A socio-cognitive Pragmatic Analysis of Intercultural Communication in Legal Discourse

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تحليل تداولي إجتماعي-معرفي للتواصل عبر الثقافات في الخطاب القانوني

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Abstract

Since its emergence 'pragmatics' is perceived as one sided, either 'attention-oriented' (cognitive) or 'intention-directed' (socio-cultural). However, recently there has been some tendencies that pragmatics should be viewed as concerning with both individualistic and societal sides. This paper sheds light on male and female non-native speakers' intercultural communication in English legal discourse, from a socio-cognitive pragmatic point of view. The study Examines the effect of different sociocultural backgrounds on the communicative process in courtroom intercultural interaction and explains the nature of that effect. The study is also interested in investigating the positive and negative aspects of communication in legal interaction and providing an accurate insight for the reasons behind such aspects. The study adopts Kecskes's (2008) Dynamic Model of Meaning to analyze 24 discourse segments taken from the famous YouTube channel 'Caught in Providence'. To this end, the study uses a qualitative method to data analysis; associated with a nonexperimental observational methodology. The study concludes that the communicative process in legal intercultural interaction is not as smooth as it might seem, and when human beings interact in a particular language that is not their first language, the rhythmic interaction between linguistic and nonlinguistic set of conventions seem to be lost to some extent.

Keywords: Socio-cognitive Approach, Dynamic Model of Meaning, Salience, Relevance, Intercultural legal interaction.

المستخلص

منذ ظهورها تعتبر التداولية أحادية الجانب ، إما موجهة نحو الانتباه (المعرفي) أو القصد (الاجتماعي– الثقافي). ومع ذلك ، فأن في الآونة الأخيرة اصبح هناك ميول حول ضرورة النظر إلى التداولية على أنها تهتم بالجانبين الفردي والمجتمعي. يسلط البحث الحالي الضوء على التواصل عبر الثقافات في الخطاب القانوني الإنجليزي للذكور والإناث الناطقين بغيراللغة الانجليزية من منظور تداولي اجتماعي–معرفي. تبحث الدراسة في تأثير الخلفيات الاجتماعية والثقافية المختلفة على العملية التفاعلية في التواصل عبر الثقافات داخل المحكمة وتسعى الى شرح طبيعة هذا التأثير. كما تهتم الدراسة بالجوانب الإيجابية والسلبية للتواصل وتقديم رؤية دقيقة للأسباب الكامنة وراء هذه الجوانب. تتبنى الدراسة أُنموذج Kecskes (٢٠٠٨) الديناميكي للمعنى لتحليل ٢٤ مساهمة تفاعلية مأخوذة من قناة اليوتيوب الشهيرة "Caught in Providence" وتحقيقًا لهذه الغاية، تستخدم الدراسة المنهج النوعي لتحليل البيانات؛ المرتبط بمنهجية الرصد غير التجريبية. وخلصت الدراسة إلى أن عملية التواصل عبرالثقافات في المجال القانوني ليست سلسة كما قد تبدو ، فعندما يتواصل الناس بلغة غير لغتهم الأولى يصبح الانسجام الإيقاعي بين مجموعة المعايير اللغوية وغير اللغوية مفقود إلى حد ما.

الكلمات المفتاحية : المنهج الاجتماعي– المعرفي ، أُنموذج المعنى الديناميكي ، مبدأ البروز ، المناسبة ، التفاعل القضائي

Research Questions:

1.   To what extent intercultural legal interaction can be considered as smooth or bumpy communicative process? If so, what are the reasons behind breakdown, misunderstanding, and incomprehension in such discourse?

2.   How far different social and cultural experience affect the communicative process in non-native speakers' courtroom interaction? If so, do they have different experiences with lexical items or situational contexts?

1.   Introduction

The socio-cognitive approach (SCA), which serves as theoretical background for this research (Kecskes 2008, 2010, 2013b; Kecskes and Zhang 2009), defines interculturality as "a phenomenon that is not only interactionally and socially constructed in the course of communication but also relies on relatively definable cultural models and norms that represent the speech communities to which the interlocutors belong" (Kecskes 2016, p.2). Consequently, interculturality might be taken as a tentative rule device which contains both relatively normative and emergent components.

Models and cultural constructs are often diachronically modified, whereas speech production and cultural representation experience synchronical change as needed by the situational context. Kecskes (2016, p.2) defined intercultures as "situationally emergent and co-constructed phenomena that rely both on relatively definable cultural norms and models as well as situationally evolving features". Typically, intercultures are

unique constructions. Koole and ten Thije (1994, p. 69) describe them as "culture constructed in cultural contact". They are made communicatively where cultural norms and models brought together from interlocutors' prior experience blend with features created ad hoc in communication by a cooperative manner.

The result is an intercultural discourse where communicative behavior and knowledge are mutually 'transformed' as opposite to 'transmitted'. Intercultures are not constant phenomena. They are constructed on spot in verbal interaction wherein individuals, who are part of distinct 'first language speech communities', communicate in a shared language, and symbolize various cultural norms and models as realized by their own first language speech community (Kecskes, 2016).

2.   Literature Review

What intercultural pragmatics attempts to offer is an alternative to the two major axes of pragmatic research: cognitive pragmatics and socio-cultural interactional pragmatics. The main purpose of SCA is to bring together the two conflicting pragmatic research directions: the 'individualistic' intention-based cognitive philosophical line and the 'societal' context-based socio-cultural line. This seems to be a significant endeavor since people normally display a double nature: they sometimes behave as individuals and other times as social beings and this nature is clearly mirrored in their interactional attitudes.

