Linguistic Accommodation: Perception of Malaysian Lawyers
Maya Khemlani David¹, Gan Kah Hui¹, David Yoong² and Balbir Singh¹
¹ University of Malaya, Malaya
² La Trobe University, Australia; University of Malaya, Malaya

Abstract. Language Accommodation is “we adjust our communicational behavior to maintain integrity, distance or identity” (Giles and Coupland, 1991:66). Do lawyers shift their discourse norms in order to obtain the information required from witnesses in a courtroom? In this study, 24 lawyers were interviewed to elicit the strategies and discourse norms used when questioning the elderly, minors, women and uneducated. The findings are discussed. This is part of a larger study where courtroom discourse is observed to determine if the perceptions of the lawyers are realized in authentic settings.

Keywords: accommodation, courtroom, discourse

1. Introduction

Language is a tool of communication. Interlocutors tend to accommodate each other in order to achieve communicative goals. Accommodation may occur consciously or unconsciously, mutually or non-mutually and partially or completely. According to Giles and Coupland (1991:66) “we adjust our communicational behavior to maintain integrity, distance or identity”. They further explain that accommodation can help to build solidarity or distance from the interaction within a face to face conversation context. In a court room, lawyers need to establish the facts of a case by questioning witnesses. In the context of legal methods and techniques of obtaining information from a client / witness, the main issue that needs to be addressed is the ability of the lawyer to obtain the required information. In the process of examining the accused / witness during a trial, the techniques of questioning used by the lawyers must be in some ways ingeniously crafty as the person sitting in the witness box may deliberately hide facts or might be afraid to provide the truth. Hence, the volume, pace and language used by the lawyers with different types of people is the focus of this study.

This study aim to investigated whether lawyers accommodate and change their discourse style of talking (e.g. volume, pace, language) in order to get information from witnesses / accused in a court. Does this change of style depend on 1) the age of the witness (e.g. elderly, minor), 2) gender 3) education? In shorts,
linguistic accommodation based on age, gender and level of education of the accused?

2. Aim
This study aimed to investigate whether lawyers accommodate and change their discourse style of talking
(e.g., volume, pace, language) in order to get information from witnesses/accused in a court. Does this
change of style depend on 1) the age of the witness (e.g., elderly, minor), 2) gender, 3) education? In shorts,
linguistic accommodation based on age, gender and level of education of the accused?

3. Theoretical Framework
This study applies the Accommodation theoretical framework of Giles and Powesland (1975) which
focuses on the ways in which individuals adjust their speech to one another, either to become more similar or
to accentuate their differences. The accommodation theory explains the language strategies or interaction
processes of convergence and divergence i.e. the interactive aspects of communication and the tendency of
interactors to converge towards or diverge away from the speech of others. Giles and Smith
(1979: 46) say that ‘convergence refers to the processes whereby individual shift their speech styles to become
more like that of those with whom they are interacting’. The assumption made in the development of
accommodation theory then is that speech style shift is with the purpose of encouraging further communication
and decreasing the perceived differences between the interactors’ (Giles & Smith, 1979: 46).
Holmes (2001:230) uses speech accommodation to describe the process whereby each person’s speech converges towards the
speech of the other person they are interacting with. She further adds that ‘when a technical message is
“translated” for the benefit of someone who does not know the jargon, speech accommodation is involved’
(Holmes, 2001:231). The Accommodation Theory is illustrated in Figure 1.

Figure 1: Accommodation Theory
Studies in clinical settings (c.f. Chu, 2005) have shown that it is very important for doctors to interact
with their patients using the appropriate linguistic speaking styles. Interactions that are not appropriate (e.g.,
shouting at young patients or elderly patients) may lead to improper diagnosis. In a private clinical setting,
Chu (2005) discovers that doctors accommodate to patients according to their age. Younger patients are
spoken to using baby-talk or motherese, by variation in tone, by being interested in whatever whenever possible during consultation and when explaining medical conditions to the parents as well as the patients. Doctors converging to the speaking style of their younger patients increases the understanding of the patients and this would lead to social identity and bonding between the doctors and patients.

4. Methodology
24 lawyers from different ethnic groups in Malaysia were interviewed to determine if changed their style of talking based on the age, gender and education level of the accused / witness.

5. Findings
In terms of the elderly, all the 24 lawyers interviewed agreed that they tended to change their discourse norms when examining older witnesses / accused (see Table 1).

