

Investigating Pragma-rhetorical Strategies of Persuasion Utilized in Proceedings of the American Criminal Court

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Abstract

Persuasion is defined as "the art of leading another man's will to a particular choice, or course of conduct, by arguments or reasons, by appeals to both feeling and intellect; it is the act of influencing the minds of others by arguments or reasons, by appeals to both feeling and intellect." This is, without a doubt, what trial lawyers do every day in the courtroom, and it is the subject of this article. Although trial attorneys are unlikely to object to a concentrated study of the art of persuasion, other readers might. They may be concerned that a persuasion is a form of propaganda and that such an emphasis will prevent legal disputes from being decided on their merits. The integrity and character of the lawyer. These two qualities are implicit in the definition of effective persuasion, for juries need to be convinced of the advocate's honesty of purpose and truthfulness. This study explores how the attorney utilises success pragma-rhetorically to persuade the court and the jury about the evidence given to the court. It investigates the pragma-rhetorical strategies in the proceedings delivered within persuasion in an American courtroom. It aims to recognise and analyse these strategies that persuasion employs as strategic strategies in presenting their cases to achieve their goals in the trials. More specifically, it explores how pragmatic structures, rhetorical tropes, and pragma-rhetorical strategies are used and distributed in the courtroom discourse. To this end, the researchers selected four homicide cases delivered by the American supreme court. The findings have revealed that.

Keywords: persuasion, pragma-rhetorical strategies, supreme court, pragmatic structures. Courtroom discourse, criminal proceedings

1. Introduction

The purpose of court proceedings is primarily persuasion rather than entertainment, which can be seen as purposeful interaction between the speaker and the audience (advocate). The speaker's communicative intention is to manipulate the audience to accept the speaker's views in addition to the proof they give and support their suggestions to achieve their communicative purpose. (Duranti,2006: 83)

This current study aims to bridge this gap by finding answers to the following questions:

- What is the linguistic Structure of persuasion?
- What are the pragmatic structures in the American criminal proceedings?

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- What are the argumentative appeals in the American criminal proceedings?
- What are the figures of Speech found in the selected data?

2-Literature Review

2.1 Pragma – Approach to Rhetoric and Persuasion

The term pragma-rhetorical refers to the use of pragmatic and rhetorical devices and strategies to analyse particular speech passages. Following Larrazabal and Korta's (2002) concept of pragma-rhetorical, the present study will collectively identify and analyse pragmatic and rhetorical devices and strategies. (R. David 2007, P37)

Aristotle defines rhetoric in his book *Rhetoric* as "the faculty of observing in any given circumstance the available means of persuasion." It is not sufficient for a speaker to know what to say; they must also understand how to say it. Aristotle also emphasises the significance of language distinction, which can be achieved through rhetorical devices such as metaphors. As such, rhetoric is persuasive because it focuses on how to say things. Moreover, rhetoric explains the stylistic choices used to persuade an audience. (Rowe, J. et al. 2007, pp. 40-49)

In speech analysis, the term pragma-rhetorical is used to describe the use of pragmatic and rhetorical devices and strategies. The current research is based on the pragma-rhetorical theory proposed by Larrazabal and Korta (2002) to identify and evaluate practical and rhetorical techniques. Separately examined, It is distinct from Dascal's (2003) because it is restricted to only pragma-rhetorical appeals and rhetorical figures of Speech.

2.2 Persuasion

A persuasive definition is a form of the stipulation which purports to describe the true or commonly accepted meaning of a term, while in reality stipulating an uncommon or altered use, usually to support an argument for some view or to create or alter rights, duties or crimes. (Bunnin, Nicholas; Yu, Jiyuan, 2004)

2.3 Pragmatics

Pragmatics is a branch of linguistics that deals with the relationship between language and its context. Until recently, linguistics and the philosophy of language have focused primarily on studying language as it is used in context, and pragmatics has emerged as a distinct and coherent domain of inquiry. Pragmatics covers a wide range of issues from the study of language taken out of context, including deixis, presupposition, Speech acts, implicatures, politeness, information structure, and so on. These issues have led to diverse topics, including deixis, presupposition, Speech acts, and implicatures. (Carston, Robyn: 2002)

2.4 Rhetorics

Rhetoric is the art of persuasion, which along with grammar and logic, is one of the three ancient arts of discourse. Rhetoric aims to study the techniques writers or speakers utilise to inform, persuade, or motivate particular audiences in specific situations. In Athens in the early fifth century, the demos "the people" created "a strategy for effectively talking to others in juries, forums, and the Senate". (Corbett, E. P.J, 1990).

Rhetoric typically provides heuristics for understanding, discovering, and developing arguments for particular situations, such as Aristotle's three influential audience appeals: logos, pathos, and ethos. The five canons of rhetoric or phases of developing a persuasive speech were first codified in classical Rome: invention, arrangement, style, memory, and delivery. (Kastely, James, 2015)

3- Argumentative appeals (Rhetorical Triangle)

Aristotle postulated three argumentative appeals: logical, ethical, and emotional. Strong arguments have a balance of all three, though logic (logos) is essential for a robust and valid argument. Appeals, however, can also be misused, creating arguments that are not credible. (Herrick, James A. 2013)

3.1 Logos

The concept of persuasion through logic is referred to as 'logos'. Rhetoric, in other words, requires a lot of mental effort when using logic in arguments. To verify rational discussion, one must appeal to reason. The reasoning process meets the claim's clarity, logic, and effectiveness. (Walton, 2007: 18)

3.2 Pathos

The word "pathos" refers to emotional appeals meant to make the people who hear them feel angry, sad, scared, disgusted, arrogant, respectful, or ashamed, among other things. So, an appeal to pathos aims to make the audience feel something. Emotion is often the most important and influential factor in persuasion, especially in political debates. Since logical arguments don't always work, emotions are usually the best way to get people to do what you want. (Ibid:42)

3.3 Ethos

Ethos is a person's credibility or reliability. They're speaker traits for arguing. Document credibility affects persuasion. Boone and Kurtz (1994: 41) define reliability as "how ethical, trustworthy, and sincere a statement, person, or company is perceived to be." It's tied to the audience's perception of a speaker's "believability".

