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Literature Review on Studies of Pragmatic Markers in the Courtroom Based on Relevance Theory

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Abstract: Pragmatic markers are always regarded as ‘smallwords’, but they play a significant pragmatic role. In recent years, scholars have attempted to study pragmatic markers in informal situations, such as in daily conversations. While, there are few studies concentrating on the pragmatic markers in the courtroom. Besides, some relative studies base their studies of pragmatic markers on coherence-based approaches or politeness-based approaches, but they ignore the basic theory of successful communication related to speaker’s cognition of applying pragmatic markers on Relevance Theory. Therefore, on the basis of the Relevance Theory, the paper attempts to review studies of pragmatic markers in the courtroom and to provide a reference for future study in this field. It is advised that more studies on how to effectively use pragmatic markers in the courtroom based on Relevance Theory should be made.

Keywords: Literature review; Pragmatic markers; Relevance theory; Courtroom.

1. An overview of Relevance Theory

With the publication of *Relevance: Communication and Cognition* (Sperber and Wilson, 1986), based on a general understanding of human cognition, Sperber and Wilson put forward Relevance Theory, a new view on the study of human communication. In particular, it treats utterance interpretation as a cognitive process. According to the theory, communication involves information processed by the speaker and the listener. Through ostensive-inferential communication, the listener can get the information. The understanding of information involves the process of decoding and pragmatic process, such as saturation and free enrichment.

According to Wilson (2010), relevance includes “all external stimuli or internal mental representations capable of providing an input to cognitive processes”, and it also encompasses sights, smells, utterance, thoughts, memories or conclusions of inferences. Relevance Theory is based on a definition of relevance and two principles of relevance: a Cognitive Principle and a Communicative Principle. The Cognitive Principle, as Sperber and Wilson (1995) suggest, refers to cognition on a general level: “Human cognition tends to be geared to the maximisation of relevance”. The Communicative Principle shows that “Every act of ostensive communication communicates a presumption of its own optimal relevance” (ibid.). This principle means that addressees will use the minimum necessary effort to obtain the most relevant interpretation, implicature or ‘contextual effect’.

2. Studies of Pragmatic Markers

2.1. Definition of Pragmatic Markers

Pragmatic markers have always brought difficulties for scholars to give an exact definition of it. Levinson (1983) defines pragmatic markers in the way that almost in all language, there exist lots of such kinds of words and phrases indicating the relationship between a sentence and its previous part. This definition highlights the transitional function of pragmatic markers, but it is a little vague. He does not state clearly what pragmatic markers are. From his definition, readers can not recognize “such kinds of words and phrases” from other words which also have the transitional function. Also from the perspective of function, Erman (1986) defines pragmatic markers as words to help speakers or writers divide his expression meaning into information segments and then assist the listener or reader in understanding these segments, etc. He emphasizes another function of pragmatic markers in understanding information segments. However, Levinson and Erman fail to define what pragmatic markers are from their own properties. And the definitions of pragmatic markers by them are similar to the definitions of discourse markers. They do not distinguish ‘pragmatic markers’ from ‘discourse markers’.

Fraser (1996) believes that “pragmatic markers are the linguistically encoded clues which signal the speaker’s potential communicative intentions”. Of the two most similar concepts: pragmatic markers and discourse markers, he

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makes clear that ‘discourse markers’ is a term, which expresses a relation between utterances. This reflects deeper differences about what constitutes a pragmatic marker. His distinction between pragmatic markers and discourse markers are acceptable, but this definition does not make clear how to identify pragmatic markers from other words. The properties of pragmatic markers are pointed out by Biber *et al.* (1999). They think pragmatic markers are a type of insert, that is, they are ‘stand-alone words which are characterized in general by their inability to enter into syntactic relations with other structures’. Until now, readers can figure out what pragmatic markers are. It worth noting that the ‘stand-alone words’ are not only words but also some expressions like comment clauses and hesitation phenomena like um, uh, etc.

2.2. Two Main Perspectives of Studies on Pragmatic Markers

Since 1980’s, scholars have been keeping a growing interest in the study of pragmatic markers. Among the studies, there are two main perspectives on pragmatic markers: Grammatical-pragmatic perspective and Relevance-Theoretical Perspective.

Researchers of grammatical-pragmatic perspective often take independent sentences as examples to illustrate pragmatic markers on their grammatical properties, such as their word class, and syntactic positions. The representatives of this perspective are Brinton and Fraser.

Brinton (1996) believes that pragmatic markers can be defined by two main functions, textual function and interpersonal function. She focuses on the diachronic development of pragmatic markers and maintains that the development is accounted for by a broadly defined process of grammaticalization.

