Argumentation Strategies in Courtroom Discourse

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Abstract

This paper tries to explore the different argumentation strategies in courtroom discourse. The paper aims to decode the various argumentative strategies that are employed to communicate a successful interaction between the interlocutors in courtrooms. This is done by highlighting the linguistic tools targeting the persuasion of the conversationalists in the legal discourse presented in courts. The paper will focus on five strategies of argumentation, including lexical choices, questioning and answering, oppositional arguments, rhetorical questions, and premeditated arguments. The core concern of the investigation of these argumentation strategies is to show the degree to which they are used by courtroom interlocutors to communicate a successful and persuasive argument to their recipients. Data used in this study are derived from two legal trials: Nelson Mandela's trial and Bill Clinton's trial. The research questions of this paper are: first, what is meant by argumentation in courtroom discourse? Second, what are the different argumentation strategies used in courtroom discourse? Third, to what extent are argumentation strategies employed to achieve a persuasive argument between interlocutors in courtrooms? There are three main findings in this paper: First, attorneys and litigants use various argumentation strategies to influence their recipients so as to be able to persuade the court of their arguments. Second, the power of persuasiveness is entirely based on the ability to use various strategies of argumentation. Third, language is a crucial element in the understanding of legal arguments in courtrooms.

Keywords: argumentation, courtroom discourse, direct examinations, persuasion

1. Introduction

Courtrooms are sites for argumentation and persuasion. Within courtrooms, discourse meanings adopt two modes of delivery; either to be communicated explicitly by the surface semantic propositions of the linguistic expressions, or to be conveyed implicitly by the intended meaning of the speaker. Counsels and litigants in courts attempt to use the argumentative mode to communicate their intended meanings. This is conducted at the different levels of the linguistic analysis. From this context arises the research problem of this study, as it tries to explore the various argumentative strategies employed in direct and cross legal examinations by counsels and litigants in courtroom settings. Crucially, one of the striking facts about legal discourse is that it is completely different from ordinary language that is used in everyday occurring conversations. Language employed in courtrooms has its own argumentative functions. These argumentative functions are conveyed by various strategies and serve to communicate the intended meanings of their users in courtrooms. As such, this study sheds light on the various argumentative strategies used by courtroom interlocutors to communicate specific legal purposes.

Legal argumentation is a crucial area of study. When someone makes a legal claim and wants it to be recognized by others, reasoning is crucial in the legal system. When presenting a case in court, a lawyer must provide arguments in support of it. In many legal systems, judges are required by law to provide justifications for their decisions, and they are expected to do so while making decisions. When a lawmaker presents a measure in Congress, it is required of him to provide justification for his position. It is required of even legal specialists to defend their positions when expressing them to other scholars. Anyone putting out a legal position who wants others to agree with them will need to provide supporting evidence. For argumentation theorists, legal argumentation is a crucial area of study and a crucial setting in which to apply the concepts they have created in argumentation theory because of the significance of argumentation in the legal system (Khafaga, 2023a).

Argumentation is defined by Fairclough and Fairclough (2012) as a verbal activity including language usage, social engagement, and reasoned cognition. The goal of argumentation is to persuade others to embrace a certain position by providing evidence in favor of it. But not every language usage can be regarded as argumentation; it needs to be focused on achieving a certain objective, endorsing one point of view or refuting another (Eemeren & Grootendorst, 2004; Khafaga, 2021, 2023b). Argumentation is the main genre of political and persuasive speech since its main goal is to persuade the listener to reach a particular conclusion. It is impossible to exaggerate the importance of arguments in persuading. It is easy to identify that the speakers in the current research employ reasoning to influence the audience to reach a certain conclusion by closely reading the texts. As a result, this study makes the case that the discourse analysis process should include an investigation of argumentation theory.

Aspects of legal argument have been studied by academics from the fields of argumentation theory and legal theory. Naturally, legal theory was the foundation for interest in legal reasoning. The subject of argumentation and law was the focus of several international legal

theory conferences in the 1970s and 1980s. The 1970s and 1980s saw a rise in interest in legal reasoning in argumentation theory. Legal argumentation is a recurring issue at the Speech Communication Association (SCA) and International Society for the Study of Argumentation (ISSA) conferences on argumentation. Based on ideas from analytic moral philosophy, Habermas' consensus theory of truth, the Erlangen School's theory of practical deliberation, and Perelman's theory of argumentation, Alexy and Peczenik (1990) develops a theory of legal argumentation. Rieke (1982) examines a range of studies on the subject of legal reasoning. He talks about the contributions made by several sectors, including trial, television, judge directions, lawyer communication, and rhetorical analysis. He contends that one possible line of inquiry is to examine the logic used by judges in disputes involving the right to free speech.

