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ИСПОЛЬЗОВАНИЕ ХЕДЖИРУЮЩИХ СРЕДСТВ В СУДЕБНОМ ДИСКУРСЕ

В статье анализируется функционирование хеджирующих средств в речи участников судебного заседания. Хеджирование рассматривается в работе в качестве коммуникативной тактики, целью использования которой является ослабление коммуникативного воздействия, оказываемого на реципиента. При изучении структурных типов и функций хеджирующих средств в судебном дискурсе авторы учитывают стадию, на которой находится судебное заседание (первоначальный допрос, перекрестный допрос, повторный допрос) и статус его участников (адвокаты, судья, свидетели, обвиняемый). Статистический анализ использования хеджирующих средств участниками судебного заседания указывает на существенные отличия в использовании хеджей свидетелями и адвокатами, судьями и обвиняемыми, а также на различия их функций. Средства хеджирования чаще встречаются на стадии главного допроса, чем во время перекрестного допроса и повторного допроса. Среди функций хеджирования, используемых свидетелями, авторы отметили незнание (наиболее

распространенная), сохранение лица и смягчение обвинения. Преобладающей функцией, прослеживаемой в общении адвокатов со свидетелями и судьей, было выражение незнания. Судьи использовали эпистемологические глаголы, глаголы речепроизводства, наречия, смягчающие выражений и сдвиг времен, чтобы сохранить лицо, предотвратить конфликт, а также укрепить и поддерживать отношения. Частотность использования хеджей зависит от стадии судебного заседания.

Ключевые слова: хеджирование, хедж, структурный тип, функциональный подход, судебный дискурс, стадия судебного заседания, участник судебного заседания.

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HEDGING IN COURTROOM DISCOURSE

The article presents an analysis of the functions of hedging devices used by participants of the courtroom procedure. Hedging is viewed in the article as a communicative strategy aimed at attenuating the communicative impact that the utterance could produce on the hearer. In studying the structural types and functions of hedges in courtroom discourse the authors give close attention to the stage of the trial procedure (Examination-in-Chief, Cross-Examination and Re-Examination) and its participants (lawyers, the judge, witnesses, the defendant). Statistical analysis of the use of hedging devices by trial participants points to considerable differences in their usage in the speech of witnesses and lawyers, judges and defendants, including functional differences. Hedging devices are more common at the examination-in-chief stage than during cross-examination and re-examination. Among the functions of hedging used by witnesses the authors observed lack of knowledge (most common), saving face and mitigating a claim. The prevailing function traced in the speech of lawyers with witnesses and the judge was lack of knowledge. Judges used epistemic verbs, reporting verbs and expressions, adverbials, softening expressions and shift of tenses to save face, prevent conflict

and build and maintain relationship. The frequency of hedges correlates with the stage of the trial.

Key words: hedging, hedge, structural types, functional approach, courtroom discourse, trial stage, trial participant.

Introduction

Hedging has received much attention in recent years in linguistic literature (Lakoff, 1972, 1973; Prince et al., 1982; Hübler, 1986; Skelton, 1988; Salager-Meyer, 1994; Crompton, 1997; Heng & Tan, 2002; Cabanes, 2007; Caffi, 2007; Fraser, 2010; Brown & Levinson, 2014) as it is a means to facilitate turn-taking, show politeness, mitigate face-threat, convey vagueness and indirectness (Malyuga & McCarthy, 2018). Hedging represents a crucial aspect of the study of language as appropriate usage of hedges ensures a high degree of efficiency in social interaction through demonstrating the ability to properly employ rhetorical strategies and express degrees of certainty necessary in the situation.

A wide range of linguistic units have the hedging potential. F. Salager-Meyer (1994) suggests a taxonomy of linguistic means which can function as hedges. The most common among them are:

1. Modal auxiliary verbs *may, might, can, could, should, would, must* particularly in their epistemic senses.

2. Lexical verbs which convey modal meanings, among them the so-called speech act verbs used to perform acts like evaluating, assuming or doubting rather than merely describing: the epistemic *seem* and *appear*, also *believe, assume, suggest, estimate, tend, think, argue, indicate, propose, speculate, suppose* etc.

3. Adjectival, adverbial and nominal modal phrases:

a) Epistemic modal adjectives (*it is possible, probable, unlikely*) modify the propositional content of the utterance;

b) modal nouns render epistemic certainty or, on the contrary, doubt: *assumption, claim, doubt, possibility, probability, estimate, suggestion, likelihood, etc.*;

c) modal adverbs *perhaps, possibly, probably, practically, likely, presumably, virtually, apparently* have epistemic meanings similar to functions of modal verbs;

4. Approximators of degree, quantity, frequency and time can have the form of adjectives and/or adverbs, for example: *somewhat,*

somehow, a lot, much, little, about, approximately, roughly, hardly, scarcely, etc. They modify the propositional meaning of linguistic items they modify. They are used when the exact propositional meaning is not known or is irrelevant, when the speaker purposefully wishes to create fuzziness, when they feel doubtful or undecided, demonstrate lack of commitment or indirectness, etc.

