

## **4. FINDINGS AND DISCUSSION**

In this chapter, the writer reports the analysis of the data. After analyzing the data, the writer shows the findings and the discussion of the types of presuppositions found in Yang Jong Hoon's utterances. The types of presuppositions in lawyer and prosecutor occurred differently from one another. The writer also found the similarities between the way presuppositions are used by Yang Jong Hoon as a prosecutor and a lawyer.

This chapter is divided into three sections. The first section, 4.1, is to answer the first research question. The second section, 4.2, is to answer the second research question. Lastly, the third section, 4.3, is to answer the third research question.

### **4.1 Presuppositions of Yang Jong Hoon as a Prosecutor**

There are several cases where Yang Jong Hoon acted as a prosecutor. The first one is a corruption case where bribery was eventually dismissed as a gift. The defendant in the case is Seo Byung Ju, a friend of Yang Jong Hoon and a fellow prosecutor. Seo Byung Ju received land from assembly member Ko Hyeong Su. This relates to another case that was also handled by Yang Jong Hoon, a hit-and-run incident which was witnessed by a criminal named Lee Man Ho. Seo Byung Ju and Ko Hyeong Su were together in a car that Seo Byung Ju drives. They hit a kid and then ran off without taking responsibility. The land from the corruption case is given to Seo Byung Ju from Ko Hyeong Su to stay quiet as accomplices to the hit-and-run case. Aside from these two cases, Yang Jong Hoon also handled an embezzlement case, which brought Yang Jong Hoon to fame as a prosecutor due to his decision to personally manage the case to ensure the defendant did not face another prosecutor, who likely had been bribed.

Five types of presupposition were discovered in his utterances as a prosecutor. The five types- existential, lexical, structural, counterfactual, structural, and factive presuppositions emerged across the three distinct cases.

The type of presupposition that did not appear in Yang Jong Hoon's utterances was non-factive presupposition. Non-factive presupposition is assuming something to be untrue. One of Yang Jong Hoon's duties as a prosecutor is presenting evidence. When presenting evidence, Yang Jong Hoon is assuming the evidence he provided were true. The writer believes this is the reason non-factive presuppositions did not appear in Yang Jong Hoon's utterances as a prosecutor.

Table 4.1

Yang Jong Hoon's Presuppositions as a Prosecutor

No.	Presupposition Types	Number of Occurrence
1.	Existential Presupposition	8
2.	Lexical Presupposition	4
3.	Counterfactual Presupposition	1
4.	Structural Presupposition	1
5.	Factive Presupposition	1

The analysis of presupposition within the utterances of Yang Jong Hoon reveals that the existential presupposition occurs prominently, appearing eight times throughout all scenes of Yang Jong Hoon as a prosecutor. This type of presupposition implies the existence of certain entities or situations, subtly assumed as background knowledge. Additionally, lexical presupposition emerges four times, indicating implicit assumptions inherent within specific word choices. Next, counterfactual presupposition is detected only once, hinting at unrealized or hypothetical situations contrary to fact. Furthermore, structural presupposition is identified once, suggesting underlying assumptions about the organization or structure of information within the discourse. Lastly, a single factive presupposition was found in an utterance containing a factive verb. These diverse forms of presupposition underscore the nuanced layers of meaning embedded within the text, enriching its communicative depth and complexity.

#### 4.1.1 Existential Presupposition

The type appeared the most while Yang Jong Hoon was prosecuting is existential presupposition. This is understandably common, because as a prosecutor one has to gather evidence first in order to prove that someone is worthy of being charged. Evidence, for example proof of land transaction or a footprint, can be a tool to question the defendant. Prosecutors can use the evidence and ask for reason or further proof. This is why existential presupposition is the most common type of presuppositions that appear in Yang Jong Hoon's utterances as a prosecutor.

In Yang Jong Hoon's utterances in the courtroom, he is stating or asking something with presupposing that an object, subject, or place does exist. When the opponent of Yang Jong Hoon replies to the utterance of Yang Jong Hoon, they prove that the presupposed did truly exist. The following are some incidents when existential presuppositions occurred in Yang Jong Hoon's utterances.