4- Pragmatics Structures

4.1.1 Syllogism

The complete pragmatic Structure of data warrants and claims represents a structure of an argument Walton (2004:146) calls the deductive argument or "Syllogism". He states that a syllogism is an argument in which the three propositions are spelt out. The data and warrant provide a guarantee of the truth of the claim.

4.1.2 Enthymeme

The incomplete pragmatic Structure of arguments is called an inductive argument or "Enthymeme". An enthymeme is an argument: with (an) implicit proposition(s). In rhetorical reasoning, the enthymeme is a truncated syllogism in which one or two propositions are left out and assumed by Hs/Rs. The logic is harder to test because the whole argument is not spelt out. The Structure of the enthymemic argument is either a single proposition (claim) or two propositions of claim plus data or warrant.

4.2 Figures of Speech

There are two types of figures of Speech: Schemes and Tropes. A figure of Speech in the schemata mode involves a deviation from the standard pattern or arrangement of words (Schemata). It is a change in the standard word order or pattern. For example, repetition, ellipsis, etc. By contrast, a figure of Speech in the equatorial mode involves a deviation from the ordinary and principal signification of words. For example, puns, hyperbole, etc. (MacQuarrie and Mick, 1996: 3).

Ionica (2002:19) states that "what is pleasing is more easily accepted; therefore, how something is said has a persuasive dimension". The employment of the stylistic devices makes what is being interested, innovative, surprising, and gratifying to the audience so that it becomes more readily accepted and therefore persuasive. Aristotle indicates that beyond the primary means of producing persuasion, attention must also be paid to "the style, or language to be used" (Smith, 2009:57). In addition, Sandell (1977:75) maintains that employing stylistic devices is used to achieve force, freshness, directness and interest in speeches. He (ibid:77) adds that simile, metaphor, repetition, rhetorical question, and personification, among other devices, are the most effective devices aiding persuasion to a significant degree.

4.2.1 Metaphor

The pragmatic rhetorical strategy of metaphor depends on flouting the maxim of quality. This comparison between two different entities aims to arouse imaginative interpretation of one in the light of the other. In metaphor, the convention of truthfulness is deliberately violated (Soler, M. 2004).

4.2.2 Simile

A simile is an explicit comparison (using "like" or "as") between two things of unlike nature that yet have something in common (Cruse, 2006: 165).

Harris et al. (2005: 3) argue that metaphors and similes are structurally identical except for the presence of explicit comparison markers such as 'like' and 'as'. Metaphors and similes also appear to be very similar in meaning.

4.2.3 Repetition

Fahnestock (2011:230) mentions that orators since antiquity have drawn on the power of repetition for emphasis and emotional heightening and then have persuasive consequences. Repetition is one of the syntactic devices in which words, phrases, clauses and sentences are used more than one time to draw the attention of the reader/listener and to have the rhythmic flow of Speech (Cuddon, 1998:742).