1.1 Research Questions

The study, therefore, tries to provide answers to the following research questions:

1) What is meant by argumentation in courtroom discourse?

2) What are the different argumentation strategies used in courtroom discourse?

3) To what extent are argumentation strategies employed to achieve a persuasive argument between interlocutors in courtrooms?

1.2 Research Objectives

This study seeks to achieve the following objectives:

1- To explore the most frequent argumentative strategies utilized by counsels and litigants in courtroom discourse.

2- To shed light on the extent to which these argumentative strategies contribute to the general interpretation of the courtroom discourse.

3- To highlight the role of strategic use of language in courtroom discourse.

The significance of this study can be demonstrated from its attempt to explore the various argumentative strategies employed in courtrooms by counsels and litigants in courtroom settings. The study, therefore, tries to contribute to the field of legal discourse analysis. It shows the reciprocal relationship between language and law and the extent to which each of which affects the other. This is conducted by exploring the different pragmatic strategies used in the selected data and the way these strategies and patterns are used to communicate specific meanings. In order to better understand how counsels, litigants, and attorneys utilize the various pragmatic strategies in direct and cross examinations in criminal cases. As such, this study targets a theoretical and analytical augmentation to the theory and analysis of legal discourse. It, therefore, highlights the integration of the various social sciences the analysis of language employed by interlocutors among courtrooms. The study also draws attention to the practice of courtroom examination in criminal prosecutions. Furthermore, this study is anticipated to be useful for students of law in the various educational institutions, as it provides useful insights into the understanding of the language of law in courtrooms, and therefore contributes to the fields of corpus linguistics, legal discourse analysis and forensic linguistics.

The rest of this article is organized as follows: Section 2 is the literature review that surveys the relevant literature and previous studies in the field of courtroom discourse. Section 3 is the methodology, which describes the data used in the study and presents the procedures of the analysis. Section 4 is the analysis of the selected data. Section 5 is the discussion of the results. Section 6 is the conclusion of the article.

2. Literature Review

The field of forensic linguistics is entirely concerned with the study of and the relationship between language and law, and has advanced significantly over the past few decades to be perceived as independent discipline in legal studies (Johnson & Coulthard, 2010; Riner, 2020). This field of study addresses various topics related to legal language. These include the investigations' conducted by the governmental and police institutions, the use of language with all its manifestations within courtrooms, legal processes, trials, authorship analysis, and forensic phonetics. The different forensic linguistics approaches applied to the study of these areas of expertise function to provide linguistic insights, methodologies, and knowledge to legal practice (Coulthard & Johnson, 2007; Coulthard et al., 2016). Accordingly, forensic linguistics' main goal is to offer various audiences solutions to concerns and problems relating to crimes and the law. Since language serves as the primary means through which the authority of law is expressed (Karasev et al., 2020), it is obvious then to state that both language and law are reciprocally integrated, both theoretically and analytically. Laws are laid down, practiced and maintained via the use of language. Therefore, there is a mutual relationship between the two concepts. Human connection and the realization and exercise of legal authority are both made possible by language. Forensic linguistics reveals how ordinary people are controlled in many situations and places for institutional objectives and aims (Riner, 2020).

Legal argumentation research reveals a wide range of subjects, strategies, concepts, and tenets. Academics examine legal argumentation in a variety of settings, including the legislative process, the legal system, legal theory (jurisprudence), and the judicial decision-making process. These publications exhibit a variety of methodological methods that can be identified. Some writers use a normative approach, emphasizing how a judge may rationally defend a judgment or how a reasonable legal discussion might be held. Some, however, choose a descriptive approach to real-world argument processes. For example, they look into arguing strategies that work well to persuade a certain legal audience. Additionally, there are other "aspects" that might make up the study's subject. Some writers focus on the methodological and philosophical aspects; others create theoretical frameworks and attempt to define standards for rational justification; still others describe legal practice in detail; still others outline strategies for gaining real-world experience in the analysis, evaluation, and

composition of legal texts.

According to Cao (2011), restrained power that people are not aware of is a feature of language and linguistics. While language has more subtle power, the force of the law is more palpable and obvious (Khafaga, 2019). However, Cao (2011) argues that language has the ability to demonstrate and conceal, to notify and inform as well as to deceive and delude. In-depth research on the diverse examinations of witnesses in courtrooms is only one model of the forensic linguistic field's work on the connections between law and language. Thus, conducting a study in which to demonstrate the way through which ordinary people cannot easily grasp the meaning communicated by legal language in courtrooms is crucial in the sense that it clarifies the extent to which there is discrepancy between the two ways of the linguistic expressions used in courtrooms or outside its borders. Forensic linguistics plays an essential role, therefore, in mediating between ordinary language and everyday occurring conversations.

