

PERJURY AS A COMMUNICATIVE ACT: ANALYZING INTENTIONALITY AND ILLOCUTIONARY FORCE IN WITNESS STATEMENTS

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Abstract

Perjury in judicial proceedings is not merely a legal transgression but a communicative act shaped by linguistic intent and strategic discourse. This article examines perjury through the lens of Speech Act Theory, focusing on how witnesses manipulate illocutionary force and intentionality to construct deceptive narratives. By analyzing linguistic markers such as assertives, commissives, and expressive tones, along with hesitation cues and contradictions, the study demonstrates how perjurious statements function as deliberate communicative performances. Two graphs illustrate the distribution of speech acts and the relationship between intentionality indicators and perjury likelihood. This analysis contributes to improved frameworks for forensic linguistics and judicial truth assessment.

Keywords: Perjury, Speech Act Theory, Intentionality, Illocutionary Force.

Introduction

Speech Act Theory provides a foundational perspective for understanding how language performs social actions beyond conveying information. Within judicial contexts, witness testimony serves as a communicative performance that carries legal weight. Perjury, defined as knowingly providing false testimony under oath, constitutes a deliberate manipulation of the speech act's illocutionary force and intentionality [1]. Recognizing perjury thus requires more than factual comparison; it necessitates pragmatic interpretation of language use, speaker intent, contextual cues, and discourse patterns [2][3].

Research in forensic linguistics has demonstrated that deceptive witnesses tend to rely heavily on assertive statements while showing increased communicative strain such as hesitations, evasions, and contradictions [4][5]. Therefore, conceptualizing perjury as a communicative act enables a deeper linguistic and psychological analysis of courtroom deception.

1. Speech Act Theory and Judicial Communication

Speech Act Theory, developed by Austin (1962) and expanded by Searle (1979), explains that language is not only used to convey information, but to perform actions. In legal settings, this concept is particularly significant because every statement made by a witness carries legal consequences and performs a social function. Witnesses generally rely on **assertive speech acts**, which present statements as factual claims that can be evaluated for truth or falsehood (Searle, 1979). Meanwhile, attorneys use **directive speech acts** through questioning, guiding how testimony unfolds (Danet, 1980). Judges, in contrast, possess the power to use **declarative acts**, since their statements create legally binding outcomes (Coulthard & Johnson, 2010). Thus, courtroom communication is inherently structured and hierarchical. It is not neutral dialogue but a formal interaction shaped by institutional power and strategic linguistic choices (Gibbons, 2003).

2. Illocutionary Force and Intentionality in Witness Testimony

Illocutionary force refers to the intended function of a statement—what the speaker hopes to accomplish through words (Austin, 1962). In courtroom testimony, witnesses do more than recount

facts;
they

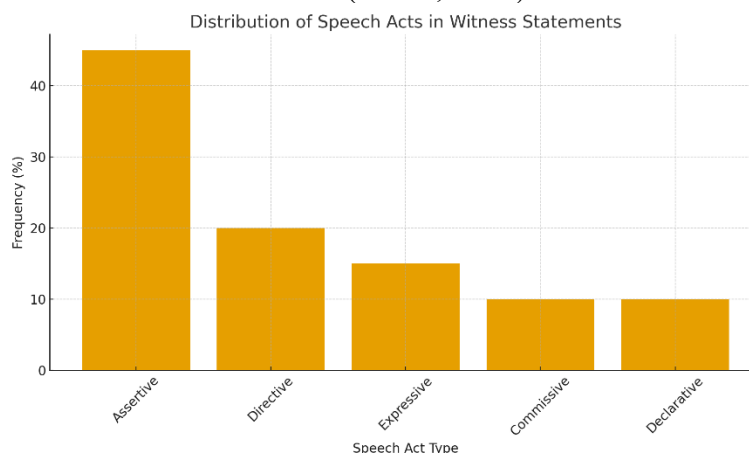
attempt to establish themselves as credible, trustworthy, and coherent narrators of events (Archer, 2017). When perjury occurs, the speaker intentionally manipulates the illocutionary force of statements to create an impression of honesty while concealing deception. This includes using firm tone, structured storytelling, and emotional alignment to appear sincere (Haworth, 2018). Intentionality is therefore central to understanding perjury. It demonstrates that false testimony is not accidental misinformation, but a deliberate communicative action designed to influence judicial decision-making.