5. Introductory phrases: *I believe, to our knowledge, it is our view that, we feel that*.

6. If-clauses which render hypothetical meanings. Together with other epistemic markers which may occur inside them if-clauses imply uncertainty and enhance the speaker's distrust in the truth of the utterance. Typical conditional clauses may contain explicit or implicit conditions: *If true..., If anything..., Unless..., Should one... etc.*

7. Compound and multiple hedges.

F. Salager-Meyer (1994) draws a line between compound and multiple hedges. Compound hedges are combinations of hedging devices consisting of up to four components such as the following:

a) Modal with hedging verb: *It would appear that ...*

b) Hedging verb with hedging adverb/adjective: *It seems reasonable that ...*

c) Double hedges: *It may suggest that ... or This probably indicates that ...*

d) Tree-component hedges: *It seems reasonable to assume that ...*

e) Four-component hedges: *It would seem somewhat unlikely that John will tell anyone.*

Multiple hedging refers to the presence of more than one hedge, not necessarily inside the same combination, but within the same utterance.

Ch. Heng and H. Tang (2002) propose another typology of the structural types of hedges.

1. Adverbials

e.g. The length of the metal bar was *approximately* 22 cm.

Generally, girls are more eloquent speakers compared to boys.

His views on the matter were *quite* well received.

Some adverbials are placed immediately after the verb (approximately), others modify adjectives (quite) or even a complete idea expressed in a clause (generally).

2. Epistemic Verbs

e.g. The graph *suggests* that there was a dip in the sale of Proton Saga cars between the months of January to March.

It *seems* that the football team manager will be replaced soon.

The new regulations *appear* to safeguard the interests of women, but they do not.

3. Modal verbs

e.g. Gases *may* be changed into liquids.

It *would* be inappropriate to discuss the matter with your colleagues.

It *should* be noted that modal verbs differently express the strength of the claim made by the speaker.

4. Cognition Verbs

e.g. I *believe* that we need to further explore the causes behind child abuse.

I *surmise* that there is a need for a more intensive English language programs.

I *think* it is not a sound method for increasing productivity.

5. Hypothetical Constructions

e.g. If we agree on the report, then it can be handed up now.

Unless we attend to it now, we will not get the target results.

The machine could possibly be repaired for RM500.

6. Anticipatory it-clauses

e.g. It is likely that the experiment will stretch on for another hour.

There is a tendency to under-declare the amount of taxes to be paid.

B. Fraser (2010) notes that the focus of hedging may range from a single word to a speech act.

a) Word – He’s basically a [bachelor.]

b) Phrase – He has a somewhat [elevated temperature.]

c) Proposition – As far as I can tell, [you won’t have problems.]

d) Speech Act – I must [request] that you sit down.

It is generally assumed that hedges have different functions in speech. However, their lists vary considerably in research papers because linguists generally have different points of view concerning the structure of hedges and the functional aspect of hedging. G. Lakoff (1972, 1973) identifies two main functions of hedges: to show lack of certainty and to mitigate the speaker’s claim for the purpose of politeness. B. Dubois (1987) believes that hedges are used to allow

the author to make a claim in an unobtrusive way, an idea which is shared by many other researchers.

D. Crystal (1987) brings forward three reasons for the use of hedges:

1. People do not like to be precise and need to maintain a balance between precision and imprecision.

2. Sometimes, specifically in scientific writing, the writer understands that the audience needs only *half truth*.

3. The use of hedges can act as a safeguard to impede further questions.

K. Hyland (1998) assigns two major functions to hedges:

1. Expressing claims with a certain degree of caution, modesty and humility and

2. diplomatic negotiation of the claim with colleagues and competitors.

F. Salager-Meyer (1994) believes that if the speaker does not use hedges and explicitly expresses facts, opinions, information or claims, this might seem not very appropriate, even impolite. This could also lead to undesirable questions or even criticism. According to Brown & Levinson (2014), hedging is a positive politeness strategy that minimizes the threat to the hearer's positive face. T. Vartola (1999) writes, "being textual tools for both imprecision and precision and a feature of interpersonal positive politeness" (p. 177) is the main function of hedges. The same idea is shared by G. Myers (1989), who perceives hedges as part of the politeness system. According to Cabanes (2007), a hedge is a means of expressing politeness and showing indifference towards the audience or the subject.

Other interesting aspects brought out in linguistic literature on hedges is their dependence on the discourse type (Behnam, 2012) and their impact on the persuasiveness of the text (Carli, 1990). In his article "Pragmatic competence: the use of hedging" Bruce Fraser (2010) analyses hedges taken from various sources of spoken and written communication both formal and informal and points out that the most common case of using hedges is the speaker's desire to sound less offensive and rude while conveying a negative message.

