

Beyond words: Pragmatics and Fairness in Judging Speech- Related Offenses

Celestin Ryaziga

University of Rwanda (Rwanda), e-mail: aimcelestinryaziga@gmail.com



ORCID: <https://orcid.org/0009-0000-4218-5224>

Received: 07/02/2026; Accepted: 23/03/2026, Published: 30/06/2026

Abstract

Language is a fundamental tool that underpins everyday communication and plays a crucial role in legal contexts, where meaning, intention, and interpretation directly influence judicial outcomes. This study aims to enhance legal practitioners' awareness of pragmatics in judicial decision-making and to encourage the consideration of contextual and pragmatic factors when adjudicating speech-related offenses. The study was conducted in Gisagara district-Rwanda, and involved 20 participants who had been sentenced for speech-related offenses. These offenses included verbal insults and expressions considered unlawful, such as threats, defamation, harassment, and hate speech. Of the participants, 18 were judged in community meetings led by local leaders, while the remaining 2 were judged in formal courtrooms. These cases highlight the importance of pragmatic competence in accurately interpreting legal discourse before reaching judicial decisions. A qualitative research approach was employed to capture participants' experiences in depth. Data were collected through interviews, notetaking, and focus group discussions, and analyzed using a qualitative descriptive framework, with particular attention to pragmatic patterns in communication. The findings reveal that 80% of respondents found legal terminology difficult due to complex language and fear of judges, which hindered comprehension and communication. In contrast, 20% reported moderate understanding based on prior experience, while none found it easy. Furthermore, 90% reported committing speech-related offenses; however, some claimed that insufficient attention was given to their social context. Regarding fairness, 90% perceived the sentences as just, while 5% believed they were wrongly sentenced despite being innocent, and another 5% reported not being sentenced despite committing an offense. Finally, 90% were judged within their communities in public settings, which enhanced contextual understanding, whereas 10% were judged far from their communities, leading to fear, limited participation, and reduced access to relevant contextual information.

Keywords: Pragmatics, Legal terminology, Justice, Speech offenses, contextual analysis.

Corresponding Author: Celestin Ryaziga
<https://doi.org/10.34118/sej.v8i2.4659>

1. Introduction

Around the world, legal systems rely on language as a primary tool for evaluating and judging individuals suspected of violating the laws of their societies or nations. Laws are formalized systems of rules established by governments or communities to regulate behavior, maintain order, and ensure justice, often supported by enforceable penalties. Pragmatics, a branch of linguistics concerned with the use of language in context, plays a critical role in legal communication. It enables both legal authorities and suspects to convey and interpret meaning accurately. When judicial systems overlook the principles of pragmatics, they risk delivering unfair judgments. Similarly, suspects who lack the pragmatic skills to navigate legal discourse may face wrongful convictions despite being innocent. Indeed, no nation operates without laws, and international reports indicate that millions of cases are processed in courts daily, all mediated through language. It is therefore essential that both judicial authorities and participants in legal proceedings possess pragmatic competence in the language of the court to ensure fair and effective justice. This study seeks to highlight the importance of incorporating pragmatic expertise into judicial systems, advocating for the engagement of linguistic specialists to enhance fairness and clarity in legal proceedings worldwide.

1. Problem Statement

The problem identified by this study is that many judging systems ignore the influence of pragmatic factors while judging the suspects. Moreover, preliminary reports from individuals within the legal system indicate that a number of suspects do not clearly understand the meaning of certain legal terminologies when they are accused of committing offenses, which may lead to wrongful sentences. These reports suggest that there is a need of introduction of pragmatician experts in judging systems. Hence, this technique may contribute to the provision of fair justice to the suspects.

2. Brief Literature on law, pragmatics and Justice

a. A law

A law is a formal rule established by a governing authority to regulate behavior within a society, setting standards for what is permitted, required, or prohibited, and enforced through institutions such as courts and law enforcement, with the purpose of maintaining order, protecting rights, resolving disputes, and promoting justice and the common good. In legal sense, Willis (1925: 203) defines civil law as "a rule of civil



conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong". Stein, (2009:377) argues that a law is a social order, which is established to regulate the mutual behavior of human beings.

b. Pragmatics

Pragmatics is the branch of linguistics that studies how meaning is shaped by context and how speakers use language effectively in real interactions, beyond literal definitions. Pragmatics is how utterances have meaning in situations (Leech, 2016:xii). A central framework in pragmatics is Paul Grice's Cooperative Principle, which proposes that successful communication depends on speakers generally cooperating to make their contributions appropriate to the conversation. This cooperation is guided by conversational maxims that explain how people normally infer implied meanings, or implicatures, from what is said. Pragmatics studies how context and participants in communication (Levinson, 1983) shape meaning in language. Key factors include context, which covers the time, place, social setting, and background knowledge between speaker and hearer; the speaker, whose intentions, beliefs, emotions, social status, and cultural background influence meaning; and the hearer, whose interpretation depends on their relationship with the speaker, expectations, and knowledge. The speaker's intention whether to ask, warn, joke, or promise is often more important than the literal words, and shared knowledge or common ground allows participants to understand implied meanings, inside jokes, or references.