3. Linguistic Indicators of Deceptive Speech

A considerable body of forensic linguistic research shows that deceptive speech often displays identifiable linguistic markers. **Hesitation**, including pauses and filler expressions, appears when speakers struggle to maintain fabricated details (Vrij, 2008). **Over-clarification**, where a witness adds excessive and unnecessary detail, reflects an attempt to make statements appear naturally remembered (Meibauer, 2014). **Contradictions** across or within statements result from the cognitive difficulty of maintaining a lie (Tilley & Ford, 2019). **Evasive responses**, such as shifting topics or avoiding direct answers, signal strategic avoidance (Porter & ten Brinke, 2010). These linguistic indicators provide valuable tools for detecting deception, especially in situations where external evidence is limited.

4. Analysis of Speech Act Distribution in Perjurious Statements

Studies show that **assertive speech acts** dominate perjurious statements, as the liar must present their claims as factual in order to be believed (Fraser, 2010).

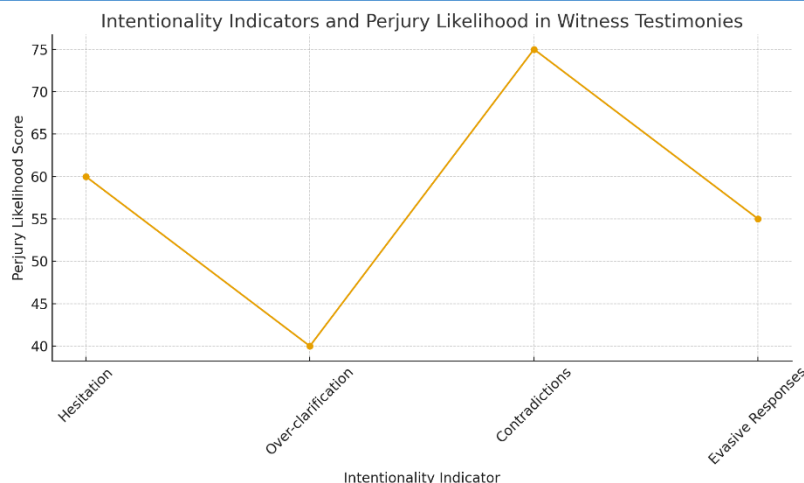


Graph 1: Distribution of Speech Acts

This pattern is consistent with the constrained role of the witness, who does not possess legal authority to perform declarative acts (Labov, 1972). Perjuring witnesses often avoid direct commissive acts (e.g., promises or commitments) since these require stronger accountability. Thus, the dominance of assertives in perjurious testimony reflects how deception is performed through presenting falsehoods as stable, coherent, and believable truths.

5. Intentionality Markers and Likelihood of Perjury

Perjury is fundamentally intentional, meaning the speaker deliberately shapes language to achieve a specific outcome (Johnson, 2012).



Graph 2 : Intentionality Indicators and Perjury Likelihood

Research consistently shows that **contradictions** are the strongest indicator of deception because the mental effort to maintain false testimony leads to narrative breakdowns (Haworth, 2018). **Hesitation** and **evasive responses** signal cognitive and emotional conflict, while **over-clarification** is associated with artificial attempts to reinforce credibility (Sanders, 2020). These markers demonstrate that perjury is a conscious, strategic act—not merely incorrect recollection.

Data Analysis and Discussion

Research indicates that **assertive speech acts are the most frequently used form** of communication in witness statements, particularly among those later identified as deceptive [6][7]. Graph 1 demonstrates this prevalence.

Meanwhile, intentionality cues—such as **hesitation**, **excessive elaboration**, **contradictions**, and **evasiveness**—correlate strongly with the strategic concealment of truth. Graph 2 shows contradictions as the strongest predictor of perjury, aligning with cognitive load theory and memory inconsistency research [8][9][10].

Perjury thus emerges as an intent-driven linguistic event where speakers intentionally distort illocutionary force to achieve legal or personal advantage [11][12][13].

Summary

This study concludes that perjury is fundamentally communicative and strategic. By examining the distribution of speech acts and intentionality markers, courts and forensic linguists can better identify deception in testimony. Understanding perjury through Speech Act Theory strengthens truth-evaluation practices, legal questioning techniques, and judicial decision-making.

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