Materials and methods

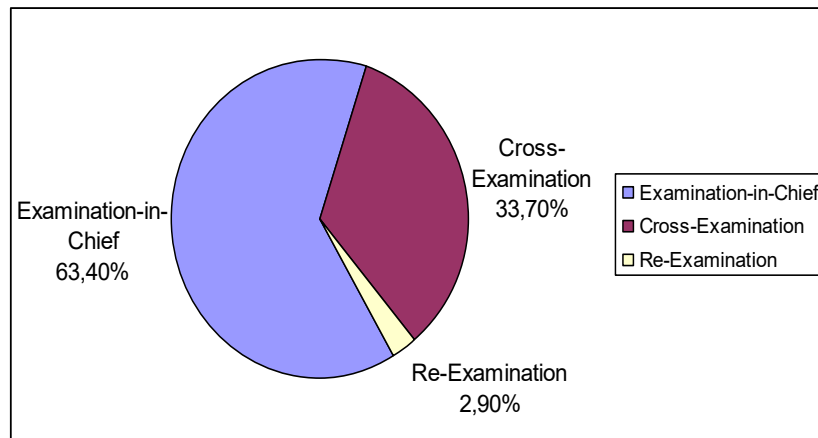
The corpus subjected to analysis in the paper was created on the basis of materials obtained from transcripts of the O.J. Simpson trial,

the D. Westerfield, J.R. MacDonald and J. Dahmer trials, from fiction (“To Kill A Mockingbird” by H. Lee, the “Harry Potter” series by J. K. Rowling as well as from films (“The Shawshank Redemption” (1994), “Murder in the First” (1995), “The Devil’s Advocate” (1997), “The Dark Knight” (2008), “17 Again” (2009), “The Lincoln Lawyer” (2011), “The Judge” (2014), “Hacksaw Ridge” (2016), “Baby Driver” (2017) and the TV series “Sherlock” (2010 – till the present day) and “13 reasons why” (2017 – till the present day).

Results and discussion

For the purpose of the paper a corpus of 800 instances of hedging devices used by different participants of the trial procedure (Wood, 2012) was collected and subjected to thorough analysis.

Pie-chart 1. Distribution of hedges used by speakers during examination-in-chief, cross-examination and re-examination stages of the trial procedure



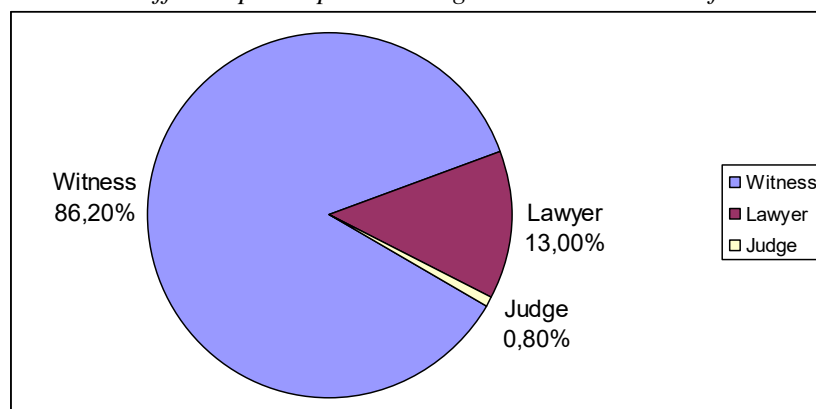
As is seen from Pie-chart 1, hedges are commonly found in examination-in-chief rather than in cross-examination and re-examination. The purpose of examination-in-chief is to elicit from the witness information on the case within their knowledge, for this reason most of the trial interactions take place at this very stage of the courtroom procedure. As for cross-examination, hedging devices are less frequent at this stage of the trial procedure as compared to

examination-in-chief, but more frequent as compared to re-examination. The number of instances of hedging at the re-examination stage was negligible, as this part of the trial procedure aims at highlighting flaws and inconsistencies in the witness' testimony, if no additional questions are necessary.

Examination-in-Chief

This stage of the courtroom procedure is characterized by a high rate of occurrence of hedging devices. Pie-chart 2 sums up the results on the use of hedges for different groups of participants.

Pie-chart 2. Distribution of hedging devices in the speech of different participants during examination-in-chief



The findings prove that **witnesses** use hedges considerably more often than the other participants of the trial. In lawyers' speech the frequency of hedging devices was almost seven times lower than that of witnesses, while the judge used no hedges at all. In the analyzed corpus the witness proved to be the one who resorted to hedging the most. During examination-in-chief they employed those devices in two major functions: to show lack of knowledge (99,3%) or to save face (0,7%).

Lack of knowledge was expressed by the following structural types of hedges:

– reporting verbs and expressions (43%):

e.g. *I think* that the first place we took evidence from or blood from was the radio that was there under the window (The J. R. MacDonald

trial).

Dr. Neal went to the side of the bed and took Kristen's body by the shoulders and I *believe* he turned her over or moved her. (The J. R. MacDonald trial)

I *believe* that night I got fingerprints from the door and door frame and from that bannister and a desk (The David Westerfield trial).

– units of language which convey modal meanings (23,8%)

e.g. We *could* have had a second murder scene there or we *could* have had someone injured there (The O.J. Simpson trial).

They were laid on top of each other, or anything like that, but there was some contact, *perhaps* Kimberly's shoulder touched Kristen's leg, or something like that (The J. R. MacDonald trial).

