

**Ministry of Higher Education
and Scientific Research
University of Babylon
College of Education for Human Sciences
Department of English**



**A Pragma- Rhetorical Study of Persuasion in Proceedings of the
American Criminal Court**

**A Thesis Submitted to the Council of the College of Education for
Human Sciences, University of Babylon in Partial Fulfillment of the
Requirements for the Degree of Master in English
Language/Linguistics.**

By

Zahra' Hamid Obeid Hajwal

SUPERVISED BY

Asst. Prof. Hussain Hameed Mayuuf (PH. D)

2022 A.D.

1444 A.H.



Supervisor's Certification

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Date: / /2022

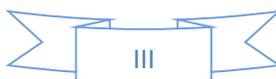
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Certification of Examining Committee

We certify that this thesis (A Pragma- Rhetorical Study of Persuasion in Proceedings of the American Criminal Court) written by Zahra' Hamid Obaied Hajwal and, as Examining Committee, examined the student in its contents, and, that in our opinion ,it is adequate as a thesis for a degree of
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Dean of the College of Education for Human Sciences

Date: / /2022



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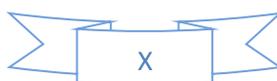
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In line with the aims mentioned above, the following hypotheses are postulated: (1) Persuasion is the step that reveals the texts which typically have two main rhetorical moves: one for identifying the case and another for describing it; (2) There are two pragmatic structures, they are: Syllogism and Enthymeme. Syllogism is a subtle, specious, or crafty argument. Enthymeme is a rhetorical syllogism and is used in oratorical practice; (3) The rhetorical appeals are strategies of rhetoric that classify a speaker's or writer's appeal to their audience. These include ethos, pathos, and logos.

Four criminal proceedings are chosen between 2016 and 2020 from American supreme and pragma-rhetorically analysed via a model developed by this study for this purpose. Then, the results of the pragma-rhetorical qualitative analysis are statistically treated to verify the hypotheses above. The results of analyses show that the first, second, and fifth, are verified; whereas the third and fourth are partially verified.

The main conclusions of the study are (1) The manifestation of persuasion depends fundamentally on two main rhetorical moves of persuasion: one for identifying the case and presenting it, and another for describing the case

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The study is divided into five chapters. Chapter One presents the problem, aims, hypotheses, procedures, limits, and value of the study. Chapter Two introduces a theoretical background of Proceedings of criminal cases including definitions, types, structures, and functions which are pragma-rhetorically oriented. Chapter Three develops the model of analysis. Chapter Four is concerned with the qualitative and quantitative analysis of the selected data. Chapter Five sums up conclusions and introduces recommendations and suggestions for further research work.

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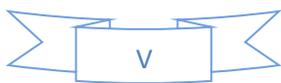
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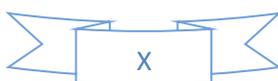
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Chapter One

Introduction

1.1 The problem of the Study

Language is a multidimensional mode of communication. Words or word combinations, it is believed, are always socially and politically loaded. This research looks into the pragma-rhetorical devices and strategies used by the attorney to unravel the homicides presented to the American Supreme Court. Unlike ordinary speech, legal discourse has a complex structure of rhetorical strategies and techniques to persuade the court in a unique way. As such, rhetoric proposes persuasion because it is concerned with how things are said. In fact, combining modern pragmatics and classical rhetoric does not separate words from social practices . It focuses on the interaction of linguistics and social components, as well as the role that words play in persuasion (Francesca,2013).

The use of pragmatics and rhetorical devices and strategies in analysing specific stretches of speech is referred to as pragma-rhetorical analysis. It refers to the use of pragmatics and rhetoric in tandem to analyse discourse. Pragmatics is concerned with the context in which language is used, whereas rhetoric is concerned with argument and persuasion. Pragmatics and rhetoric complement one another to provide a comprehensive view of how language can be used; the former is concerned with communicative intentions, while the latter is concerned with persuasive intentions of language use (Moezzi et al,2017).

According to Ilie (2021), combining the two disciplines in one approach allows researchers to combine "micro-linguistically oriented pragmatic approaches with macro-linguistically oriented approaches" to better deal with the nuanced and multifaceted complexities of language use. The rhetorical analysis is

obtained in a highly systematic manner through such analysis, whereas the pragmatic aspects of language become more focused and activity-based when interpreted from a rhetorical perspective. (ibid:88)

Pragma-rhetoric provides a distinct theoretical and methodological framework that is interdisciplinary in nature. The collaboration between the two disciplines is justified not only by their shared research object: language in use, but also by the similarity of their approach to this object, that of the speaker's intention to produce a specific effect on the receiver. The union of rhetoric and pragmatics is a union of "ancient" and "modern." The main reason for such a marriage is that the two are concerned with how language is used. According to Archer et al 2009, the meeting point of the two fields is the way language is used, explicitly or implicitly, to guide others towards a specific act. (Ilie, C. 2006)

Persson and Yilkoski (2007:55) argue that rhetoric is already pragmatic in nature because it deals with something other than what is literally said. Rhetoric, like pragmatics, seeks to alter reality. The hybrid field in question is defined by Larrazabal and Korta (2002:1) as "combining both disciplines in order to explain the intentional phenomena that occur in most communicative uses of language, namely the communicative intention of persuading." According to Walton (2004:21), the goal of this field is to discuss how language can be effective in certain contexts in order to persuade the addressee. He goes on to say (2007:18) that rhetorical pragmatics is concerned with how a speaker creates in his addressees (pathos), how to create a trustworthy character (ethos), and how to represent the available arguments and facts (Logos). Furthermore, this approach investigates how rhetorical devices are used to capture the attention of the audience. Persuasive strategies are rhetorical strategies that categories the speaker's appeal to the audience. Ethos, pathos, logos, dissonance, motivation, and needs are examples of these strategies (Hauser, G. 2002 : 21- 45). Because audiences may be suspicious of a speech based solely on emotion, effective

speakers must use emotional appeals that are also logically convincing. Emotional appeals are effective because they are designed to persuade the audience to take immediate action. Emotional appeals lose their persuasive power faster than other types of persuasive appeals. Because emotions are frequently reactionary, they fade quickly when a person is removed from the provoking situation. (Ferrell,T.B. 2001: 348)

The primary purpose of court proceedings is persuasion rather than entertainment, which can be viewed as purposeful interaction between the speaker and the audience, in which the communicative intention of the speaker is to manipulate the audience to accept the speaker's views in addition to the proofs they provide, and support his/her suggestions in order to achieve his/her communicative purpose. (Dascal, D. 1999 : 83).

In the light of the above assumptions ,this study tries to find answers to the following questions :

- 1- What is the linguistic structure of persuasion ?
- 2- What are the pragmatic structures in the American court criminal proceedings?
- 3- What are the argumentative appeals in the proceedings of the American supreme court that investigates homicides ?
- 4- What are the types of figures of speech found in the selected data ?

1.2 The Aims of the Study

The present study aims at:

- 1- Identifying the linguistic structure of persuasion specifically those related to the court proceedings .

- 2- Identifying the pragmatic structure in the proceedings of American supreme court that investigates homicides.
- 3- Figuring out the argumentative appeals in the proceedings of American supreme court that investigates homicides .
- 4- Explicating the figures of speech found the in the selected data .

1.3 The Hypotheses of the Study

It's Hypothesized that :

- 1- Persuasion is the step that reveals the texts which typically have two main rhetorical moves: one for identifying the case and another for describing it.
- 2- There are two pragmatic structures , they are : Syllogism and Enthymeme . Syllogism is a subtle, specious, or crafty argument . Enthymeme is a rhetorical syllogism and is used in oratorical practice.
- 3- The rhetorical appeals , are strategies of rhetoric that classify a speaker's or writer's appeal to their audience. These include ethos, pathos, and logos .
- 4- Only certain figures of speech are deployed in this work : ,simile , metaphor and repetition.

1.4 Procedures of the Study

To achieve the aims of the study and to verify its hypotheses , the following procedures are followed.

- 1- Reviewing the literature about persuasion as delivered by a pragma-rhetorical approach and what strategies and functions of persuasion are in court proceedings .
- 2- Analyzing the persuasive strategies in the speeches and situations in the selected data ,i.e. the proceedings of homicides in American supreme court cases according to the eclectic model used in this study .
- 3- This study adopts an eclectic model to obtain information and analyse the data. This includes elaborating the Aristotle's three forms of rhetorical

proofs relating to the theory of persuasion. Highlighting the pragmatic structures by Aristotle , and finally detecting figures of speech as being categorized in (McQuarrie, E. and D. Mick.1996:424).

- 4- This study will be rounded off with conclusions ,suggestions and recommendations for further studies.
- 5- To verify the findings of this study, some statistical means are used for calculating the results of analysis.

1.5 Limits of the Study

This study is limited to the analysis of the pragma-rhetorical and persuasive strategies. Which adopted by the attorneys in four homicides cases in the American supreme court room , that are chosen from court room including crime cases as being shown in videos and the texts and scripts provided by the American supreme court on line.

1.6 The Value of the Study

It's hopeful that this study will carry a good value to the Pragma-Rhetorical area ,and give valuable contribution for the English students who study persuasive strategies .

Chapter Two

Literature Review

2.0 Introductory Remarks

This chapter aims at introducing pragma-rhetoric as a main field and studying its two sides : Pragmatics and Rhetoric . In addition, it sheds lights on the main tents while studying the different issues that are related to it. It also attempts to survey the functions of different models that deal with Pragmatics, Rhetorics , and Persuasion .

2.1 Historical Pragma – Rhetorical

Pragmatics deals with how the meanings of utterances are adjusted with regard to the context in which they occur, including time, place, purpose of event, and the relationships between speakers and their interlocutors. Pragmatics concentrates on the variables that regulate the human selection and use of particular linguistic structures and the expected impact they achieve on the part of their interlocutors in terms of thinking and behavior (Ilie, 2021:323,353).

In other words, a pragmatic analysis explores the linguistic uses that are basically based on the communicative intentions of speakers plus the strategies used by listeners to assess those intentions. The most striking difference between Rhetoric and Pragmatics is the fact that Pragmatics is typically descriptive while Rhetoric is prescriptive. The most important similarity between Rhetoric and Pragmatics is, of course, the focus on the use and function of language and the role of language in different activities. Also, both disciplines try to give account for non-explicit or non-verbal information in discourse, such as implicature and gestures respectively. Speech act theory considers some of the main functions of rhetoric under the label of elocutionary speech acts, e.g. convince, judge and defend. It seems reasonable to say that pragmatics has a wider coverage than, and subsumes the subject matter of rhetoric (Larsson, 1998: 9).

The concept of rhetorical pragmatics is referred to by Walton (2004:21) as using a proposition to fulfill a "goal in an argument or to make the language very effective within a particular context as through the use of figures of speech." One common and important type of goal is to successfully convince or persuade a respondent. The relationship between pragmatics and rhetoric is deeply rooted, since the time of Aristotle, where rhetoric as a discipline has been the primary source of pondering about persuasion.