The cognitive view and the sociocultural view behold different perspectives about the treatment of 'intention'. the former treats intention as pre-existing state of mind obtained differently by interlocutors and supports their interaction, while the latter considers intention as a post factum construct that is accomplished jointly through the dynamic emergence of meaning in interaction

in which social norms play a significant part. Apparently, the two approaches behold distinct perspectives, therefore, it is complicated to reject either of them completely. SCA argues that the complication of the matter demands the consideration of both the a priori and co-constructed, emergent sides of intention when analyzing the process of communication.

Kecskes (2008, 2013a, 2013b) as well as Kecskes and Zhang (2009) presents SCA to combine the two lines, in the belief that "there is a dialectical relationship between priori intention (based on individual prior experience) and emergent intention (based on actual social situational experience), as well as egocentrism (individual) and cooperation (social)." (Kecskes, 2010, p.61).

From SCA perspective, interlocutors are viewed as societal creatures looking for meaning by means of individual heads underneath a socio-cultural 'collectivity'. SCA refers to Grice as being reasonable when he linked cooperation to speakers-hearers' rationality. Nevertheless, egocentrism should also be included within speakers-hearers' rationality. "Human beings are just as egocentric (as individuals) as cooperative (as social beings)" (Kecskes, 2016).

In SCA, egocentrism is controlled by individuals' prior experience result in 'attention-bias'. This indicates that communicators trigger and boost the most salient knowledge to the required attentional resources in production (by the speaker) and understanding (by the hearer) of the interaction. (Kecskes, 2013).

Communication, within SCA framework is taken as a dynamic process, in which interlocutors are normally derived by social constrains but they simultaneously shape them back. As a result, "the process is characterized by the interplay of two sets of traits

that are inseparable, mutually supportive, and interactive" (Kecskes , 2017, p. 9) and as follows:

Individual traits:	**Social traits:**
prior experience	actual situational experience
salience	relevance
egocentrism	cooperation
attention	intention

Each of these traits is a consequence for the other. Pre-existing experience leads salience that governs egocentrism which controls attention. Intention, on the other hand, is a cooperation-oriented exercise which is dominated by relevance that (partly) relies on actual experience. SCA combines the pragmatic perspective of cooperation and the cognitive perspective of egocentrism and confirms that both are reflected in all aspects of interaction, however, in different ways.

Therefore, communication is based on the interplay of attention and intention inspired by sociocultural encyclopedic knowledge which is subjectivized privately by interactants. The socio-cultural background contains "the environment (actual situational context in which the communication occurs), interlocutors' encyclopedic knowledge derived from their 'prior experience', linked to the linguistic expressions which they usually used, and their 'current experience', in which those expressions construct and deliver meaning". Consequently, language is viewed as both individual and social notion (Kecskes, 2016, p. 7).

A crucial element of SCA is privatization. Privatization is the process by which the communicator "individualizes" what is collective. This process emerges from the actual context, and results in "a dynamic process of meaning construction in which

nothing is static" (Kecskes, 2016, p.6). In this process both (past and present) are changing and influencing each other. Therefore, meaning construction depends on both relatively definable cultural models and norms as well as situationally evolving features.

Kecskes (2008) presents a full account about the linguistic (The Dynamic Model of Meaning, Coresense, Consense, Culture-specific Conceptual Properties, and Word-specific Semantic Properties) and the nonlinguistic components (Intention and Attention, Cooperation and Egocentrism, Silence and Relevance, Understanding Context, and Assumed Common Ground) that are involved in the process of communication according to SCA perspective. (see Ishmeal, S., 2024; for the integration of linguistic and nonlinguistic components following Kecskes, 2008).

3.   Methodology

The present study uses data of non-native speakers' civil trials (traffic violations) published on the famous YouTube channel Caught in Providence. The total trials considered for analysis are 10 in number. The selected trials were published in the period between 2017 and 2022. Their lengths range from three minutes to six minutes. They are chosen with regard to two main variables, namely, 'Nativeness' and 'Gender'. It is worth mentioning here that after observing more than 50 trials in the archives of the website mentioned earlier, the researcher chooses only those that contain clear indications about the related variables and best serve the aims of the study.

However, what the current study is interested in is not the number of the trials, rather it is what Kecskes (2007, as cited in

Salah, A., 2022) calls a 'discourse segment' or as it is called here a 'contribution'. A contribution can be viewed as "a dialectic model of communication because it extended the traditional sender/receiver model of communication by enlarging the unit of analysis from the single message unit (utterance) to an interactionally developed contribution" (Clark, 1996).

Eventually, equal distribution is obtained for the contributions involved in the analyses, namely, 12 contributions for male non-native speakers' data analysis and 12 contributions for female non-native speakers' data analysis. It is worth mentioning that the trials are transcribed following Gail Jefferson (1974) transcription system. This paper adopts a qualitative method for the analysis supported by samples to boost the study findings. Such kind of research method is carried out by observing reality to interpret its meaning. It is originated from the depth, nuance, context, multidiscipline, and complexity. In addition, analyses of authentic samples bring up valid findings that aids conclusions of a qualitative research. (Somantri, 2005).

4.   Data Analysis

This section is divided into two sub-sections. The first one is preserved for male non-native speakers' data analysis and the second contains female non-native speakers' data analysis.