More important factors of meaning generation are speech acts, which can be defined as the functions of utterances such as requests, commands, apologies or compliments, and implicature, where meaning is suggested rather than explicitly Blome (2013). Social and cultural norms influence politeness, formality, and indirectness, while deixis involves words whose meaning relies on context (Levinson 2006). Together, these factors explain how people communicate effectively and interpret meaning beyond literal language. Thus, as the main objective of this study suggests, judging systems need to employ pragmatic experts to help deliver justice, particularly when assessing speech offenses.

c. Justice

Justice is defined as the principle of fairness that seeks to ensure individuals receive what they are due, whether in terms of rights, protection, or accountability, based on moral and legal standards. It involves impartiality, equality before the law, and the consistent application of rules to maintain social order and protect the dignity of



individuals. As a moral ideal, justice aims to balance competing interests, correct wrongs, and promote the common good within a society. Aristotle 1985 Cited in Hurlbert, & Mulvale, (2011:13) states that justice consists of righteousness, or complete virtue in relation to one's neighbor. In courts, justice is operationalized through legal procedures and institutional mechanisms designed to resolve disputes and enforce the law fairly. Courts interpret and apply laws, evaluate evidence, and deliver judgments that uphold rights and impose remedies or sanctions where violations occur. Through due process, judicial independence, and reasoned decisions, courts serve as the primary arena where abstract ideals of justice are translated into concrete outcomes, ensuring that fairness is not merely theoretical but actively practiced within the legal system.

3. *Methodology*

This section outlines the study's design, the nature of the data gathered, the approaches and instruments employed for data collection, the participants and sampling methods, as well as the ethical measures taken and the procedures used to ensure data validity and reliability.

a. Study design

In order to investigate the influence of pragmatic factors in judging speech offenses. This study employed an explanatory research design.

b. Study population and sampling techniques

This study involved 20 participants who had previously been suspected and judged for speech-related offenses. Identifying these individuals posed a challenge; however, the researcher was able to locate an initial participant whom he knew that he was once sentenced for insulting another person. Through this individual, additional participants were identified using a referral-based approach, which the researcher termed "one searches another". The participants were selected to provide insights into their experiences of judgment and sentencing. The study aimed to evaluate the influence of pragmatics on decision-makers' judgments in cases involving speech related offenses. A purposive sampling technique was employed to ensure the collection of relevant and appropriate data.

c. Study instruments

To collect qualitative data, this study used semi-structured interviews, note taking, and focus group discussions (FGD).

d. Ethical considerations



The rights of the participants (Somerville, 2006) were fully respected, and each individual was informed about the study’s objectives to obtain their informed consent and willingness to participate. The researcher ensured the confidentiality of all information and maintained participants’ anonymity by not mentioning their names or personal addresses.

e. Validity and reliability

To ensure the study’s accuracy, two strategies were employed. The first, credibility, assessed whether the findings were convincing within the studied contexts and whether the questions effectively captured the intended data (Pitney, Parker, Singe & Potteiger, 2024). The second, dependability, examined the reliability of the research instruments used in the study.

4. Data analysis and discussion

The following research questions were formulated to investigate the participants’ viewpoints on pragmatics in justice delivery, specifically regarding how these viewpoints are evaluated when they are judged for uttering illegal statements.

**Research question 1:
What was your experience with the legal terminologies?**

<i>Tot Resp</i>	<i>Easy to understand</i>	<i>Moderately understandable</i>	<i>Difficult to understand</i>
<i>20(100%)</i>	<i>0(0%)</i>	<i>4(0%)</i>	<i>16(80%)</i>

The results for Research Question 1 indicate that the majority of respondents found legal terminologies difficult to understand. Out of 20 respondents, 16 (80%) reported that legal terminology was challenging. Most of these respondents explained that it was their first time being judged for committing offenses. A key challenge they identified was the way judges use and structure legal language, particularly the complexity and length of legal expressions. For example, they noted difficulty in understanding how judges formulate and extend legal statements. They suggested that interpreting legal language for suspects would be more effective if it were simplified and summarized. This perspective aligns with Grice’s conversational maxim of quantity, which emphasizes that speakers should provide information that is sufficient but not excessive for effective communication (Hossain, 2021).