According to Booth (2004:31), the fundamental aim of rhetoric is to find out the most successful language to communicate a thought in a certain situation, and then to change its expressions to be suitable for various situations. This makes rhetoric fall within the scope of pragmatics [as stressed above] because the suitability of language within a particular situation regarding various contextual factors is the main area of pragmatics. In this regard, many linguistic strategies (choices) are at hand in rhetoric for communicating thoughts ranging from explicit to implicit and from argumentative to figurative strategies. Walton (2007:18) argues that speakers or writers resort to rhetoric to consider;

- (1) The way to create reasonable emotions in audience (pathos).
- (2) The way to display a trustworthy character (ethos).
- (3) The way to give the available facts and arguments (logos).

The linguistic options of using metaphor and irony, for instance, to ornament the language and attract the attention of readers and hearers . The relationship of rhetoric, argument and persuasion in rhetorical pragmatics may be shown in figure (1) below:

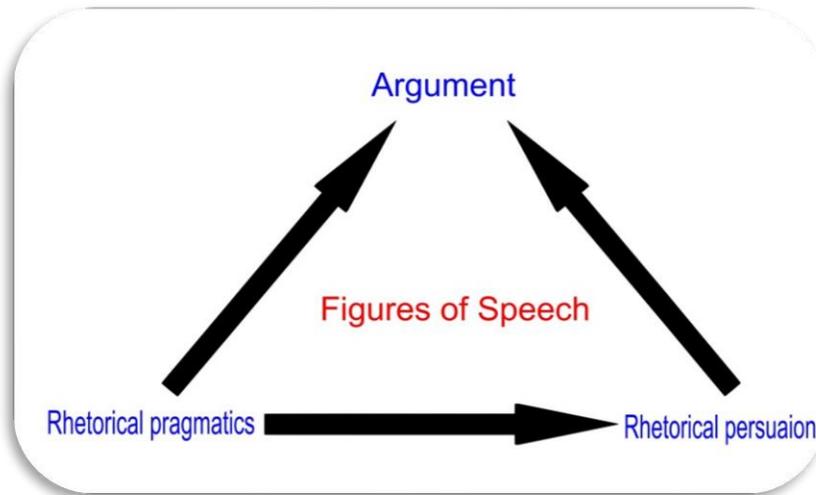


Figure (1) the relationship of rhetoric, argument and persuasion in rhetorical pragmatics (adopted from Al- Hindawi and Harbi : 2020)

In pragma-rhetoric approach, the rhetoric aspect is essentially concerned with a study of order, i.e. to the planning of discourse, which means having new structure of discourse in a dynamic perspective, in the fact that real discourse is what is finally performed as discourse with all the aspects that made in the process. Pragma-rhetoric is not away from or differ from logic, but, it takes logic at the very close relation with discourse construction, but the definitive notion "to persuade" links rhetoric with pragmatics . It is concerned with the distinguishing and combining at the same time between communicative intention and persuasive intention. It is very clear that these two intentions are at different levels. We need first the fulfillment of communicative intention in order to make it possible then the fulfillment of persuasive intention (particularly, the intention to convince in argumentative discourse). Both in mono-logical discourse and in dialogical (or multi-logical) , where by means of the satisfaction of the communicative intention, one can get the satisfaction of a persuasive intention (Dascal, M. and A. G. Gross 1999) .

The relationship between pragmatics and rhetoric is referred as the way language is used to affect others and to change their act towards a certain way. This is implied into a pragmatic view on language. Rhetoric plays an important

role in producing an action or changing the world. Besides, rhetoric is a means of changing reality by producing a discourse in which the audience is so involved, in this meaning, rhetoric is forever persuasive. Persson and Ylikoski (2007:55)

Dascal, M. and A. Gross in 1999. They refer to "the marriage between Aristotelian rhetoric and Gricean pragmatics". They consider their reconstruction endeavors to integrate the solidity of "Gricean pragmatics and Aristotelian rhetoric" which is something possible and productive. Following Dascal and Gross after few years, Larrazabal and Korta (2002:1), propose Pragma – Rhetoric as a new perspective, which is: "A pragmatic and rhetorical view in discourse analysis, combining both disciplines in order to explain the intentional phenomena that occur in most communicative uses of language, namely the communicative intention and the intention of persuading"

2.2 Rhetorics Definition

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 utilize to inform, persuade, or motivate particular audiences in specific situations. Kastly , James , 2015 :45)

Aristotle defines rhetoric as "the faculty of observing in any given case the available means of persuasion" and since mastery of this art was necessary for victory in a case at law, for passage of proposals in the assembly, or for fame as a speaker in civic ceremonies; he calls it "a combination of the science of logic and of the ethical branch of politics". (Abrams, 2005)

Rhetoric typically provides heuristics for understanding, discovering, and developing arguments for particular situations, along with Aristotle's three persuasive audience appeals: logos, pathos, and ethos. The five canons of rhetoric or phases of developing a persuasive speech have been first codified in classical

Rome: invention, arrangement, style, memory, and delivery.(Kastely, James ,2015)

Rhetoric, in Plato's opinion, is merely a form of flattery and functions similarly to cookery, which masks the undesirability of unhealthy food by making it taste good. Thus, Plato considers any speech of lengthy prose would aim at flattery as within the scope of rhetoric. Some scholars, however, contest the idea that Plato despises rhetoric as well as his dialogues as a dramatization of complex rhetorical principles (Jay .Booth , 2004 , P. 303).

Roffee,J,A.(2016: 131-147) shows that rhetoric is "the counterpart of dialectic"; he defines rhetoric as "the faculty of observing in any given case the available means of persuasion". The art of rhetoric deals with the power of recognizing the modes of persuasion on different subjects produced to us. He confirms that a great deal of Aristotle's work has been passed to us from one generation to the next. His work on rhetoric which takes into consideration the subject of persuasion is regarded as one of his most significant works. Rhetoric, as referred to by Norheim ,B.&J.Haga(2020 :1-20) is an "ancient discipline that was fundamental to Western thought for over 2,000 years". Presently, rhetoric is thriving once again in accordance with the development of the media which concentrates on the analyses and broad variations of "consumer research" that are involved within different "humanities and social sciences disciplines".

2.2.1 Plato Rhetorics

Plato (427–347 BC) famously outlines the differences between true and false rhetoric in a number of dialogues, the Gorgias and Phaedrus dialogues wherein Plato disputes the sophistic notion that the art of persuasion (the sophists' art, which he calls "rhetoric"), can exist independent of the art of dialectics. Plato claims that since sophists appeal only to what seems probable, they are not advancing their students and audiences, but simply flattering them with what they

want to hear. While Plato's condemnation of rhetoric is clear in the *Gorgias*, where in the *Phaedrus* he suggests the possibility of a true art wherein rhetoric is based upon the knowledge produced by dialectics, and relies on a dialectically informed rhetoric to appeal to the main character. Thus Plato's rhetoric is actually dialectic (or philosophy) "turned" toward those who are not yet philosophers and are thus unready to pursue dialectic directly. Plato's animosity against rhetoric, and against the sophists, derives not only from their inflated claims to teach virtue and their reliance on appearances, but from the fact that his teacher, Socrates is sentenced to death after sophists' efforts (Bengtson, Erik , 2019).

2.2.2 Aristotle Rhetorics

Aristotle (384–322 BC) is a student of Plato who famously sets forth an extended treatise on rhetoric that still repays careful study today. In the first sentence of *The Art of Rhetoric*, Aristotle says that "rhetoric is the counterpart (literally, the antistrophe) of dialectic". As the "antistrophe" of a Greek ode responds to and is patterned after the structure of the "strophe" (they form two sections of the whole and are sung by two parts of the chorus), so the art of rhetoric follows and is structurally patterned after the art of dialectics because both are arts of discourse production. Thus, while dialectical methods are necessary to find truth in theoretical matters, rhetorical methods are required in practical matters such as adjudicating somebody's guilt or innocence when charged in a court of law, or adjudicating a prudent course of action to be taken in a deliberative assembly. The core features of dialectics include the absence of determined subject matter, its elaboration on earlier empirical practice, the explication of its aims, the type of utility and the definition of the proper function. (Boon and Kortic , 1994 :11-28)

Aristotle has claimed that “lastly, persuasion is produced by the speech itself, when we establish the true or apparently true from the means of persuasion

applicable to each individual subject. Now, since proofs are affected by these means, it is evident that, to be able to grasp them, a man must be capable of logical reasoning, of studying characters and the virtues, and thirdly the emotions –the nature and character of each, its origin, and the manner in which it is produced. Thus it appears that Rhetoric is as it were an offshoot of Dialectics and of the science of Ethics, which may be reasonably called Politics.” (Rhetoric I, 1356a15-30)

It is evident that in our pragma-rhetorical approach to the analysis of persuasive discourse, so to speak, a cognitive rhetoric, where basic intentional components have to be considered in relationship with emotive components and any other psychological aspect of speakers and hearers, changing alternatively their roles in the production of discourses. It is noteworthy that, unlike communicative intention, persuasive intention in general is not an overt intention. It can be an overt intention as in the case of the intention to convince (by arguments) or as in particular kinds of persuasive intentions in especial discourse contexts. But it clearly can also be a covert intention: for example, about a situation where the speaker intends to persuade the hearers by hiding the real persuasive intention behind the discourse behavior, because this is just the way of getting the goal in that particular situation. In any case, it is worth saying that persuasive intention leads the speaker to the determination of the structure of discourse in the taxis phase. No doubt, when speaking about the structure of discourse, in a broader sense more than Aristotle does, when he studies the division of the parts of speech in Book III of his Rhetoric, taking into account precisely in the broader notion of discourse, applicable, as we have noted above, to micro- and macro-discourses. (Borchers, Timothy A. 2006).

The operational definition of rhetoric as adopted by the researcher for this study is the language that’s carefully constructed to persuade, motivate, or inform the reader or listener about the speaker or writer’s position. Booth (2004:31)

indicates that the central concern of rhetoric is how to discover the most effective language to express a thought in a given situation, and then to alter its expressions to suit different situations. This makes rhetoric fall within the scope of pragmatics because, as Simpson,P.(2004:318) asserts, the suitability of language within a particular situation regarding various contextual factors is the main area of pragmatics. In this regard, many linguistic choices (strategies) are available in rhetoric to communicate thoughts ranging from explicit to implicit and from argumentative to figurative strategies. (J. Booth 2004:31)

2.3 Persuasion Definition

First and foremost , persuasion is a psychological phenomenon which is deeply connected to language. Persuasion is one of the most powerful and most effective human tools within the community. The primary objective of persuasion is to show how this strategy enables one to change one's thoughts and feelings towards a particular subject. Persuasion as all linguistic behavior that attempts to either change the thinking or behavior of an audience, or to strengthen its beliefs, should the audience already agree". Furthermore, understanding more about a persuasion process, they believe, requires learning more about human nature. The process of persuasion includes the contribution of the audiences, interlocutors, and onlookers. (Toye,R.2013)

Rank,H. (1988: 15) consider persuasion as one kind of elocutionary act, where elocutionary speech acts can be defined as those acts which essentially include a specific response on the part of the hearer.

Stockwell,P.S.Whitely (2014:237) describes persuasion as the communication process by which the communicator "succeeds in voluntarily forming, sustaining or changing the attitudes or behavior" of one or a group of listeners, according to the message that the communicator intends to convey. According to Steinberg

and other writers, the main goal of a persuasive speaker is to change or influence the listeners' "attitudes, beliefs, values and behavior".