Examination and cross-examination are two examples of the various legal practices that are utilized by means of various linguistic strategies to communicate specific purposes in discourse (Coulthard & Johnson, 2007). These linguistic realizations serve to construct the general structure of courtroom discourse, as well as to determine its defining features and principles (Heffer, 2005). Lawyers' inquiries during cross-examinations of lay witnesses in court are crucial for drawing out their stories, but they also frequently provide them the chance to share their own information and stories by expressing them within particular linguistic expressions that ultimately function to communicate what they desire by the discursive way they prefer. In instance, courtroom discourse has a specific pattern of expressions as well as a distinguished structure of sentences and utterances (Karasev et al., 2020). It is a type of discourse that is dedicated to courtrooms, legal texts and judicial documents and practices. For instance, the different legal practices in judicial examination allocate speaking places to participants and limit the topics they are allowed to discuss (Thornborrow, 2002). A prosecution barrister's objective, for instance, is to advise the jury or judge(s) with evidence that creates the burden of proof in a criminal trial conducted under an adversarial system.

According to Gibbons (2003), there are two types of argumentative strategies that are used in direct and cross legal examinations. The first is the person targeted strategies that aim to attack the witness character by means of questioning, reformulation and modality in a way that serves to undermines his/her credibility in front of the court. In this type of the pragmatic strategies, counsels usually employ specific lexis, terms of address and pronouns in order to communicate their intended meanings to the judges. Further, for Gupta (2022), counsels can use the pragmatic strategy of contrast in which they formulate inquiries with the intention of making the witness's past words or deeds appear to go against what is customarily anticipated in that specific circumstance. The second type of the pragmatic strategies is the idea targeted strategies, wherein the focus is more on the message of the whole discourse. Similar to the first type, the idea targeted strategies employ lexical choices that serve the benefits of the speaker. Also, repetition is usually utilized in this type to cast emphasis on a specific idea or to attract the court's attention to an argument (Riner, 2020).

Concerning the employment of the different argumentative strategies in courtrooms much research has been conducted on the use of questions and their answers in courtrooms (e.g. Catoto, 2017; Zydervelt et al., 2017). These studies have come to terms that legal language is characterized by particular pragmatic features that are different from ordinary language, and they also accentuate the fact that pragmatic strategies within courtrooms are used to target a particular purpose of both counsels and litigants. Previous studies have shown that various pragmatic strategies are dexterously used by courtrooms' interlocutors to achieve and communicate a variety of purposes, including extracting information, reformulating evidence, confirming a piece of information, arguing for or against a proposition, blaming, complaining, confronting, and expressing astonishment and disbelief (Gupta, 2022). Furthermore, in courtroom discourse, power relations differ; that is, there are different types and levels of power, but all of them revolve around the rhetorical dimension of using the concept within a particular linguistic setting. Power is institutionally based in courtroom discourse; power that is closely associated to particular rules and ways of expressions, as well as ascribed to specific lexis, terms of address, and vocabularies (Khafaga, 2017). This situation relates to how meetings are organized, which, in turn, clarifies the way through which conversations are delivered and conversational turns are controlled and managed among interlocutors (Thornborrow, 2002).

Crucially, one common mode of discourse through which argumentative strategies are used in direct and cross legal examinations is questioning and answering. Because of the fact that the discursive characteristics pertaining to the forms and patterns of questioning in courtrooms, question, whatever their linguistic realizations are, constitutes various forms according to the way discourse operates in courtrooms and the way conversational turns among interlocutors are managed (Riner, 2020), questions have also been viewed as playing a central part in courtroom action. Therefore, we anticipate that the questions posed during cross-examination would differ from those asked during direct-examination. Questions will be viewed as playing a significant part in speech events between attorneys and recipients in order to contextualize the current inquiry in the literature because they will disclose language manipulation used to accomplish a variety of legal purposes and objectives. It is strongly suggested that further research be done on the "interactional dynamic" (Gupta, 2022) of the pragmatic purposes and characteristics of inquiries and responses in legal situations. Participants may be able to recognize the language approach, but owing to their limited linguistic skills, they are unable to comprehend how it works. Significantly, understanding the indeed meaning of the speakers in courtrooms and the way invisible meanings are conveyed helps arrive at a comprehensive pragmatic interpretation to the whole process of examination.

