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Rhetorical Strategies of Legal Arguments in Courtrooms

Bader Nasser Aldosari
Department of Law, College of Science and Humanities, Prince Sattam Bin Abdulaziz University, Saudi Arabia

***Abstract*—Within courtrooms, law cases are supposed to be won or lost. The criterion upon which this happens is entirely based on the use of rhetoric by attorneys. The rhetorical ability of speakers determines to a great extent where the legal case is going. Based on this assumption, this research paper attempts to investigate the rhetorical strategies of legal arguments in the courtroom, by offering extensive discussions to the different levels of rhetoric employed within courtrooms. These include the lexical level, which focuses on the use of lexis; and the pragmatic level, which sheds light on the intended meaning targeted by courtrooms participants. The main objective of the study, therefore, is to explore the way rhetoric is used to achieve persuasion within courtrooms. Findings reveal that legal rhetoric can linguistically be manifested and practiced within courtrooms at the lexical and pragmatic levels of the linguistic analysis, which in turn demonstrates the integrated connection held between the ideological use of language and law.**

***Index Terms*—courtrooms, language, law, persuasion, rhetoric**

I. Introduction

In courtrooms, language plays a significant role in the process of justice administration. Language can be used rhetorically in order to achieve persuasion on the part of courtroom participants (Aldosari, 2020, 2022). Legal rhetoric therefore is effective in managing and maintaining a persuasive discourse in the court. Legal rhetoric can be utilized to persuade and/or manipulate, which in turn necessitates a linguistic intervention to shed light on the extent to which legal rhetoric adopts specific linguistic strategies to persuade and/or manipulate. From this context, it is essential to offer an investigation of the strategies of legal arguments employed in courtrooms. This will contribute to understanding the way justice is administered and maintained in the court and to the general understanding of the use of legal rhetoric in courtrooms.

Effective language use is essential to successful practice because language has the ability to influence how others think and behave. Our knowledge of the law and language has led to the development of a special program that trains our graduates to be better writers and attorneys. The practice of rhetoric, sometimes known as the art of speech, strives to enhance the ability of authors or speakers to enlighten, convince, or inspire particular audiences in particular contexts. Rhetoric has been a key component of the Western heritage as both a field of formal study and a useful civic activity. The best-known definition of rhetoric comes from Aristotle, who calls it the faculty of perceiving in each particular instance the accessible instruments of persuasion and sees it as a parallel to both logic and politics (Bizzell & Herzberg, 2000; Garver, 2009). The Greek word rhetor, which means orator or public speaker, is whence the word rhetoric gets its name. A rhetor was a member of the public who frequently spoke before juries and political gatherings; as a result, it was assumed that he or she had picked up some knowledge of public speaking in the process (Hill, 2005). However, in general, language proficiency was frequently referred to as logôn techne, skill with arguments or verbal artistry. Thus, rhetoric developed into a significant art form that gave speakers the tools they needed to convince an audience that their points were valid. Every time someone speaks or creates meaning, they are using rhetoric (Gross & Walzer, 2000; Kennedy, 1991).

The significance of this study emanates from its attempt to explore the extent to which language and law are integrated to achieve persuasion inside courtrooms. The paper, thus, is anticipated to contribute to the field of legal discourse, particular the use of rhetoric to convince. Conducting this study also contributes to understanding of the courtroom language and how rhetorical strategies of legal argumentation are dexterously utilized to achieve persuasion. So, the significance of this study can be summarized as follows: (i) it contributes to legal discourse analysis; (ii) it highlights the integrative nature between rhetoric, language, and law; and (iii) it mirrors the importance of the linguistic and rhetorical expressions over other styles of speech within courtrooms.