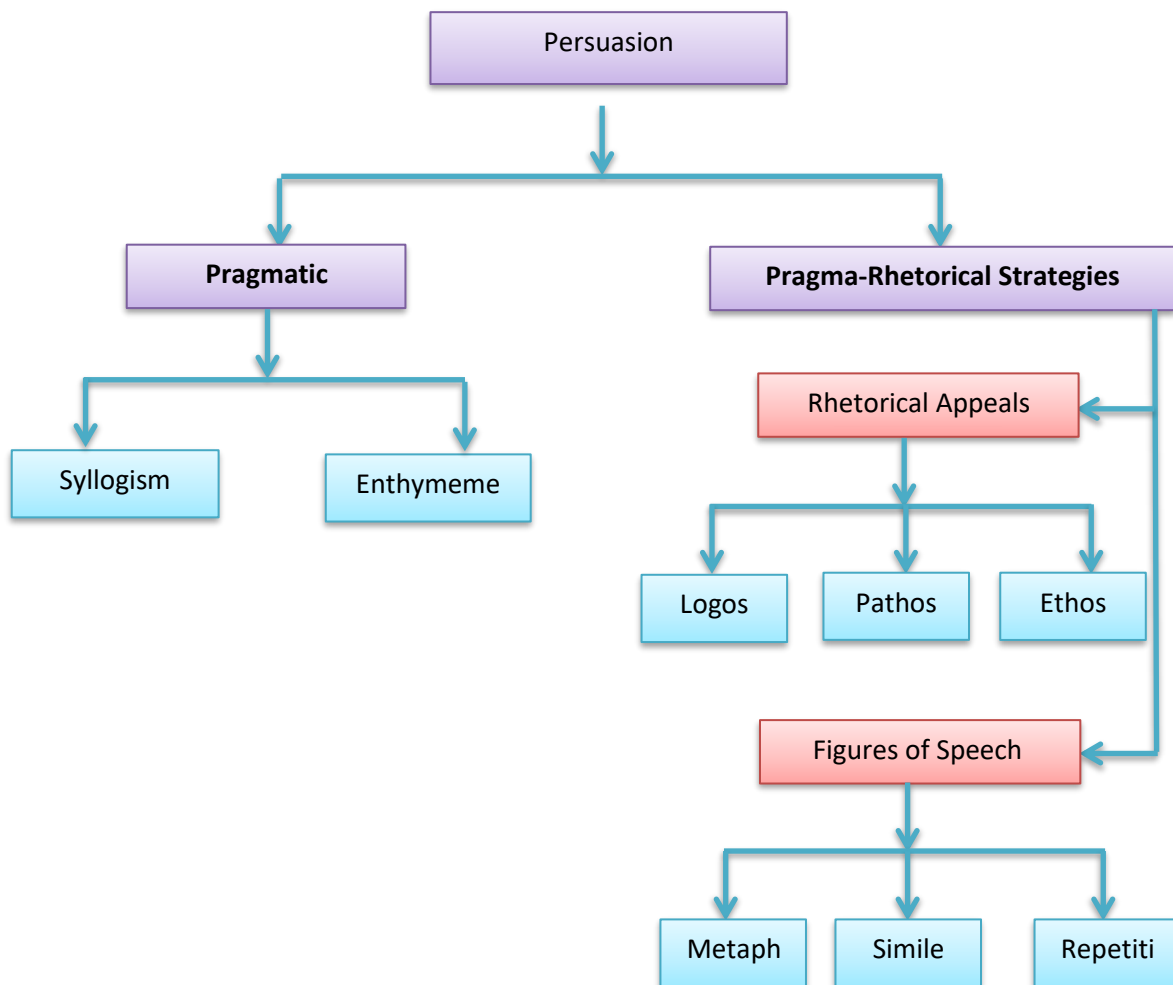
5- Methodology

5.1 Data Collection

The present study's data consist of Four criminal cases taken randomly from the American Supreme court. The study limits itself to the criminal case proceedings.

5.2 Model Of Analysis

The current study provided both qualitative and quantitative data analysis. The qualitative section aims to provide an in-depth description of the data by employing an eclectic model to discover the pragma-rhetorical aspects of persuasion in American Criminal court proceedings through three stages: opening, building, and Closing Stage. On the other hand, the quantitative section was devoted to discussing the study's statistical findings. The model used for qualitative data analysis is a hybrid of the following:



The Eclectic Model of Persuasion in American Criminal Proceedings .

5.3 Results and Discussion

- Opining Stage

1- Pragmatic Structures

A- Syllogism

Miss Jenson: so what she kind of would you see Ashley up at sticks.

The victim's attorney concentrated on a specific type of information she wanted to inquire about. The syllogistic Structure was realised in the form of three premises. The central premise related to the service the defendant provided, her occupation, and the extent to which this information was relevant to the case.

The minor premise described the work process by which the defendant was earning money, how the money exchange took place, and how long it would take to earn the required amount of money in the appropriate time frame. As for the conclusion prediction, this portion of the syllogistic Structure highlighted the relationship that united the defendant and the witness. The attorney asked this question to add another perspective to the case to determine where the missing piece of evidence was located.

B- Enthymeme

Miss Jenson: did you and Ashley MacArthur become friends she's been,I mean what was really because she's been did you and Ashley socialise outside of sticks.

It was established in this case that there were two premises. The major premise explained the relationship ship between the defendant and the witness and how long they had been together, as well as the nature of that relationship ship, whether it was very close or not because this could have cast a shadow on the different sides of the case.

Moreover, the minor and conclusion premises were related to the defendant's socialisation and how she treats others inside and outside her workplace. These premises also revolved around the attorney's attempt to understand the defendant's background to understand better her attitude, which could produce additional evidence supporting a case in point.

2- Rhetorical Strategies

A- Rhetorical Appeals

I- Logos

Miss Jenson: okay but the four of you ladies ... Miss MacArthur's home did you see Taylor a couple of other times.

The most crucial aspect of the lawsuit to be filed is logic. Because this case was about a perplexing murder that necessitated large pieces of evidence, the attorney at this point made the entire subject obvious; she was unequivocal when she asked about the number of people who were in the defendant's house before the murder as it was closely related to the crime.

II- Pathos

No shades of pathos have been detected in this situation. This is because the attorney's Speech was founded on facts to inquire about the accomplices who knowingly helped the defendant to commit the murder.

III- Ethos

Miss Jenson : okay what types of things anything did Ashley say about Taylor.

During her interaction with the witness, the attorney demonstrated remarkable tact by beginning with the most basic questions and gradually raising the level of her inquiries. She then showed the ingenuity of mind during the witness's testimony. She asked the witness decipherable questions hitting two birds with one stone to debilitate the defendant and force her to be straightforward in her responses.

B- Figures of Speech

Two figurative expressions have been recognised at this point. The first is a symbolic " steamy encounter" which refers to the heated discussion concerning the law-breaking crime that should be severely judged without respite. The second figure is a simile" it started like a business arrangement" where the victim's attorney had a suspicion that the defendant did not commit the crime alone. Still, there must a companion who assisted her with the crime.

-Building Stage

1-Pragmatic Structures

A- Syllogism

Miss Jenson : did there come a time where Ashley said something about harming Taylor about putting cocaine in her beer okay and can you tell us if you recall about Taylor that night there.

It was the question of whether the defendant made herself direct about killing someone,

whether she had any clear intention for killing her friend, and if so, when she had thought about it, and whether she and her accomplice had a plan for this. All these propositions expressed the central premise. The attorney was sure and beyond doubt that the victim had died from a cocaine overdose, and she desired to proceed with the investigation into the murder.

The minor premise was related to the date the defendant and her accomplice convened together to carry out their evil scheme. This was one of the most important issues in this case because of the murder committed after that date. The attorney stressed that issue in her attempt to recognise and identify who was present to build up a solid lawsuit against them. Moreover, the conclusion premise revolved around the defendant saying "the world would be a better place without Taylor" certified by the witness. This clarified the defendant's attitude towards the victim. It went without saying that the defendant was determined to kill the victim and loot her belongings. At this point, the attorney is convinced of the defendant's responsibility for the crime.

B- Enthymeme

Miss Jenson: um was there anything about your alcohol level that would impair your ability to remember that conversation?

The central premise was about the witness's mental ability and how it was affected by her alcohol intake; the attorney wanted to know how much the witness was drinking and whether this harmed her ability to recognise the events and how well she was able to recall a conversation she had with the defendant. The other premise was about the witness's ability to recollect the conversation she had with the defendant. The minor and the conclusion premises were also related to the drinking state of the defendant and her friends, as it was sought by the attorney who wanted to know how much alcohol they had consumed and how this would be connected with the murder.