Well, as far as examining unidentified bodies, it's *probably* over these years I'm estimating close to four thousand cases (The David Westerfield trial).

– rounders (Prince et al., 1982), mostly adverbials (21%):

e.g. I have been assigned to robbery-homicide division for 15 years and homicide special section for *about* 8 years. (The O.J. Simpson trial)

There were *approximately* ten of these circular small wounds, a few of which appeared to penetrate through the skin. (The J. R. MacDonald trial)

Epistemic verbs (1), softening expressions (2) and adaptors (3) (Prince et al., 1982) were infrequent.

(1) It was a right-handed brown leather glove that *appeared* to be a match of the left-handed glove that I had seen at the original crime scene (The O.J. Simpson trial).

That *appears* to be the motor home that I tried to get unstuck (The David Westerfield trial).

(2) So, for five or 10 minutes *maybe* they were up there alone (The David Westerfield trial)

I'm not exactly sure, but I'd say *maybe* an hour or two after Mr. Westerfield was there (The David Westerfield trial).

(3) It was *sort of* decomposing and the skin was mummified (The David Westerfield trial).

The brain itself had shown *a little bit* of superficial hemorrhage on the membranes covering the brain. (The J. R. MacDonald trial)

The **saving face** function in the speech of witnesses was expressed by shift of tenses (1) and units of language conveying modal meanings

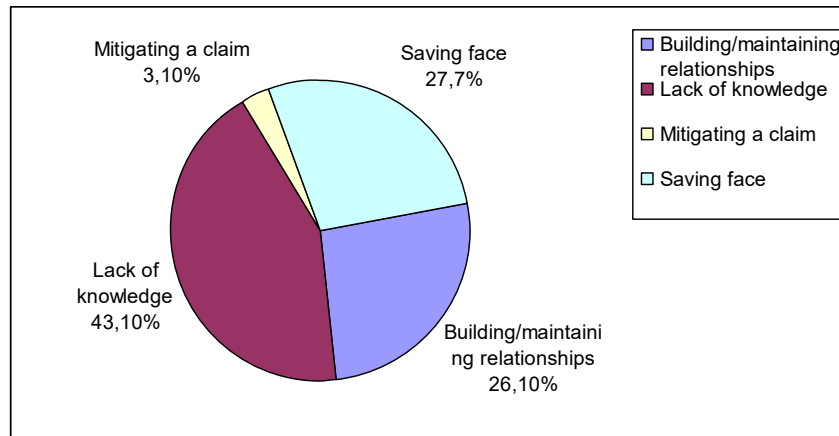
(2).

(1) *Could* I see that list again, please? (The J. R. MacDonald trial).

(2) She was *probably* not the world's greatest beauty but there was a certain quality of elegance that she had that was undeniable (The J. R. MacDonald trial).

Lawyers' speech during examination-in-chief is characterized by a relatively low frequency of hedges, however, the range of their functions is broad (Pie-chart 3).

Pie-chart 3. Distribution of hedging devices in lawyers' speech during examination-in-chief (function)



The most common function lack of knowledge (43,1%) was expressed by:

– rounders (usually adverbials) (32%):

e.g. With regard to stab wound no. 1, as we are referring to it, that wound was *approximately* 5/8 inch in length, was it not? (The O.J. Simpson trial).

Approximately an inch less than the standard length? (The O.J. Simpson trial)

– units of language which convey modal meanings (28,6%):

e.g. And the next time that you saw her after that, you *would* have been in jail or incarcerated? (The O.J. Simpson trial).

And you *would* have had at least four occasions in that restroom to make observations relative to any cuts on your hand, wouldn't you?

(The O.J. Simpson trial).

– adaptors and reporting verbs and expressions (both 14,3%).

e.g. This is *sort of* a throw-in? (The O.J. Simpson trial).

Now, the woman represented to you that she was *somehow* associated with Channel 4; is that correct? (The O.J. Simpson trial).

Epistemic verbs (1), softening expressions (2) and reporting verbs and expressions (3) turned out to be the least frequent.

(1) And did the other *appear* to be the glove that you picked up at Bundy? (The O.J. Simpson trial).

(2) *Maybe* people have a drink or two? (“13 reasons why” TV series).

(3) I'd like to direct your attention back to the weekend of February 2nd, I *believe* it's a Saturday, did you and your family go on an outing that Saturday? (The David Westerfield trial)

In the **saving face** function shift of tenses (1) and units of language conveying modal meanings (2) were found:

Could you give us some examples of your work involving the examination of holes, cuts, or tears in fibers, stitching and things like that in fabrics? (The J. R. MacDonald trial)

Would you point him out, please, and describe what he's wearing today? (The David Westerfield trial)

(2) *Perhaps* you can tell me why Henry Young did over 1,000 days in the dungeon? (“Murder in the First”)

The **building/maintaining relationship** function in lawyers' speech was conveyed by the shift of tenses (1) (58,8%) and reporting verbs and expressions (2) (35,3%). Rounders (3) were infrequent (5,9%).