According to Aristotle (cited in Kennedy, 1991), the rhetoric book by Aristotle describes eloquence as a human skill in detail (techne). Aristotle defines rhetoric as the faculty of perceiving in each particular instance the available techniques of persuasion. In truth, his work also covers emotional appeals (pathos), characterological appeals, and characteristics of style and delivery (ethos). Three elements make up a speech: the speaker, the topic being discussed, and the audience to whom the speech is directed. This would explain why there are only three technical methods of persuasion: Technical means of persuasion can be found in the speaker's personality (ethos), the listener's emotional condition (pathos), or the argument itself (logos). When a speech is delivered in a way that makes the speaker credible,

persuasion is performed through character. If the speaker comes off as credible, the audience will make the second-order determination that the speaker's claims are correct or defensible. This is particularly crucial when there is a lack of precise knowledge but allow for uncertainty.

This study contributes to the field of legal discourse used in courtrooms. So, it is anticipated that it has both an academic and pedagogic value to the Saudi community, as it can demonstrate how language is used in the legal context which in turn can contribute to the understanding of the language of law within the various Saudi courtrooms. Also, the results of the current study can be used and applied by courses designers to structure the various legal courses taught in the different Saudi universities. This study, therefore, offers a general assessment to legal language within courtrooms, and provides results that highlight the possibility of applying and using its expected results to understand what is going on in courtrooms.

There are three research questions this paper attempts to answer. First, what are the different rhetorical strategies of legal arguments employed in courtrooms? Second, what are the different levels of legal rhetoric used within courtrooms? Third, to what extent are persuasion and/or manipulation achieved in the courtroom at the lexical and pragmatic levels of linguistic analysis? The answer to these research questions serve to achieve the three main objectives of this study. First, to explore the various rhetorical strategies of legal arguments employed in courtrooms; second, to shed light on the different levels of rhetoric employed within courtrooms; and third, to show the extent to which persuasion is achieved in the courtroom at the lexical and pragmatic levels of linguistic analysis.

The remainder of this paper is divided into four sections. Section II presents the literature review of the study by providing the previous studies. Section III offers the methodology of the study. Section IV demonstrates the analysis and discussion of the findings. Section V displays the conclusion of the study.

II. Literature Review

This part offers a brief background of the theoretical framework adopted in this research project. This includes a brief theoretical discussion to (i) legal rhetoric, (ii) language and law, (iii) the lexically-based strategies of rhetoric courtrooms; and (iv) the pragmatically-based strategies of rhetoric in courtrooms.

A. Legal Rhetoric

Legal rhetoric is the use of reasoning-based language and persuasion in a setting involving law or justice (Riner, 2020). Lawyers use legal vocabulary both in court and in the office and the strategies have not altered. The use of legal rhetoric requires the skillful utilization of presupposition, deduction, inferences, and the various conversational maxims to persuade. Legal rhetoric is the use of proverbs, sayings, idioms, epitomes of objects, and puzzles to convey a point. Rhetoric would be familiar to any advocate who has completed their schooling, which serves to clarify the reason why many efficient advocates are also excellent orators. Within courtrooms, lawyers and advocates use rhetoric in order to persuade and/or manipulate their recipients. Each discourse participant in the court dexterously employs his/her rhetorical abilities to win the case. The more rhetorically powerful speakers are, the more possible it is to win a case. Further, many scholars in the field of legal discourse accentuate the fact that rhetoric is one basic component of power in the courtroom (e.g., Aldosari, 2020; Berukstiene, 2016; Cheng & Danesi, 2019).

Great lawyers use legal vocabulary both in court and in the office, and the strategies have not altered. Using presumptions, principles, rules, tests, doctrines, maxims, and legal expressions to persuade is what legal rhetoric is all about. Legal rhetoric is the use of proverbs, sayings, idioms, personification of objects, and puzzles to convey a point. Rhetoric would be familiar to any advocate who has completed their schooling, which may help to explain why so many effective advocates are also excellent orators. Elders, leaders, and politicians from numerous cultures and eras used it as their speech mark. One important fact about legal rhetoric is that it is usually based on two main factors: first, it usually targets the questioning of both the fact presented in the court and the interpretative meaning of law (Spasov, 2016). Sometimes, speakers who use legal rhetoric intentionally attempt to communicate a number of inferences to the court that affect its final decision in terms of a particular case. The court may accept or reject such types of inferences, but in all cases, such rhetorical inferences significantly affect the administration of justice process in the court (Mead, 1985). Factual or legal interpretation concerns are often the two main topics of legal discourse.