Wales ,K.(2014)defines persuasion as: “a symbolic process in which communicators try to convince other people to change their attitudes or behavior regarding an issue through the transmission of a message, in an atmosphere of free choice”

The researcher believes that the latter definition suits best the requirements of the study regarding how persuasion can play a role in court proceedings in a sense that it cuts over the mental attitude and performance of other people and affects their assessing trails and lawsuits inside the court. Thus, it is being adopted as an operational definition for this study.

2.4 Pragmatics and Rhetoric

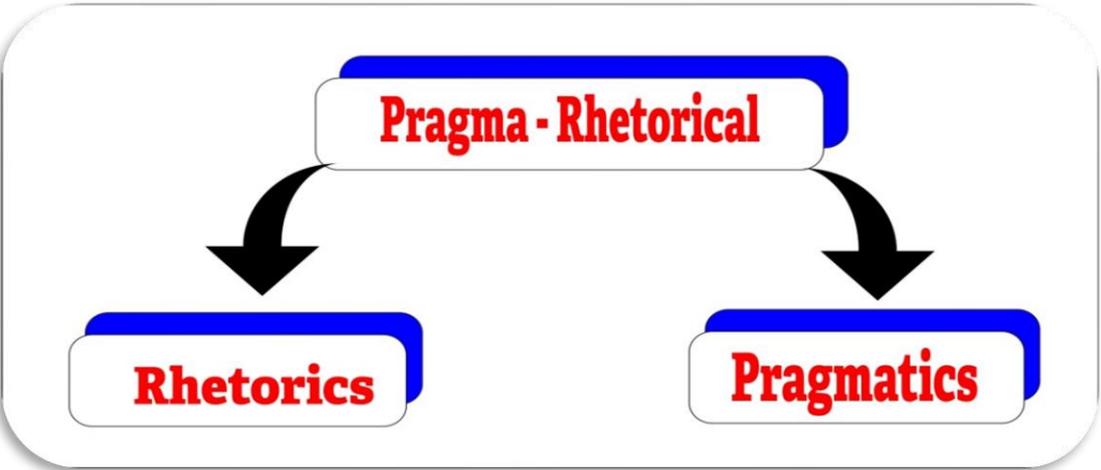
In a pragma-rhetoric approach, the rhetoric aspect is essentially devoted to a study of order, i.e. to the planning of discourse, which means the production of the structure of discourse in a dynamic perspective, given the fact that real discourse is what is finally performed as discourse with all the moves made in the process. What is important to point out is that the determination of that dynamic order responds to the intention of persuading by the discourse-maker. Pragma-rhetoric is not isolated from logic, on the contrary, it takes logic at the very ground in discourse construction, but the crucial notion of the intention to persuade links rhetoric with pragmatics in a global intentional architecture of individuals, distinguishing and combining at the same time communicative intention and persuasive intention. (Lunsford, Andrea A. 1998)

It is very clear that these two intentions are in different levels. We need first the fulfillment of communicative intention, in order to make possible then the fulfillment of persuasive intention (particularly, the intention to convince in argumentative discourse). Both in mono logical discourse and in dialogical (or

multi logical) discourse the unit of analysis is a unique speech act, where by means of the satisfaction of the communicative intention one can get the satisfaction of a persuasive intention . (Camp, Jessica Rae 2010).

Basically speaking a very stable kind of intention persistent through all the process of elaboration and performance of a discourse, can be oriented to a particular type of behavior on the part of the hearers (as communicative intentions, persuasive intentions lead to a particular kind of individual social actions), namely, their persuasion in terms of the acceptance of beliefs and goals expressed by the speaker (or, at least, a significant reduction in the distance between the mental states manifested by the speaker and those of the hearers, naturally intending to lead hearers to action). (Ibid)

One of the consequences of this cognitive approach to rhetoric is the pragma-rhetorical view which aims at a psychological (and socio-psychological) and philosophical (philosophy of language, mind and action) which subsumes the combined study of the intentions involved in persuasive communication.



(Roffee,J. A. 2016)

Fig.(2) Pragma- Rhetorical field

2.5 Pragma – Rhetorical approach and Persuasion

The term pragma-rhetorical describes the use of pragmatic and rhetorical devices and strategies in analyzing certain stretches of speech. The present study will be following Larrazabal's and Korta's (2002) concept of pragma-rhetorical in which pragmatic and rhetorical devices and strategies are identified and analyzed altogether (R. David 2007, P37) .

Accordingly, the pragmatic side of the current study includes identifying types of pragmatic structures , while the rhetorical part deals with the persuasive appeals and rhetorical devices to present a comprehensive framework of persuasion in court proceedings . It is always related to rhetoric as being its main aim and purpose. Aristotle (Herrick 69) views persuasion as the expected outcome of adopting the rhetorical means of language. For him, persuasion includes two types of proofs: artistic and inartistic. In the case of artistic proof, it represents the way the persuasive discourse is organised, the process of choosing evidence and delivery style, as well as language choices. Conversely, inartistic proof consists of those things that are beyond the speaker's control, for instance, the occasion, the time given to, and the physical appearance of the speaker (Larson, 2010).

In his book *Rhetoric*, Aristotle defines rhetoric as “the faculty of observing in any given case the available means of persuasion”. It is not enough for a speaker to know what to say; it is also necessary to know how to say it. Aristotle also stresses the importance of language distinctiveness which can be produced by means of rhetorical devices like metaphors. As such, rhetoric proposes persuasion, for it is concerned with how to say things. Further, rhetoric accounts for the stylistic choices by which one can persuade an audience. (Oravec,C.1976:162-174)

2.6 American Supreme Court

The highest court in the federal judiciary of the United States of America has ultimate and largely discretionary appellate jurisdiction over all federal and state court cases that involve a point of federal law, and original jurisdiction over a narrow range of cases, specifically "all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party." The Court holds the power of judicial review, the ability to invalidate a statute for violating a provision of the Constitution. It is also able to strike down presidential directives for violating either the Constitution or statutory law. However, it may act only within the context of a case in an area of law over which it has jurisdiction. The Court may decide cases having political overtones but has ruled that it does not have power to decide non-justiciable political questions. (Lawson, Gary; Seidman, Guy 2020).

The composition and procedures of the Supreme Court are initially established by the 1st Congress through the Judiciary Act of 1789. As later set by the Judiciary Act of 1869, the Court consists of the chief justice of the United States and eight associate justices. Each justice has lifetime tenure, meaning they remain on the Court until they resign, retire, die, or are removed from office. When a vacancy occurs, the president, with the advice and consent of the Senate, appoints a new justice. Each justice has a single vote in deciding the cases argued before the Court. When in majority, the chief justice decides who writes the opinion of the court; otherwise, the most senior justice in the majority assigns the task of writing the opinion. (Norheim, B. & J, Haga, 2013:1-14)

2.6.1 Structure of American Proceedings

The American justice system is based on English common law. The basic concept is that two parts the plaintiff and the defendant, submit their reasons to an unbiased judge (and sometimes a jury). In a criminal proceeding, the

prosecutor represents the citizens or the state as a plaintiff. It is the judge's responsibility to assess what the law is in connection to the specific situation at hand. In a jury trial, it is the job of the jury (or the judge in a bench trial) to determine what the facts of the case are. The lawyers in the case are tasked with representing their clients to the best of their abilities. (Liptak, A. ,2016)

There are more than 51 different interpretations of this basic model. Each of the 50 states has its own rules and procedures. The federal courts also have their own rules, which are occasionally interpreted differently in different parts of the country. However, for the most part, they are all very similar.(Ibid)

Typically, the system has three levels. A case is often filed in the court with the lowest authority, which is typically a "District" or "Trial" court. Both the defendant and the plaintiff are given the chance to appeal the decision to a "Appellate Court" or "Court of Appeals" once this matter has been heard and a decision, or "judgement," has been reached. In other words, if they disagree with the judge's or jury's judgement, they can appeal it to a higher court and attempt to have it overturned. However, individuals cannot just file an appeal because they are unhappy with the result; they must also believe the judge committed a legal mistake. (Ibid)

At the Appellate Court level, there is usually a panel of three judges who hear arguments on either side. Judges at the Appellate Court can usually only decide matters of law. In general, all of the facts in the trial record are assumed to be true. The Appellate Court has three options: it can decide that the judge was wrong and change the judgment, it can decide the judge was wrong and send the case back for the judge to change (also called a "remand"), or it can agree with or "affirm" the judgment of the lower court.(Ibid)

Again, if either party to the case does not like the decision (again there must be a legal error in the lower proceedings), they can appeal to the highest court,

usually called the Supreme Court and usually composed of nine justices. All 50 states and the federal courts have some version of a Supreme Court. The Supreme Court decides issues in the same manner as the Appellate Court. However, there is no court higher than the Supreme Court to which to appeal. The judgment of the Supreme Court is final.(Ibid)

While all American court systems, or "jurisdictions," follow this basic structure there are many differences among them and all have exceptions to the is generalization. However, it is important to stress that they all do follow the same basic structure.(Ibid)

2.6.2 Types of American Proceedings Cases

2.6.2.1 Criminal Cases

In a criminal case, the state or the people have been matched up against the defendant. For most cases, it's a crime against society, though as a matter of fact, the perpetrator must end up serving there-own debt to society by getting arrested. A crime against such an individual seems to be what we consider in a civil case rather than a crime against the state. Since the same act of abuse was a criminal offence for which you could be jailed, but it caused harm to a specific individual, the government, often referred to as the "State," files a case against the defendant and is represented by a prosecutor. An individual can only make a report of a crime, but only the government can file criminal charges against another individual. Felonies and misdemeanor charges, the two broad categories of criminality whereby the government has to have the authority to enact consequence, have a maximum sentence of more than one year in prison. (Hodak,G.2011)

2.6.2.2 Civil Cases

Civil cases deal with the disputes between individuals, organisations, or between the two, in which compensation is awarded to the victim, though, a case commences when a complaint is filed by a party, which may be an individual, an organization, a company or a corporation, against another party. The party complaining is called the plaintiff and the party responding is called the defendant and the process is called litigation. In civil litigation, the plaintiff is asking the court to order the defendant to remedy a wrong, often in the form of monetary compensation to the plaintiff. (Shugerman,J.2015:37:893)

2.6.2.3 Felony Cases

A felony is traditionally considered a crime of high seriousness, whereas a misdemeanor is regarded as less serious. The term "felony" originated from English common law (from the French medieval word "félonie") to describe an offense that resulted in the confiscation of a convicted person's land and goods, to which additional punishments including capital punishment could be added; other crimes were called misdemeanors. Following conviction of a felony in a court of law, a person may be described as a felon or a convicted felon. (Foss, S .1996)

Some common law countries and jurisdictions no longer classify crimes as felonies or misdemeanors and instead use other distinctions, such as by classifying serious crimes as indictable offences and less serious crimes as summary offences. (Walton,D.2004).

