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Linguistic Accommodation: Perception of Malaysian Lawyers

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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 aims to investigate whether lawyers accommodate and change their discourse style of talking

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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.

Convergence

(building social rapport to get information)

Divergence

(distancing to emphasise differences)

Accommodation Theory

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

Skills %

softer approach 33.33

Increased pauses 8.33

Reduced volume 4.17

reduced formality 4.17

reduced pace 4.17

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

Skills %

plain / simple language 20.83

gestures 16.67

reduced pace 16.67

repetitions 12.5

short questions 4.17

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.

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