(1) *Could* you tell us how the dinner ended and what your wife went off to do and what you then did? (The J. R. MacDonald trial).

Mr. Ewell, *would* you tell us in your own words what happened on the evening of November twenty-first, please? (“To Kill a Mockingbird” by Harper Lee)

(2) I *believe* you testified earlier this morning that militant police were at the front and back door; is that correct? (The J. R. MacDonald trial).

I *think* we have photographs here that we've marked as court's exhibit 20 labeled at the top “Van Dam residence master bedroom”. (The David Westerfield trial)

(3) Would you give us an estimate of *approximately* how many

autopsies you've performed since starting work for the L.A. County department of the coroner? (The O.J. Simpson trial).

Another function of hedges which was observed in lawyers' speech is **mitigating a claim**. It was expressed by reporting verbs and expressions (1) and softening expressions (2):

(1) Your Honor, I *think* that's a contradiction of terms (The O.J. Simpson trial).

(2) *Maybe* you didn't understand my question, sir (The O.J. Simpson trial).

Although during courtroom proceedings the **judge** rarely interacts with the other participants, several occurrences of hedging devices were found in their speech. All of them were used in the **saving face** function as manifestations of respect and politeness. Among them were observed:

– Softening expressions:

e.g. Well, there's been no foundation as to how this particular number has been arrived at, so *maybe* you ought to go into that (O.J. Simpson The trial).

– Shift of tenses:

e.g. Mr. Simpson, *would* you draw the microphone a little bit closer to you; you don't have to breathe into it; but just bring it closer to you (The O.J. Simpson trial).

– Adaptors:

e.g. Mr. Simpson, would you draw the microphone *a little bit* closer to you; you don't have to breathe into it; but just bring it closer to you (The O.J. Simpson trial).

– Reporting verbs and expressions:

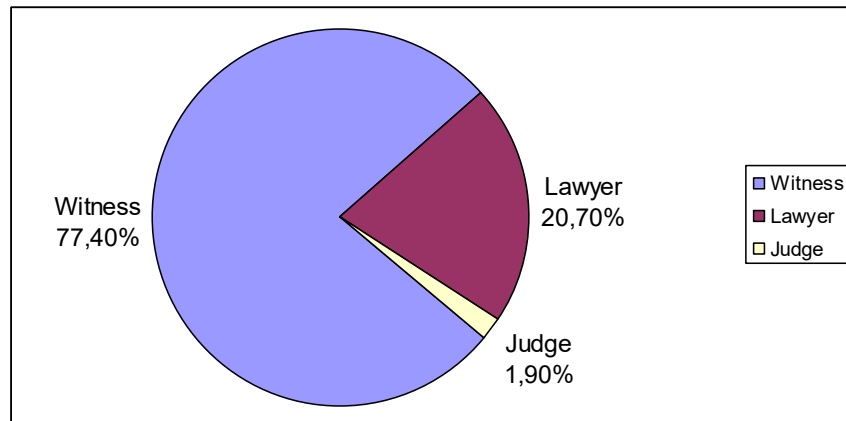
e.g. I *think* that's an irrelevant question (The O.J. Simpson trial).

Cross-Examination

The **cross-examination stage** of the trial provides additional data on the use of hedging devices although their rate of occurrence is lower as compared to the examination-in-chief stage.

The results of the study are presented in Pie-chart 4.

Pie-chart 4. Distribution of hedging devices in the speech of different participants during cross-examination



According to the data obtained, witnesses use hedges more frequently than the other three participants of the trial. The functions observed in the corpus were similar to the ones observed during the previous stage, namely, lack of knowledge (96,6%) and saving face (3,4%).

To show **lack of knowledge** witnesses used reporting verbs and expressions (1) (50,8%). Units of language conveying modal meanings (2) (29,1%) and rounders (3) (13,6%) proved to be quite common as well. Other types of hedges – epistemic verbs (4) (3%), adaptors (5) (2%) and softening expressions (6) (1,5%) demonstrated the lowest frequency.

(1) I *believe* there's a very good chance that they are, indeed, the blood drops of the victims, or a mixture (The O.J. Simpson trial).

Well, I haven't studied the autopsy reports, but I *think* there has been reference to puncture wounds in her low neck, upper chest area (The J. R. MacDonald trial).

(2) Some of the wounds have a characteristically double pointed or forked end, which would indicate that they *could* be made by either a blunt end instrument, or knife, or a double sharp end instrument (The O.J. Simpson trial).

I *might* have had a sweater on, I don't remember (The David

Westerfield trial).

(3) We actually, began our work at *about* 7:00 p.m. (The David Westerfield trial).

I was there *approximately* one year, during the year of 1959 (The J. R. MacDonald trial).

(4) I *seem* to have seen these two guys. (The O.J. Simpson trial)

It *appeared* to be a normal male fetus, yes. (The J. R. MacDonald trial)

(5) I *sort of* recall saying I wanted to keep it (The O.J. Simpson trial).

It was *sort of* entwined around the small finger (The J. R. MacDonald trial).