4.1 Analysis of Non-native Males Contributions

This section contains a total number of 12 contributions which are embodied in five trials, all of them are chosen with regard to gender and nativeness. The first trial consists of three contributions, the second trial contains three contributions as well, the third trial embodies four contributions while the fourth and the last trial each has only one contribution; all of which are analyzed qualitatively using natural language.

4.1.1 Contribution No. (1)

The setting for contributions number one, two, and three: A Syrian immigrant implores everyone to help stop the war in his country. He has lived in USA for 14 years and he is an already American citizen but he still worries about his original country (see appendix 1).

Judge: So you have (.) a red light violation on John Paddington way.

*Defendant: **I um (0.1)put my car, (.)I see one before me put his car at the same place. I ask him put my car here? Yes. I go out. He go and put my car at uh because I have appointment with court of their place. (0.2)I return I found ticket for me.***

Judge: Well that's a parking ticket.

Defendant: Yeah.

Judge: But I'm talking about a red light ticket.

According to SCA interlocutor's mental state affects salience and the base of attentional resources. The defendant was not aware about the red light ticket, he came to court for the parking ticket, this is why he does not pay attention to the judge's speech. The judge talks about a red light violation but this information is not salient in the defendant's base of most accessible information at this particular situation. In this contribution, it can clearly be seen how attention affect salience. The defendant obviously ignores the judge's point and goes directly to his own first-point of view without even considering the intention of the judge. This is why attention plays a decisive role in SCA according to which the communicative process requires the commitment of attention so that successful communication occurs as an outcome of conscious effort.

In addition, the defendant's English language is not so good, so he might not understand what the judge said. However, this cannot be measure directly and hence ignored. A more critical point is that the defendant is not familiar with the court procedures thus he had little to share with the judge and this affects the communication tremendously. In other words, the defendant expresses his own private context paying less attention to the situational context.

4.1.2 Contribution No. (2)

Judge: Where are you from?
Defendant: **Syria Damascus.**
Judge: Damascus?
Defendant: Yeah Damascus. I need to stop the war in my country. I'm more confusion. (0.2)We must learn from the wise of German and Japan after the second national war. The (0.1) Russia and Britain and the French and USA order Japan and Germany to stop any ... on-stop no manufactured in any gun. There go to economy. they became the first economic in the all world. We must stop all the war if we stop all the war in all the world, we ... no poor man in all the world I ensure. We must the wise big wise good wise.

This contribution shows how lexical units can create their own context. Although the expression "Syria Damascus" has its conventional meaning, nevertheless, the defendant's private context about the expression gives it a new context or WSSP as it is clear in his elaboration about it. For a moment, the judge gets "Damascus" in its coresense (the capital of Syria) but once the defendant's proceeds about the current issues happening in his country, the lexical unit gets a new sense that is the consense in the actual situation.

This contribution makes a clear cut between interlocutors' private contexts. For the judge, who has not lived the misery of Syrian people; 'Damascus' means the capital of Syria. However, for the defendant, who has experienced the evens happened in Syria recently, 'Damascus' means, in addition to the capital of Syria, war and destruction.

4.1.3 Contribution No. (3)

*Defendant: **I became citizen at 2010.***

Judge: Uh you are a citizen?

Defendant: Yeah. after two ... after four (0.2) year. Because I am learned at college of law in Syria Damascus before at 1960 in Syria.

Judge: So you consider yourself [yeah yeah]. Do you consider yourself an American? [in Syria Damascus].

Judge: >I'm asking you a question do you consider yourself an American<?

Defendant: °Yeah° yeah yeah.

Judge: You do?

According to SCA, emergent common ground draws attention of the communicators to similar entities or states and activates or creates some of their individual prior experience or new experience which then involve in this intention-directed practice.

The defendant's expression **"I became citizen at 2010."** creates a new common ground with the judge, the judge did not know that previously. The defendant brings in his private knowledge and makes it a part of common ground. He has some private information that he knows is non-accessible to the judge. He adopts it as common ground in the belief that it facilitates the conversation and that the judge will accept it willingly. In fact, this new common ground prompts the judge to an emergent intention as well. As it is shown above, only after the judge knows that the

defendant is an American citizen, he comes with the urgent question "Do you consider yourself an American?". What prompts the judge for this question is the expression **"I became citizen at 2010**." and the emotional way the defendant speaks about his original country.

4.1.4 Contribution No. (4)

The setting for contributions number four, five, and six: An innocent Lebanese man tries to explain the low limit of speed in Rhode Island in his own way but the judge and the inspector do not understand what he meant. It seems that cultural differences let them think that he is not honest (see appendix 2).

*Judge: What do you **... where are you from?***

*Defendant**: I am originally Lebanese** but I've been in this country for more than 30 years.*

Judge: Thirty years?

Defendant: Yeah.

Judge: And you're from Lebanon?

Defendant: Yes, I am.

"where are you from" is a SBU and it has a fixed meaning. However, it has been noticed that this expression works differently for non-native speakers. Usually, when native speakers asked about where they live, they refer to the state they came from but for non-native speakers, they often interpret it egocentrically, they often answer the question by mentioning their original nationalities, although the judge does not add the word 'originally'.