“Furthermore, another major challenge reported by the participants was their fear of judges, which negatively affected their ability to fully comprehend courtroom language. This issue reflects a deviation from the Grice’s cooperative principle, which assumes that participants in communication work together to ensure mutual understanding (2013:1). Thus, due to the hearers’ (suspects’) fear of the speakers (judges), mutual understanding could not be achieved during the judicial proceedings.

In contrast, 4 respondents (20%) reported a moderate level of understanding. They explained that they were sometimes able to understand legal terms, but not consistently. Their partial understanding was attributed to prior experience, as they had been judged more than once for different offenses and had become familiar with some recurring terminology. This explanation is consistent with Grice’s maxim of relevance, which suggests that effective communication relies on shared knowledge between speakers and listeners (Davies, 2000:6).

Notably, none of the respondents reported a clear understanding of legal terminologies. This lack of comprehension may help explain why many suspects choose to rely on defense lawyers to represent and support them in legal proceedings. Due to their expertise and experience, these lawyers are better able to interpret and understand the meanings embedded in legal terminology.

Research question 2:
Were you sentenced for committing speech related offense?

<i>Tot Resp</i>	<i>Yes</i>	<i>No</i>
20(100%)	17(85%)	3(15%)

The findings indicate that of the 20 participants, 17 (85%) were sentenced, while 3 (15%) were not. Among those sentenced ones, 3 individuals (15%) maintained their innocence during focus group discussions, arguing that mediators had sanctioned them without visiting the location where the alleged speech offense occurred. This suggests that the pragmatic principle of deixis was not respected, as meaning depends on shared knowledge and situational factors such as place and time (Bühler, 1934). These participants also reported that decision makers did not consult the audience present during the incident, meaning that essential contextual and deictic cues for accurately interpreting the events were overlooked.

Furthermore, participants highlighted the importance of context in understanding intent. One of the three who claimed innocence explained that his alleged offense was intended as a joke within a friendly relationship and lacked criminal intent. He noted that



authorities did not consider the contextual nuances of his remarks, including a playful threat to fight his friend and the use of the term “dog.” While this term can be offensive in many societies by dehumanizing the addressee, the participant acknowledged that his speech violated Leech’s (2014) politeness principle, which requires minimizing expressions that may offend others. In contrast, another respondent accepted responsibility for his alleged offense, admitting that he had threatened his neighbour during a prolonged dispute and had pronounced and intended to carry out the threat; however, he was released after authorities concluded that his conduct did not constitute a speech offense.

Generally, participants’ responses suggest that justice was achieved in most cases, though not universally. Approximately 80% of cases were perceived as just: 16 individuals (80%) admitted committing speech-related offenses and considered their sentences fair, while 2 individuals (10%) were released due to genuine innocence. In these instances, judicial outcomes aligned with both factual circumstances and respondents’ self-assessments. However, the remaining (1) 5% reveal shortcomings in the justice process. This respondent reported that he who was released despite committing an offense while another respondent (5%) reported being punished despite claiming innocence. These findings underscore ongoing challenges in evidence assessment and contextual evaluation, highlighting the need for pragmatic expertise to investigate speech offenses and ensure fair judicial outcomes.

***Research question 3:
In which place were you judged?***

<i>Tot Resp</i>	<i>Near my home village</i>	<i>Far from my from village</i>
<i>20(100%)</i>	<i>18(60%)</i>	<i>2(10%)</i>

The findings indicate that the majority of participants, 18 (90%), were judged near their home villages. In particular, these participants reported that their cases were handled close to their places of residence and that they were judged in public meetings led by local leaders. This mode of adjudication suggests that the judicial processes were conducted within the suspects’ local context. Moreover, the public nature of these proceedings indicates that, in Rwanda, the government prioritizes transparency and mediation rather than relying solely on punitive measures (Shewell 2020:60). [This approach is consistent with practices observed during the Gacaca courts, where many

perpetrators of the 1994 Genocide against the Tutsi were judged publicly within their communities, often in the presence of their neighbours, (Ingelaere 2008:33, Shewell 2020:34)]. Consequently, it can be argued that this approach enabled suspects and judges to access relevant contextual information more easily, including witnesses, social relationships, and the situational background of the offenses. From a pragmatic perspective, such proximity is significant because it supports the interpretation of meaning through shared knowledge and environmental context (Leech & Thomas, 2002).