(6) I thought there were two, maybe three, of the lacerations where I did see a pattern bruise right around the margin of the incision which would be compatible with bruising from a handle (The J. R. MacDonald trial).

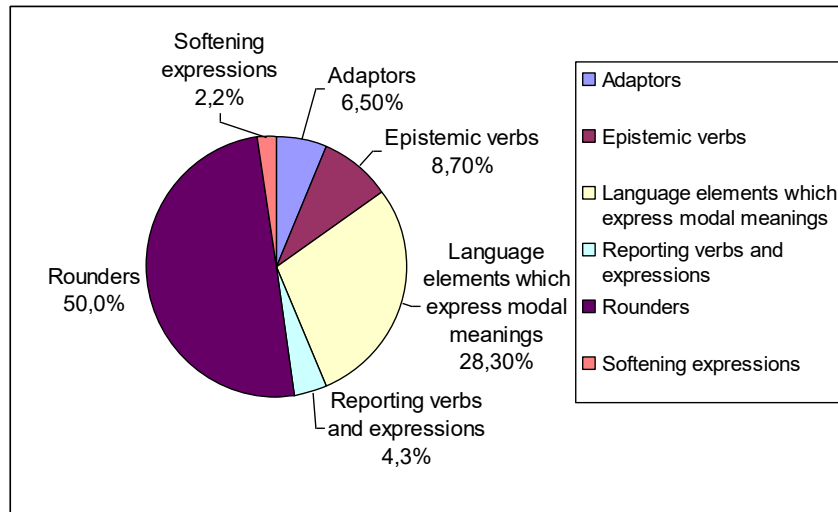
In witnesses' speech hedges were also used in the **saving face function**. Even though the number of such instances is not large, two types of hedges express it: shift of tenses (1) and reporting verbs and expressions (2). However, the former one was found more often.

(1) *Could* we repeat the question, so I am sure I answer it the right way. (The O.J. Simpson trial)

(2) I *believe* it's important for me to be honest to the jury, yes. (The O.J. Simpson trial)

Lawyers' speech as compared to the speech of witnesses is characterized by a lower degree of hedging. The functions of hedges observed in lawyers' speech during cross-examination are **lack of knowledge** (83,6%) and **saving face**, which was considerably less frequent (16,4%). The structural types of hedging devices denoting lack of knowledge are presented below.

Pie-chart 5. Distribution of hedges used to show lack of knowledge in lawyers' speech during cross-examination



– Rounders:

e.g. There were *about* 14 to 16 people in your group? (The David Westerfield trial)

So that impression, if it was an impression, was *approximately* five feet away from her neck, right? (The O.J. Simpson trial).

– Units of language conveying modal meanings:

e.g. In your opinion, *could* the wounds that were inflicted that were knife-life wound on Colette MacDonald have been inflicted by either of those knives? (The J. R. MacDonald trial).

Would it be correct to say that *probably* the largest part of your work in Germany was spent in patrol work and traffic investigation? (The J. R. MacDonald trial)

– Epistemic verbs:

e.g. And this *appeared* to be some scrap wood, is that right? (The David Westerfield trial).

I'm going to show you a photograph that's approximately eight and a half by eleven, *appears* to be the defendant holding an umbrella (The O.J. Simpson trial).

– Adaptors:

e.g. And I'm not a tall guy, so it's *a little bit* around my neck? (The O.J. Simpson trial).

You went *a little bit* farther than what you testified to in the criminal case, didn't you? (The trial of O.J. Simpson).

– Reporting verbs and expressions:

e.g. Now, I *think* you indicated that the first part of the video was half time? (The O.J. Simpson trial).

– Softening expressions:

e.g. *Maybe* a note that made fun of Mr. Gettys? (“The Devil's Advocate”).

The **saving face** function in lawyers' speech is represented by shift of tenses (1) (66,7%), reporting verbs and expressions (2) (22,2%) and softening expressions (3) (11,1%).

(1) If you *could* just show us, please, if you see where was Mr. Westerfield when you first arrived? (The David Westerfield trial).

(2) I *believe*, your Honor, he has testified an eyewitness or somebody establishing the time the descendant was last known alive would be one of six factors he would consider in establishing time of death (The O.J. Simpson trial).

(3) *Maybe* it would be simpler if you could put that aside and if you need to refer to it, just ask us (The O.J. Simpson trial).

As was stated above, the status of the **judge** presupposes little interaction in the courtroom. This also pertains to the cross-examination stage. Instances of hedging in the speech of judges were infrequent, the functions observed were conflict prevention and saving face, the former prevailing over the latter.

– Prevention of conflict:

e.g. *Appears* to be calling for hearsay, unless it's not for the truth (The David Westerfield trial).

I *believe* I will overrule this objection (The J. R. MacDonald trial).

– Saving face:

e.g. At this point in time I *believe* that's an incorrect statement (The David Westerfield trial).