B-Rhetorical Strategies

1- Rhetorical Appeals

I-Logos

Miss Jenson: okay, and you said something about cocaine.Well, let me ask you, let me back up. Were you drinking? Alcohol at that point.

The victim's attorney believed the defendant killed the victim by overdosing on cocaine. Because the defendant is a heavy drinker, alcohol and drugs played a significant role in this case. Alcohol and drugs played a significant role in the case because the defendant killed the victim by overdosing on cocaine and because the defendant is a heavy drinker. The attorney endeavoured to know how much cocaine the defendant and her accomplice talked about or how much cocaine the defendant had claimed to poison and kill the victim.

II- Pathos

At this point, the attorney tried to bring the defendant to reason, wherein resistance was useless. The attorney sought to persuade the court to act likewise, pay attention to common sense, and issue a coming judgment within reason. As such, there would be no place for sentiments, and only logical argumentation prevailed.

III- Ethos

Miss Jenson: and is that the same night that you and this partner went to babes and purchased the cocaine.

The ethos strategy assisted the attorney in navigating this situation and guided her questions throughout the process. Meanwhile, she demonstrated her authority as an attorney in the court hearing by devising a new method of questioning the witness that was smooth and

simple. Based on this, it was concluded that she inquired about every detail that would frame and implicate the witness to reveal her share in the crime.

2-Figures of Speech

By looking at this situation attentively, the following metaphorical expressions have been detected " oh hi text; impair .. the ability; put in the dealer's beard; winded .. like I picked up a saddle". In these examples, the attorney attempted to persuade the court that the defendant and the witness partook in the crime purposefully. The expressions all referred to the incident when the defendant texted the witness about her plan to kill the victim and how they went and purchased the drug to be given to the victim and as it was apparent from her message to the witness that the defendant was out of breath and frightened after committing the crime.

- Closing stage

1-Pragmatic Structure

A-Syllogism

Miss Jenson : I think we have to start in mid-2017 Taylor right? The deceased in this case was entangled in some court proceedings and financial issues with her ex-husband Jeff.

At this point, the attorney went over every detail of the murder, beginning with the initial encounter between the defendant and the victim and concluding with the actual murder itself. The attorney's central premise was an introduction to the entire case, including what she had learned throughout the investigation and inquiry. The attorney declaimed against the defendant and handed the proof down to the court, which unequivocally condemned the defendant who had murdered Taylor Ryan when she had the opportunity to do so. This proposition constructed the minor premise, crystal clear to everyone attending the court proceedings.

The conclusion premise was realised when the victim's attorney stated that the defendant attempted to cover up her murder with the assistance of her ex-husband.

B- Enthymeme

Miss Jenson: Thank you Miss Warner , and while that was all going on Taylor right withdrew 100,000\$ from the bank when she wasn't supposed to and then she was trying to hide that money from her ex-husband.

The enthymematic Structure in this case covered two premises: the major premise reflected the real reason for the murder, which was money and other material possessions while the minor premise showed that the murderer aimed to falsely persuade the court that the death of the deceased was accidental and not done by the existence of another actor. The Minor and conclusion premises unfolded before the audience the story that the defendant was supposed to give her ex-husband the stolen money after she had committed the crime with her accomplice, yet she chose to keep the money hidden from him, which resulted in another episode.

2-Rhetorical Strategies

A-Rhetorical Appeals

I-Logos

Miss Jenson : Taylor was transferring money to other accounts she was withdrawing cash she was taken out cashier's checks and she also asked her friend this defendant Ashley McArthur to help hide the money now Ashley McArthur at the time was running a business that her parents opened some time ago called Pensacola automatic amusement they supplied pool tables juke boxes video games...

The attorney highlighted the defendant's life and what she got in return for her work in the last period; it was assumed that she lived within income at the time, but after a while she started a new business and opened other projects that required a large sum of money as a start. The attorney wanted to make it clear that the defendant, after killing Taylor Ryan, took possession of her bank account and started her own business. The attorney announced that the defendant was undoubtedly the key suspect who murdered the victim with premeditation.

II-Pathos

No pathos appeals have been noticed since the discussions would not allow any place for emotions.

III-Ethos

Miss Jenson : again I am giving you a very general outline of what this case is about and as you hear from the witnesses and you see the exhibits and the evidence it will fill in the detail for you and at the end of the trial you will be convinced beyond a reasonable doubt that Ashley McArthur murdered Taylor right and she did it over money Taylor's money that Taylor needed back but that Ashley McArthur had already spent.

The attorney knew how to establish her credibility and authority concerning the main topic. She was straightforward in expressing what she wanted to claim without hiding any detail in this case. Instead, she tried to present herself plainly and fairly. In order to engage with the audience and build trust she asked many questions about different sides of the case, why .. when and where questions.

2-Figures of Speech

The following expressions "entangled in some court proceedings ; running a business ; escrow account ; pressure was put ; hold in contempt ; belonging was boxed up ; court was stressing her out ; she was skeletonised; potting soil and concrete poured on her"

All were about cell phone messages between the defendant and the victim. This could mean that they were close friends and they shared family secrets. The victim had some legal issues with her ex-husband that led to their separation "entangled in some court proceedings". She asked the defendant, a friend who was running a business, to help her hide her money in a secret account away from her husband's eyes. They shared the same deposit key, so the victim asked the defendant to come to the bank so she could withdraw money to give as support to her child and if not should be put in jail. Stressing the defendant out to come and help her with the money withdrawal, the defendant took her to the farm and gave her some dopes, then she shot her dead. Afterwards the police discovered her skeleton covered with plant fertilisers and concrete.

Police found out that the victim's cell phone was with the defendant. They crosschecked the texts between them and came to the conclusion that the defendant was the prime suspect in this crime.

6- The Quantitative Analysis

This Situation the opening stage it scores (22%) for pragmatic structures, (55%) for syllogism and (45%) for enthymeme. Pragma-Rhetorical Strategies scores (78%), (34%) for rhetorical appeals which scores (82%) for Logos, (0%) for pathos and (18%) for ethos. and (66%) for figures of speech, metaphor (49%), simile (24%) and (27%) for repetition.

