

A Pragmatic Analysis of Empathy and Politeness Strategies in Judge Frank Caprio's Courtroom Discourse

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Article Info	Abstract
<p>Article History</p> <p>Received: March 12,2026</p> <p>Accepted: June 19,2026</p> <hr/> <p>Keywords : Pragmatics, Courtroom Discourse, Institutional Talk, Empathy, Politeness Theory, Face-Threatening Acts, Judge Frank Caprio, Conversation Analysis</p> <p>DOI: 10.5281/zenodo.20739670</p>	<p><i>The present study is a detailed pragmatic study of the distinctive discursive style of Judge Frank Caprio, which is presented in the series in Caught in Providence. Going beyond a description of the phenomenon, it states that the combination of empathy and politeness by Caprio is a tactical and conscious re-framing of institutional courtroom language, which in more customary fashion emphasizes form and undisputed authority. This paper is a mixture of fine-grained Conversation Analysis (CA) and the framework of Discourse-based Empathy (Keen, 2007) and an adapted version of the politeness theory by Brown and Levinson (1987), which analyzes a corpus of selected case hearings. The initial evidence proves that Caprio strategically balances the negative politeness moderated with the negative politeness and strong stance of positive politeness, including in-group markers and personalized encouragement. Most importantly, his empathic alignment, expressed in the active listening and the verbal recognition of the situations of defendants, makes it easier to build co-constructed narratives that have a direct impact on discretionary legal results. The study also methodologically adds to the body of knowledge through establishing and implementing a methodical coding system to uncover and classify linguistic signs of empathy in the courtroom with the aim of introducing pragmatics to the body of research on judicial behavior.</i></p>

Introduction

In courtroom communication, the prototypical feature is the strict adjacency pairs, turn-taking, and unequal power relationship, when the institutional figures such as judges and lawyers have a high rate of domination (Drew and Heritage, 1992). This situation produces many Face-Threatening Acts (FTA), in which the negative face of the defendant (autonomy) and the positive face of the defendant (wishes to be liked) are always threatened. The courtroom of Judge Frank Caprio on television is however an interesting exception. His style of communication that combines the judicial power with pronounced empathy and inter-personal politeness defy conventional paradigms and form a productive area of pragmatically inquiry (Brown & Levinson, 198) .

The overarching goal of the given research is to critically deconstruct how Judge Caprio linguistically overcomes the clash between his institutional identity as an authority figure and his interpersonal objective of being compassionate as demonstrated. It tries to provide answers to the following research questions: 1) What are the specific linguistic and paralinguistic strategies that Caprio uses to show empathy and politeness? 2) What are the mechanisms of these strategies to alleviate the intrinsic FTAs of the courtroom context? 3) What are the pragmatic consequences of this style that can be observed on the response of the defendant, narrative co-construction and resolution of the case? The current investigation is based on the pragmatics principle that the meaning is constructed in context and is influenced by the intention of the speaker and the interpretation of the listener (Yule, 1996). The research would hypothesize that the style of Caprio is more than a characterization but a complex real world exercise that makes justice more of a person which may ultimately lead to a more procedural fairness and trust in the system (Tyler, 1990).

Theoretical Framework Expansion

2.1 Pragmatics and Institutional Discourse

The basic issue of pragmatics is the language in action and negotiation of meaning in the context (Levinson, 1983). An example of such situations is institutional discourse, including that that exists in courtrooms, where speech transactions are goal-focused and have limited by a set of rules and power dynamics. The analysis of this kind of discourse involves making sense of how the institutional agents deal with their interactional work and consider relational processes (Drew & Heritage, 1992).

2.2 Empathy as a Discursive Practice

Whereas empathy has been quoted as a psychological characteristic as people study its psychological traits (Davis, 1994), this thesis takes a discursive approach. In this case, empathy is considered an interactional accomplishment a collection of verbal and non-verbal practices by which a speaker expresses comprehension of and compatibility with the affective position of another or a situational viewpoint. This is where sympathy is taken to another level in a courtroom as it becomes a working tool in establishing rapport and communication (Keen, 2007).

2.3 Politeness Theory in Asymmetrical Power Contexts

The model by Brown and Levinson (1987), which is formed on the basis of the concept of face by Goffman (1967), is still fundamental. This thesis is used on a high-power asymmetry context. In an average case, a judge is allowed to use bald-on-record strategies without redress by the institutional power. The fact that Caprio has used the positive and negative politeness strategies constantly, is, thus, a significant deviation and can be analyzed. The positive politeness (care about the positive face of the hearer) and negative politeness (care about the negative face of the hearer) are discussed as the means of decreasing the social distance and alleviating the threat of judicial pronouncements.