It is important to mention here that applying an argumentative and linguistic approach to the study of legal examination shows the reciprocal relationship between law and linguistics. As a branch of discourse analysis, forensic discourse analysis is a methodology that combines findings from several linguistic disciplines, as it allows the incorporation of various social and linguistic approaches and models into its theoretical and analytical framework. Sometimes, these approaches are psychologically based, contextually based, socially based

and/or culturally based (Olsson, 2008). Cotterill (2010) further accentuates the use and application of the analytical models of forensic linguistics to the different legal, linguistic, social, and cultural themes. This is due to the fact that the use of corpora in forensic linguistics illuminates the various archetypal language structures in various discourses and legal settings including cross-examination in courtrooms (Karasev et al., 2020).

3. Methodology

3.1 Data

This study is mainly qualitative and, therefore, it is entirely based on a content analysis of the collected data. This study will use data that consists of a corpus of a number of transcripts extracted from official trials from different political and legal settings and addressing different legal themes and topics. More specifically, the data constitute extracts from two famous legal trials: Nelson Mandela trial in 1964 and Bill Clinton's trial in 1998. The data was collected from the famous trials site on the internet available at http://law2.umkc.edu/faculty/projects/ftrials/ftrials.htm.

The rationale for selecting the theme of the argumentation strategies in courtrooms to be investigated here is due to three reasons: first, direct and cross examinations are highly representatives for various pragmatic strategies that are used by counsels and litigants; second, the argumentative strategies used in legal examinations serve to offer a better understanding of courtroom discourse as a whole; and third, investigating the various argumentative strategies used in direct and cross legal examinations contributes significantly to the study and nature of legal language within courtrooms, and functions to highlight the complementarily nature between language and law.

3.2 Procedures

This study adopts some analytical procedures that revolve around four stages. The first stage constitutes the data preparation, in which data was collected, organized, classified and then written in a word file to be ready for the analysis. The second stage comprises the identification of the various argumentation strategies employed in the selected data. In this stage, the analysis identified five argumentation strategies that are employed in the selected data. These are: lexical choices, questioning and answering, oppositions, rhetorical questions, and premeditated arguments. The third stage deals with the linguistic investigation of the five identified strategies of argumentation to show the extent to which they are used to successfully communicate persuasive arguments among courtroom interlocutors. The fourth stage discusses the rhetorical weight of employing the various strategies in the selected corpus, by showing the extent to which they contribute to understanding courtroom discourse and the meanings targeted.

4. Analysis and Findings

The analytical focus in this part will be on five argumentation strategies that are used in the selected data: lexical choices, questioning and answering, oppositions, rhetorical questions, and premeditated arguments. These will be analytically investigated in relation to the two selected trials in the following subsections.

4.1 Lexical Choices

One of the techniques of argumentation in courtroom discourse is the use of particular words and/or expressions (Sornig, 1989; Schaffner, 2004). Nelson Mandela used this technique in his speech to make his points argumentatively clear. Consider the following extracts from his trial:

> (1) They are called volunteers because they volunteer to face the penalties of imprisonment and whipping which are now prescribed by the legislature for such acts.

> (2) We believed it was our duty to preserve this organization which had been built up with almost fifty years of unremitting toil.

> (3) We had no doubt that we had to continue the fight. Anything else would have been abject surrender.

> (4) They had brought the African people nothing but more and more repressive legislation, and fewer and fewer rights.

> (5) Our followers were beginning to lose confidence in this policy and were developing disturbing ideas of terrorism.

> (6) Experience convinced us that rebellion would offer the Government limitless opportunities for the indiscriminate slaughter of our people.

> (7) To overcome their legacy of extreme poverty. (Mandela, 1964)

Mandela's above words are a clear example on the use of particular words to argue for something or to persuasively communicate an argument. His skillful use of the expressions *penalties of imprisonment and whipping* in (1); *unremitting toil* in (2); *abject surrender* in (3); *more and more repressive legislation* (4); *developing disturbing ideas of terrorism* in (5); *indiscriminate slaughter* in (6); and *extreme poverty* in (7), reflects the extent to which words are loaded by ideology and are employed to achieve a specific argument persuasively. These are some of the phrases chosen to illustrate how poorly Black people are treated by the White administration. By bringing to light the crimes committed by the White government in South Africa against the Black population, they want to cast the government in a poor light. Mandela's comments and demeanor reveal his thorough comprehension of and compassion for the conditions of Black people under the apartheid laws that were implemented at that time. It is clear that Mandela attempted to provide explanations for the acts of violence and sabotage he and his allies committed throughout the nation. In other words, he wants to convince them that he is not the reason

behind their violent opposition to the government by denying the charges made against him in court. Furthermore, Mandel also makes an effort to elicit compassion for South Africans of African descent and to oppose the government's activities, which are reflected in the numerous political and social injustices that the country's black citizens have experienced. His use of the word "terrorism" repeatedly suggests that he is criticizing the administration and that terrorism is the only viable response to its absurdities and crimes. Additionally, Mandela explicitly accuses the government in (4) by using the oppositional phrases "more and more" and "fewer and fewer" to illustrate the semantic connection between the government's repressive legislation and the denial of black people's rights.