On the subject of legal jurisdiction, there are (approximately) three categories of law, each of which generates a particular set of interpretive strategies: Constitutional law establishes a national and state-level governmental system with express and implied governmental powers and individual rights. Statutes: enacted legislation. Common law and equity: the system of law determined by judges. The judicial species is described as speech delivered in front of a court. The speaker either accuses someone or stands up for herself or another person. This type of discourse naturally discusses historical events.

B. Language and Law

Many previous studies have highlighted the close and reciprocal relationship between language and law (e.g., Mey, 2016; Aldosari, 2020; Karasev et al., 2020; Gupta, 2022). These studies contribute to the development of the linguistic analysis conducted on legal texts, either written legal texts or spoken legal texts. Furthermore, these studies use different linguistic approaches to investigate the extent to which language plays a crucial element within courtrooms.

For example, Aldosari (2020) discusses the effective role of language in decoding the different legal meanings in the courtroom discourse by using a critical discourse analysis approach, in which he focuses on the role of lexicalization in communicating legal meanings and ideologies (Gupta, 2022). Also Riner (2020) adopts a pragmatic approach to analyze legal discourse, in which he discusses the ideological weight of particular linguistic expression in managing, directing and shaping the court's attitudinal behavior towards cases. Accordingly, language and law cannot be said to be inseparable within courtrooms. Both of them affects and is affected by the other. Effective language usage is essential to successful practice because language has the potential to influence how others think and behave. Our knowledge of the law and language has led to the development of a special curriculum that trains our graduates to be better writers and attorneys.

The court system is likely the most immediately powerful institution in countries governed by the "rule of law," according to Gibbons (2003, p. 75), and the goal of the current study was to ascertain how this power is expressed in interactions within the courtroom. As has already been said, the majority of courtroom interaction is linguistic, and it is vital to remember that "language behavior is a significant representation of power relations" (Gibbons, 2003, p. 75). In society, the law serves two main purposes, in the words of Danet (1980), "the organizing of human connections and the restoration of social order when it breaks down" (p. 449). The first function is concerned with creating and codifying the laws that control how people behave in social situations. In other words, what is appropriate or inappropriate in our interactions with others is determined by the written letter of the law. The judicial system, of which courts of law are a crucial component, is how the second purpose of the law is carried out. Courts resolve disputes primarily by listening to oral arguments presenting divergent "facts". This study's main focus was on this verbal exchange that takes place in courts.

C. Courtroom Discourse

A subset of professional speech, courtroom discourse is distinct from everyday linguistic exchanges in interpersonal interactions (Santos, 2004). This uniqueness can be attributed to a variety of factors, including the explicit rules of evidence that govern verbal interaction in the courtroom and issues that are important to the critical discourse analysis theory, like how language demonstrates power, control, and discrimination among discourse participants in the courtroom (Blommaert & Bulcaen, 2000). Additionally, there is a focus on testimony that is sequential, expressly deals with cause and effect, and names the agent to blame for particular commissions or omissions since courtroom discourse involves speech acts that are purpose driven, as opposed to casual chat. Contrast this with informal dispute resolution, which places more emphasis on basic principles of behaviour and allows parties to comment on personal matters that are unimportant in a court of law (Conley & O'Barr, 2005). In direct examination, cross examination, and re-cross examination during a trial, questioning or interrogation is the dominating speech act. Questions, which fall under Searle's (1976) directed class of illocutionary acts, have been characterized as accusation-making tools and weapons for refuting witness testimony (Danet, 1980). In addition to these, affirmations, assertions, and explanations are other typical illocutionary acts that can be observed throughout the trial, according to the Speech Act Theory (Farinde, 2009; Searle, 1976). The topics of interest for this study included these speech acts as well as other discourse techniques that are employed in a trial when one party's ability to speak more persuasively than the other party determines which party will prevail.