In contrast, 2 participants (10%) reported that they were judged in courtrooms located far from where they lived. In this case, these participants expressed fear and discomfort, as it was their first time in such formal settings. Moreover, they reported feeling intimidated by being alone in front of judges without the presence of familiar individuals. Consequently, being judged in a distant location may limit access to important contextual elements, such as witnesses or familiarity with the social setting in which the speech occurred. Additionally, this distance may reduce participants' confidence and ability to defend themselves effectively, potentially affecting the fairness of judicial outcomes. From a pragmatic standpoint, this situation may hinder the proper application of principles such as deixis, which depend on an understanding of place, time, and participants in communication (Leech&Thomas, 2002).

5. *Conclusions*

This study demonstrates that pragmatics plays a crucial role in the fair adjudication of speech-related offenses. The findings show that participants struggled to understand complex legal terminology, which limited effective communication and participation in judicial processes. While the majority perceived their judgments as fair, some inconsistencies were identified, particularly where contextual factors such as intent, audience, and situational meaning were not adequately considered. The study also highlights that community-based hearings enhanced fairness by improving access to contextual information and reducing fear, whereas distant courtroom settings hindered participation and understanding. Generally, the results underscore the need for legal practitioners to simplify legal language, incorporate pragmatic analysis, and prioritize context-sensitive approaches to ensure more just and effective justice delivery.

- *Recommendations*

- ❖ This study recommends the legal practitioners to integrate pragmatic experts into judicial processes to enhance justice delivery. By considering pragmatic factors such as deixis, speech acts, and social context, legal systems can better



distinguish between genuine offenses and misunderstandings arising from linguistic nuances. Implementing such measures would not only improve the quality of justice delivery but also protect the rights of individuals, ensuring that a language, as a fundamental tool, serves its purpose of facilitating clear and equitable communication in legal settings.

- ❖ This study also recommends Law schools to incorporate courses on linguistics, particularly the branch of pragmatics, into their curricula. Developing expertise in pragmatics will equip lawyers and decision makers with the skills needed to interpret speech acts accurately and make fairer decisions in cases involving alleged speech offenses.
- ❖ This study recommends that leaders or judges responsible for judging suspects should conduct proceedings within the communities where the individuals live and where the in speech-related offenses occurred. This approach has been shown to facilitate fairer justice delivery compared to handling such cases solely in formal courtrooms.

6. References

- Auer, P. (2005). *A postscript: Code-switching and social identity*. *Journal of Pragmatics*, 37(3), 403-410.
- Blome Tillmann, M. (2013). *Conversational implicatures (and how to spot them)*. *Philosophy Compass*, 8(2), 170-185.
- Bühler, K. (1934). *Sprach theorie (Vol. 2, No. 2)*. Fischer: Jena.
- Hadi, A. (2013). *A critical appraisal of Grice's Cooperative Principle*. *Open journal of modern linguistics*, 3(1), 69-72.
- Hossain, M. M. (2021). *The application of Grice maxims in conversation: A pragmatic study*. *Journal of English Language Teaching and Applied Linguistics*, 3(10), 32-40.
- Ingelaere, B. (2008). *The gacaca courts in Rwanda*. In *Traditional justice and reconciliation after violent conflict: learning from African experiences/Huyse, Luc [edit.]; ea (pp. 25-59)*.
- Leech, G. N. (2014). *Principles of politeness*. Oxford University Press.
- Leech, G., & Thomas, J. (2002). *Language, meaning and context: pragmatics*. In *An encyclopedia of language (pp. 94-113)*. Routledge.
- Levinson, S. C. (1983). *Pragmatics*. Cambridge University Press.
- Pitney, W. A., Parker, J., Singe, S. M., & Potteiger, K. (2024). *Attending to ethical issues*. *Qualitative Research in the Health Professions*, 59-71.
- Pitney, W. A. (2004). *Strategies for establishing trustworthiness in qualitative research*. *Athletic Therapy Today*, 9(1).



Saunders, M. N., & Townsend, K. (2018). Choosing participants. Sage Handbook of Qualitative Business and Management Research Methods, 480-494.

Shewell, E. A. (2020). Mediation as a tool for conflict transformation: A comparative analysis of the South African Truth and Reconciliation Commission and the Rwandan Gacaca courts (Doctoral dissertation, Stellenbosch: Stellenbosch University).

Stein, R. (2009). Rule of law: What does it mean. Minn. J. Int'l L., 18, 293.

Willis, H. E. (1925). Definition of law, A. Va. L. Rev., 12, 20

Citation; Ryaziga. C, ***Beyond words: Pragmatics and Fairness in Judging Speech- Related Offenses.*** *Social Empowerment Journal.* 2026; 8(2): pp. 20-28. <https://doi.org/10.34118/sej.v8i2.4659>

Publisher's Note: SEJ stays neutral with regard to jurisdictional claims in published maps and institutional affiliations