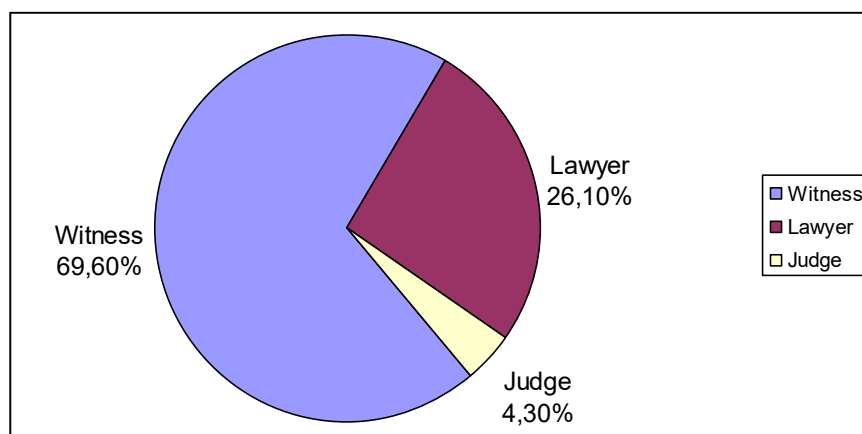
e.g. I *believe* there was a Mr. Yamauchi that testified, but not a Mr. Yamaguchi (The O.J. Simpson trial).

Re-Examination

The data obtained allows us to conclude that during re-examination,

as well as examination-in-chief and cross-examination, it is the witness who uses hedging devices most frequently. See the Pie-chart below.

Pie-chart 6: Distribution of hedging devices in the speech of different participants during re-examination



In the speech of the **witness** hedging devices were used to show lack of knowledge (93,75%) and mitigate a claim (6,25%). The **lack of knowledge** function was represented by the following structural types of hedging devices:

– Reporting verbs and expressions (53,3 %):

e.g. I *believe* of that one was 11/27/2001 (The David Westerfield trial).

I *believe* I saw those photos earlier (The David Westerfield trial).

– Units of language which convey modal meanings (26,7 %):

e.g. There *may* have been items 15 and 16 in that trash bag (The O.J. Simpson trial).

– Rounders (20 %):

e.g. We left *approximately* 10:30 on Sunday morning, the 3rd I believe it was, February 3rd (The David Westerfield trial).

Mitigating a claim was expressed by units of language conveying modal meanings:

e.g. *Perhaps* you didn't understand my answer (The O.J. Simpson trial).

A characteristic feature of **lawyers'** speech during re-examination is a relatively low frequency of hedges. The functions they perform are saving face (50%), lack of knowledge (33.3%) and building/maintaining relationship (16.7%).

The following types of hedges in the **saving face** function were observed in the corpus: shift of tenses (1) and softening expressions (2).

(1) *Could* you explain to me what you observed in that regard? (The O.J. Simpson trial).

(2) *Maybe* you didn't understand my question (The trial of O.J. Simpson).

The lack of knowledge function in lawyers' speech ranks second and is represented by the following hedge types: units of language conveying modal meanings (1) and adaptors (2).

(1) Answer my question, it *could* have come from anything, right? (The O.J. Simpson trial).

(2) Is this *sort of* a team effort in terms of what you ultimately decide to collect? (The David Westerfield trial).

Lawyers used reporting verbs and expressions during re-examination to **build and maintain relationship**.

e.g. I *believe*, sir, you spoke on Cross-Examination with respect to the hair that you removed from her hand; is that correct? (The J. R. MacDonald trial).

The only function of hedging in the speech of the judge is **building and maintaining relationship** which is realized by means of epistemic verbs:

e.g. It *appears* to me from the evidence presented that the following offenses have been committed (The O.J. Simpson trial).

No hedging was observed in the speech of the **defendant**.

In the course of the analysis of the data collected various functions of hedging devices were observed. The **lack of knowledge** function was the most common for all the participants of courtroom proceedings, however, the communicative aims implied were different. **Witnesses** preferred to use hedges in this function to avoid precision and factual mistakes while giving evidence on the events, time, date or people relevant to the trial (1) or to make assumptions about future events and consequences (2).

(1) *Perhaps* life was still present, but I really don't know because I know just as well you can get a little hemorrhage after death as well

(The J. R. MacDonald trial).

(2) The lawyer: Therefore, you did everything that was required of you, and the truth is that there was nothing more you could have done. Would you agree?

The witness: No.

The lawyer: Let me rephrase that question...

The witness: I said, no. I *could* have done more. I *could* have stopped her from walking out that door (TV series '13 reasons why').

Lawyers used hedges in the lack of knowledge function while interrogating witnesses to clarify or elicit information relevant to the trial (1) or to make assumptions (2).

(1) *Could* two knives have produced the injuries on both of the victims? (The O. J. Simpson trial)

(2) No, doesn't add up. I don't buy it. Can't be the first time someone insulted you. It's your job. Why did you go easy on him the first time? Of all the judges in Indiana, you're one of the tightest. You gave him 30 days. He threatened her, discharged a firearm in her residence, that's 6 months, a year, easy. What was your reasoning? 180 days, that's solid, maybe to cool off. *Maybe* he doesn't kill Hope, *maybe* we'd not be here (Film 'The Judge').