A close look at this contribution can reveal that the defendant adds a CSCP to the judge's question. In western cultures, the judge's question "where are you from" is normally answered by mentioning the state or the country of the other party. But in this

contribution, the defendant answers the question by mentioning his nationality which is the Arabic way of answering such type of questions. "Bilingual people have the same coresense for each word or SBU with different culture-specific conceptual properties, which result in a synergic concept whose content may change depending on the extent of exposure to the two language and cultures".

4.1.5 Contribution No. (5)

Judge: Ok. (0.2) You have speeding ticket sir on Only Street up near Hope High School. Do you remember that?

Judge: Defendant: I don't remember until l got the paper by mail.

Judge: Is there anything you want to tell me about this?

Defendant: **Actually I'm being honest with you?**

Judge: Oh, you're being honest, wait there's something. This is refreshing hhhh I got somebody's gonna be honest with me. ((Laughter))

In this contribution, the judge individualizes what is collective. Each party speaks with reference to his own prior experience with the lexical unit "honest". The defendant uses the word "honest" with its coresense (the typical generalization grows from the most common concept features of contexts the word has been used in through various interactions) which is usually as a discourse marker.

On the other hand, the judge interprets the word "honest" by its consense which realizes a particular aspect or aspects of the coresense by uniting it with the appropriate WSSPs when the word is uttered in that particular situation. For the judge, the meaning of this lexical unit is different due to his private experience with the defendants' use of that very word in his courtroom. In fact, the judge mentions that clearly in his later lines "Everyone says

'judge' I'm going to be honest with you, and then they tell the lies". The frequent use of the word "honest" in the context of lying has conventionalizes its meaning to be used for lying according to the judge's private experience.

4.1.6 Contribution No. (6)

Judge: I'm going to start off by telling the judge how honest I am. Alright let's see if we can pierce your story. What do you want to tell me? Be honest now.

*Defendant: I'm being literally honest. I don't remember I don't remember about the speed or you know I mean moving 32 miles per hour or 20 speed limit [you are talking about laps of memory now] yeah not only that your honor, **if I'm walking probably I'd be walking more than 35 miles per hour, if I'm walking not driving.** I mean with my respect to the laws and..*

Judge: You're telling me the truth, you can walk 32 miles an hour.

Inspector Quinn: Judge that's the lie that the lie we've been waiting for. ((Laughter))

Exaggeration is an integral part of the Arabic culture and there are many examples that show this aspect (e.g. when they welcome or apologize). In fact, the defendant was not telling any lies, he was only mocking the very low limit of speed allowed in Rhode Island but he does that according to his own CSCPs.

Therefore, "if I'm walking probably I'd be walking more than 35 miles per hour, if I'm walking not driving" is not to be interpreted literally (in its coresense) rather it should have acquired a consense (but have not) since it was the defendant's alternative lexical access route to the concept (very low). The judge is not familiar with such type of metaphorical speech; this is why he interprets the expression in its coresense. The judge does not understand that the defendant is just exaggerating, as it was

obvious in the judge's last line "he started off by telling the truth, imagine he exaggerated".

4.1.7 Contribution No. (7)

The setting for contributions number seven, eight, nine, and ten: Judge Caprio and a motorist bond over their favorite Italian sandwich. They both share a fond memory about the owner of that Italian restaurant, the motorist has an overnight parking ticket which was dismissed because he has a handicap (see appendix 3).

Defendant: **Yeah, because where I live don't uh there's no mail there. John John Morocco's building.**

Judge: ((Laughter)) What STREET you're talking about?

Defendant: I live right across from Caserta [okay] but my mail goes to my son.

Judge: I got that.

The defendant attributes so many information to the judge, expressing that the "*John Morocco's building.*" without further identifying information. This was misleading for the judge thus prompts him to seek clarification about the location the defendant is refereeing to. Apparently, the defendant underestimates the ambiguity and overestimates the effectiveness of his utterance.

In addition, the judge's attention is preoccupied by another piece of information. In other words, the paper which is presented on the judge's desk contains a different address that is presumably belong to the defendant. Hence, the judge's attention is driven towards a different location. This also was a reason to distract the judge's mental resources. Therefore, when the defendant clarifies that the address on the paper is his son's, this helps the judge to subtract other options and focus more on what the defendant is saying.

4.1.8 Contribution No. (8)

Judge: Well you are getting away with ...you're gonna get a parking ticket.
Defendant: ***I have a handicap uh tag.***
Judge: Oh you have a handicap tag?
Defendant: Right.
Inspector Carrigan: Then he can park there overnight your honor.
Judge: ***l got it, l got it. Well you didn't say that originally I have no way of knowing that, you know, but handicap parking port would allow you to park overnight (0.1) unless there's a storm****.*

By mentioning the "handicap tag" the defendant constructs a new common ground which is familiar to the judge but not in the actual situation. In this type of common ground interactants seek knowledge that hopefully smooths interaction as shared knowledge. Prior to the defendant's the seeking effort, that particular piece of information was not salient in the judge's intra-labeled hierarchal order as background supporting the coming conversation. Suspecting that the information might or might not be available to the judge, the defendant states it explicitly so that this information becomes salient and joins in the conversation as a relevant part.

The defendant seeks their mutual perception of the "handicap tag credibility" because having him knows that doesn't necessarily guarantee a mutual perception, and that he aims at building up the same salient knowledge in the judge's mind so as to start a relevant conversation (that he is allowed to park overnight).