Table (1) *Opening stage .*

Opening Stage	Pragmatic Structures 22%		Pragma-Rhetorical Strategies 78%			
	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
	55%	45%	Logos	82%	Metaphor	49%
			Pathos	0%	Simile	24%
			Ethos	18%	Repetition	27%

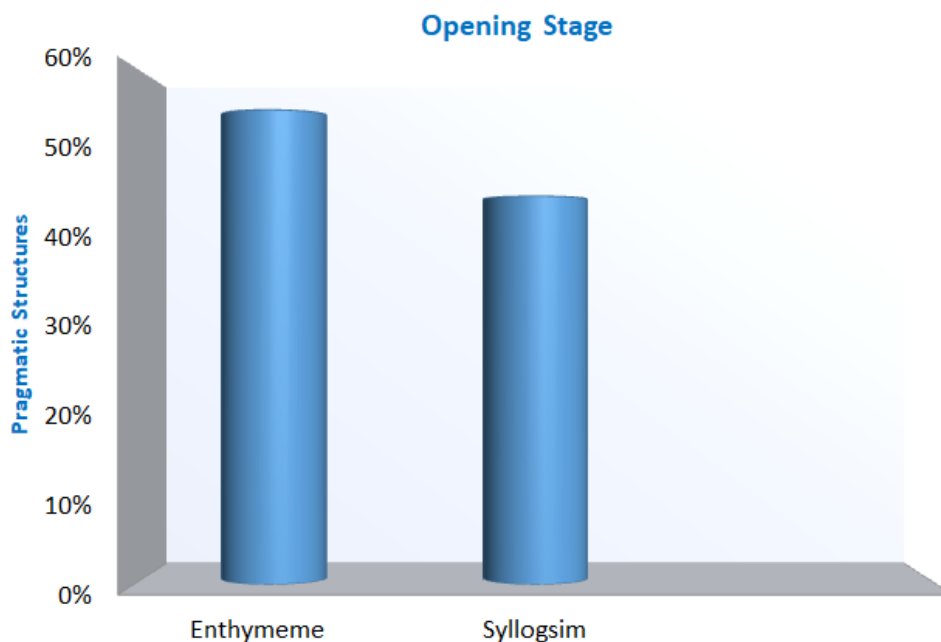


Fig.(1) *Pragmatic Structures*

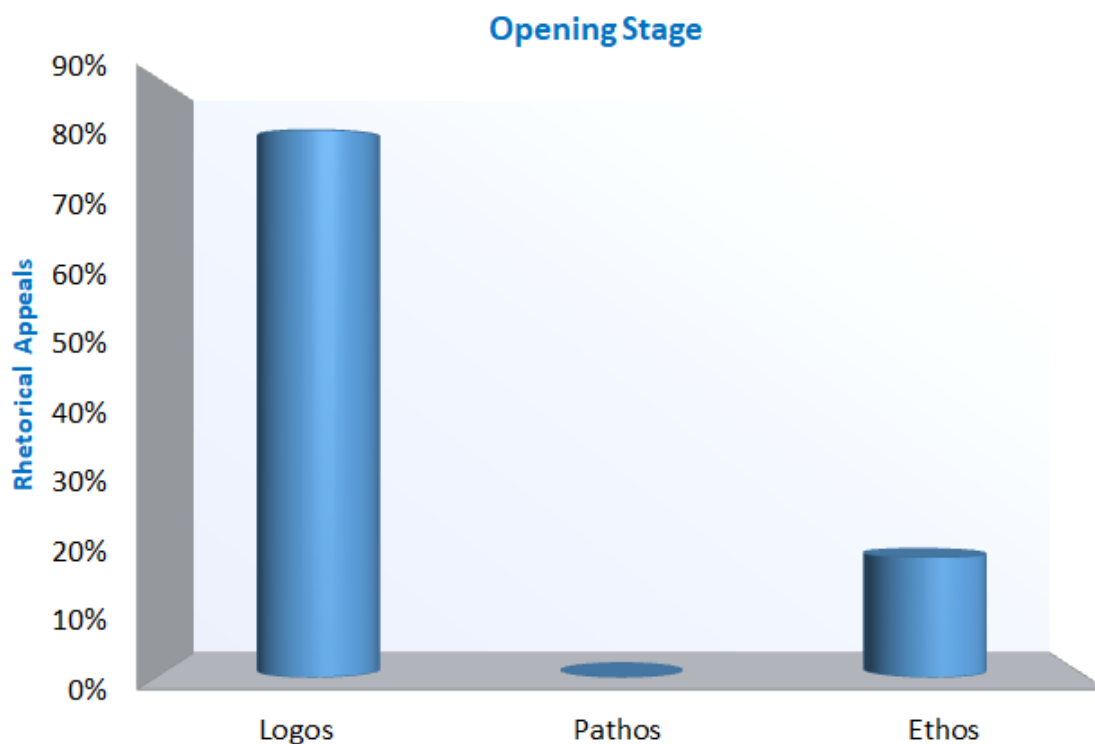


Fig.(2) *Rhetorical Appeals in .*

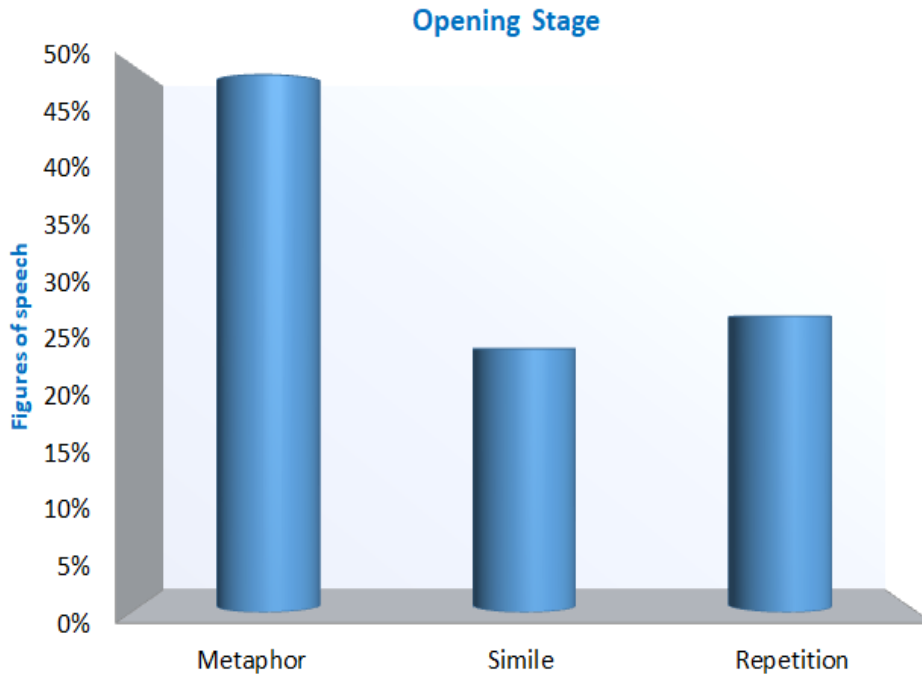


Fig.(3) Figures of

Speech in .