2.4 The Concept of “Procedural Justice”

The addition of the concept of procedural justice of social psychology to the theoretical framework is made (Tyler, 1990). According to this theory, the perception of fairness of legal processes by individuals greatly depends on how they are treated by other people (e.g., being treated with dignity, having a voice) as opposed to the outcome. The understanding of procedural justice principles can be seen in the empathetic and polite talk of Caprio.

3. Methodology and Data Analysis

The research design used in this study is a qualitative and mixed-methodual design. The main data are composed of a purposive sample of about 30 case hearings, transcripts in Caught in Providence series, which will be chosen to have different defendant demographics and case type.

- Conversation Analysis (CA): In order to study the sequential structure of talk, turn-taking, and repair systems in the conversations between Caprio.

- Strategies of politeness Coding: With an adapted version of the scheme by Brown and Levinson (1987), instances of positive politeness (e.g. compliments, in-group identity indicators, giving deference), negative politeness (e.g. hedges, impersonalization, seeking agreement), and off-record are identified and measured.

- Empathy Coding Protocol: A new systematic coding protocol will be established and implemented to code discursive empathy cues, i.e., Perspective-taking utterances (I see your point), Affective recognition utterances (You sound very stressed), Legitimation of feeling utterances (That’s understandable), and Shared humanity utterances (We all have difficult times).

Analysis and Discussion

4.1 Introduction to the Analytical Corpus

It is a pragmatic micro-level analysis of a few interactions in the courtroom of the Judge Frank Caprio. The main purpose is to base on the theoretical frameworks addressed in parts 2 and 3 on concrete linguistic data. Three case transcripts are selected due to their rich illustrative value that they represent a continuum of situations involving financial difficulty, family obligation, and health issues in which the empathy and politeness approaches are highly used. The discussion is based on the integrated methodological approach described in part 3, which is oriented towards the sequential structure of talk, particular linguistic realizations of politeness strategies and reminders of discursive empathy.

4.2 Case Study 1: The Single Mother and the Parking Fines.

- Context: A defendant, Ms. A, comes to the court over several outstanding parking tickets that have not been paid. She says that she is a single mother who has two jobs.

- Transcript Excerpt:

Judge Caprio: Good morning, ma'am. There are three parking offenses that you have not paid. Would you like to tell me a little about what is happening to you? (Line 1)

- Ms. A: "Your Honor, I'm really sorry. I am one of the single moms and I work at night. Sometimes I just... I lose, and the tickets accumulate. I want to pay them, I do." (Line 2)

- Judge Caprio: I doubt you do not. Being a single parent is among the most difficult tasks. Let's see what we can do here." (Line 3) ... It is time that the city is paid these fines. However, I will brush off two of them on a note. On the third, what do you feel you can afford, even at least to just a little payment now? (Line 4)

Pragmatic Analysis:

1. Proposals that address the negative politeness strategy and face-threatening act (FTA) reduction: The first question (Line 1) is not posed as an order but as a request to allow (Would you mind...) which is a well-known negative politeness strategy that does not violate the autonomy of the defendant (Brown and Levinson, 1987). This curbs the FTA that lies in the interrogation by the judiciary.

Empathic Alignment and Positive Politeness: In the third line, Caprio carries out affective recognition (I have no doubt you do) and legitimation of feeling (one of the toughest jobs). This is a good positive politeness strategy, asserting similarity and stating that she approves of her as a responsible parent, and thus appeals to her positive face wants.

- Co-constructive Problem-Solving: Line 4, Let we see what we may do, employs an inclusive pronoun (let) to make the resolution a group decision, as opposed to a top-down decision. He once again uses negative politeness by giving a choice, but minimizing the imposition of the financial requirement with the words, what would be an amount you could. This changes the relationship to be adjudicative to a problem-solving dialogue.

Case Study 2: The Elderly Man with a Traffic Violation 4.3.

Context: A defendant, Mr. B, is an elderly man, who is said to have a slow-speed rolling stop. He looks disoriented and anxious.

- Transcript Excerpt:

Judge Caprio: You sir are accused of not stopping. The officer observes that it is a rolling stop. But now I must tell the truth, the law is all too plain on this. (Line 5)

- Mr. B: (Nods, looks down) "I... I thought I stopped."