**Incident 1:**

*If you knew everything about each other, I'm sure you knew what Ko Hyeong-su wanted when he gave you that land. (A.1.1)*

[This code is to aid readers to find the complete data in the appendix. The letter A stands for data of Yang Jong Hoon as a prosecutor, The first number stands for the episode, and the second stands for the utterance number.]

Yang Jong Hoon was responding to Seo Byung Ju's statement about how he and Ko Hyeong Su were so close that it is normal for them to receive gifts from one another. The word "that" before "land" is a definitive description. This is why the writer analyzed this utterance to have an existential presupposition type. In Yang Jong Hoon's utterance, it is presupposed that a land is given. A land is not an inexpensive gift, by continuing to presuppose that there is a land, he wants to pressure Seo Byung Ju that a land is not a normal gift, it has to be a bribe.

**Incident 2:**

*If you accepted this land knowing his ulterior motive, we can't say it wasn't a quid pro quo he gave as insurance. (A.1.2)*

First, the word "his" in "his ulterior motive" shows that the utterance contains existential presupposition type because of its possessive construction. Although Yang Jong Hoon seemed like he did not have clear evidence on why Seo Byung Ju was bribed, Yang Jong Joon is still quite intelligent. He inserted the words "ulterior motive" as if "ulterior motive" really did exist and not just his assumption.

In the next incident, "this" in "this land" shows a definitive description. Both Yang Jong Hoon and Seo Byung Ju know that Seo Byung Ju never accepted any gift throughout his career. With this

existing knowledge they both have, and the existence of the land, there is a possibility that the land received is a bribe.

#### **Incident 3:**

*We found this near the crime scene. (A.2.1)*

Yang Jong Hoon was questioning Lee Man Ho, a criminal for a sexual crime case. Lee Man Ho's footprint was found near the crime scene of a hit-and-run case. This indicates that Lee Man Ho knows the plate number of the car of the driver they are trying to find for the case. Not only that, but it is also presupposed from "crime scene" that a crime occurred in the area they found Lee Man Ho's footprint.

This utterance of Yang Jong Hoon wants Lee Man Ho to not deny that he is present at the crime scene, and he cannot deny that a crime occurred when he was passing that night.

#### **4.1.2 Lexical Presupposition**

The second frequently occurring type of presupposition is the lexical presupposition. Lexical presupposition is recognized by the implicative verbs and change of state verbs. Implicative verbs are used by Yang Jong Hoon in his utterances as a prosecutor because implicative verbs carry implications of whether something is true or not based on how the verbs are used. For example, one of Yang Jong Hoon's job description as a prosecutor is to question witnesses. When talking to a witness, it is useful to use lexical presupposition to acquire information, especially when the witness is uncooperative. Implication is a conclusion that can be drawn from something without it being explicitly stated. By not asking the witness something that shows the motive explicitly, the witness can answer the question calmly, without realizing that the prosecutor is gaining something from the answer. Here are the examples of lexical presuppositions from Yang Jong Hoon's utterances.

#### **Incident 4:**

*If you accepted this land knowing his ulterior motive, we can't say it wasn't a quid pro quo he gave as insurance. (A.1.2)*

The highlighted word "accepted" proves that there was an act of accepting. Not only that, but the word "accepted" implies that there was an offer, and an offer can be accepted or rejected.

Accepting the land means Seo Byung Joo knows that he is receiving bribes. This is supported by Seo Byung Joo unwillingness to accept any gift before this incident.

**Incident 5:**

We **found this** near the crime scene. (A.2.1)

The prosecutors tried hard to find the evidence of the hit-and-run incident. This can be seen by the highlighted word “found”. It was presupposed that they had been trying to find evidence. The footprint was one of the pieces of evidence found by the prosecutor. However, Lee Man Ho is a criminal charged with rape. His alibi was his inability to make his own decision because of the influence of alcohol. This is why if Lee Man Ho truthfully told the real story to the prosecutors’, it would mean that his alibi cannot be accepted.