4.1.9 Contribution No. (9)

Judge: Do you go to Caserta and have pizza occasionally?
Defendant: Sure. l go to John's place all the time.
*Judge: **Do you have the Whimpy Skippy.***
Defendant: Oh yeah.
Judge: Do you like that?
Defendant: Yeah. I think it's the best there.

This contribution is an example of an emergent type of intention. It cannot be said that the judge has a preplanned intention to speak about his own story with 'Whimpy' because this intention would not come to the judge's mind if the defendant has not mention something about 'Caserta restaurant'. Also, the judge starts his story with this piece of information (the question about Whimpy and Skippy Sandwich) that is mutually known to the defendant, to manipulate the defendant's silence towards a particular point.

This occurs because the judge tries to speak about prior experience or information that he has experienced on his own part. In order to make the information as salient, the judge paves the way with an explicit statement within the conversation.

In other words, before stating the story of Whimpy and Skippy, the judge starts with the statement of information that is publicly known to the defendant (the Whimpy and Skippy sandwich serviced at Caserta Restaurant). In fact, what urges the judge to do so is his awareness of the fact that the piece of knowledge which is already known to the defendant cannot be part of common ground in the situational interaction if it is neither salient nor relevant to the societal practice involved.

4.1.10 Contribution No. (10)

Defendant: I heard that , yeah l heard that long ago. But John John does a good job now.

Judge: Oh l know that.

*Defendant: **My grandfather owns the building.***

Judge: Now the 64,000$ question is (0.2) what was Whimpy's real name?

Defendant: Whimpy's real name? No.

Judge: You don't know his real name? Did you know Whimpy?

Judge: No.

In contribution (10) the defendant seems to individualize the collective salience, such behavior is called 'egocentrism'. It also shows that the defendant considers his conversational experience more important than prevailing norms of informativeness. The expression "my grandfather owns the building" looks irrelevant for a moment because no one says anything about buildings. But, in fact, this expression plays a crucial part in showing how salience controls linguistic processing.

Looking deeply at this contribution can reveal a subtle fact that the only relevant part of the story to the defendant's base of knowledge that deserves attention is the building of his own grandfather where the restaurant is located. To put it another way, cooperation and reliance on possible mutual knowledge come into play only after the interlocutors' ego is satisfied.

4.1.11 Contribution No. (11)

The setting for contributions number 11: The judge is telling a defendant who has two parking tickets that he can buy a parking pass for 100 $ which will allow him to park outside his house for one year but the defendant cannot believe what the judge is telling him (see appendix 4).

Judge: Alright, listen to me. [Yeah] listen to me there's a city ordinance that says "you can't park overnight in Providence". They don't put up signs however if you don't have a parking space (.) you can buy a parking pass for 100 $ which will allow you to park on the street for one year.

Defendant: **Are you serious?**

Judge: Am l serious! No I came here today to tell jokes. ((Laughter)) [No but l have never heard that] I'm not serious I just make things up an- whatever whatever comes into my mind I say. So Inspector Quinn I just got this.

Inspector Quinn: Put the shoe on the other >foot<. Tell -im "honest to God". I'm telling the truth.

Words selection is affected both by conscious and subconscious processes. This leads to the fact that there is always an intuitive possibility of a distinction between what a speaker says and what s/he actually means. In this contribution, it can be said that the words selection is affected by salience, the defendant uses a SBU "Are you serious" that can be used between people of different social relationship but not a judge and a defendant.

Furthermore, the defendant was wrong not only in matching the words into the actual situation but also by choosing the wrong lexical units to represent the intended concepts, however, according to his own culture. The defendant intends to say "I have not heard of that" but he thinks that "Are you serious" is equivalent to that meaning. In other words, conceptualization is one thing,

wording is another, meaning is a third one, there is no one-to-one corresponding.

4.1.12 Contribution No. (12)

The setting for contributions number 12: A chef tries to convince Judge Caprio that a visit to his Irish restaurant will be well worth. But the judge requires a particular Italian dish that is unfamiliar to the chef. The chef has a parking ticket which the judge eventually dismissed (see appendix 5).

Judge: You do any Italian?

Defendant: Yes.

*Judge: **I've been trying to find a good BUCATINI and METROCANA, do you know.. do you know what that dish is? Bucatini Metrocana?***

Defendant: No. I do like a Bolo, Rigatoni or.

The core common ground, with the property of social sharing, is the basis of normal communication, and is the basis for ensuring the identity of the language community. But its sharing is not absolute, is something of scope and degree. In fact, what the speaker intends to express is not always recovered by the hearer, but depends on the pre-context of both parties, especially the pre-individual context.

This contribution contains an infelicitous referring expressions. It seems that the judge attributes too much knowledge to the defendant, referring to a particular Italian recipe "***BUCATINI and METROCANA***" without further identifying information. The judge is egocentrically led by his private pre-individual experience which is unfamiliar to the defendant and this leads to a common ground construction failure.

4.2 Analysis of Non-native Females Contributions

This section contains a total number of 12 contributions which are embodied in five trials that are all chosen with regard to gender and nativeness. The first trial consists of one contribution, the second trial contains two contributions, the third trial embodies six contributions, the fourth trial has only one contribution, and the last trial involves two contributions; all of which are analyzed qualitatively using natural language.

4.2.1 Contribution No. (13)

The setting for contribution number 13: A Spanish immigrant describes the challenges and rewards of becoming a US citizen. She believes that becoming an American citizen is the greatest feeling in the world. Judge Caprio dismissed her ticket because she is on disability (see appendix 6).