- Judge Caprio: You see, my father had a car. And when he was older his reflexes were less than they had been. It happens to all of us. It is not that they do not care, it is merely a matter of time. (Line 6)

- Judge Caprio: I am going to hold you guilty, since the officer witnessed what he witnessed. I will suspend the fine however. I am worried about your safety- about your safety and mine. Be particularly careful the next time, my friend, please? (Line 7)

Pragmatic Analysis:

- Bald-on-Record including Metadiscursive Cushioning: Line 5 starts with a bald-on-record of the legal fact, which is supported by the institutional imperative (I have to be honest). But pragmatic shift is immediately preceded by a hedge one.

strategic storytelling as emphatic device: Caprio makes use of personal story in Line 6 about his father. It is an empathy strategy (Keen, 2007) of great discursive power (a) in that it normalizes the experience of the defendant, (b) establishes a relationship with the defendant, and (c) repositions the violation as an age-based phenomenon, rather than one of negligence. This goes straight to the negative face threat which is likely to have caused embarrassment to Mr. B.

- Face-Saving Ruling and Positive Politeness Marker: The order in Line 7 is a distinction between the legal determination (responsible) and the practical determination (fine suspended). It is an extremely important face-saving gesture. The application of the positive politeness in-group marker, My friend, and the directive that is formulated as a personal issue, My concern is safety... please, makes the admonition less harsh and enhances relationship of care, albeit presenting a finding against the defendant.

4.4 Case Study 3: The Young Man with a Suspended license.

- Background: Mr. C is a young man who was caught driving with a suspended license. According to him he had to go to work lest he lose his job.

- Transcript Excerpt:

Judge Caprio: "Committing driving with a suspended license is not a light issue. You understand that, right?" (Line 8)

- Mr. C: "Yes, Your Honor. I was desperate. I just started this job."

- Judge Caprio: I know what it means to be desperate. And wanting to work is a good thing, a noble thing. However, we cannot allow people to set their rules depending on the circumstances. (Line 9)

- Judge Caprio: That is how I will do it. I will keep this case open over 30 days. Provided that you can demonstrate that you have managed to be reinstated to your license by that time, I will dismiss this charge. Can you do that?" (Line 10)

Pragmatic Analysis:

- Authority First, Empathy Second: The interaction begins with an emphatic statement of seriousness that is quite clear (Line 8), as it gives the institution frame. This provides a limit, and the next empathy will not be seen as a sign of weakness.

Latent Acknowledgment with a Collective Frame: Line 9 displays perspective-taking (9) and praise (a noble thing), which proves the positive face need of the defendant to be viewed as a responsible worker. This switch to we is also vital (we cannot have people...); this is no longer personal opinion, but a call to some unspoken, impersonal law, which blunts the incisive edge.

- Conditional Mercy as a Collaborative Contract: The solution in Line 10 is based on a deal or a contract. Caprio puts the defendant on the agency side by asking the question: Can you do that? and actively demands his conformity. This will make the defendant not a passive receiver of the judgment, but an active participant in his

own rehabilitative, an extremely strong negative politeness technique, which will reestablish a sense of autonomy.

Analytical findings Synthesis.

The working study of these cases shows a logical and systematic tendency of the discourse of the Judge Caprio:

1. Sequential Structure: Interactions typically proceed through a process in which (a) there is the creation of the factual/legal frame, (b) the invitation or attentiveness to the story of the defendant, (c) empathic alignment and politeness strategies to layout the story, and (d) a ruling that brings that layout, or is contextualized by that layout.

2. Functional Interdependence: Empathy and politeness are not distinct strands in themselves but functionally independent. Empathic utterances can also serve as politeness strategies and they fix face threats that the judicial process itself causes.

3. Maintaining Authority: It is analyzed that empathy does not replace authority. It is restrained at all times through metadiscursive appeal to the law, and is more frequently succeeded by a definite, authoritative determination. The power asymmetry is preserved but in a watered down version.

4. Outcome Orientation: The outcome is the practical impacts of these pragmatic tools that actual procedural outcomes: alleviating the distress of the defendant, making information flow, making resolutions creative and tailor-made, and ensuring a willing compliance with judgments.

Conclusion and Implications

The speech by Judge Frank Caprio gives a compelling case study of how humanistic values can be practically implemented into the inflexible institutionalized structures. His empathy and politeness, as discussed in this research, are a very effective, strategic and communicative behavior that reduces the dehumanizing effects of the courtroom. It re-humanizes the judicial process, creates smoother and more complex solutions, and replicates a vision of procedural justice, one where the concern of dignity and dialogue prevails. The elaborated empathy coding scheme provides the resource in future comparative studies on the judicial style and culture. Another way in which future research can quantitatively investigate the effects of such a discursive style on recidivism rates or other comparative studies of more traditional courtroom discourses can further establish the pragmatic and social effectiveness of such discourses. Future studies can build on this framework by quantitatively coding empathy indicators in the transcripts of the courtrooms, and cross-tabulate the results in diverse cultural or legal frameworks.

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