Another representative is Fraser. He distinguishes four different types of pragmatic markers: basic pragmatic markers, commentary markers, parallel markers, and discourse markers (Fraser, 1996). He is concerned with the ways in which the linguistically encoded information of sentence meaning provides an indication of the direct, literal messages intended by the speaker. He concludes that pragmatic markers are not part of the propositional content of the sentence, but they are separate and distinct. He also points out that nearly all pragmatic markers may occur in sentence-initial position and usually occur there.

The researchers of relevance-theoretical perspective, based on the relevance theory proposed by Sperber and Wilson, focus on analyzing the constraint function of discourse markers in communication. The main representatives are Blakemore and Anderson.

Blakemore (1987) claims that pragmatic markers are commonly employed to guide the interpretation process by specifying certain properties of context and contextual effects. In a relevance-based framework, the aim is to minimize processing costs. In her opinion, pragmatic markers do not have a representational meaning, but they have only a procedural meaning, which includes instructions about how to manipulate the conceptual representation of the utterance.

Andersen also studies pragmatic markers from the relevance-cognitive perspective. He (Andersen, 1998) suggests that relevance theory provides an adequate set of tools for the description of pragmatic markers in terms of their pragmatic function. Andersen (2001) adds that pragmatic markers have the function of “helpers” in utterance interpretation by providing the hearer with the optimally relevant information to facilitate the inferential. In the study of Ziran and Ran (1999), they base their study of pragmatic markers on the relevance theory and focus their pragmatic constraints on utterance production and interpretation. They explain that utterance production and interpretation are achieved in a cognitive process. In this process, speakers will constraint the interpretation of utterance according to real needs. Pragmatic markers is one of the techniques in language use, which can affect utterance production and interpretation and further realize pragmatic constraints.

The two different perspectives of studies on pragmatic markers are not contradictory. The former is concerned with static analysis of pragmatic markers; while the latter concentrates more on the dynamic analysis. In the courtroom, pragmatic markers are used by various persons, such as lawyers and witnesses. The pragmatic markers are applied orally. Therefore, the paper will explore the pragmatic markers in the courtroom on Relevance Theory.

3. Studies of Pragmatic Markers in the Courtroom

There have been increasing studies of language in the courtroom with the development of forensic linguistics. They pay attention to the effect of language on judgment. Fuller (1993) studies the styles of courtroom language. She advocates that the jury, the audience for lawyer, must hear between the lines. In this way, language styles can reveal the relationships between individuals in the courtroom. On the basis of the study of language style in the courtroom, Maley (1994) concludes the feature of courtroom discourse is spoken and interactive between defence and prosecution. She focuses on the different patterns of question and response. She distinguishes the questions the counsel asks to his honor and the witness to show how different structures of examination create different interactional context in which the story is told.

Compared with the general analysis of language styles and ways of examination, O’ Barr and William (1982) is concerned with language use in an American state court of general jurisdiction, and more particularly with variation in aspects of witness testimony that are found to affect the credibility and reliability of the evidence given by witnesses. He is one of the first scholars who focus on the importance of the detailed elements within a sentence such as hedges and intensifiers. He points out that “powerful speech”, with fewer hedges and intensifiers, is more credible than “powerless” speech because it is less qualified, more certain. He thinks pragmatic markers have negative effect in the courtroom.

Contrary to the findings of O' Barr and William (1982); Dawn Archer *et al.* (2012) believe that pragmatic marker, like “well” is associated with authority and power if used by the cross-examiner in the courtroom, while it expresses a defensive attitude if used by the person cross-examined Dawn Archer *et al.* (2012). They advocate analyzing the functions of pragmatic markers separately from the perspective of authority and power in the courtroom to further analyzing the contribution language makes to the judgments. Such analyses are more targeted and convincing than the general analyses of the pragmatic markers by O’Barr. The paper also advocates associating the study of pragmatic markers in the courtroom with authority and power.

From the perspective of pragmatic markers in the courtroom with authority and power, SunBingwen (2015) analyzes four functions of pragmatic markers: ostensive, interpersonal, textual and constraint functions combined with Relevance Theory. His analysis offers a new clue for the studies of pragmatic markers.

4. Summary

The paper makes a brief review on studies of Relevance Theory and pragmatic markers and summarizes different views of the functions on pragmatic markers in the courtroom. As is studied by the above scholars, there are some advantages and disadvantages of applying pragmatic markers in the courtroom. So pragmatic markers should be properly used in the courtroom to play its full part. However, the above studies have not pointed out how to apply pragmatic markers in the courtroom for the cross-examiner, the cross-examined or other roles. Therefore, future studies should give specific suggestions on how to use pragmatic markers in the courtroom based on Relevance Theory.

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