**Incident 6:**

You **passed** by the scene on your way home, so try to remember. (A.2.3)

The word “passed” means Lee Man Ho was passing by the street where the hit-and-run occurred. The action of passing indicated that Lee Man Ho saw the hit-and-run. Although Lee Man Ho’s alibi when doing the crime is the influence of alcohol, it is unusual for a man capable of standing and walking to not remember anything.

**4.1.3 Counterfactual Presupposition**

One of the types of presupposition found by the writer is the counterfactual type of presupposition. Counterfactual type of presupposition is when what is said is the opposite to the actual facts. Counterfactual can be seen when counterfactual conditionals are used. Here is an example of counterfactual presuppositions from Yang Jong Hoon’s utterances.

**Incident 7:**

**Had I refused** to do it, **they would** have replaced me with another prosecutor. (A.8.1)

Counterfactual conditional is a way to know if an utterance contains counterfactual presupposition. The highlighted words “Had I refused” mean Yang Jong Hoon did not refuse to act as a prosecutor in the embezzlement case. The words “they would” mean they did not replace Yang Jong Hoon. In this utterance, it can be seen that presupposition is utilized as showing something that would happen if a certain action were not taken.

#### **4.1.4 Structural Presupposition**

The writer only found one utterance of Yang Jong Hoon as a prosecutor that contains structural presuppositions. Structural presupposition can be seen in Interrogative forms or rhetorical questions. As a prosecutor, there will be instances where questions are asked in order to acquire information. With structural presupposition, whatever the answer to the question will unintentionally affirm the truth assumed.

##### **Incident 8:**

*Did you see the driver who hit the kid and fled? (A.2.4)*

The writer identified a structural presupposition in this utterance. The highlighted word “did” make this utterance an interrogative form. The words after “did you see” is assumed to be the truth. Whether Lee Man Ho saw the incident or not, the truth is there is a driver who hit a kid and fled.

#### **4.1.5 Factive Presupposition**

Like the counterfactual presupposition and structural presupposition, the writer only found one utterance which contained factive presupposition type. The information that comes after a factive verb like “know” can be taken as true and is called a factive presupposition. The reason for the occurrence of factive presupposition in Yang Jong Hoon’s utterance is because factive presupposition presumes the truth of something happening and the prosecutor's job is to try to prove whether the defendant is guilty.

##### **Incident 9:**

*If you knew everything about each other, I'm sure you **knew** what Ko Hyeong-su wanted when he gave you that **land**.* (A.1.1)

The highlighted word “knew” here is a factive verb. What came after the factive verb is the assumed truth. Yang Jong Hoon assumed that Ko Hyeong Su wanted something when he gave Seo Byung Ju that land. This is an intelligent move done by Yang Jong Hoon. Whether Seo Byung Ju acknowledged it by stating he knew or not, both of them are aware that there is an ulterior motive behind Ko Hyeong Su’s actions.

#### 4.2 Presuppositions Used by Yang Jong Hoon as a Lawyer

Yang Jong Hoon acted as a lawyer in an assault case. He defended his student Jeon Ye Seul even though he is a lecturer. He requested to be her lawyer because no lawyer was willing to defend her due to the victim’s influential father, Ko Hyeong Su. Jeon Ye Seul was charged with assault because her boyfriend, who is the victim, tried to spread their hidden sex cam video and she accidentally pushed him.

In the utterances of Yang Jong Hoon as a lawyer, all six types of presupposition were found by the writer. Interestingly, lexical presupposition was found the most, followed by non-factive, existential, structural, factive, and counterfactual. The number of occurrences can be seen in Table 4.2 below.