In the United States, where the felony/misdemeanor distinction is still widely applied, the federal government defines a felony as a crime punishable by death or imprisonment in excess of one year. If punishable by exactly one year or less, it is classified as a misdemeanor. The classification is based upon a crime's

potential sentence, so a crime remains classified as a felony even if a defendant convicted of a felony receives a sentence of one year or less. (Ibid ,2007)

Table (1) Comparison between Civil and Criminal Cases

	Civil	Criminal
Definition	Civil law deals with the disputes between individuals, organizations, or between the two, in which compensation is awarded to the victim.	Criminal law is the body of law that deals with crime and the legal punishment of criminal offenses.
Burden of proof:	“Preponderance of evidence” The burden of proof falls on the plaintiff. One must produce evidence beyond the balance of probabilities.	Beyond a reasonable doubt”: Burden of proof is always on the state/government.
Examples:	Divorce proceedings, child custody proceedings, property disputes, personal injury, etc.	Theft, assault, robbery, trafficking in controlled substances, murder, etc.
Type of punishment:	Civil litigation usually involves some type of compensation for injuries or damages as well as disposition of property and other disputes.	A guilty defendant is punished by incarceration and/or fines, or in exceptional cases, the death penalty. Crimes are divided into two broad classes: Felonies and Misdemeanors.
Case filed by:	Private party	Government/State
Appeal:	Either Party	Only Defendant

2.6.2.4 Misdemeanors

Refers to a low-level criminal act or violation of law in various countries around the world, particularly in the United States. Misdemeanors are generally punished less severely than felonies, but more so than administrative infractions (also known as minor, petty, or summary offences) and regulatory offences. Misdemeanor convictions typically result in small monetary fines, community service, or less than a year of imprisonment. Because many offenses or violations of law are not classified as felonies, misdemeanors or infractions, the level of punishment or penalty in the sentencing guidelines sentence form in the record of conviction determines which category they should fall in. (Cambridge Dictionary. Re, 2019)

2.7 Pragma – Rhetoric approach of Court Proceedings

Despite their differences, pragmatics and rhetoric display a wide range of similarities in their orientation. They both address the correlation between human behavior, context of the situation and the underlying meanings in using language. The major emphasis of each is on language uses and functions in human interactions (Leech, G. 1983:30).

Whereas pragmatics is interested in discovering the important motives and intentions behind using certain linguistic strategies by language users in their conversational contributions, rhetoric focuses on the reasons that instigate humans to use those strategies in the first place (Huang, Y. 2007).

They complete each other to give a comprehensive view of the ways in which language can be used. Pragmatics primarily concentrates on the intentional meaning that language users intend in their communications. Studying the values, expectations, and intentions of language users is critical to knowing what they actually mean to their interlocutors. Pragmatics, thus, deals with the

communicative intentions that are produced to create some kind of action on the part of the intended audience (Larrazabal and Koorta, 2002: 235-36).

Rhetoric, on the other hand, involves the persuasive intentions that language users have explicitly or implicitly. In other words, it focuses on the ways that speakers or writers can employ to convince their audience (ibid.: 240). Combining the two disciplines provides the ability to combine "micro linguistically-oriented pragmatic approaches with macro linguistically - oriented rhetorical approaches" to better deal with nuanced and multi-sided complexities of language use (Key ,K.W. 2006).

An analysis of such incorporation offers a rhetorical perspective to pragmatics, on one hand, and a pragmatic interpretation to rhetoric, on the other hand. Thus, rhetorical analysis is obtained in a highly systematic way, while pragmatic aspects become more focused and activity based when they are interpreted in a rhetorical perspective (Corbett,R.P.J. 1990:1).

This study adopts a pragma-rhetorical approach to analyze homicidal cases presented to the American Supreme Court, and the roles played by the attorneys to persuade the court either to defy the verdicts or attests them depending on what party they represent.

2.7.1 Pragmatics of court proceedings

Pragmatics has been defined by Leech (1983) as " the study of how utterances have meanings in situations" where meanings and the aims of speakers are linked to principles of producing good communication.

(Yule,G.2010) presents a more complementary definition of pragmatics as "meaning in interaction". To understand the speaker's meaning, a negotiation between the interlocutors is required besides knowing the context and the potential meaning of the utterances that are uttered by the speaker. In this sense,

pragmatics deals with how the meanings of utterances are adjusted with regard to the context in which they occur, including the time, place, purpose of event, and the relationships between speakers and their interlocutors.

In other words, a pragmatic analysis explores the linguistic uses that are basically based on the communicative intentions of speakers plus the strategies used by listeners to assess those intentions. (Ibid)

(S.Martin, 2001:486) describes the court proceedings process as a mindful act into which both Judge , Attorney , Jury , Witnesses , and audience are fully involved in communicating.

Court Proceedings is a kind of performance in which the told discourse is not only words and symbols but also actions. Understanding the purpose of a particular case can be easily done if one attends it. As language users, in pragmatic terms, produce actions in their words, a proceeding can be seen as a complex action. The action of a proceeding is not transmitted to the audience as meaningful unless they are presented by as the Judge , Attorney and witness in a proceeding event.(Jidical Compensation ,2021)

(Fredal ,J.2020) This step establishes a dialogical perspective towards the nature of court proceedings . From a dialogical standpoint, proceeding is packed with suspense and unpredictability. As such, a tension always exists between what is said and what is not said through the case .

According to (Ashmore ,A.2006:2-107), Judges and Attorneys choose some concepts to be stated explicitly and some others implicitly. Such a mechanism, shows that proceeding involves a kind of a selection process which can only be appreciated if the dialogical context in which the cases are taken in consideration. This process implies the centrality of the otherness in the mind of the participants in the proceeding who have a relation of commonality and divergence - both parties exist in the same place and time but they are positioned differently.

2.7.2 Rhetorics of Court Proceedings

The term rhetoric is used to refer to many concepts, but the most common one is related to the persuasive use of language in court proceedings . In this sense, the term rhetoric can be widely applied to any discourse as long as it offers a kind of persuasion to its audience. Then, Aristotle groups these "persuasive means" into three: ethos (the attorney's identity persuasion); pathos (attorney's emotional persuasion); and logos (attorney's reasoning persuasion). (Billing,M.1987)

It is regarded as a formal body of knowledge that is related to public speaking, whether it is presented in courts, assemblies, or ceremonies, with the aim to persuade the audience. As it has been stated earlier. knowledge of rhetoric would equip any speaker or writer to advise, persuade, inspire, or amuse any audience at any time (Gross,A.and A. Walzer ,2008).

Assert that rhetoric is mainly concerned with whatever speakers or writers use in order to warn, advise, motivate or encourage specific audiences in specific contexts. As such, users of rhetoric make full use of linguistic tools available to them to create an influence on their audience, or more particularly to persuade them. This effect could be directed to change ideas or to instigate emotions for the sake of performing preferred actions on the part of the audience.(Flergin,A.2014)

People practice rhetoric in everyday situations that require them to do some act of persuasion to reach the intended ends. More precisely, it is the way humans use linguistic expressions and or strategies to construct certain emotions or to promote particular audience to perform preferable actions. For example, a lawyer can resort to rhetoric to persuade the judge that his point is valid and tries to solicit with flourish of rhetoric on the behalf of the party he represents Corbett (1990:1) .

Rhetoric views proceeding as a communicative act where a speaker exchanges personal experience with his/her audience for persuasive purposes.

Some types of discourse include a mixture of a vivid description, sensory details, and figurative expressions such as similes, metaphors, hyperbole, understatements and the like to enhance the intended influence . (Fisher,W.R.1985.35:74-89)

Fredal (2020: 7) adds that such properties make proceedings the most effective and efficient way among all other means of persuasion. It can be concluded that principal task of rhetoric is about constructing and using supporting materials effectively to get the audience's adherence to certain issues with the aim of changing their behaviors or thoughts. In this regard, the proceeding under study is rhetorical in the sense that it is designed and intended to warn, advise, and motivate the individuals as well as the community to perform preferable actions in their life .

2.8 Argumentative aspects of Court Proceedings

Argumentation or reasoning is the part of rhetorical activities in which the subjects of speech make statements that support their basic thesis, or do everything to convince listeners of the truth of their own, and the falsity of the claims of others. This is done in principle in order to convince certain subjects and thus direct their actions as the speaker arguing the claims wants. By this we mean that argumentation is a mechanism, or art of influencing human thought and behavior. The beginning of rhetoric as a discipline also means the beginning of the study of arguments as the primary means of persuasion which speakers should use continuously in their speeches. Thus Aristotle, in his famous work Rhetoric, gives perhaps the most famous definition of this discipline. According to him, rhetoric is the art of finding the convincing at any given moment (Ariel,Mira, 2008: 37).

Convincing someone is very difficult without valid arguments. Therefore, knowing the term argument and argumentation is extremely important, especially

for someone who uses them every day. In addition to know the concept and elements of the argument. It is necessary to know when and how to use an adequate combination of arguments in order to convince the audience or listeners of the truth or correctness of the statement the attorney talks about . Aristotle states that everyone, to a certain extent, tries to discuss and support an opinion, that is, to defend and accuse. (Abbot,H.Porter ,2002)

In the argumentative theory of understanding concepts , argument and argumentation vary depending on time and the prevailing philosophical understandings, and depending on the favoring of a logical, dialectical or rhetorical approach throughout proceedings. (Grice,P.1975).

2.9 Previous Studies

The American court proceedings (criminal cases) to the best of the researcher's knowledge have not been investigated by other researchers from a pragma-rhetorical perspective, but there are two studies which investigated the whole content of criminal cases in the American court proceedings . The first was conducted by Ramia F. Mirza (2015) about strategic maneuvering in American civil and criminal cases . It was a PHD thesis in University of Babylon and supervised by Prof. Dr. Fareed H. Al- Hindawi . It presented a stand point in the most frequent fallacy employed in civil cases and faulty analogy is the one usually used in the criminal cases . In another study conducting Kadhim Ketab supervised by Prof. Dr. Ahmed S. Mubark titled " A Pragma-Rhetorical Study of Motivational Storytelling in American Commencement Speeches " in 2021 . The Study investigates the structure of motivational storytelling in commencement speeches held at American universities and institutes from a pragma-rhetorical perspective. It explores how commencement speakers exploit stories of success to motivate the graduates to undertake responsibility and behave wisely when managing challenges or opportunities in the future.

Chapter Three

Methodology

3.0 Introductory Remarks

This chapter is devoted to the development of an eclectic pragma-rhetorical model for analyzing the data in the current work. In relation to this aim, the model in question utilizes some pragma- rhetorical strategies with reference to the overall structure of American criminal court . It incorporates , models of persuasion, figures of speech and rhetorical appeals, rhetorical pragmatic strategies and pragmatic reasoning of argument as shown in the sections below.

3.1 Persuasive Strategies of Criminal Cases

There are different strategies of persuasion and they are all used to achieve the process of persuasion. There are three strategies of persuasion: quasi-logic , presentation and analogy. The quasi-logical strategy, persuaders use vocabulary and structures of the formal logic in order to create the rhetorical impression that their arguments are considered to be logical. The presentational strategy is based on the assumption that being persuaded is being moved, being swept along by the rhythmic flow of words and sounds(Fotheringham ,1966) .

The model adopted for this study for realizing persuasion in the criminal court proceedings consists of certain stages to fulfill this purpose . The following sections shed lights on how these stages contribute to foster and execute the persuasive ends.