Judge: Well, I'm not gonna give you a big speech. But we're in the land of the free an- the home of the brave [yes] you know and we have unprecedented freedom throughout the world and.. which is probably the greatest democracy of the world.. is the greatest democracy of the world. So that's that's the benefits of becoming an American citizen. This is going to be... and the other benefit of being here in America is that there's a lot of charity that's given, people understanding and compassionate [correct yes] and they **reach** *out to other people to help them and we're helping you today. It's going to be paid by the filomena fund.*

Defendant: **Amen.**

Judge: Good luck to you.

Defendant: Thank you very much your honor.

In this contribution, it seems that the defendant misunderstands the judge. Egocentrically led by her self-perception, the defendant mishears the judge saying 'preach' instead of 'reach'. She neglects the linguistic context (social interaction) which contains

nothing related to 'preaching' and comes to a private conclusion that she heard 'preach'. In other words, this shows a clear case of privatization, she makes an individual understanding of collective experience. The reason is that, there were relatively fewer active attentional resources and more automatic actions take place.

This, in turn, affects the defendant's intra-label salience (which out of all possible interpretations of the particular lexical item hits first). Therefore, she replies 'Amen' in a context which requires 'Thank you'. The lexical item 'Amen' was the defendant's most accessible item in relation to 'preaching'.

4.2.2 Contribution No. (14)

The setting for contributions number 14 and 15: The daughter of Holocaust survivors shares their harrowing story of surviving from the German concentration camps with Judge Caprio. She got a ticket which the judge dismissed eventually (see appendix 7).

Defendant: Well, I am not so familiar with that street because I don't travel your honor on that street, you know, at all. That was one of my few times that I probably been on that's Street. There was some signs saying speed limit and where I went down I mean I lowered, slowed down and then it was like after the sign of 25 miles and then further down it was the 20 which was so many signs one after the other that I got little bit probably confused.

*Judge: **Where are you from?***

Defendant: Where am I from?

Judge: Yeah.

*Defendant: **Providence.***

Judge: Yeah.

Defendant: No, I'm from Europe. I was born in Europe.

SCA shows how contexts in which interactants are placed have a huge impact on what they notice, understand, and the actions they take.

The defendant has got an accent and some grammatical mistakes (linguistic factors) in addition, she states that she is not familiar with the streets (nonlinguistic factor). These factors affect the judge's salience because he notices them immediately, for this reason he asks "where are you from". The defendant's answer, on the other hand, was formulated abruptly, rather carelessly without specific planning since she has been living in Providence for quite a long time. Only after she notices that the judge asks her that question for a purpose, she adjusts her answer. Essentially, the judge and the defendant are both communicating from their individual base of cognition.

4.2.3 Contribution No. (15)

*Defendant: Yeah. My parents are survivors. So, **I am the second generation.***
Judge: No, you're the first generation right?
Defendant: First generation, yes.

What the speaker really means is a matter of her communicative intention although what she could reasonably mean depends on what information is mutually salient for her and the hearer. Apparently, taking mutually salient information into account goes beyond semantics, for what a speaker means need not be the same as what the uttered sentence means.

The expression "first generation" is a SBU that is used in American culture for those who are born in USA from a foreigner parents. But the defendant uses it in infelicitous way. Because in her culture (Germany) children are second not first generation. It seems that the defendant has a misconception with reference to common ground, more specifically with regard to the cultural sense of the common ground which then was reflected in her formal sense (language). Nevertheless, the judge easily infers what

she actually meant since he is familiar with the conventional meaning of that expression.

4.2.4 Contribution No. (16)

The setting for contributions number 16, 17, 18, 19, 20, and 21: A pregnant motorist from Dominican Republic accused of repeatedly parking on a sidewalk. She uses her pregnancy and unemployment as an excuse to have Judge Caprio paid her tickets from the Filomena fund (see appendix 8).

Judge: Maryland Castillo.

Defendant: **Hello good afternoon.**

Judge: **Good evening Maryland**. *You have three parking tickets.*

Defendant: Yes.

Culture-specific conceptual properties (CSCPs) can be revealed relatively easily in this contribution which contains two SBUs from different languages that show lexical equivalency but differ as to their CSCPs. The defendant salutes the judge in her native language (French) and in French they have only two time specific expressions for greeting (Bonjour) which is used in the morning and (Bonsoir) that is used from afternoon until night. However, in English they have three time specific expressions for greeting, namely, (good morning, good afternoon, and good evening).

Therefore, in this particular context, the two expressions relatively have the same coresense. To put it in another way, WSSPs attached any of them, nevertheless, the two expressions differ in CSCPs.

4.2.5 Contribution No. (17)

*Judge: **We have roadways in Providence, all right, and roadways usually serve two functions, one is to operate your motor vehicle on and the other is to park on them. But you've decided that the***

sidewalk is for parking so you've parked on the sidewalk [um] so what do you want to tell me about this.

Defendant: So um I haven't the permit and I can't park outside overnight my car. But my ... the street thats the craziest street so there's no having and the parking outside because there is a lot of cars.

Judge: You can't park on the sidewalk; you know that right?

Defendant: I know l know.

Judge: Then why do you do it?

From SCA point of view common ground is seen as a solid platform depending on which the interaction between attention and intention happens and communication occurs. In effect, the judge tries to activate the defendant's mental representations of shared information (a ticket for parking on the sidewalk) that they already have.