In the same manner, the process of lexicalization, or the use of certain lexicon in conversation, is important to the impeachment of Clinton. Lexis frequently has ideological connotations, for both the speaker and the audience. They are communicators of ideologies who focus on certain communication goals. The present trial exhibits a proficient use of lexis, ranging from the application of targeted verbs to the utilization of specific nouns and adjectives. Lexicalization in these instances reflects specific ideological connotations. In other words, they convey certain pragmatic and ideological goals in addition to their semantically defined meanings. Consider the following:

> I *never* knew she was back in Arkansas. Contrary to her protestations, I *never* saw her in Texas, I *never* knew what she was doing there, I *never* had any contact with her except once in a while she'd come back to Arkansas and call and say hello and how are you. (Clinton's impeachment trial, 1998)

The aforementioned passage demonstrates the use of the negative frequency adverb "never" to dispel any suspicions regarding the president's prior knowledge of the scheduled meeting with Lewinski. The accused president is attempting to distance himself from any obligations and refute any suspicions regarding his intention to meet with Monica Lewinsky during his tenure as Texas governor or while in office, other than through her role as a White House staffer. The fact that the identical word appears four times in a single conversational turn highlights how expertly chosen and employed it is to portray this sense of separation. Observe also how the negative adverb and the first-person singular "I" are combined, as well as how the adverb is constructed actively. The president makes an effort to convey that he is certain that he did not arrange the meeting. The purpose of using the active voice in this instance is to assume accountability for the activity that was conveyed; that is, he had no idea that Monica was in Arkansas, that he had seen her in Texas, or that he had spoken with her on the phone. This kind of detachment helps him persuade the court of his innocence about his liaisons with Monica Lewinsky.

4.2 Questioning and Answering

The employment of questioning and answering is one of the linguistic features of courtroom discourse. In most cases, as will be demonstrated in the analysis below, attorneys use questions not only to seek information but also to prove an argument in direct examinations. This is clearly shown in the two trials at hand. Consider the following extract:

> Judge: And when you were governor of the state of Arkansas, you appointed Jane Doe 2 to the position of Judge on the Arkansas Court of Appeals correct?
>
> Clinton: I did, yes.
>
> Judge: And she decided cases on the Court of Appeals for two years, correct?
>
> Clinton: That's correct. (Clinton's impeachment trial, 1998)

Here, the two conversational turns of the Judge are nevertheless regarded as questions even if they don't contain any interrogative words, that is, no *wh*-word or auxiliaries that function as question-starting initiators. The interrogative function of the different question words, whether *wh*-questions or *yes-no* questions, is satisfied by the word "correct" at the conclusion of each round. Instead of requesting information, these inquiries are used in courtrooms to verify information. In all conversational turns, Judge Wright asks President Clinton to attest to the veracity or falsity of the facts she has provided. Because both sorts of questions can have a "yes" or "no" response, we can thus argue that confirmation questions are equivalent to yes-no questions.

There are several ways to respond to the questions posed during Clinton's impeachment trial. In other words, there are three possible responses. First, by the use of one or two words, including the operators for positive or negative answer, "yes" or "no"; responses such as "yes, I did," "yes, this is right," "no, I don't," "I don't think so," "it is correct," "not to my knowledge," etc. amply demonstrate this. As in Judge Wright's query, "what were her qualifications to serve as a judge in the Court of Appeals?" Complete linguistic words with a complete syntactic structure that serve as both a response to the question and an explanation of the answer by adding some information with the instant response from Clinton: "She was a bright, diligent individual who was a wonderful friend and supporter of mine. I also believed she would be an excellent judge. I believe the evidence shows she did. Third, the addressee may respond to a question in some discourse situations during the trial by asking for more details to the initial question. For example, when the judge asks Clinton, "Would you repeat the question?" he is asking, "Has it ever happened that a White House record was created that showed the Monica Lewinsky was meeting with Betty Currie when in fact Monica Lewinsky was meeting with you?" In order to respond to the various kinds of questions posed in the courtroom, numerous kinds of answers have been used throughout the trial.