Furthermore , it is adequate to say that each stage consists of pragmatic structures and pragma-rhetorical strategies . Pragmatic structures contain syllogism and enthymeme , syllogism represents the structure of argument where three propositions are spelled out . Enthymeme is the incomplete pragmatic structure of arrangement .

On the other hand , the pragma-rhetorical strategies revolve around rhetorical appeals and figures of speech . Rhetorical appeals follows Plato's persuasive appeals which are logos , pathos , and ethos . Figures of speech are those decorated elements which makes what is said interesting so as things said can be easily accepted and therefore much more persuasive .

3.1.1 Opening Stage

In the opening stage, attorneys introduce the case and the main topic (s) of the situation and the environmental circumstances at which it occurred. It is proposed that persuasion can happen by applying the pragma-rhetorical strategies and the pragmatic structures. These points are expected to be found in each situation. Accordingly, pragmatic structures involve syllogism and enthymeme , and pragma-Rhetorical strategies involves argumentative appeals and figures of speech . (Mubarak , A.S.,& Ali , R. 2020:40)

3.1.2 Building Stage

In this stage, a defendant is expected to discuss, answer, and explain, every single exhibit introduced by the court or by the attorney and what has been stated in the first stage ,It can contain more clear and direct clues than what is there in the other stages . In this stage, the attorney needs to respond in a more powerful way. He may also be accused or criticized by the other attorney so he/she has to defend his client and support his words with powerful pieces of evidence. (Ibid :41)

In the building stage, attorneys establish the main point of the case from the beginning to the end. They set a comprehensive image for it by identifying the evidence , situations , and dates.

3.1.3 Closing Stage

Closing signals the ending of the situation. Levinson (1983:316) refers to the closing of conversation as “the shutting down of it, or the closure of conversational topic”.

(Caroslon,R.2002:90) asserts that the act of ending the conversation is important to be achieved and it takes place when the topic has been ended, and a speaker has no will to present a new topic. This means that speakers do not stop suddenly.

In this stage, it is proposed that an attorney gives a hint that his defense is over. As he engages in interactive environment, a participant can express a variety of meanings, feelings, or actions. This stage provides the attorney with a number of functions in addition to the closing one as he can conclude, summarize, invite comments or likes, and emphasizes what has been discussed, etc. In light of what has been discussed, the present study aims at revealing the degree that the attorney abides by this structure and in which case he/ she might breach such a pattern (Mubarak , A.S.,& Ali , R. (202042).

3.2 Pragmatic Structures

3.2.1 Syllogism

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

All xs are y, and

Z is an x,

Therefore, z is a y.

All plants are living things .

All trees are plants.

Therefore, all trees are living things.

Walton's (2004:106) syllogistic argument includes the three propositions model. But, once it misses a proposition (whether a datum or warrant), it would turn to be "enthymeme."

3.2.2 Enthymeme

The incomplete pragmatic structure of arguments is referred to as 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. It makes the logic harder to test because the whole argument is not spelled out . The structure of the enthymemic argument is either a single proposition (claim) or two propositions of claim plus data or warrant (F.J.2020) . For example:

1 - A sole claim argument:

-Save 20%

This is an enthymemic argument which includes a sole claim that requires Hs/Rs to respond and save 20% of their account.

2- A two-proposition argument of data and claim:

-Walking Festival Guide 2011

-Find the perfect walking festival near you.

3.3 Pragma-Rhetorical Strategies

3.3.1 Argumentative appeals (Rhetorical Triangle)

Aristotle postulates three argumentative appeals: logical, ethical, and emotional. Strong arguments have a balance of all of three, though the logical (logos) is essential for a strong, valid argument. Appeals, however, can also be misused, creating arguments that are not credible. (Cutting,J.2002)

3.3.1.1 Logos

The term '*logos*' represents persuasion through reasoning. In other words, the use of logic through arguments is a highly mental process in rhetoric. Thus, appealing to reason is a prerequisite to verify rational discussion. Reasoning fulfills the clarity of the claim, the logic of its reason and the effectiveness of its confirming proof. (Walton, 2007: 18)

Evidence and reasoning are the elements of what Aristotle refers to as '*logos*', the logical appeal of the speaker. These two elements work in combination with each other to make a speaker's claim persuasive. Evidence consists of supporting materials such as examples, statistics, testimony that can be used to prove or disprove something. Moreover, evidence is considered to be complementary to reasoning because reasoning is drawing conclusion based on evidence . Aristotle introduces the theory of syllogism. He does this by using enthymemes (paradigms) and syllogisms. An enthymeme is used to show that if some premises are true, something else (the conclusion) beyond them results from these because they are true . A speaker gives two minor premises that make true the third premise (conclusion). As a result of the first two premises, the third must be the truth. His description of syllogism suggests that it is a deductive argument consisting of a major premise, a minor premise, and a conclusion.(C.J.1995)

3.3.1.2 Ethos

Ethos refers to the credibility or ability of the person as being truthful, reliable. Hence, they are speaker's traits to carry out an argument. The capacity to persuade is affected by the reliability of the document. Boone and Kurtz (1994: 41) describe reliability as the "degree to which a statement, a person, and/or a company is perceived to be ethical, trustworthy, and sincere". It is significantly connected to the observation of the audience of how "*believable* a speaker" is.

Lucas (2009:353) adds that ethos refers to the credibility of the speaker which is affected by two factors: first, competence which refers to intelligence, expertise, sincerity and knowledge of the speaker, second, character which is about how audience regard speaker's sincerity, trustworthiness, reputation, and physical appearance. The orator persuades by moral character when his speech is delivered in such a manner as to render him worthy of confidence. In addition, orators can persuade through character by the common ground that they create with audience, i.e., the speaker connects himself with the values, attitudes, experiences, be friendly to the audiences, etc. A speaker can persuade by ethos when he advertises his background and explains his competence, opinion and experience on that topic .

3.3.1.3 Pathos

The term 'Pathos' refers to emotional appeals, which are intended to provoke the feelings of the addressees to be angry, compassionate, afraid, distasteful, conceited, deferential and shameful, or the like. Thus, the appeal to pathos is oriented towards eliciting the emotions of the audience. In many situations, especially political debates, emotion constitutes the salient, powerful persuasive factor. As logical arguments may fail, emotions most often have the ability to instigate people to comply with . (Ibid:42)

Pathos is the feeling or passion an orator conveys in his subject. The speaker should feel committed to what he says and does, otherwise others wouldn't be committed. It means to demonstrate feeling and sympathy or suffering. Passion is the work of the heart ,the audience can be persuaded when they are led to feel emotion by the speech. Some emotions are frame the state of mind including: anger, calmness, friendly feeling, enmity, fear, shame, shamelessness, pity, emulation, love, goodwill, indignation, envy, contempt, etc.

Lucas (2009:370) lists, with examples, some of the emotions evoking most often by public speakers: 1. Fear: of God's wrath, of day of resurrection, of God's torture, of natural disasters, of serious illness, etc. 2. Compassion: for striving children, for homeless people, for the physically disabled, for victims of AIDS, etc. 3. Pride: in one's God, in one's religion, in one's belief, in ones prophet, in one's social status, in one's accomplishments, etc. 4. Anger: God's anger, parents' anger, people's anger, etc. 5. Guilt: about not following the laws of God and his messengers, about committing sins, about not helping the poor wretched people, etc.

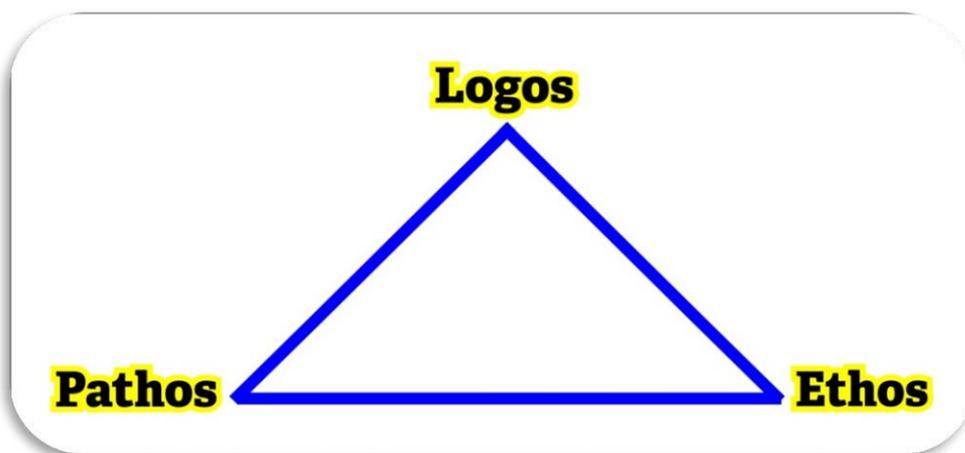


Fig.(3) Rhetorical Triangle

3.3.2 Figures of Speech

McQuarrie and Mick (1996:424-425) agrees with many rhetoricians who assert that any issue can be stated in different ways according to any specific situation; using rhetorical figures of speech is considered one of these ways. They mention the definition of a rhetorical figure according to (Corbett 1990) as "an artful deviation" from the general arrangement of an expression, i.e. a rhetorical figure is generated when a term deviates from what is expected. They classify figures of speech into two types: Schemes and Tropes. Figures of speech in the schemes category include a deviation from the usual word arrangement, i.e. it involves a change in the typical word order. For example, ellipses, repetition, etc. On the other hand, a figure of speech contained in the tropes category contains a deviation in the word's or phrase's significance or content, for example, hyperbole, metaphor, etc. For the purpose of the present study , only tropes will be included in the analysis.

Any proposition can be expressed in a variety of ways. One of these ways is the use of rhetorical figures of speech, such as metaphor, understatement, pun, etc. (Levinson, 1983: 110).

Ionica (2002:19) states that "what is pleasing is more easily accepted; therefore the way in which something is said has a persuasive dimension". The employment of the stylistic devices makes what is said interesting, innovative, surprising, and gratifying to the audience, so that it becomes more easily accepted and therefore persuasive. Aristotle indicates that beyond the basic means of producing persuasion, attention must also be paid to the style, or language to be used.

The employment of stylistic devices is used to achieve force, freshness, directness and interest in speeches. simile, metaphor, repetition, rhetorical question, and personification, among other devices, are the most effective devices aiding persuasion to a significant degree. (stockwell,P. 2014)

3.3.2.1 Metaphor

Etymologically, the term "metaphor" means "carrying from one place to another". It indicates the renaming of objects depending on the similarity or affinity (whether real or imaginary) of some properties shared between different objects (Crystal, D.1992).

It is the process where a word or phrase, that literally indicates one object, is used in place of another to suggest a likeness between them. Simpson (2004:41) describes it as "the process of mapping between two different conceptual domains": the target domain which represents the concept in need of description, and the source domain which is the concept used to create a metaphorical construction. Stockwell and Whitely (2014:316) state that metaphor is used to "spice up" the speech. The main function of metaphor is aesthetic, it appeals to the reader's imagination.