"a parking ticket" represents a common ground that is stated as presupposition shared by both the judge and the defendant and is activated in this utterance. In addition, other elements of common ground containing the core part are activated as well, such as no parking on the sidewalk (common sense), the motorists' social roles and responsibilities (cultural sense), and their competence of language use (formal sense). Upon his utterance, the judge is fully confident that the defendant has a good knowledge of the above and thus they share the same common ground that facilitates the achievement of the goal of the conversation (cross-examination).

4.2.6 Contribution No. (18)

Judge: How many children do you have?

Defendant: TWO and the the other girl ((pointing to her belly))

*Judge: **You're gonna have another baby?***

Defendant: Yes. Girl. I birth two boys seven and five.

Judge: And this is gonna be a girl?

The defendant uses a nonlinguistic resource (hand gesture) which she thinks is most salient to express her communicative intentions and goals. Because of differences in their knowledge base and the attentional resources available for processing, interlocutors enjoy different salience of knowledge, and therefore conduct attentional processing of communication in an egocentric manner. "There are specific ways attention contributes to different stages of communication as characterized by the processes of intention. When intention is formed, attention plays a crucial role."

Even the immediate context could not help the judge to see that the defendant is pregnant because he is not paying enough attentional resources. Only when she points to her belly, this drives the judge's attention towards a new intention. The interactants' information controls their attention to realization of various aspects of the same presence. As a result, distinct intentions might be shaped, and the impact of interplay is also affected by the accessibility of the knowledge.

4.2.7 Contribution No. (19)

Judge: What are you going name her?
Defendant: The name, Sophia.
Judge: Sophia?
Defendant: Uh.
Judge: It's a beautiful name.
Defendant: Yeah.
Judge: **I have a granddaughter named Sophia.**
Defendant: oh yeah.
Judge: Yeah. She's a lawyer.

Salience-charged intention is a third type of intention which SCA adds in between a priori intention and emergent intention.

More often than not, salience leads to egocentrism that drives attention towards a particular intention. A priori and an emergent intentions are somehow under the interlocutors control. But salience-charged intention is not, it is more automatic and subconscious, and can replace both of the other two intentions.

In contribution (19) above, the judge asks a regular question about the baby's name, but the defendant' answer triggers an interesting turn in the judge's mind who coincidently has a granddaughter with the same name that the defendant intends to name her baby. Maybe this was not the judge's intention but the flow of conversation led to this point, which appears to be a kind of co-constructed intention. Salience-charged intention means that interlocutors act under the influence of the most salient information that comes to their minds in the given actual situational context.

4.2.8 Contribution No. (20)

Judge: Yeah. She's a lawyer.

Defendant: Yeah, good, I liked the name. ***So for for today I I wonder that you can (0.1) um help for the payments because for now I don't working and generally that supposed to start work because I'm not paying my daycare (.) so for now that's complicated for the money.***

Judge: ***Alright, you have two two boys seven years old and five years old.***

Such a behavior is called "egocentric" because it is rooted in the speakers' or hearers' own base of knowledge instead of in mutual knowledge. According to DMM interactants often see their conversational experience as more significant than prevailing norms of informativeness.

Evidently, the defendant and the judge are both driven by their egocentrism. Subconsciously they try to subjectivize the flow of

the conversation. Each of them wants to satisfy his/her own concern without taking the other party's concern in consideration. Their behavior cancels every ideal claim about relevance and recipient design utterances. It seems that the judge's intention evokes relatively fewer attentional resources on the part of the defendant and vice versa. Apparently, none of them cares for a strategic planned utterance rather more automatic actions take place.

4.2.9 Contribution No. (21)

Judge: Alright, you have two two boys seven years old and five years old.

Defendant: **Umm Si um yes.**

Judge: And they're in school.

Defendant: Yes, and the seventh in the second grade and the five precare.

Here one can see a deductive sequence where the speaker has something on her mind, and this intention is formulated abruptly, rather carelessly without specific planning. This contribution demonstrates that salience effect generally appears in the form of a deductive process that may contain repairs and adjustments.

For the defendant, whose first language is French, there was primarily an inter-label hierarchy (which item to select out of all possible) and 'Si' hits first relying on the degree of exposure to her first language and culture which overrides the exposure to English. The effect of salience can create automatic and unconscious formulation of intention which might trigger unwanted utterances that does not fit the actual situational context. But this does not mean that salience effect always results in problematic utterances. More often than not subconscious, automatic reactions prompt perfectly fine utterances.

4.2.10 Contribution No. (22)

The setting for contribution number 22: A motorist who is originally from Brazil tells Judge Frank Caprio about her son's experience as a soldier in Iraq and expresses her pride in becoming an American citizen. She has two speeding charges which the judge dismissed (see appendix 9).

Judge: What are you so happy about?

Defendant: Ummm ((Laughter))

Judge: You don't know why you are happy.

Defendant: Well, because you you discharged that young man [yeah] he served in the Iraq and that's l am happy, my happy.

Judge: Your happy because we helped him?

Defendant: Yes.

Judge: Oh, you don't care about yourself.

Defendant: **Because my son he served too (.) and he is being in the Iraq six months and um I'm glad he came alive (0.1) and that's l am happy and I love it that he served the country.**

The socio-cultural background is composed of environment (actual situational context in which the communication occurs), the encyclopaedic knowledge of interlocutors deriving from their 'prior experience', tied to the linguistic expressions they use, and their 'current experience', in which those expressions create and convey meaning . The defendant subjectivizes the collective knowledge, when she hears the judge discharging the young man who was serving in Iraq, she remembered her son who also served in Iraq.