Table 4.2

Yang Jong Hoon’s Presuppositions as a Lawyer

No.	Presupposition Types	Number of Occurrence
1.	Lexical Presupposition	10
2.	Non-factive Presupposition	9
3.	Existential Presupposition	6
4.	Structural Presupposition	4
5.	Factive Presupposition	1
6.	Counterfactual Presupposition	1

Analyzing Yang Jong Hoon's utterance as a lawyer reveals many underlying presuppositions. The most prevalent among them is lexical presupposition, as evident in the choice of words that implicitly assume certain background knowledge, appearing ten times in the discourse. Non-factive presupposition is also notable, occurring nine times, hinting at implicit assumptions about situations that may not correspond to reality. Existential presupposition emerges six times, subtly implying the existence of particular entities or situations taken for granted. Next, structural presupposition appears four times, indicating underlying assumptions about the organization or structure of information within his statements. Additionally, factive presupposition appears once, suggesting assumptions about the truthfulness of certain propositions. Lastly, a single instance of counterfactual presupposition is identified, indicating hypothetical scenarios contrary to fact. These varied forms of presupposition contribute to the complexity and depth of meaning within Yang Jong Hoon's discourse, reflecting the nuanced nature of legal communication.

#### 4.2.1 Lexical Presupposition

Lexical presupposition occurred the most often because of Yang Jong Hoon's scenes recounting what happened during the incident when the defendant had to defend herself against the victim. He stated about what the defendant did and did not do. Not only that, but he also stated about what the victim did and did not do. These statements contained the presuppositions that they were trying to do something, whether they succeeded in doing it or not. Here are the examples of lexical presuppositions from Yang Jong Hoon's utterances.

##### Incident 1:

*However, I made a special request to the judiciary to take up her case as an attorney. (B.11.6)*

The presupposed is that an action of creating, forming, or initiating a special request occurred. The word "made" presupposes the existence of an action or event performed by Yang Jong Hoon, indicating that Yang Jong Hoon took the initiative to create or formulate the special request. This action of his was done in order for the defendant to have someone to defend her. There is nobody that wants to defend her because of the opposition's strong influence.

This is the reason that Yang Jong Hoon can be the attorney of his student even though originally he could not because he is a lecturer, and a lecturer cannot practice law. However, his request got accepted by the judiciary and he can defend his student.



**Incident 2:**

*The accident happened as she **tried** to stop the victim from spreading their spy cam sex video.*  
(B.11.11)

In Yang Jong Hoon utterance, the highlighted word "tried" in "tried to stop" presupposes the existence of an action or event that needs to be halted or prevented, suggesting that the situation was quite dire. The situation is the victim trying to spread the sex video from the hidden cam. This action of the defendant means that the case should be ruled as self-defense. Because if the defendant did not try to stop the victim, the spy cam sex video will be released.

**Incident 3:**

*Which wouldn't have **taken place** had it not been for the sexual assault and the video.*  
(B.12.6)

The utterance contained lexical presupposition because the presupposition is embedded within specific words, rather than being derived from the overall structure or context of the sentence. In Yang Jong Hoon's utterance, he stated that the assault did take place. This can be understood as the defendant attempting to assault the victim. Typically, admitting this is perilous because Yang Jong Hoon was supposed to be on the defendant's side, but the following sentence mitigates the risk. The defendant's action was justified because the victim was attempting to commit a the? crime first.

**4.2.2 Non-factive Presupposition**

Non-factive presupposition was found in utterances where Yang Jong Hoon assumed that something was untrue. Non-factive emerged nine times in YANG JONG HOON's role as a lawyer, because as a lawyer Yang Jong Hoon likely needed to communicate something that is not happening in order to bring about a desired outcome and protect his client to the best of his ability. This is why there are many assumptions of something being untrue. These are the examples of non-factive presuppositions in the utterances of Yang Jong Hoon as a lawyer.

**Incident 4:**

*In order for the defendant to be fairly judged by the Court and the people, I would like to request a jury trial. (B.9.1)*

The highlighted words “in order” and “would like” here indicate that the utterance contains non-factive presupposition. Yang Jong Hoon assumed that the defendant was not being fairly judged at that moment. This is why he requested a jury trial, believing that the defendant could not receive fair judgment without it. This request was influenced by the knowledge that the victim’s father is Ko Hyeong Su, a very powerful man in the country who could potentially influence the outcome of the trial.