D. The Lexical Approach to the Investigation of Legal Language

Much previous research (e.g., Berukstiene, 2016; Cheng & Danesi, 2019; Riner, 2020) has emphasized the assumption that lexicalization is very important element through which rhetorical argument can be channeled in the courtrooms. Adopting such a lexical approach means the employment of particular vocabulary that serve to communicate the target meaning on the part of the court participants. Lexical choices, therefore, is crucial in conveying intentionality, enhancing rhetorical arguments, and realizing legal goals within courtrooms. This process of lexicalization can be conducted via using the different levels of the word, either content words or function words. By adopting a rhetorical approach, which depends on lexis, means that the power of the very single word is more effective that the power of sword.

E. The Pragmatic Approach to the Investigation of Legal Language

At the level of the utterance, lawyers and legal discourse participants use various pragmatic aspects to influence their recipients rhetorically. These pragmatic aspects include the use of implicatures with its two main types: conventional and conversational implicatures, the four conversational maxims of Grice (1975), presupposition, inference, speech acts, references, and face management strategies. These pragmatic aspects are recurrently employed in the linguistic analysis of the different types of texts, including the legal ones (e.g., Mead, 1985; Berukstiene, 2016; Spasov, 2016; Tessuto, 2016; Cheng & Danesi, 2019). On the pragmatic level, legal inferences are one of the argumentative strategies used in courtrooms. Legal inferences are the result of a law that says that upon the showing of one fact, the court may or must conclude that another truth, referred to as the "presumed fact," is true. These are conclusions that a court might, might be required to draw, or could draw. Inferences allow a court to determine whether a fact is true or false based on the evidence presented. The inference that the court may draw may be positive or dis-affirmative (on the *yes* or on the *no*).

In essence, presumptions will affect how much burden of proof is required. The burden of proof that an individual will have will change if it is implied that presumptions will aid the court in concluding that a particular fact exists.

Power is one main element discussed within the scope of using pragmatics in courtrooms. It is an obvious fact that power dominates the whole setting of legal discourse. It is employed linguistically, that is, to achieve persuasion and/or manipulation among participants of legal discourse. Scholars from various fields have given diverse definitions of the concept of power. According to sociology, power is the capacity of an individual or group of individuals to carry out their wishes despite opposition from others. This capacity also includes the capacity to influence other people's behavior, often against their will (Giddens, 2009). In courtrooms, participants showed how they dominate others by using their superior authority over them. Power, according to Conley and O'Barr (2005, p. 9), "may exclude, but those excluded remain on the scene, ready to transform local-level incidents of oppression into moments of resistance". One main objective of this study is to show the extent to which power structures and strategies are employed as argumentative strategies within courtrooms.

The abovementioned general assessment of the literature in rhetorical legal discourse shows that language and law are closely related to each other. The application of the different linguistic levels of analysis to the investigation of legal rhetoric is crucial to understand the extent to which courtroom discourse is produced, received and consumed by discourse participants, and it also demonstrates how rhetorical legal language influences the administration of justice within courtrooms.

III. Methodology

This part presents the methodology of the current study which constitutes the design of the study as well as the procedural steps adopted in it.

A. Study Design

The study design comprises a general discussion and assessment to the different rhetorical strategies of argumentation that are employed in courtrooms. This is conducted by tracing the various rhetorical strategies at the different linguistic levels of analysis, including the lexical and the pragmatic levels. The main objective beyond this is to explore the extent to which rhetorical strategies are utilized in courtrooms to achieve persuasion.