Table (2) Building stage in Situation Three .

Building Stage	Situation Three			
	Pragmatic Structures 25%		Pragma-Rhetorical Strategies 75%	
	Syllogism	Enthymeme	Rhetorical Appeals	Figures of speech
	53%	47%	Logos 46%	Metaphor 49%
			Pathos 1%	Simile 24%
			Ethos 53%	Repetition 27%

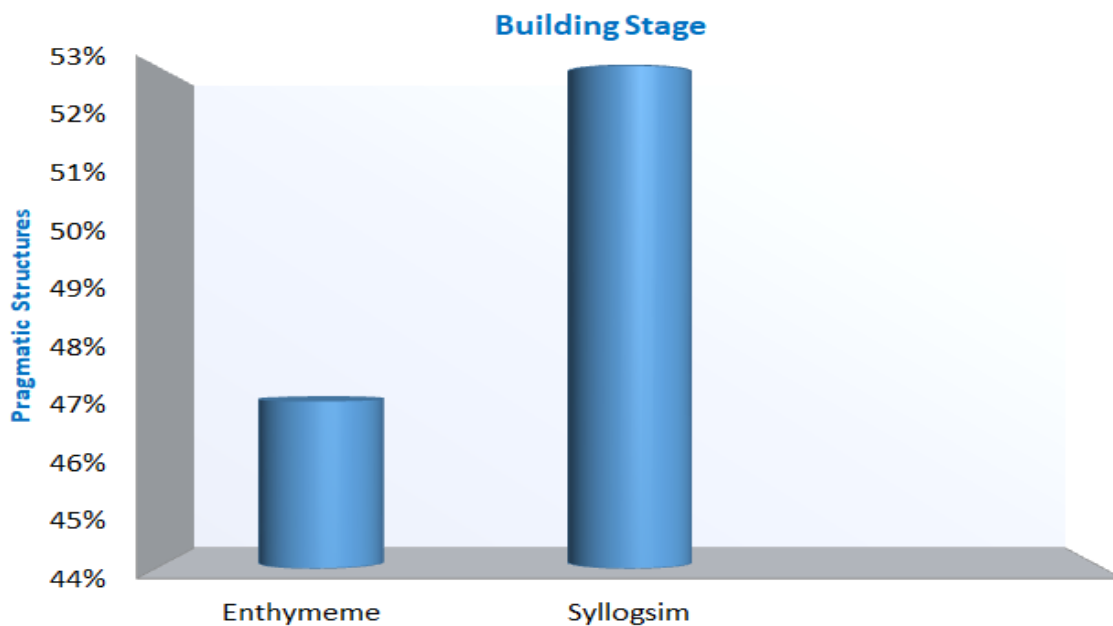


Fig.(4) Pragmatic Structures at the Building Stage in Situation Three.

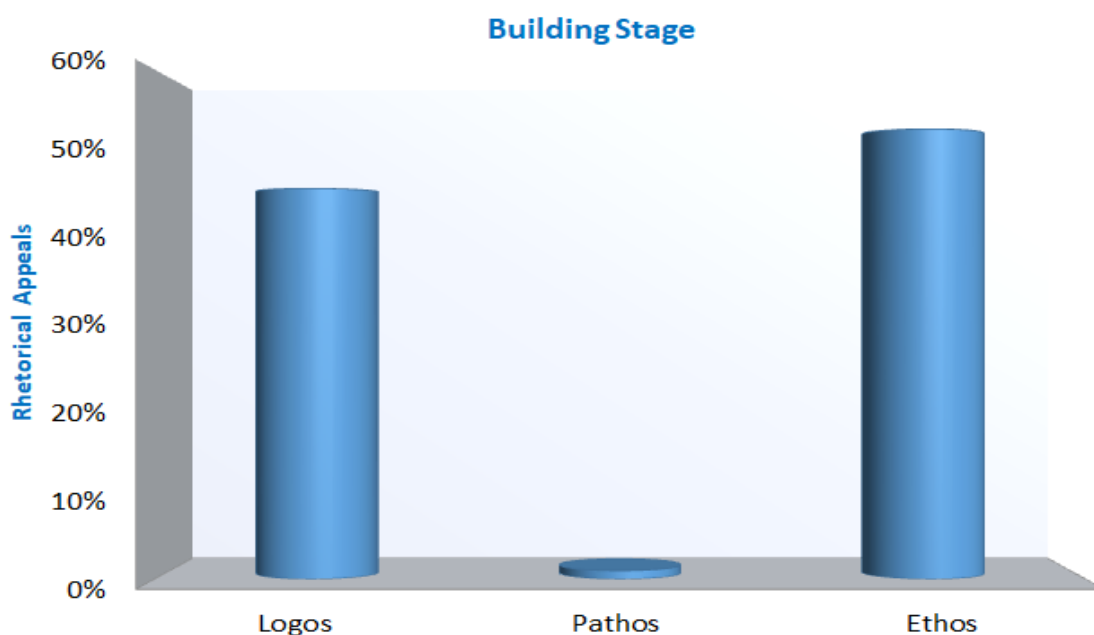


Fig.(5) Rhetorical Appeals at Building Stage in Situation Three .