**Incident 5:**

*I hope you won't play dirty and emphasize that I'm currently getting tried for murder charges to the jurors of this jury trial. (B.11.1)*

This utterance contains non-factive presuppositions because of the highlighted word “hope”. This word indicates something untrue at that moment. When Yang Jong Hoon hoped that the opposing side would not play dirty, it meant that they were not playing dirty. Yang Jong Hoon also hoped that the opposing side would not emphasize his situation, so it also meant that the fact Yang Jong Hoon was getting tried for murder charges had not been emphasized yet.

**Incident 6:**

*The defendant was in an abusive relationship. (B.11.10)*

Non-factive presupposition can be seen from the highlighted word “was”. The use of past tense made it clear that the defendant is currently not in that toxic relationship. The underlying message in this utterance is that the defendant will most likely be in that unhealthy relationship with the victim if this incident did not happen.

#### 4.2.3 Existential Presupposition

Existential presuppositions occur in the utterances of Yang Jong Hoon as a lawyer when there is the knowledge that something exists. This occurred because in court, as a lawyer, Yang Jong Hoon is constantly trying to prove the existence of something in order to prove the innocence of his client. Here are some examples of existential presupposition in Yang Jong Hoon's utterances as a lawyer.

##### Incident 7:

*Based on Article 31 of the Criminal Procedure Act, I've been appointed as her special defense counsel.* (B.10.1)

The possessive form is linked to the idea that something exists, which is why the possessive construction "her special defense counsel" means that there is the existence of special defense counsel. Additionally, there is the existence of Article 31 of the Criminal Procedure Act. Noun phrases are an indication of an existential presupposition.

##### Incident 8:

*Since I was sitting across from you, I could see your confusion when the judge informed you of the presumption of innocence and ruling solely on the evidence presented here.* (B.11.5)

There are the existences of the presumption of innocence and ruling solely on the evidence because of the noun phrases in this utterance. Not only that, the definitive description in this utterance which was indicated by the word "the" shows another proof that this utterance contained existential presupposition.

##### Incident 9:

*The defendant received the video from Mr. Ko at 20:15 on November 9th.* (B.12.11)

There is the existence of a video that was sent in order to blackmail the defendant. The definitive description in this utterance is the reason the writer identified it as an existential presupposition. This video is proof that the defendant's action took place because she was scared

of the video being spread by the victim.

#### 4.2.4 Structural Presupposition

The second least appeared presupposition type is the structural presupposition. It appeared only four times. There are utterances of Yang Jong Hoon that makes the listener of Yang Jong Hoon assume that part of the sentence structure is the truth. Here are the examples of structural presuppositions from Yang Jong Hoon's utterances.

##### Incident 10:

**Did** you ask him to write it like that to screw my client over? (B.12.1)

The part of the utterance after "Did you ask" is assumed to be the truth. Yang Jong Hoon wants to let his opponent know that he has the knowledge that the doctor writes that the victim is unable to completely recover. The opponent's answer, whether affirmative or negative, will indirectly acknowledge the existence and content of the doctor's note and its detrimental effect on Yang Jong Hoon's client. The note is made to make the victim win in court. Yang Jong Hoon was saying this with the knowledge that the opponent is also aware about, that the victim in truth has a chance to truly recover if the victim continues to receive therapy.

##### Incident 11:

**Were** these bruises caused by being beaten? (B.12.2)

The underlying knowledge is the defendant has bruises. The bruises must have happened because of something or someone. This is actually a rhetorical question because Yang Jong Hoon knows the truth is the defendant was beaten by the victim. However, by asking this question, all the people that can hear Yang Jong Hoon will know that the truth is the defendant has bruises and they all have to know the reason the defendant has bruises can be the smoking gun for Yang Jong Hoon to prove the innocence of the defendant. The bruises indicate that the defendant may also be the victim of violence.

##### Incident 12:

**How** badly was she beaten? (B.12.3)

The underlying knowledge is the defendant was beaten. Yang Jong Hoon was asking “how badly” but the part after that can be assumed to be the truth. In the example 9 before this, Yang Jong Hoon asked if the bruises were by being beaten or not, and with this example on this part, Yang Jong Hoon can clarify the information is the truth. This proves that when defending someone as an attorney, questions using the structural presupposition are effective to clarify the truth in order to win in the court.