Metaphor, as (Abrams, M.H, 2005) emphasize, is a rhetorical figure that refers to a term or an expression which can be applied to a subject or notion that it does not exactly indicate, so as to propose a sort of comparison to another subject or notion. It makes the abstract ideas easier to be understood.

3.3.2.2 Simile

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

- She walks *like* a proud peacock.

(B. S.2000) adds that metaphors and similes are structurally identical except for the presence of the explicit comparison markers such as 'like' and 'as'. Metaphors and similes also appear to be very similar in meaning.

- Her eyes were *like* diamonds.

- Her eyes were diamonds (ibid.: 3).

3.3.2.3 Repetition

(Bada, E.2010: 42) 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 in order to draw the attention of the reader/listener and to have rhythmic flow of speech. Repetitive patterns make an extreme imposition on the background of the expected normal usage and as a result , they capture and attract the attention (Wales,2014:167)

For example:

- In order to end a war on many fronts, I initiated a pursuit for peace on many fronts. (Ibid. 2011:231)

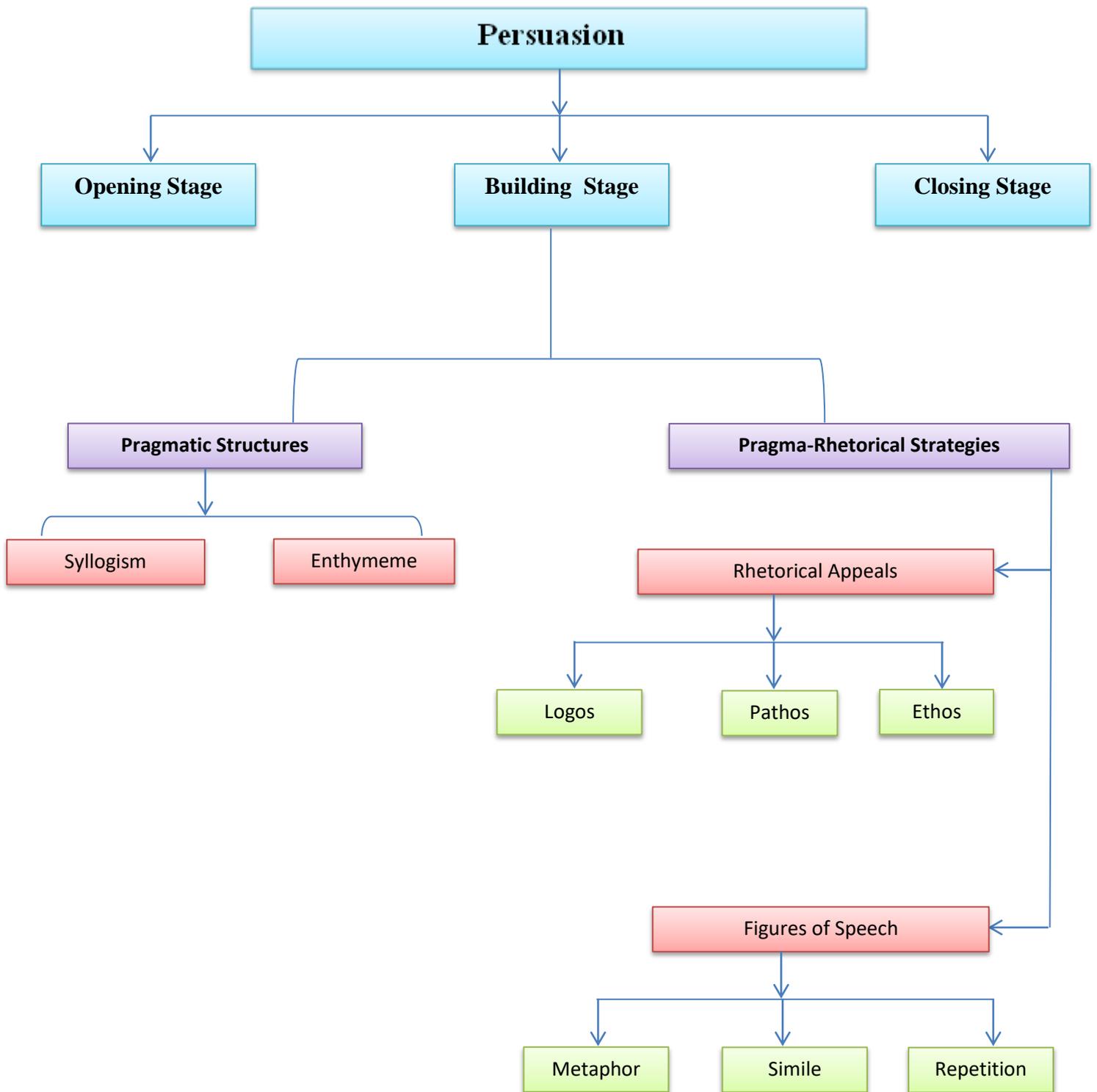


Fig.(4) An eclectic model Based on the Aristotle's three forms of rhetorical proofs relating to the theory of persuasion. (Stiff & Mongeau, 2003); highlighting the pragmatic structures by Aristotle (Bizzell, Patricia,2001) and finally detecting figures of speech as being categorized in (1996).

Chapter Four

Data Collection , Data Description and Analysis

4.0 Introductory Remarks

This chapter represents the practical part of the study . It is concerned with data collection , description and analysis. The data, limited to American criminal court, have been described according to Hymes' (1975) model of speaking and analyzed qualitatively using the pragma- rhetoric model and quantitatively using statistical tools . The findings are shown by tables and figures . The hypotheses presented in Chapter One are verified by the end of the chapter.

4.1 Data Collection

The data of the present study consist of three criminal cases that are taken randomly from American Supreme court . The study limits itself to the criminal cases proceedings .

4.2 Data Description

When it comes to data description, essential characteristics of the data must be illustrated with the contextual factors that affect any communicative process. In general, some contextual factors serve as a representation of the social and situational background and influence the pragmatic strategies used in any communicative mode. These contextual factors can be examined by using Hymes' (1974) SPEAKING model, which consists of eight components: setting, participants, ends, act sequence, key, instrumentalities, norms, and genre, all of which are discussed in some detail in the following sections. As a result, this study employs Hymes' (ibid.) SPEAKING model to account for the contextual factors influencing the Criminal Cases in the American supermen court . To have

full description for the data under analysis , the present study takes into account the contextual factors of the speech event that have impact on producing and perceiving cases . Hymes' model of speaking (1975) has been frequently applied by researchers for this aim . This model has been adopted for the description of persuasion in each criminal case . These factors are as follows:

4.2.1 Settings and Scene

According to Hymes (1974: 55–56), setting refers to the time, location, occasion, and physical circumstances, while scene refers to the psychological or cultural setting, such as the formality and the seriousness of the situation participants are involved in. Speakers make their linguistic choices in accordance with the context, which varies from location to location, time to time, and occasion to occasion—the elements of place, time, and circumstance all have impact on the language used by a specific speaker.

4.2.2 Participants

Hymes (*ibid.*: 45–55) categorizes participants according to the complexity of their contact into speaker, addressor, hearer, addressee, and audience. The court proceeding process is a good example of the abovementioned categories.

4.2.3 Ends

The end of court proceedings conducted by American supreme is to trigger the attorney and the claimant persuasive power to have the final statement. The attorney and the claimant will face a lot of interrogations and challenges through the proceeding which should be answered in a very careful and persuasive way .

4.2.4 Act Sequence

The act sequence identifies the form and content of a speaker's message in addition to the order in which the message is delivered (ibid.: 57). In court proceedings, act sequence is manifested through the three stages: opening stage, building stage, and closing stage with their sub-stages and their numerous pragmatic rhetorical tactics and strategies distributed over the three stages.

4.2.5 Key

According to Hymes (ibid.), key is the indicator that determines the tone, manner, and spirit with which a speech act is performed. The term "key" may refer to any paralinguistic behavior the speaker may use such as altering intonation, pitch, or loudness to express a particular meaning. In other words, the meaning of "key" implies a particular intention behind what a speaker wants to say. The attorney and the claimant in addition to all other participants through the proceeding can express various messages by changing their intonation, pitch, loudness, sound, and spirit.

4.2.6 Instrumentalities

Hymes (1974: 58) defines instrumentalities as modes of transmitting a message or means used in communication, whether oral or written. Likewise, instrumentalities may convey the style and the form of the message (ibid.: 59). Choosing a particular mode of communication plays a significant role in delivering the speaker's messages. The mode of data collection in this study is spoken; specifically, it is face-to-face interaction, as proceedings are fundamentally an oral communicative process.

4.2.7 Norms

Norms refer to the social rules that govern a particular speech event and the participants' actions and attitudes (ibid.: 60). To this point, norms relate to the sociocultural standards that regulate the flow of a particular speech event. Norms

are of great significance in the data under scrutiny due to the fact that the court proceedings are institutionally organized in relation to American society. Court proceedings are selected and invited to systemize and motivate people to get caution and overcome potential problems that are expected to appear in their lives and careers.

4. 2. 8 Genre

Hymes (ibid.: 61) utilizes the term "genre" to refer to categories that denote the type of discourse employed to accomplish a particular speech event. The court proceedings are intended to be analyzed in various cases take place in American supreme court. These cases are of eeriness nature in the sense that they are characterized by referring to problems and the ways which leads to getting into difficult situations .

4. 3 Data Analysis

Two methods of data analysis are adopted in this study: a qualitative pragmatic-rhetorical method and a quantitative statistical method. In terms of the former, the court proceedings and their stages are investigated by a developed pragma-rhetorical model as a fundamental tool befitting the data under analysis in an attempt to crosscheck the persuasive ends. The statistical analysis is performed by using some appropriate statistical techniques to substantiate the results of this study and test its hypotheses. The following sections are devoted to examining the pragma-rhetoric aspects of the data under scrutiny and their statistics. (Ibid)

4. 3. 1 The Qualitative Analysis

The current study identifies Pragmatic Structures which includes Syllogism and Enthymeme, Pragma-Rhetorical Strategies, which includes rhetorical appeals and figures of speech employed by the court proceedings in each case.

Situation (1)

The contextual factors which governs Situations (1,2) are as follows :

Contextual Factors	Situation Details
Settings and Scene	Time : 3 / 7/ 2021 Location : Tampa , Florida Occasion : Homicide accident
Participants	Offenders : Cameron Herrin, , John Barrineau. Victims : Jessica Reisinger -Raubenolt and her 21-month-old daughter, Lillia. Herrin's Attorneys : John Fitzgibbons and Micheal Huber Cheryl Herrin : Herrin's mother Michael Mayer : Herrin's Doctor
Act Sequence	opening stage, building stage, and closing stage
Instrumentals	face-to-face interaction,
Norms	Para-linguistics
Genre	Conversation

Opening Stage :

1. Pragmatics Strategies

A- Syllogism

Cameron's plea : God is with these two beautiful souls and I have no doubt they are at peace . I had lost my faith , yes it's forging up a bit . I brought it but I... I brought it back afterward and has confirmed to the catholic church soon thereafter along with my family , I will be carrying these two precious lives with me forever and wherever I go , I would also like to apologize to my friends and my family for putting them through and I am thankful for any of them for support that I have received from them . I always pray for Jessica and Lilla families because your pain must be unkind un conscionable . my life will be dedicated to repaying the cost of lives that I took and if given the chance I will do everything in my power to prevent any fatal accident from ever occurring again and that would be his statement.