Table 1: Accommodation with elderly
Skills %
reduced pace 33.33
clear, direct and simple questions / language 33.33
increased volume 29.17
polite-talk 12.5
Reduced volume 8.33
Repetition 8.33
From Table 1, it is clear that lawyers (33%) tend to speak slower when questioning older witnesses.
Moreover, 29.17% of the lawyers said that when facing a elderly person in the courtroom, they would speak louder. They (33.33%) would also make sure their questions are clear and simple so that the question can be easily understood and interpreted by the elderly. 8.33% of the lawyers said that they would repeat their questions. In short, about 63% of the lawyers when questioning the elderly either reduced their pace or increased their volume. They accommodated to the perceived needs of the elderly.

Besides the elderly, the lawyers also indicated that they changed their discourse norms when questioning minors (see Table 2).

Table 2: Accommodating minor
Skills %
plain / simple / direct language / less formal language / avoid technical terms 50
Reduced volume 37.5
Pauses 12.5
reduced pace 12.5
use correct body language and gestures 4.17
About 50% of the lawyers indicated that using plain / simple / direct language is important when dealing with a minor. 37.5% said that they would reduce their volume when speaking to minors. Reduced pace and reasonable pauses are important so that minor can understand and do not get distressed.
Gender is also one of the factors which influences a lawyer’s speaking style. Most of the lawyers said that woman had to be treated gently (see Table 3).

**Table 3: Accommodating to women**

<table>
<thead>
<tr>
<th>Skills</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>softer approach</td>
<td>33.33</td>
</tr>
<tr>
<td>Increased pauses</td>
<td>8.33</td>
</tr>
<tr>
<td>Reduced volume</td>
<td>4.17</td>
</tr>
<tr>
<td>reduced formality</td>
<td>4.17</td>
</tr>
<tr>
<td>reduced pace</td>
<td>4.17</td>
</tr>
</tbody>
</table>

Table 3 shows that 33.33% lawyers indicated that when dealing with female witnesses, a softer approach would often be used. 4.17% of the lawyers said that they would reduce their volume, slow down their pace and use less formal language with female witnesses / accused. Lawyers indicated that normally they changed their style of speaking when dealing with female witness especially in the case of rape victims. They have to speak softly and pose questions in an indirect way so that the witnesses are able to overcome their fear and give testimony in court.

Besides, the lawyers interviewed also indicated that they changed their style depending on the educational level of the witness / accused. When witnesses have a low / non-education, lawyers might alter the way of questioning, such as using simple language (20.83%), reduce the pace (16.67%), and repeat the questions (12.5%) to ensure the witness or accused fully understood the question (see Table 4).

**Table 4: Accommodating to uneducated**

<table>
<thead>
<tr>
<th>Skills</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>plain / simple language</td>
<td>20.83</td>
</tr>
<tr>
<td>gestures</td>
<td>16.67</td>
</tr>
<tr>
<td>reduced pace</td>
<td>16.67</td>
</tr>
<tr>
<td>repetitions</td>
<td>12.5</td>
</tr>
<tr>
<td>short questions</td>
<td>4.17</td>
</tr>
</tbody>
</table>

The lawyers indicated that for the uneducated witness / accused, the words used to construct the questions would be simple and the question would be short so that it would be easier for witnesses to understand the questions. Lawyers normally avoid using technical and legal jargon when dealing with uneducated witnesses / accused. Besides, gestures were used in order to make sure the questions or statements were understood.

**6. Conclusion**

In conclusion, the norms of discourse of lawyer play a important role in obtaining essential information from witnesses / accused. To be a good and credible lawyer, lawyers must have good communication skills. A lawyer must be ready to accept and assist a witness / accused as much as to understand them, and shift...
their norms of discourse depending on who the witnesses / accused were. This study shows that the lawyers interviewed were aware of discourse norms and altered their discourse norms depending on the age, gender and educational background of witnesses / accused. This study focuses on the perception of lawyers and is part of a larger study where courtroom discourse will be observed.

7. Acknowledgements
Appreciation is extended to the University of Malaya for the funding given to our project PJP (FS388/2008C). The researchers are Professor Dr. Maya Khemlani David, Gan Kah Hui, David Yoong and Dr. Balbir Singh from the Faculty of Sport and all from the University of Malaya.

8. References