The word 'Iraq' creates a new intention in her mind. In other words, she blends her prior experience with the actual situational (current) experience, and makes an individual understanding of collective experience. This also proves that words carry with them their own contexts.

4.2.11 Contribution No. (23)

The setting for contributions number 23 and 24: A refugee from Ukraine expresses her gratitude and relief that she now lives in America. She came before the judge to ask for forgiveness about a red light violation and the judge granted her the forgiveness (see appendix 10).

Inspector Carrigon: **He's giving you FORGIVENESS.**

Defendant: **What?**

Inspector Carrigon: **He is giving you forgiveness.**

Defendant: **No forgiveness?**

Inspector Carrigon: He is. The judge is giving you forgiveness.

Defendant: Oh, okay. All right.

Although the inspector repeats the utterance twice, however, the defendant was not paying close attention to what exactly he had said. Her salient answer was affected by her prior experience with inspector Carrigon. To put it in another way, she was affected by the inspector negative previous attitude (the inspector mocks her when she asked for forgiveness). This is why she thought that the inspector has said 'no forgiveness'.

When salience dominates words selection it may result in misunderstandings. Salience is based on individual experience and drives egocentrism that usually differs from one individual to another. This may be due to the fact that she relied exclusively on perceptual salience and ignores linguistic salience in processing the utterance.

4.2.12 Contribution No. (24)

Judge: Titania, what's the difference between living in the United States and living in the Ukraine?

*Defendant: It's quite a difference. You can't even imagine. **It just like uh PARADISE to live here.** It's a little bit different now than*

it was before (0.1) when I came in 1996 but it's just like uh I enjoyed, I enjoy being here all the time.

Judge: Yeah.

Defendant: Yeah. my my sons went to college. (0.2) Uh my father lived, uh he passed away last year last year he was 100 (0.1) yeah, and thanks to America, God bless America. So, my mom is 96.

According to SCA, consense realizes a particular aspect or aspects of the coresense by uniting it with the appropriate word-specific semantic property and/or culture-specific conceptual property when the word is actually uttered in a particular situation. Consense is based on private contexts encoded in the given lexical unit.

The actual contextual interpretation of coresense is expressed in a consense connected to other consenses of lexical units to form an utterance. In fact, the defendant uses the lexical unit 'paradise' in its consense rather than coresense. She intends to reflects some aspects of the lexical unit 'paradise' (i.e. comfortable, luxurious, and safe) over the fact of living in the united states of America. This reflects her private experience of living in U.S. and not necessarily a general fact.

5.   Conclusion

The study comes to a conclusion that the communicative process in legal intercultural interaction is not as smooth as it might seem, especially, when interlocutors grow in different sociocultural conventions and have different individual prior experiences. The study emphasizes that explicit inferential processes cannot ensure a state of mutual understanding, therefore, some common ground co-constructed failures are inevitably come into being. As a result, less positive features of natural interaction such as misunderstanding and incomprehension should receive proper attention. Incomprehension, in particular, occurs more in intercultural communication because non-native speakers often lack the word specific semantic properties and/or the cultural specific conceptual properties attached to a particular word or expression; a problem which non-native speakers often solve by asking "what does xx mean?".

In addition, communities make their own sets of linguistic and nonlinguistic conventions which seem to be unique to people of that very society. Thus, every human language must be viewed as unique structure reflecting a specific society. The study argues that when human beings interact in a particular language that is not their first language, the rhythmic interaction between linguistic and nonlinguistic set of conventions seem to be lost to some extent.

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APPENDICES

Trial No. 1

https://youtu.be/UL9R7hS_xI4?si=bHhgcpZRENU-1ezN   Accessed   on 14\5\2023 12:23 A.M.

Trial No. 2

https://youtu.be/m3HVO_d5LE4?si=jbGwY0KDUXOCHbWV Accessed on 27\5\2023 7:03 P.M.

Trial No. 3

https://youtu.be/wb7fmYAvalQ?si=ldeQ2O91WCOWH6HJ   Accessed   on 11\6\2023 3:17 P.M.

Trial No. 4

https://youtu.be/oHd72b7RUNY?si=jr9vrFIcs7JXiUoQ   Accessed   on 23\6\2023 10:11 A.M.

Trial No. 5

https://youtu.be/OQN3OSzyIsc?si=NAyzEQa6d9Rz1NAf   Accessed   on 2\7\2023 10:43 A.M.

Trial No. 6

https://youtu.be/HEK1rj4vAZw?si=dkN-CtkOsQJxoFJW   Accessed   on 10\7\2023 7:31 P.M.

Trial No. 7

https://youtu.be/793Zgm1IkKY?si=QHMsVRUqP-cbghhg   Accessed   on 17\7\2023 11:34 A.M.

Trial No. 8

https://youtu.be/KbaZuq9LZNM?si=4pcii7zThVde2EtJ   Accessed   on 28\7\2023 9:14 P.M.

Trial No. 9

https://youtu.be/VtNh0LehL2E?si=nzwdGqv2p3MizFCL   Accessed   on 6\8\2023 8:41 P.M.

Trial No. 10

https://youtu.be/6bdt7rec6gQ?si=FoOO3ooouWnvOO0c   Accessed   on 17\8\2023 11:52 P.M.