Syllogism makes statements that are generally true in a particular situation, though it is often provided for both compelling literature and rhetoric, as well as irrefutable argumentation. syllogism is a logical argument composed of three parts: the major premise, the minor premise, and the conclusion inferred from the premises.

This situation reflects syllogistic structures since it provides the three parts of premise, at the major premise. The offender Cameron has claimed that he lost his faith because he was responsible for the of killing of two innocent people and no words could hardly be enough to justify his action .

The minor premise alludes to his confession in the church in which he said that he was responsible for taking the lives of two innocent people, and he prayed for victims' families because he knew the intolerable amount of pain he was inflicting upon these families. what the pain they are suffering .

The conclusion premise can clearly be seen when he expressed regret at taking the lives of harmless and innocent people and how he felt sad at the loss of these lives as being regretted. He further mentioned that if he had given the opportunity he would have prevented any fatal accident.

B-Enthymeme

Dr. Mayer : I've met him in prison in my office many times between approximately thirty to forty times , I have also spoken to him on the phone and his family members probably another at least thirty or forty times.

Dr. Mayer : he was in an extreme distress he was not out of touch of reality but his ability to be rationally and logically connected to his surrounding circumstances was weak and failing .

It's a body of proof as Aristotle had claimed , though it is mainly related to one or two propositions left out and assumed by hearers or reader. It makes the logic harder to test because the whole argument is not spelled out. In the situations above Dr. Mayer expressed his ideas clearly and with brevity of style though he disregarded.

The minor and conclusion premises all together so as to make himself brief and at the same time clear . Then he claimed that he knew Cameron since he met him and his family many times in an attempt to show that Cameron's mental health was good and he was keeping touch with the real world but he has suffered from a special kind of stress because since his ability to connect logically and rationally with the surrounding circumstances was weak and failing.

2- Rhetorical Strategies

A-Rhetorical Appeals

I. Logos

Dr. Mayer : yes your honor , I'm a medicine doctor licensed to practice medicine in the state of Florida uh I have a board certification in psychiatry , I'm formally board certification in forensic psychiatry . I have been engaged in the active practice of practice of psychiatry and the Tampa community for approximately 40 years . I'm assistant prof in the UN of Florida college of medicine for many years . I have engaged to the criminal justice system from various differently parts of view.

Dr. Mayer 's speech comprised information about his medical career. He appealed to facts to advance the particularities of his job as a doctor holding a

certificate in psychiatry. He also insinuated to persuade the judge that he was a competent doctor since he was practicing his job for about forty years. By so doing, he brought the audience, including the judge, to his point of view as a specialist who could be able to deal with sophisticated criminal cases related to mental illness.

II. Pathos

Cameron's plea: God is with these two beautiful souls and I have no doubt they are at peace . I had lost my faith , yes it's forging up a bit . I brought it but I... I brought it back afterward and has confirmed to the catholic church soon thereafter along with my family , I will be carrying these two precious lives with me forever and wherever I go , I would also like to apologize to my friends and my family for putting them through and I am thankful for any of them for support that I have received from them . I always pray for Jessica and Lilla families because your pain must be unkind un conscionable . my life will be dedicated to repaying the cost of lives that I took and if given thechance I will do everything in my power to prevent any fatal accident from ever occurring again and that would be his statement.

Here, both the attorney and the offender tried to persuade the audience by purposefully evoking certain emotions including sympathy. To arouse their sympathy the offender, in his plea on the tongue of the attorney, tried to look a s God-fearing man and that he was terribly sorry and inconsolable for taking the lives of innocent and in attempt to add an element of pathos to history, he mentioned that if he had given the opportunity he would have exerted all his strength and determination to prevent such heinous , gruesome, outrages and atrocious events.

By acting in this way , both the attorney and the offender intended to ask for forgiveness unobtrusively. In other words, they tried to convince the audience that they had no longer the wish to punish the offender or they no longer had hard feelings towards him

III. Ethos

Dr. Mayer : The Uh The initial diagnosis was an acute stress syndrome related to what he described to me as I killed two people and his terror and horror at thinking that he done such a thing and that he was responsible for what happened , he was prescribed anti-depreciate and anti-anxiety medication in order in order to allow him a sleep and maintain responsible in logical connection with reality .

As a man who knew how to establish his credibility and knowledge on his field of expertise ,i.e. psychiatry, he tried to present himself as a moral character when he supposedly presented the offender's mental illness to demonstrate a wide knowledge base in psychiatry subject in order to engage with the audience and build trust .

He seized the opportunity to lay out how he prescribed medical treatment for the offender to enable him to cope with reality since he was suffering from acute stress syndrome. The doctor attempted to prove his view point as a capable physician which sounded true and moral. As such, he built a rapport and trust with the audience which could be considered very essential .

Persuasively, the doctor explained the morality of what he was pinpointing to the audience. Though he did not assume that the audience agreed or shared his views , his words were not obtuse or alienating and were not difficult for the audience to hook into so he develops a trained regimen that helped illustrate his credibility to them.

B- Figures of Speech

Figures of speech are not basically decorative ; they are manifestation of the complex process of language structuring in speech or writing .Therefore; they are powerful tools that people use to express new ideas and craft persuasive arguments. Known as rhetorical devices, they can be used to bolster an argument. The following section deals with the figures of speech that are used by the attorney and the offender in the opening stage. (Mick's 1996)

The offender used the following figures of speech as a bitter regret for his killing of two harmless people which he referred to as *"beautiful souls.....they are at peace"*. He further used the metaphors *"lost my faithcarrying these two precious lives with me forever.... Your pain must be unkind.... Repay the cost of lives I took"* to have the audience feel pity for him and they could have some sympathy with him and in one way or another to look at it as justifiable homicide.

The Doctor on the other hand used the following metaphors:

"not out of touch of reality.... His connection to his surrounding circumstances was weak and failing.....logical connection with reality"

All these metaphors were deployed by the doctor to keep the malefactor away from harm. With malice aforethought, he knew how to manipulate the audience craftily when described the offender as somebody who was mentally ill and ought to deserve care and should be looked at with an eye of sympathy. By so doing, he hid the truth about the offender who was in fact craving for violence when he murdered the two people cold-bloodedly. As a man of medicine he tried to make his punishment less severe .

- Building stage

1. Pragmatics Strategies

A- Syllogism

Dr. Mayer : Oh....Oh ... may be as a 30000 foot view if you will within a few weeks , I became less concerned that he was gaining a completely disconnected with reality and required hospitalization , he stabilized that was partly related to his faith, his belief in God and his understanding That God forgives , he might never be able to forgive himself , but god forgives , he didn't believe that god would forgive him , but he believes that god does. In initial weeks of treatments he ,..... uhuh the logical disconnected with reality that he could somehow trade his life for the two people he killed , he knew cognitively intellectually that that he repeatedly return to that situation , his interactions with me at the beginning

I noted in the testimony today that one of the One of the One of his friends someone talks with him about trading his life , I never had heard that before from someone else , but I have heard repeatedly from him more and more in the first week of his treatment , he knew that if he killed himself that wouldn't bring anybody back and it would make it worse but he was preoccupied with fixing this with turning the clock back and doing something magical that would change things and was absolutely committed to do anything that that he could possibly do ,I worked with him to help or to do anything to understand it wasn't possible thing that to bring these people back to life , or to give up on life , though that there was something in between there was some hope to move forward to stay alive and to work to be a part of his family , to face up on the change and accept responsibility which was very difficult for him because he as an all or nothing this was the extent of the remorse and the depth of the remorse that I saw in him in several weeks of treatment as that continued he gets better and start thinks about other issues and other aspects , he always thinks to do something better ? better to his family ! or better to the victims' Family ? even better for community Or better for anybody or everybody. At that stage he was improved to some point and he was not disconnected with reality any more , I think that was related partly to the medications but more to his efforts and his family's efforts to..... to face and accept the responsibility and to what they could deal with these circumstances , he wasn't very involved in the financial statements that were ultimately made but he was very supportive to his mother , he repeated to her in my presence that he would do anything to make up for what they had lost that he would devote his life as a man of manifestation of his acceptance of responsibility and remorse , that as I say wasn't involved in the details of that but was fully supportive for . I saw him frequently alone and with his mother , he told me alone not with his mother that he didn't want anybody to misunderstand for what he thoughts about money , but as.....as I think about that , I saw him crying and sopping Uh... crying and sopping . and say more than once that " I don't want anybody to misunderstand me but money can't bring anybody back , the money is useless in this case , " but it doesn't matters he demonstrated a maturity and a wisdom which is well beyond his base line level. He told me that he knows that God forgives but he doesn't think he will ever get to heaven because no matter what he does that what he did was unforgivable.

Due to what has been seen , the victim's attorney utterances were ellipted , discontinuous and disrupted so they did not yield themselves to syllogistic and enthymematic structures. On the other hand, the doctor's speeches and talks

,which were otherwise, could be seen to guarantee these pragmatic structures which were intended to mitigate what the defendant had wrongly done. In his major premise, the doctor claimed that the guilt of the defendant was not in doubt and he admitted to shoulder full responsibility for the wrong-doing. He added that the defendant pleaded guilty but he underwent unbearable pangs of remorse for putting two innocent people to death .

The doctor stated that the defendant was obsessed with the idea of killing himself ,but he believed that would not bring the deceased back to life and ,at the same time, such a thing might come to the worst. The minor premise alluded to how he was able to shelter the defendant from a huge storm of thoughts about what would happen next though he explained that the defendant tried to exercise self-control and pledged to do better things to his family , to his friends and to make up whatever was required for the victim's family .

In the conclusion premise the doctor pointed to the ways of treatment that made helped the defendant to be more realistic and how his cognition became better after the medication and the hospitalization he went through which in turn led him to be more logical and attached to the real world than before .Thus, he willingly accepted the way people thought about him and hung on the belief in the uselessness of money which could not in no way bring the dead back to life.

B-Enthymeme

Dr. Mayer : He did indeed . I noted that day in the testimony and I Have heard that he called his mother and said " I killed two people " I'm familiar with these circumstances from 40 years' experience andandandand training and it is not worthy that he didn't say there was an accident , he or she didn't say people die , or say I'm in terrible not even say police are here . Hereon said 'I killed two people' , right from the very start he took the responsibility , and my experience information indicated he has completely accepted responsibility , and that the first step on the road genuine remorse .

Dr. Mayer expressed his opinion directly without beating about the bush and explained that the defendant had made himself responsible from early beginning for his wrong-doing which did great damage to innocent people. Here, the doctor did not digress and speak much so as to make himself brief and at the same time clear. Then he asserted his professionalism by claiming that he was competent and well-versed in dealing with such cases due to his accumulated expertise in this field and he was able to recognize the person and know his character by sight.

The enthymematic structure reveals itself here since the doctor put forward his ideas to implicitly defend the defendant through the two premises: the major one which showed that the defendant took the full responsibility for his action and then the minor and the conclusion premises were merged into one single tract in which it was pinpointed that the defendant did not deny what he had done when he called his mother and said "I killed two people" with bitter regret.