4.3 Using Oppositions

In courtroom discourse, speakers sometimes employ certain oppositional expressions to communicate a specific argument persuasively. For example, Mandela's defense speech is similarly characterized by the use of oppositions and contrasts. The frequent use of contrasting

tenses and other oppositional expressions, either at the word or phrase level, demonstrates this linguistically. Examine the subsequent excerpts:

> The volunteers were not, and are not, the soldiers of a Black army pledged to fight a civil war against whites. They were, and are, dedicated workers who are prepared to lead campaigns initiated by the ANC to distribute leaflets, to organize strikes, or to do whatever the particular campaign required.

> (2) But the hard facts were that fifty years of non-violence had brought the African people nothing but more and more repressive legislation, and fewer and fewer rights.(Mandela, 1964)

The aforementioned instances demonstrate how oppositional construction may be used effectively to convey particular beliefs. In (1), Mandela highlights that the volunteers who carried out certain violent acts in South Africa are only laborers, not soldiers, by contrasting the tenses of his speech between the past and the present. The skillful use of the past tense in the negative form in were not, followed by the negative present in are not, conveys the idea that these individuals were not recruited by the Umkhonto we Sizwe group to carry out violent assaults against the White people. He wishes to make it clear that they are not part of a Black army that has vowed to wage a civil war against White people. Here, Mandela makes an attempt to absolve these individuals of any wrongdoing. His insistence that they were not and are not soldiers serves to dispel any possibility of their having committed a crime on purpose.

In the same vein, in (2), fewer and fewer rights and an increasing amount of oppressive laws are employed in the same contrasting structure. This comparison aims to convey the idea that black South Africans will obtain less rights the more harsh policies implemented by the White administration against them. The association contrast between rights and repression and the literal semantic difference between more and fewer both effectively convey the extent of pain that Black people endured under apartheid. When Mandela informed the judge that he was a black man in a court run by white people, he established an immediate and strong contrast. Once more, the way the two adjectives, black and white, clash with one another strongly suggests Mandela's intended meanings. This illustrates how language plays a crucial role in the dissemination of ideologies. Mandela attempts to do via language (verbally) what he was unable to accomplish through nonverbality (physically).

4.4 The Employment of Rhetorical Questions

Another argumentation strategy used in courtroom discourse is the use of rhetorical questions. Rhetorical techniques are frequently employed by attorneys in courtrooms to convey certain meanings and ideologies as well as to enhance the persuasiveness of their arguments for the jury (Tiersma, 1999; Williams & Tessuto, 2013; Tessuto, 2016). Consider the following extracts from Mandela's trial:

> (1) Who will deny that thirty years of my life have been spent knocking in vain, patiently, moderately, and modestly at a closed and barred door? What have been the fruits of moderation?

> (2) What were we, the leaders of our people, to do? Were we to give in to the show of force and the implied threat against future action, or were we to fight it and, I so, how?

> (3) How much longer would it take to eradicate the scars of inter-racial civil war, which could not be fought without a great loss of life on both sides?

> (4) How could we continue to keep Africans away from terrorism?

> (5) How could black and white ever live together again in peace and harmony? (Mandela, 1964)

As is displayed in the above extracts, answers are not sought for by rhetorical inquiries. They are seen as a courteous, deceptive means of conveying a message to the recipients (Flowerdew, 2002; Pinto, 2004). Rhetorical strong people frequently employ them to persuade their audience to agree with their points of view. In the aforementioned excerpts, Mandela employs a number of rhetorical devices to highlight certain points and make the court case easier to present. Mandela does not ask the audience, who is the indirect addressee, or the judge, who is the direct addressee, for a response to any of the aforementioned rhetorical questions. Nonetheless, Mandela attempts to convey particular meanings that support his position by asking questions of this nature. His use of rhetorical questions serves to draw the jury's focus to certain points he wishes to make. Mandela tries to convey in (1) above that he patiently and peacefully demanded equality and equal rights for the black South African for thirty years. He is trying to say that trying to solve problems peacefully is ineffective since nothing improves the lot of Black people or the laws that discriminate against them based on their race.This point is emphasized in his second question in the same extract: "What have been the fruits of moderation?" Once more, he does not ask questions in order to further his message that under apartheid, restraint is unproductive and pointless.

Similar to this, in (2), Mandela addresses the judge directly with his rhetorical questions, telling him that all they (the accused members) can do is fight; if all other options are exhausted, one is obliged to turn to criminal means in order to achieve his release. He poses the query and then steps away, allowing the jurors to come up with their own solution. He wants to reiterate that black South Africans would have no choice but to use violence and sabotage if they are unable to obtain their rights via peaceful means. This is another effort to defend the violent crimes that were common at the time in South Africa. Additionally, the three how-questions in (3, 4, and 5) are rhetorically presented to highlight the claim that Black people's participation in terrorism will be the final and investable result of the racial discriminatory policies. Mandela wants people to understand that violence just leads to greater violence. His inquiries seem to be an attempt to incite a civil war between White and Black South Africans on the grounds that racial inequality will breed terrorism. This will

make it difficult, in Mandela's opinion, to get South Africans to live together in harmony once more. He expresses this by asking the rhetorical question in paragraph five above.