B. Procedures

The analytical procedures in this study consist of two stages. The first stage provides details analytical discussion of the strategies at the lexical level. The focus in this level will be on clarifying the extent to which the rhetorical selection of words influences the persuasiveness of discourse in courtrooms. This level of analysis demonstrates the linguistic weight played by the selection of specific words to maintain a successful process of argumentation within courtrooms. Such a successful process ultimately aims at realizing the purposes of the language users. The second stage presents the pragmatic level of analysis which focuses on the way through which the intentionality is rhetorically communicated at the utterance level. At the pragmatic level, a special focus will be on the notion of power as a crucial element in the process of argumentation in courtrooms. Significantly, the four analytical stages are complementary and target one main objective: to explore the extent to which persuasion and/or manipulation are argumentatively achieved in the courtroom at the lexical and pragmatic levels of linguistic analysis.

IV. Analysis and Discussion

A. Lexical Choices

According to Khafaga (2022), lexical choices have an ideological significance in conveying particular meanings in discourse. Lexemes, for Khafaga (2022), are ideology carriers that are dexterously selected by discourse participants to communicate their purposes beyond the semantic propositional meaning of sentences. As Loftus (1979) notably shown in an experiment where viewers responded differently to the question: "About how fast were the automobiles travelling when they smashed into each other?" word choice can be used to impact a witness's memory of an incident and "How fast were the automobiles traveling when they collided?" The answers to the first question tend to indicate higher speeds. Among lexical choices is the use of the word 'so'. The use of 'so' summarizers, which are similar to reformulation but different in that they are always preceded by the particle "so", is discussed by Cotteril (2004). She points out that they also have an evaluative function, and they do so in a way that anticipates and presume agreement. It is conceivable for attorneys to provide nuanced and biased information about victims and suspected perpetrators without breaking the rules of evidence and without appearing to undermine the purpose of the opening statement through the deft exploitation of several layers of linguistic meaning. Lawyers must work with the ambiguity that exists between a denotational meaning- a relatively neutral representational picture of an entity- and its more evaluative connotational meaning in order to do this.

By employing prescriptive and prospective lexicalization, the attorney hopes to use strategic word choices to steer the jury toward a specific conceptualization of the trial's events and participants. By doing this, the attorney can take advantage of the lexical items' connotational and collocational features. Danet's (1980) widely referenced study of the

differential use of lexical terms in an American unlawful abortion prosecution serves as an example of the potency of strategic vocabulary choice in altering perception. The defense conceptualized the case in terms of a foetus, in contrast to the prosecution's manslaughter case, which was built around the life (and death) of a newborn. The defense claimed that because the fetus was incapable of living on its own, manslaughter could not have been committed. The doctor was found guilty of manslaughter by the jury after they agreed with the prosecution's argument. This straightforward image perfectly captures the influence of semantic categories, labels, and the underlying presuppositions. Additionally, Drew (1985) demonstrates how lexical analysis can indicate how participants in courtroom discourse frame their contributions in relation to the overall discussion. Adverse witnesses strive to provide "alternative and competing descriptions in cross-examination" from those provided by the examiners because they are aware that they are testifying in a trial (Drew, 1985, p. 38).

B. Repetition and Presupposition

A cross examiner can produce inconsistent answers from a witness by asking the same questions repeatedly about a certain problem, which lowers the credibility of the witness' testimony. Reformulation is a technique similar to repetition where the examiner creates questions by summarizing, providing a "gist" or "upshot" of what was said (Gibbons, 2003, p. 120). Drew (1990, p. 121) provides an illustration of how a lawyer would seek to reformulate reality in order to create a different story, but he also demonstrates how the witness in this particular case would fight the attempts. A "yes" or "no" response to this question might give the impression that the witness is in agreement with the underlying presumption in a legal dispute (Bülow-Meller, 1991).