#### 4.2.5 Factive Presupposition

The writer encountered only one factive presupposition in Yang Jong Hoon’s utterances. Factive presupposition occurs when the information following a factive verb is assumed to be true.

##### Incident 13:

I **wish** to stop defending her so that she can exercise her right to defend herself. (B.12.12)

When Yang Jong Hoon said 'wish,' it indicates that he desires something, and that something is to stop defending the defendant. This implies that Yang Jong Hoon is still defending her at that time. The factive verb 'wish' demonstrates that the utterance contains a factive presupposition.

#### 4.2.6 Counterfactual Presupposition

Counterfactual presuppositions appeared only once in the utterances of Yang Jong Hoon as a lawyer. Counterfactual presupposition occurs when what is expressed contradicts the actual facts, often observed in the use of counterfactual conditionals. Here is an example of counterfactual presuppositions from Yang Jong Hoon’s utterances.

##### Incident 14:

That **does not** mean the clause **isn't** there. (B.10.2)

The phrase "that does not mean" sets up an expectation that the following statement will clarify or qualify what it does not imply. "The clause isn't there" is the assertion that is being negated

or countered. It suggests the absence of something, in this case, a clause. This is why the writer finds this utterance of Yang Jong Hoon to contain counterfactual presupposition.

#### **4.3 The Similarities and Differences between The Way Presuppositions Are Used by Yang Jong Hoon as Prosecutor and Lawyer**

This section is about the similarities and differences between the way presuppositions are used by Yang Jong Hoon as a prosecutor and lawyer. By comparing how Yang Jong Hoon utilizes presuppositions in his work as a prosecutor versus a lawyer, the readers are able to gain insights into the varied ways presuppositional techniques are applied in different legal contexts.

##### **4.3.1 Similarities**

In both roles as a lawyer and as a prosecutor, Yang Jong Hoon exhibits striking similarities in the use of presupposition. Firstly, regardless of his position, he employs presuppositions as a tool to counter opposing arguments effectively. Whether advocating for the defense or presenting the prosecution's case, Yang Jong Hoon utilizes presuppositional strategies to strengthen his arguments and challenge opposing viewpoints. Moreover, in both roles, Yang Jong Hoon employs presupposition as a means to extract crucial information. Whether cross-examining witnesses as a prosecutor or eliciting testimony as a defense attorney, he strategically employs presuppositional tactics to uncover hidden details and sway the course of the trial. Interestingly, despite the varying demands of his roles, factive presupposition was discovered once in each. This is because factive verbs are untrustworthy when used by a lawyer. A legal professional is required to state facts rather than feelings. Furthermore, Yang Jong Hoon employs counterfactual presupposition only once in each case. Counterfactual is unnecessary in this field since it makes statements that are contrary to facts. This infrequency suggests a nuanced understanding and selective application of this particular presuppositional strategy in his legal practice, highlighting a consistent and calculated approach across his diverse professional roles.

#### **4.3.2 Differences**

When examining Yang Jong Hoon's roles as both a lawyer and a prosecutor, differences in his use of presuppositions become apparent because of the distinct roles he takes. In Yang Jong Hoon's utterances as a prosecutor, existential presupposition is the most frequently appearing type, while in his utterances as a lawyer, lexical presupposition is the most frequently appearing type. As a prosecutor, he frequently emphasizes existing facts to challenge the defendant's arguments, aiming to weaken their case and bolster his own. In contrast, as a defense lawyer, he leans towards implying meanings through word choice, constructing narratives that support his client's position. It is worth noting that in his role as a lawyer, he often engages with hypothetical scenarios, employing phrases like "what if," "please," and "hope" to demonstrate his dedication to his client's cause. These disparities illustrate how his objectives differ between the two roles: as a prosecutor, he seeks to dismantle the opposing case, whereas as a lawyer, he endeavors to craft a compelling defense based on subtle implications.