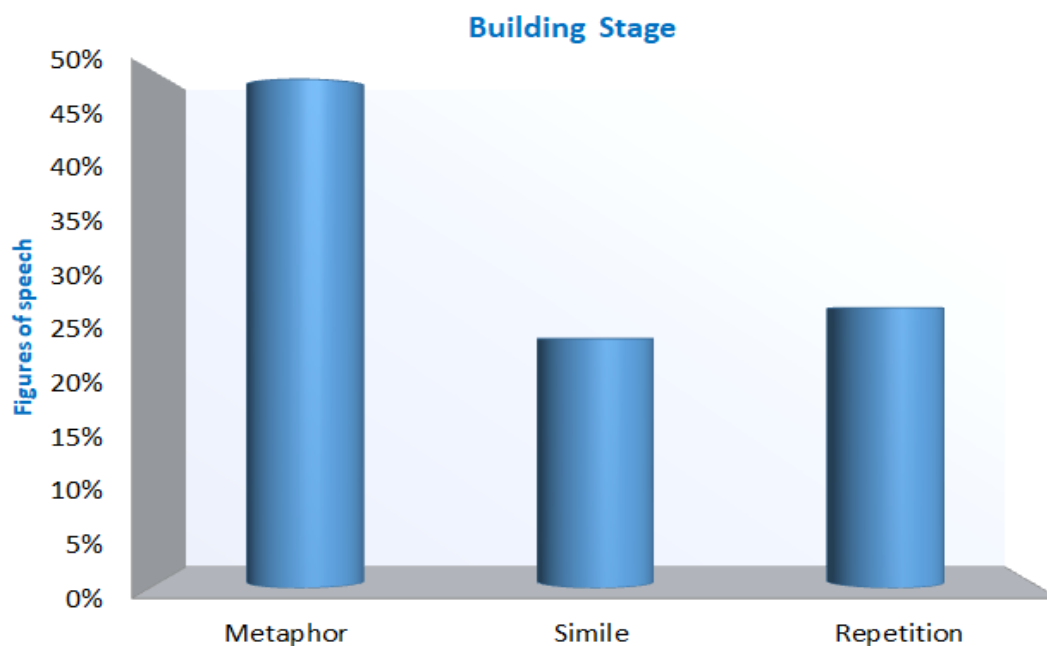


Fig.(6) Figures of Speech at the Building Stage in Situation Three .

Table (3) Building stage.

		Situation Three			
Closing Stage	Pragmatic Structures 19%		Pragma-Rhetorical Strategies 81%		
	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech
	54%	46%	Logos 45%	Pathos 0%	Ethos 55%
					Simile 30%
					Repetition 22%