C. Questions and Answers

The main objective of language used by plaintiffs and other trial players, including the prosecution and the defense team, is to persuade the fact-finders to accept their account of the events. Among the various uses of language is to persuade and/or manipulate recipients (Khafaga, 2019). This persuasion is carried out by questioning, which is meant to either extract information or affirm a specific version of events that the questioner has in mind (Gibbons, 2003). Jacquemet agreed with Meller's (1991) assessment that the purpose of courtroom questioning is to win rather than to aid in the discovery of facts (cited in Gibbons, 2003). According to Baldwin (1993), questioning during a deposition is therefore a chase of proof rather than a pursuit of the truth. It goes without saying that the questioner must possess exceptional expertise to use questions to accomplish such goals. He or she is limited to using questions, and the trick is to use them in a way that results in the facts that person wishes to provide. According to Quirk et al. (1985, p. 804), the discourse purpose of inquiries is to "seek information on a certain point," but this seeking is not always objective or impartial. This is due to the fact that inquiries may take the shape of expectations that are biased toward a particular response. Because of this, "questions may be conducive, i.e., they may show that the speaker is inclined, to the kind of answer he or she had anticipated or expected" (Quirk et al., 1985, p. 808).

There have been many changes in focus over time on which of these two skills fundamentally creates synergies in human thought, behavior, and interaction. Both asking and answering questions are arts and techniques. The study of the diverse forms and purposes of various sorts of inquiries used for varying objectives in various situations has long been a focus of linguistics experts. Additionally, a number of linguistics theoretical schools have shown an interest in describing the distinguishing qualities of questions in general and their many applications in particular (Ilie, 2015). Asking a question as a speech act elicits a response, which may or may not be appropriate. A response must meet a number of requirements in order to be successful, including appropriateness, cooperation, and informativeness (Gibbons, 2003).

According to Riner (2020), the form of this questioning process in cross-examination is varied, despite the fact that the turn-taking procedure in cross-examinations is only limited to questions and replies. The intricacy of question-response typology is a result of diversity. This emphasizes how difficult it is for the lawyer to get the truth out of a witness for the other side whose testimony is meant to support that side's position on the issue at hand. As a result, it is suggested that cross-examination question acts are not just restricted to leading questions but also to non-leading ones. In courtrooms, a range of question formats is used to evaluate the validity of the opposing evidence and to elicit from the witness any favorable testimony that will support the examiner's position. Ilie (2015) also argues that according to the traditional cross-examination processes, witnesses should give specific answers when being questioned by the opposing attorney. As a result, witnesses should provide brief, direct statements rather than going into great detail. Instead, they should stick to the questions' explicit parameters.

For Farinde (2009), a trial is primarily a linguistic event in which one side is required to establish their innocence to a crime or misdemeanor, their lack of guilt (or not having violated a legal obligation), or their legal liability for anything. Trials are an integral aspect of contemporary conflict resolution systems, which are themselves defining characteristics of ethical social behavior. In a dispute, the opposing parties are present and use language to support their positions. The discovery and collection of the relevant information must be done in such a way as to give the third party (a judge or magistrate) the ability to have a clear knowledge of what transpired to reach a decision (Dante, 1980). Therefore, questioning is employed to make sure litigants do not stray or provide information that is forbidden by the law. Second, the rules of fairness in a trial give the parties the chance to criticize the opposing party's version of the facts in addition to presenting their own. This challenge is carried out by posing inquiries with the intent of eliciting answers that will

refute the adversarial party's narrative. It is crucial to recognize that questions are frequently used as a key form of communication in formal contexts other than the courtroom.

The purpose of the question and answer sessions during a trial is to make it easier to build the crime narrative that will serve as the foundation for determining whether or not the parties to a dispute are guilty or innocent (Aldosari & Khafaga, 2020). There are two phases to these transactions. the first one being the first round of cross-examination, which is done by the party who called the witness and is intended to establish facts in that party's favor. The other is cross examination, which is done by the opposing party in an effort to undermine a witness' testimony by pointing out inconsistencies or making it seem less trustworthy. Given these different objectives, it is to be expected that the discourse players in these phases of litigation will deploy a range of questioning patterns as well as pragmatic methods as means to ends (Gibbons, 2003). As was previously mentioned, questioning is the predominant speech act, and lawyers employ questions to shape what witnesses say (Farinde, 2009; Luchjenbroers, 1993).

