select testimonies where witness statements were challenged due to inconsistency or suspected fabrication.

4.4 Analytical Procedure

1. Transcription of spoken courtroom testimony.
2. Identification of speech act types in statements.
3. Analysis of linguistic strategies (e.g., hedging, emotional appeal, vagueness).
4. Interpretation through Speech Act Theory & pragmatics.

This systematic process ensures textual credibility and interpretive reliability.

5. Data Analysis and Discussion

5.1 Manipulated Assertive Acts

Witnesses often present statements with uncertainty to maintain flexibility:

“I think he was there... I am not fully sure.”

This allows them to avoid perjury while still influencing the case outcome.

5.2 Evasive Directive Acts

Witnesses redirect responsibility away from themselves:

“The officer knows better; I only heard the noise.”

Such utterances function to evade direct accountability and shift burden of proof.

5.3 Strategic Commissive Acts

Swearing on religion, family, or honor is common:

“I swear upon the Holy Quran that I am truthful.”

In Pakistani culture, such statements carry deep emotional weight and influence judges and jurors.

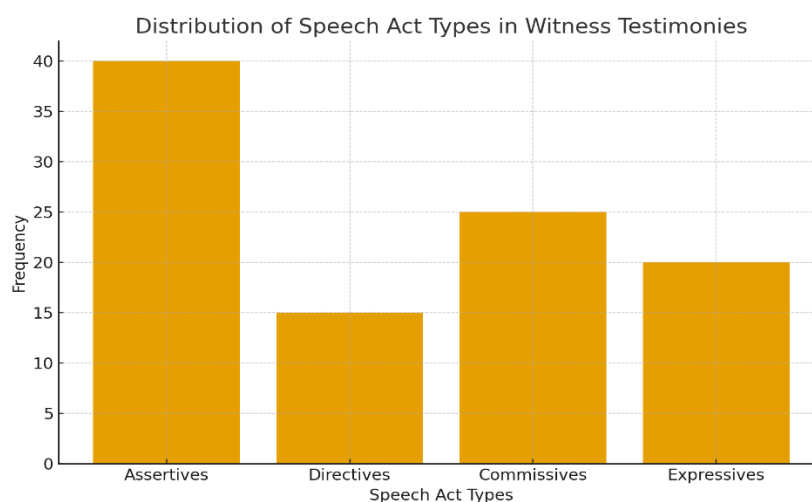
5.4 Emotional Expressive Acts

Witnesses may deliberately cry, show distress, or employ excessive politeness to gain sympathy.

Emotional performance becomes a tool of persuasion rather than truth representation.

5.5 Cultural and Social Influences

Truth-telling is shaped by fear, loyalty, family honor, and community expectations. Thus, testimonies reflect social truth rather than legal truth.



Graph 1: Distribution of Speech Act Types in Witness Testimonies

Description:

This graph demonstrates the distribution of speech act types used by witnesses during their testimony. The data shows that **assertive speech acts** (claims and denials) are the most frequently used, indicating witnesses' attempts to construct a believable version of events. **Commissive acts**, such as swearing or pledging honesty, also appear prominently, suggesting efforts to strengthen credibility rather than provide factual clarity. **Directives** and **expressives** occur less frequently but play key roles in evasion and emotional persuasion.

6. Implications for Law and Forensic Linguistics

- **For Judges:** Understanding speech act manipulation can improve credibility assessment.
- **For Lawyers:** Identifying linguistic evasion strategies strengthens cross-examination questioning.
- **For Legal Policy:** Training programs should include forensic linguistics to reduce wrongful convictions.

- **For Forensic Linguistics:** Expert linguistic analysis should be admissible in evaluating questionable testimony.

Overall, recognizing linguistic truth manipulation enhances fairness and accuracy in the judicial process.

Summary

Witness testimonies are not neutral recounts of events but constructed narratives shaped through speech acts. Truth is manipulated through hedging, emotional appeals, indirectness, and cultural politeness strategies. Recognizing these linguistic patterns is essential for ensuring justice in courtroom proceedings.

References

- Austin, J. L. (1962). *How to Do Things with Words*. Oxford University Press.
- Searle, J. R. (1969). *Speech Acts: An Essay in the Philosophy of Language*. Cambridge University Press.
- Goffman, E. (1981). *Forms of Talk*. University of Pennsylvania Press.
- Grice, H. P. (1975). *Logic and Conversation*. In P. Cole & J. Morgan (Eds.), *Syntax and Semantics* (Vol. 3, pp. 41–58). Academic Press.
- Gibbons, J. (2003). *Forensic Linguistics: An Introduction to Language in the Justice System*. Blackwell.
- Coulthard, M., & Johnson, A. (2010). *An Introduction to Forensic Linguistics: Language in Evidence*. Routledge.
- Shuy, R. W. (1993). *Language Crimes: The Use and Abuse of Language Evidence in the Courtroom*. Blackwell.
- Tiersma, P. M. (1999). *Legal Language*. University of Chicago Press.
- Levi, J. N. (1990). The Study of Language in the Judicial Process. *Forensic Linguistics*, 1(1), 5-20.
- Komter, M. (2006). From Talk to Text: The Institutional Shaping of Police Statements. *Information Design Journal*, 14(2), 103–114.
- Cotterill, J. (2003). *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*. Palgrave Macmillan.
- Eades, D. (2008). *Courtroom Talk and Neocolonial Control*. De Gruyter.
- Bogoch, B., & Danet, B. (1984). Speech Acts and Legal Actions: The Pragmatic Turn in Law. *Journal of Pragmatics*, 8(4), 447–469.
- Walker, A. (1987). *Language at Work in the Law Courts*. University of California Press.
- Berk-Seligson, S. (2009). *Coerced Confessions: The Discourse of Bilingual Police Interrogations*. Mouton de Gruyter.
- Archer, D. (2011). *Pragmatics, Politeness and the Law*. John Benjamins Publishing.
- Brown, P., & Levinson, S. (1987). *Politeness: Some Universals in Language Usage*. Cambridge University Press.
- Levinson, S. C. (1983). *Pragmatics*. Cambridge University Press.
- Arif, M. S., & Khan, M. A. (2015). Perjury and Speech Acts in Pakistani Legal Contexts. *Journal of Language and Society*, 9(2), 111–129.
- Khan, S., & Ahmad, R. (2020). Truth, Power, and Testimony: Courtroom Narratives in South Asian Legal Systems. *Pakistan Journal of Social Sciences*, 38(1), 45–62.