4.5 The employment of Premeditated Arguments

Within courts, the majority of the speeches delivered by litigants and attorneys are prepared before the initiation of the court incidents. Attorneys often prepare and plan their arguments in a way that suites with their targeted purposes. Consider the following:

> I hold a Bachelor's Degree in Arts and practiced as an attorney in Johannesburg for a number of years in partnership with Mr. Oliver Tambo, a co-conspirator in this case. I am a convicted prisoner serving five years for leaving the country without a permit and for inciting people to go on strike at the end of May 1961. (Mandela, 1964)

The deft and methodical manner in which Mandela presents his case in court is another reasoning technique he employs in his defense address. This is made abundantly evident right away when Mandela begins his defense address by giving a quick overview of his speaking background. In fact, attorneys frequently employ these opening phrases to reveal the speaker's personality during legal speech in court (Mead, 1985; Stygall, 2012). Mandela is eager to follow the rules of law that should govern courts in this situation. Mandela then provides a synopsis of the points he will make and defend or refute throughout his speech:

> In the statement which I am about to make, I shall correct certain false impressions which have been created by State witnesses; amongst other things I will demonstrate that certain of the acts referred to in the evidence were not, and could not have been committed by Umkhonto. I will also deal with the relationship between the African National Congress and with the part which I personally have played in the affairs of both organizations. I shall deal also with the part played by the Communist Party. In order to explain these matters properly, I will have to explain what Umkhonto set out to achieve; what methods it prescribed for the achievement of these objects, and why these methods were chosen. (Mandela, 1964)

Mandela enumerated the arguments he would make in his defense address, as the aforementioned statement demonstrates. This suggests that he is linguistically and emotionally ready for the court. This therefore suggests the level of conviction he has for his cause. Here, it is clear that the speaker's stated goal was to respond to the charges made against him by denying the false charges and acknowledging and elaborating on the accurate ones. The speaker's overarching goal, nevertheless, was to draw attention to the abuses of the apartheid regime and rally support for the cause of equal rights for South Africans of African descent on a national and worldwide level.

Mandela justifies his acts, carrying on his well-organized argument. He first acknowledges that he planned to carry out acts of sabotage and violence: I immediately acknowledge that I was among those who assisted in the formation of *Umkhonto we Sizwe*, and that I was actively involved in its affairs until my arrest in August. Nevertheless, he denies carrying out any violent attacks against South Africans. I will dispel some of the misconceptions that State witnesses have spread; among other things, I will show that some of the actions mentioned in the evidence were not perpetrated by Umkhonto and could not have been committed by him (Mandela, 1964). It appears that Mandela's goal was to convince the public and the jury that his violent, illegal, and mischievous conduct was warranted by the harsh rules and tyrannical control that the black people faced during apartheid. His statement, "I did not plan it in a spirit of recklessness, nor because I have any love of violence," makes this quite evident. After many years of despotism, I calmly and soberly assessed the political situation and decided to plan it (Mandela, 1964). Significantly, Mandela seeks to win over the sympathy of both the domestic and foreign audiences by acknowledging and/or refuting the charges made against him. Knowing full well that black South Africans cannot fight the white government on their own, he usually uses pressure tactics to get the world community to support and push for equal rights in South Africa.

5. Discussion

The above analysis demonstrates the importance of applying the various linguistic levels of analysis to the examination of legal data. In other words, the study demonstrated how the many meanings argumentatively pursued in legal environments be understood at the lexical, semantic, and rhetorical, and pragmatic levels of analysis. This is consistent with the claim made by Adosari and Khafaga (2020) that language analysis of the legal data might reveal hidden legal meanings pertaining to what attorneys wish and desire. In this sense, language plays a major role in conveying legal meanings and decoding ideologies. This, in turn, emphasizes the linguistic contribution language plays for other disciplines, such as legal discourse (Coulthard & Johnson, 2007), political discourse (Fairclough, 2013), pragmatics (Khafaga, 2023c), and stylistics (Khafaga, 2022).

The analysis also demonstrated how language is skillfully employed in courtrooms to achieve particular aims and purposes. The capacity of conversation participants to interpret meanings beyond the literal definitions of linguistic phrases fosters communication and facilitates the resolution of any litigation that is being considered. This is consistent with Farinde's (2009) argument that discursive intelligibility is a necessary condition for effective communication in a court of law. Therefore, the more skillful and pleasing the outcome, the more language is employed. This also supports Mead's (1985) claim that language is employed in courts to support the state of defense in addition to its semantic meaning. The purpose of this kind of discourse is to stimulate participants' cognitive capacities.