D. Power

The power disparities among the participants in the discourse in the court setting are another component of courtroom interaction that can be seen in language use. Prosecutors and defense attorneys have authority that stems from both a superior legal knowledge base and the procedures that regulate formal interaction in the courtroom, while the presiding magistrate or judge has super-ordinate authority. The hearsay rule, which forbids witnesses from retelling what other people have said about the events being reported, is one of these evidentiary rules. The standards of evidence also prohibit a witness from inserting details they believe are crucial as a preamble or qualification or from speculating on how the circumstances or events being recounted may have appeared to others or from different viewpoints (Conley & O'Barr, 1990).

Fairclough (1989) claimed that power "exists in numerous modalities". Physical force or aggression is only one of these modes (p. 3). Power is exercised more subtly and may be harder to spot by "manufacturing consent to or at least acceptance towards it" (Fairclough, 1989, p. 4). In addition, he contends that language is one of the mechanisms used to produce and maintain power disparities as well as a means of redressing them. This is thus because conventions are established through language use, particularly in institutional settings, and through their recurrence they grow into "proper" ways of doing. Gibbons (2003) also discusses the discourse techniques employed in the courtroom to manage weaker witnesses. Their distribution reveals the disparity in power relations exercised within courtrooms to achieve persuasion. Further, power relations among interlocutors influence the interpretation of discourse and shows the extent to which the conversational turns of discourse participants are shaped, reshaped and distributed among them in a given communication act (Khafaga, 2022).

E. The Use of Address Forms, Pronouns, and Labeling

Within the scope of the pragmatically-based argumentative strategies in legal discourse, one can use certain strategies through which he/she can either increase or decrease status (Gibbons, 2003). The latter phrase alludes to criticisms of the witness's character intended to undermine their credibility. This may be aimed towards witnesses or victims who are made to appear deserving of their situation or guilty of a crime in the courtroom. A witness' status might also be reduced by making caustic remarks, using ironic titles, or openly contesting their professional or mental ability. Status support works in the other way, and sympathetic interrogators who want to increase the credibility of their witnesses frequently employ it. When questioning expert witnesses, these two techniques are typically employed (Gibbons, 2003).

Pronouns, labels, and address forms can all be used to manipulate a person's status. Gibbons (2003) treats the first two as separate tactics, but in this study, their application is combined with status manipulation. The use of titles like "Doctor" and "Mister" with people's names or the use of their first names is examples of address forms. The third person pronouns are typically used when referring to the opposing party in jury trials, although the plural "we" pronoun is frequently employed to evoke a sense of solidarity with the jury. According to Khafaga (2021), pronouns have an ideological weight in communicating a persuasive and/or manipulative meanings pertaining to discourse participants. Pronouns, therefore, have a significant part to play in the different types of discourse and in the different contextual settings, including courtrooms.

F. Contrast, Modality and Accommodation

Another strategy is contrast, when the examiner crafts inquiries so that the witness's past comments or deeds appear to go against what is often anticipated in a certain circumstance (Drew, 1990; Gibbons, 2003). The reliability of the witnesses is compromised because their actions or statements are made to be inconsistent with what would be logically expected in a certain circumstance. Sometimes, questioners try to get answers from witnesses that come across as being overconfident. A witness finds themselves in an embarrassing situation if they later have to confess that their emphatic claim may not be true in some situations after making an assertion with such assurance. This tactic, sometimes known as the infallibility trap or distorting modality, is used mostly at expert witnesses. A witness can also be forced to offer comments that are so modified that they appear to be completely doubtful of their testimony (Bülow-Möller, 1991; Gibbons, 2003). Another tactic is accommodation, which is based on the Giles and Powesland's Accommodation Theory (1975). The language of the examiners could either be more or less like that of the witnesses. The option could

entail changing one's style and register to be more unlike those of a witness or more different, such as switching to a foreign language as seen in the data.