The second most frequent function of hedging devices used by all the participants of courtroom proceedings was **saving face**. The communicative aim was to be polite and respectful towards the interlocutor.

e.g. The judge: Well, there's been no foundation as to how this particular number has been arrived at, so *maybe* you ought to go into that. (The O. J. Simpson trial)

The lawyer: Now, *would* you point out to the jury where you see blood that was collected by you on September the 1st in this August 10 photograph? (The trial of O.J. Simpson)

The witness: *Could* we repeat the question, so I am sure I answer it the right way (The O. J. Simpson trial).

The third most typical function of hedging devices during courtroom proceedings was **building and maintaining relationship**. Hedges used in this function were found in the speech of lawyers when they started their interrogation of witnesses (1) and in the speech of judges when they addressed lawyers (2).

(1) *Could* you describe for the jury, please, your education, training,

and experience that led you to your current position (The David Westerfield trial).

(2) It *appeared* to me from the evidence presented that the following offenses have been committed (The O. J. Simpson trial).

Hedging devices in the **mitigating a claim** function were found in the speech of lawyers (1) and witnesses (2) with the same communicative aim – to sound polite.

(1) The lawyer: Your Honor, *I think* that's a contradiction of terms (The O. J. Simpson trial).

(2) The witness: *Perhaps* you didn't understand my answer (The O. J. Simpson trial).

Hedging devices in the **prevention of conflict** function were found only in the speech of **judges** since they are the one who is responsible for keeping order in the courtroom.

e.g. *Appears* to be calling for hearsay, unless it's not for the truth (The David Westerfield trial).

Conclusion

The conducted analysis yielded the following conclusions:

1) Hedging devices are more common at the examination-in-chief stage than during cross-examination and re-examination. Since the purpose of this stage is to elicit from the witness all the facts on the case within their knowledge, most of courtroom interaction takes place here. Cross-examination, due to its status within the trial procedure requires relatively little hedging. Re-examination, focusing on highlighting flaws and inconsistencies in the witness' testimony, provides the least evidence on hedging.

2) Witnesses use hedging devices more frequently than the other trial participants as they are supposed to answer the lawyer's questions, which requires recalling facts. This creates a perfect environment for hedging. Different types of hedges were observed in the speech of witnesses, among them were units of language conveying modal meanings, epistemic verbs, reporting verbs and expressions (most common), adverbials, softening expressions and shift of tenses. Among the functions we observed lack of knowledge (most common), saving face and mitigating a claim.

3) In the courtroom lawyers interact with both witnesses and the judge. Despite the precise character of their speech hedging was widely spread in their speech. The observed types were units of language

conveying modal meanings, epistemic verbs, reporting verbs and expressions (most common), adverbials, softening expressions and shift of tenses. The prevailing function traced in the speech of lawyers was lack of knowledge.

4) During courtroom proceedings the judge rarely interacts with the other participants. However, several instances of hedging were found in the corpus. Judges used epistemic verbs, reporting verbs and expressions, adverbials, softening expressions and shift of tenses to save face, prevent conflict and build and maintain relationship. This seems reasonable because the judge is the representative of the law and during courtroom proceedings their responsibility is to keep order, administrate the performance, control and moderate the talk in the courtroom.

5) No hedging was observed in the speech of the defendant.

6) The corpus provided no evidence of hedges used in the functions traditionally associated with courtroom discourse, namely, disclaiming responsibility and avoiding further interrogation.

7) Reporting verbs and expressions were most common in the speech of all the participants of the trial, they used them in providing information and facts, in expressing attitudes and opinions. Units of language conveying modal meanings ranked second in the speech of witnesses and lawyers, who used them while making assumptions. In this case hedging primarily contributed to indirectness. Rounders were used by witnesses and lawyers to express uncertainty and lack of knowledge. Shift of tenses, epistemic verbs, softening expressions and adaptors, though observed in the speech of all the participants of the trial, were the least frequent hedging devices traced in the corpus.

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**ОСОБЕННОСТИ ВЕРБАЛИЗАЦИИ ПРИНЦИПА
ОБМАНУТОГО ОЖИДАНИЯ В РОМАНАХ А. КРИСТИ
«CROOKED HOUSE» И «FIVE LITTLE PIGS»**

В статье анализируются некоторые средства вербализации принципа обманутого ожидания в структуре художественного текста на примере детективных романов А. Кристи «Crooked House» и «Five Little Pigs». Как нарушение субъективно-читательской перспективы обманутое ожидание формируется под воздействием определённых факторов горизонта ожидания, созданного в процессе линейного развёртывания речи. Среди средств формирования горизонта ожидания читателя выделяются жанровые слова, потенциал предсказуемости которых увеличивается при помещении их в сильные позиции заголовков. На основе анализа практического материала с применением методов интерпретации и контекстуального анализа автор приходит к выводу, что созданию эффекта обманутого ожидания могут способствовать цитатные интертекстуальные включения из прецедентных текстов, сюжет которых контрастирует с сюжетом заимствующего