A Pragmatic Analysis of Legal Proofs of Criminal Intent

Sol Azuelos-Atias
University of Haifa

A Pragmatic Analysis of Legal Proofs of Criminal Intent is a detailed investigation of proofs of criminal intent in Israeli courtrooms. The book analyses linguistic, pragmatic, interpretative and argumentative strategies used by Israeli lawyers and judges in order to examine the defendant’s intention. There can be no doubt that this subject is worthy of a thorough investigation. A person’s intention is a psychological phenomenon and therefore, unless the defendant chooses to confess his intent, it cannot be proven directly – either by evidence or by witnesses’ testimonies. The defendant’s intention must be inferred usually from the overall circumstances of the case; verbal and situational contexts, cultural and ideological assumptions and implicatures should be taken into account. The linguistic analysis of these inferences presented here is necessarily comprehensive: it requires consideration of a variety of theoretical frameworks including speech act theory, discourse analysis, argumentation theory, polyphony theory and text linguistics.

[Discourse Approaches to Politics, Society and Culture, 25] 2007. x, 180 pp. Hb 978 90 272 2716 4 EUR 99.00 / 978 90 272 2716 4 USD 119.00

“This book provides a scholarly and deep analysis of the semantics of criminal intent, and reaches some unexpected conclusions, particularly concerning the expression of causality. It also reveals how underlying English Common Law concepts have been transferred to an unrelated language, Hebrew, in a remarkably intact form. It more than meets its objective of throwing light on the linguistics of the legal evaluation of criminal intent.”

Prof. John Gibbons, University of New South Wales

“Sol Azuelos-Atias provides illuminating insights into the working of the Israeli legal system. In my view, her lucid and informative analyses of the linguistic, pragmatic, interpretative and argumentative strategies Israeli prosecutors, defence counsels and judges use in discussions of legal proof of criminal intent are a stimulating invitation to carry out similar pragmatic – and comparative – analyses of the discourse proceedings in other legal systems.”

Frans H. van Eemeren, University of Amsterdam

“One of the chapters of this book deals, among other things, with a pragmatic analysis of a ‘reasonable person’. In the same vein, we could ask how the ‘reasonable reader’ react to several of the surprising facts this book reveals about the Israeli legal system – especially when these facts clash with what the system itself expects from the ‘reasonable person’? It is the exposition of this and similar clashes, where basic presumptions of the law, of its practitioners, and of common sense are shown to be in open conflict, that renders this book a must not only for Israelis. For it forces the reasonable reader to wonder whether legal systems, judges, investigators, prosecutors and attorneys use a language that really is shared by the reasonable speaker. This is an unusually informative, thought provoking, and also at times moving book.”

Marcelo Dascal, Tel Aviv University

“Azuelos-Atias gives a detailed linguistic analysis of the ways Israeli lawyers and judges use pragmatic, grammatical, interpretive, and legal argument strategies in courtroom discourse. In doing so, the book joins other recent studies of language of judges and lawyers, providing evidence of the growing importance of linguistics to this field.”

Roger W. Shuy, Emeritus, Georgetown University, Washington, DC