G. Turn-Taking

Turn-taking is used strategically in the courtroom, in contrast to how it is customary in any discourse for speakers to switch roles. The question-answer adjacency pair persists even in institutional settings where inquiries predominate, so in a courtroom it is typical for the prosecutor or counsel to ask questions and the witness to respond. However, as noted by O'Barr (1982), interruptions during the witness's turn to speak or long periods of silence and gaze can violate the order of turn taking, intimidating the witness and creating a tense and uncomfortable environment for the less powerful participants throughout the entire encounter (Gibbons, 2003). Utilizing bias is the final person-targeted pragmatic strategy. A witness may feel intimidated or embarrassed if questions are presented in a way that is loaded with cultural, gender, or racial prejudice.

H. Negative Suggestion and Interruption

A pragmatic tactic called *negative suggestion* entails asking the opposite of the question that one wants to be answered. The employment of evaluative third sections is another tactic. The use of the third evaluative structure at the conclusion of the elicitation-reply sequence in classroom discourse was proven by Sinclair and Coulthand (1975). In this situation, the student receives feedback on whether their solution was right in the third section, which is often completed by the teacher. This tactic may target a specific individual or topic. Third parts can be employed in courtroom language to evaluate the witness's response in a positive way (*Correct; Good; That's right*) or in a negative way (*No; That's not what I asked you; No, no, no*) (Gibbons, 2003).

Another tactic that is frequently used during cross-examination is *interruption*. The examiner interrupts the witness so that he or she does not "finish what he or she is saying, particularly if it contradicts some element of the "story" that counsel is trying to construct," which is different from a turn-taking violation (as discussed under the person targeted strategies (Gibbons, 2003, p. 125). Gibbons (2003) also listed rhythm, tempo, and quiet as additional tactics. These, however, were not included in this study because it is customary for presiding magistrates to manually record the proceedings, which requires participants to alter their pace in order to suit the magistrate. Therefore, it is challenging to distinguish between silences intended to have a pragmatic effect and those intended to give the magistrate time to complete recording a particular dialogue.

V. Conclusion

This study presented a general survey to the rhetorical strategies of legal argument employed within courtrooms. The study clarified the reciprocal relationship between language, law, power, and ideology, by showing the extent to which the use of language influences legal discourse. The study also demonstrated that the rhetorical use of language can be practiced in courtrooms via the dexterous employment of linguistic strategies that aim to achieve persuasion and/or manipulation. These linguistic strategies are manifested at the lexical and pragmatic levels of analysis. Lexically, the study further clarified that the lexical choices, the use of terms of address and questioning and answering can ideologically be employed as strategies of legal argumentation in courtrooms. Pragmatically, the study also demonstrated that the use of power, negative suggestion and interruption, turn-taking, and presupposition are among the pragmatically-based strategies utilized to maintain a successful process of argumentation in courtrooms.

Furthermore, the study highlighted other important findings as follows: (i) there is a tripartite relationship between rhetoric, language and law; (ii) rhetorical language plays an integral part in shaping and reshaping the attitudinal behavior of the court, which in turn affects the process of decision-making; (iii) lexicalization contributes significantly to legal arguments, as it helps communicate specific meanings to the courtroom participants; (vi) the process of questioning and answering in courtrooms serves as a tool of persuasion; and (v) rhetorical language operates at the lexical and pragmatic levels of analysis.

Finally, for further research, this paper recommends further studies of the linguistic strategies used in legal discourse at other levels of analysis, i.e., the semantic, the syntactic, and the stylistic levels. This might reveal other findings similar or different from the findings revealed in this study.

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Bader Nasser Aldosari is an Associate Professor at the Department of Law, College of Science & Humanities, Prince Sattam bin Abdulaziz University, Saudi Arabia. He got his PhD degree in Law Studies at School of Law, Politics and Sociology at the University of Sussex, UK, in 2018. His research interests include law studies, law and politics, and legal language. ORCID: https://orcid.org/0000-0003-0769-6912