The analysis further revealed two primary language techniques that were used in the experiment to accomplish the involved discourse participants' ideas: the use of specific lexis and the use of questions and responses. The two techniques are skillfully applied to interpret certain ideological connotations associated with conversation participants. This in turn clarifies the applicability of linguistic analysis to the study of written or spoken legal speech. This is consistent with the claims made by Aldosari (2020), Aldosari, and Khafaga (2020) that

among the widely accepted linguistic strategies employed by discourse participants to arrive at their targeted ideologies are lexical choices and the use of questioning and answering in legal trials.

Concerning the employment of certain words to communicate arguments persuasively, it is analytically demonstrated that lexicalization is an extremely important linguistic analysis tool. This paper, therefore, goes in conformity with Fowler's (1991, 1996) claim that the employment of certain terminology in conversation has an ideological bent. In the framework of this work, vocabulary is used ideologically by conversation participants to both transmit and disclose certain meanings. Schaffner (2004) made a similar point, emphasizing that conversation participants intentionally use words to accomplish certain objectives. A lexical choice as a discursive strategy lies in the heart of legal discourse. The majority of legal arguments depend entirely on the use of words in a dexterously specific manner.

Regarding the manner in which questioning and responding helps to clarify certain meanings in courtroom conversation, the study revealed that using this technique is very indicative when trying to understand information from participants in the discourse. Two types of questions, *yes/no* questions and *wh* questions, are used to analytically clarify this. The investigation also revealed that questions are occasionally used in courtrooms to emphasize and validate facts rather than to gather information. This is consistent with the argument made by Aldosari and Khafaga (2020) that use questions to elicit information is not as indicative of judicial procedures as using them to clarify and/or validate information.

The analysis also clarified the crucial role played by the use of rhetoric to communicate successful argumentation. Argumentation is entirely based on the rhetorical use of language. This is conducted in this paper by the dexterous employment of rhetorical questions, oppositional arguments and premeditated arguments. The three strategies are basically based on the use of rhetoric, that is, the ability to subjugate the various linguistic expressions to serve one's purposes. This is what has been done in the selected data, particularly in Mandela's trial. He uses his rhetorical abilities in using language to communicate the suffering the Africans lead in South Africa. This reconciles with many previous studies (e.g., Berukstiene, 2016; Cheng & Danesi, 2019; Karasev et al., 2020; Khafaga, 2023b), who highlighted the rhetorical use of language as a persuasion tool in courtroom discourse and in other discourse settings.

6. Conclusion

This paper investigated some of the argumentation strategies employed in courtroom discourse by highlighting five strategies: lexical choices, questioning and answering, oppositional arguments, rhetorical questions, and premeditated arguments. The analysis showed that courtroom interlocutors tend to use particular linguistic strategies to communicate their purposes argumentatively and persuasively. It is analytically displayed that the five strategies discussed in this study proved useful in communicating a successful argument within the courtroom. This in turn sheds light on the crucial role language plays in courtroom discourse. Language has an essential part to show in the legal arguments, particularly when it is used rhetorically. The paper also demonstrated that arguments in courtrooms can persuasively be formulated by various linguistic realizations at the level of the word (via lexicalization), the level of the sentence (via questioning), and the level of rhetoric (via rhetorical questions, oppositional arguments, and premeditated arguments).

The study also made it clear that courtroom speech is a particular kind of institutional discourse that is distinguished by linguistic elements that, even when they are articulated in an environment of helplessness, represent the ideology and authority of those who employ it. This correlates with Khafaga's (2023a) argument that the goal-oriented nature of legal discourse, which means that it constantly aims to achieve certain objectives outside of the discursive processes used in court contexts. Furthermore, the examination of the chosen data demonstrated that language is a useful instrument for spreading ideas since it can be manipulated to further the goals of its users and to change the opinions of those who hear it.

For future research, this study recommends further studies on the various argumentation techniques used not only in courtroom but also in other discourse settings, such as, workplace discourse, classroom discourse, and media discourse. These studies might reveal similar or different findings than those approached in this paper. The paper also recommends further studies comparing and contrasting the different argumentation strategies in different types of discourse to show the various linguistic levels of argumentation used in each discourse genre. Finally, in EFL (English as a foreign language) contexts, this study recommends the use of the strategies discussed here in the EFL courses presenting essay writings, particularly in the argumentative essays.

the work reported in this paper.

Informed consent

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