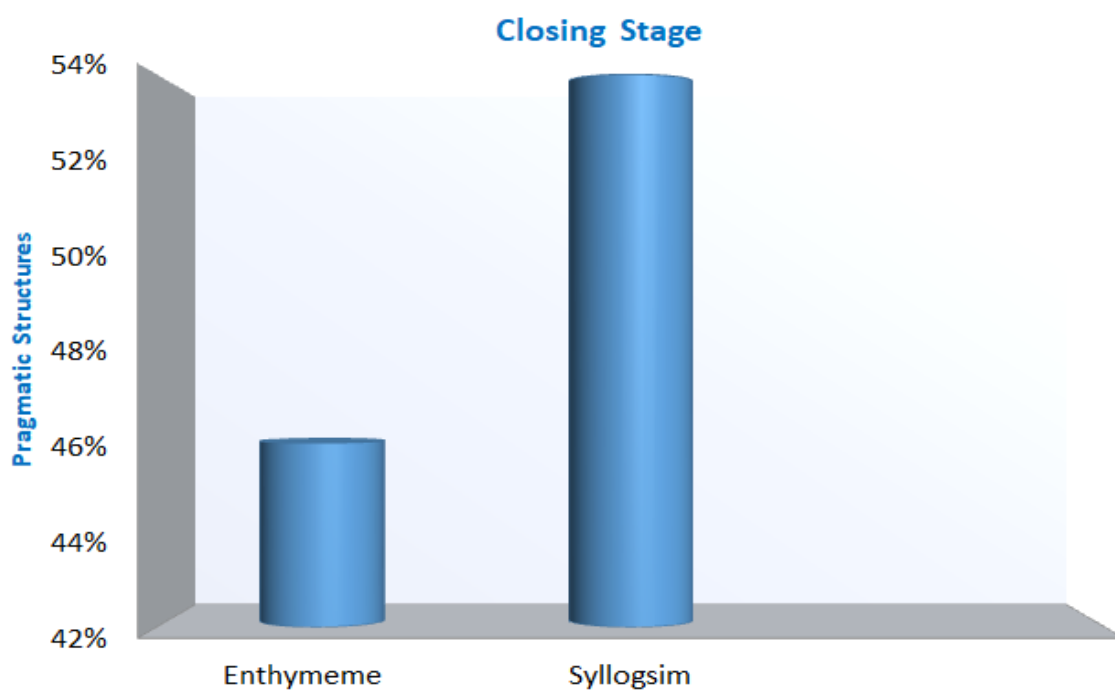


Fig. (7) *Pragmatic Structures at the closing stage.*

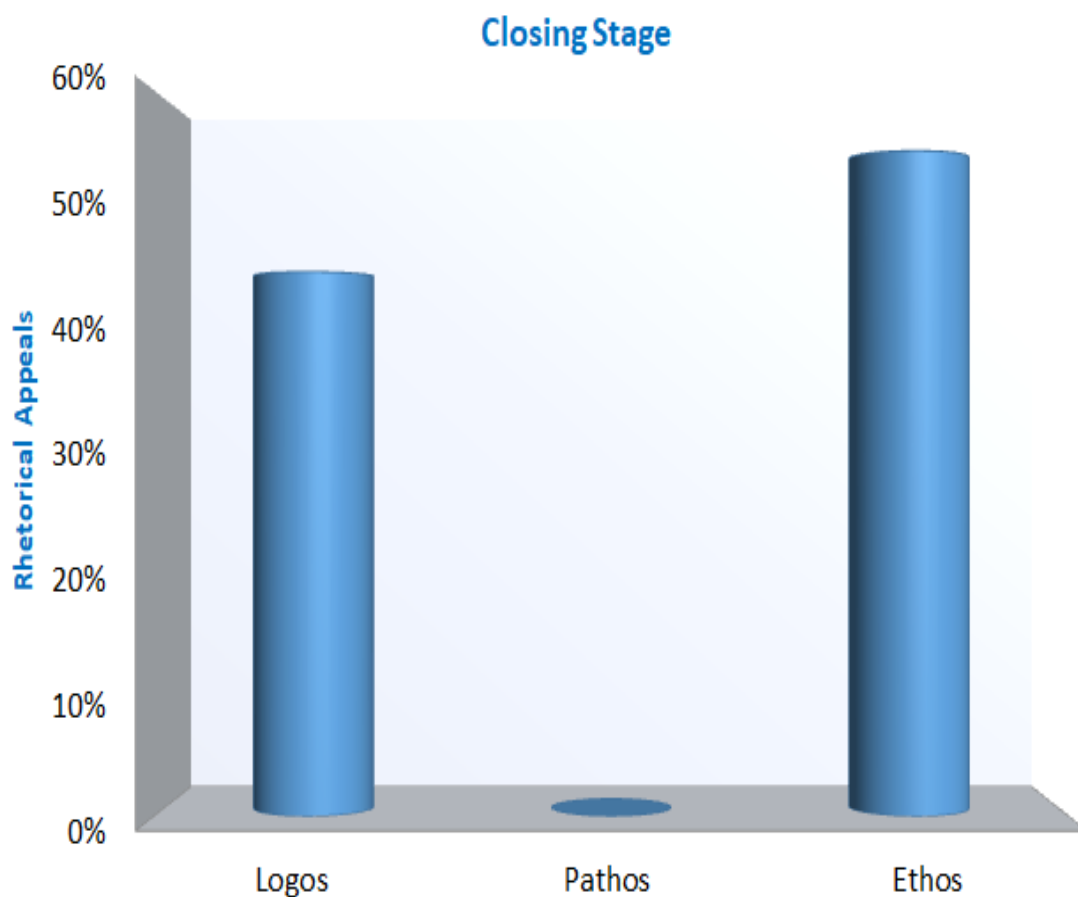


Fig. (8) *Rhetorical Appeals at the closing stage.*

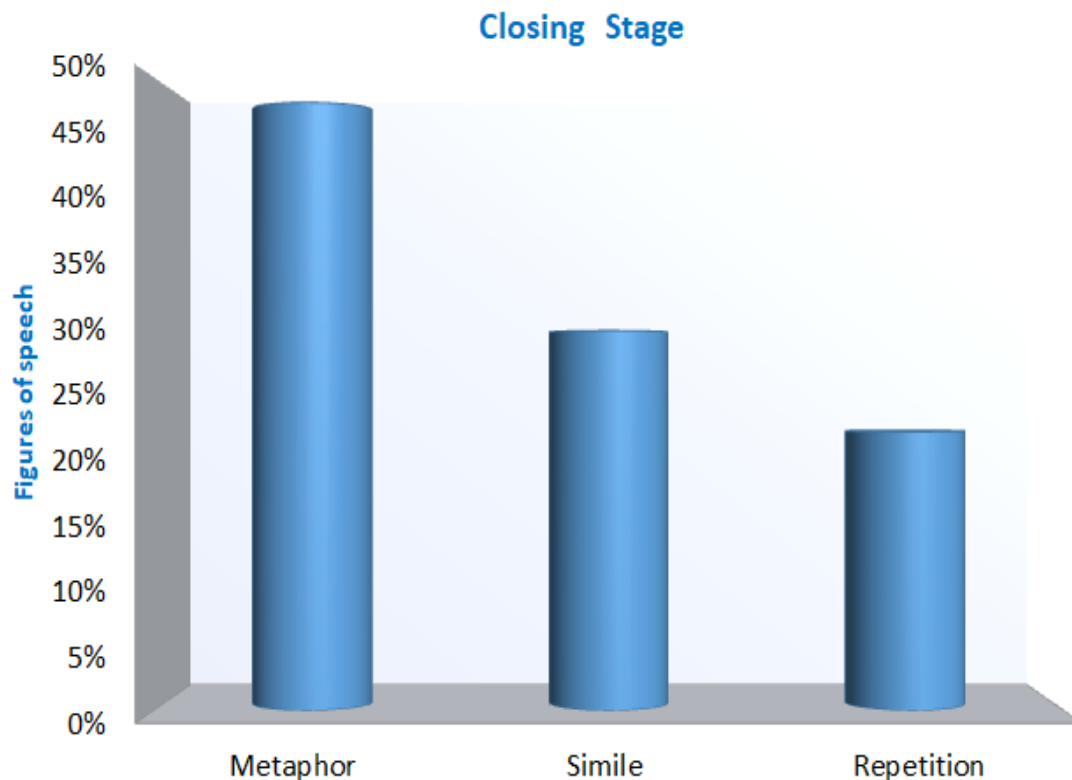


Fig. (9) *Figures of Speech at the closing stage.*

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