In feeling pity for the defendant, the doctor disclosed that offenders in similar situation took no responsibility of their wrong-doing and tried to get away by not confessing or admitting that they did such a terrible thing, and such an operable argument would go in the interest of the defendant.

2- Rhetorical Strategies

A-Rhetorical Appeals

I. Logos

- "Dr. Mayer : yes.... Um... and not to the lab out point or overdo it . but the science related to the brain development goes back hundreds of years we know and common sense tell us without any doubt that a new born brain has a different development brain from 2 years old brain , and 2 years old is different brain from 6 years old and the scientific literature and understanding of this going back decades is unquestionable , we know that a kid before a child a young adult , and so on What I mean a child before has a different brain ,

different physical connection in the brain then they do after puberty in the last thirty to 40 years , it has been possible through technology to really begin to study and understand how the middle and the older adolescent brain 15 to 19 years old versus the young adult brain in 25 years old are functionally different . So the over whelming scientific evidence as you refer some of them are presented to US supreme court , which it has acted on in recognition of that scientific evidence that there is a different functional capacity of the brain going and the science is very clear about that on the average boys are about 2 years behind the girls in terms of this development , by this we know that boy's brain developed more slowly than the adolescent brain of girls .from the other point of view human beings could be reasonable for what has happened and for such a horrific act as speeding the way he did on boy shore and killing two wonderful lovely human beings ."

Dr. Mayer 's speech here contained medical information which ascertained the defendant state of health. He appealed to medical and explained in detail facts the development is in different age stages. He states logically that the brain of 2 years old person operated differently from that of 6 years old regarding growing and understanding .

He planned to persuade the judge by resorting to medical facts saying that the defendant was not mentally developed since no mature person could possibly commit such a horrifying act like speed- merchant who would inevitably cause different kinds of damage including death to the people in the street .

By so doing, he knew how to manipulate the audience and the judge by presenting himself as a specialist who was capable of dealing with such incidents in an attempt to make what the defendant had done a justifiable homicide.

- "Victim's Attorney: ...and it isn't based on any type of brain scan or anything that you can point physically to say that you know for sure that his brain is not developed , you're basing that all of literature and other things that you have studies as a psychologist . Correct ?

Dr. Mayer : I'm basing it on an understanding of science and medicine , I don't have to do brain scan on a brain that is 2 years old Thatthat an A...a 2 years old has a 2 years old brain . butbutit ...justjust ...a....a. it's.....it's ... uhit's a silly thing . I don't need to do a brain scan on him to know thatthat That he ...hehe has an 18 years old brain .

Victim's Attorney: But he was 18 not 2 years old .. right ?

Dr. Mayer : he was , absolutely Right."

Here the Victim's attorney and the doctor were arguing about the mental health of the defendant as it was highlighted by Dr. Mayer where the doctor showed that the defendant was not mentally mature. Yet, the victim's attorney asked him whether or not he had done any brain scan for the defendant in order to know to find out if he was not mentally mature though he was 18 years old when he had done the accident.

The attorney wanted to tell the court that an 18 years old person should normally be mature enough to control his action. On the other hand, the doctor explained that he based his opinion on an understanding of medicine and science since he was a specialist in this field .

Here, the doctor contradicted himself and seemed paradoxical because at the beginning he explained that the defendant was not mentally mature, but when the victim's attorney asked him whether or not he had made any brain test he said that he figured out the defendant's mental health by relying on his academic degrees sustained by his past experiences in dealing with such incidents . In fact the doctor's argument did not look soundly and was not well-based, a score that was won in favor of the victim's attorney.

II. Pathos

Mr. Huber : you've addressed that in your testimony thus for ...uh.. is there a doubt in your mind at any point ? has Cameron Herron been anything other than remorseful ?

Dr. Mayer : No not at all , Never , he's always been remorseful ... I I don't want to be repetitive , but I 'm sure I 'll refer to other incidents because it was constant his expression of remorse .

Mr. Huber : Now ...uh ... then .. uh In terms of sophistication , how sophisticated is this young man .

Dr. Mayer: He's he's is in some ways , he is a bright kid , and that's the way a teacher would describe him , but he's sheltered , he's not particularly sophisticated , he is not worldly if you will noticed , I should say that he is not worldly , but he is now he is not worldly before this happened . The terms of his psychological development , he was very innocent naive , senior in high school, he hadn't had experience with the real world , that's not the case anymore not by any means he has learned honorably and dramatically by his experience but before this accident , he was a kind of naive kid . . .

The defendant's attorney and Dr. Mayer here tried to persuade others that the defendant was filled with remorse and repented of what he had done. They both tried to convince others to feel sympathy for the defendant who was no longer a threat to the society and to other people, then they appealed to the audience emotions to stir up a sympathetic attitude specially when they described the defendant as a bright kid and innocent naive person who had life experience but he let this be a lesson to him which he should not forget ever.

- "Victim's Attorney: No ... the point I am making is that everything that you learned was all through your ears right , by hearing him , through things you hear people say to you , of course he say things that you heard him telling you after he committed the crime , right . That's all I getting and you didn't base on anything physical like something you could put up a picture of like his brain and say ,, hey look everybody this is his brain's picture and it is developed , and this is why you didn't do any of that right ?

Dr. Mayer : That was very complex , do you think you could make it a little clearer?

Victim's Attorney: Did you rely on anything other than what you heard ?

Dr. Mayer : yes .

Victim's Attorney : what ... what did you see ?

Dr. Mayer : what did I see?!!

Victim's Attorney: yes, what did you see ?

Dr. Mayer : I saw him crying in my office .

Victim's Attorney: okay , So a lot of people are crying , I saw a picture of the accident scene , I am focused more on his capacity not emotions.

Dr. Mayer : I will do my best to answer a clear question , I don't understand the question it is not obvious to me .

Victim's Attorney: I think it is pretty simple , but my question is do you agree that everything that you're testifying to formulate an opinion on the capacity is based on the things told to you and based on the other things that you have read and studied in books .

Dr. Mayer : I saw him with my eyes .

Victim's Attorney: okay . and

Dr. Mayer : it is based on my perceptions , yes it is based on my perceptions ."

This situation is very argumentative in which logic and reason stood against emotions and speculations. The victim's attorney was able to reason and tried his best to engaged the doctor in by the appropriate use of logical questions and prompts. His arguments were valid and sound whereby his conclusive remarks nullify the doctor's responses.

That is. He told the doctor that his ideas about the crime were merely subjective and baseless since he did not make any physical test for the defendant and his conclusions were invalid since he reached these speculative conclusions grounded on the crying of the defendant and own confession that he had done such a heinous crime .

III. Ethos

- " Victim's Attorney : Thank you sir , Uh .. Um .. so much time spent with Mr. Herron . Dr. Mayer did you do any type of physical testing like brain scan or CT scan anything like

that to determine how his brain has been developed at the age that he begin meeting with you."

As a man of law who knew how to establish his credibility and authority with relation to the main topic , the victim's attorney was very direct in expressing what he wanted from the addressee , without making any introduction all round on his field of expertise. Instead, he tried to present himself plainly and fairly.

In order to engage with the audience and build trust he asked the doctor whether or not he had made the brain tests for the defendant in order to appear to the audience as a man of scientific and objective investigation .

He seized the opportunity to spell out whether the doctor was able to measure and check the average of the mental capacity of the defendant and how could the defendant deal with different life's stuffs.

By asking the doctor such witty questions he tried to elucidate if the defendant was healthy in mind ,sensible and balanced at the time of the crime or he was not.

- "Victim's Attorney: and the point of that , is to avoid the punishment right ? that the person was accused and the victim may be at some time restore the broken relationship or to help them to cope with what they have gone through , so you advocating that Cameron Herron should not go to the prison? .

Dr. Mayer : Not advocating a particular sentence , that's I don't believe in and it's not my role .

Victim's Attorney: I agree with that , that's not your role .

That all I have thank you , your honor"

Dr. Mayer intended to hint that the defendant should not escape punishment, yet he stated that it was not his role to judge him or sentence him to imprisonment. The victim's attorney on his part said that the victim's family

would be done injustice and deeply grieved if the defendant did not get what he deserved because of his crime.

Dr. Mayer again avowed as a person of no judicial power. Here, both parties made their points clear as regards credibility and authority . The victim's attorney stated that Dr. Mayer had no legal role to prosecute the defendant while the victim's attorney endorsed what the doctor had said and at the same time he demanded that the defendant ought to be judged proportional to the crime he committed .

Figures of speech

It is self-evident that figures of speech epitomize arguments in their form (Simpson:2004). At first glance, we can see that metaphors are used as powerful tools for persuasion , because they get people to think about concepts and ideas differently.(ibid.)

The situation here under analysis swarms with metaphorical constructions used by different parties .In his trial to make the audience feel pity with the defendant, he used certain metaphorical expressions as:

" the road of genuine remorse..... discounted with realitytrading his life Fixing this with turning the clock back .. depth of remorse .. extent of remorse ... departure ground... committed in unsophisticated manned... bright kid.. he learned honorably and dramatically by his experience..... not a future threat... meets criteria".

All these metaphorical constructions were intended to help the audience focus on the idea of forgiveness and make new connections . The audience could link all his arguments back to these metaphors which would made it a lot easier for them to understand and sympathize with the defendant.

As persuasive tools these metaphors mapped the defendant onto a young man who lacked the mental ability to estimate the situation of his crime despite the fact that he was a bright kid. Dr. Mayer consolidated his arguments by embedding metaphor constructions in his speech. In all these constructions he wanted to make him appear weak, helpless and worthy of sympathy.

In his turn, the attorney's victim ridiculed what Dr. Mayer was saying by repeating sarcastically these metaphors in the form of questions attempting to prove that the defendant was reckless and was driving at high speed and such "*a horrific act as speeding*" killed two "*wonderful lovely human beings*".

He added to question the doctor whether he had made certain test to determine if the defendant was cognitive or otherwise. He stated that the defendant had "a high IQ" which did not factor "into his capacity to understand" driving very fast and consequently he hit and killed "a bunch of pedestrians" at the place of the accidents.

He accused Dr. Mayer of not evaluating the defendant according to scientific measures *and* if he had had done such a thing he would have realized that the defendant was a frivolous and imprudent and should be severely punished because he should have been "lumped in with" every other normal 18 years old.

It is quite obvious the victim's attorney used short utterance devoid of other figures of speech like repetition or simile etc. He was direct, sharp and stern using no ornate style, so as to speak. He used only short utterances and questioned the arguments of the defendant's attorney and the doctor and was determined to hold the defendant accountable for a premeditated crime.

Dr. Mayer relied heavily on repetitive structures by means of which he crafted specific ideas about the defendant so as not to implicate him in the crime. These structures could either be single lexical items or phrases and clauses. He repeated the phrases and clauses :

"disconnected to realityextent of the remorse ...responsibility and remorse..... other than remorseful.... departure ground .. restorative justice."

At the same time, he intentionally repeated the lexical items *"forgive and innocence"* to exert influence on the audience in order not to convict the defendant of the crime he committed.

He resorted to repeat since it emphasized his stance and it also added to the power of persuasion .Used intentionally in the context, repetition can be a powerful tool to make an audience savor words, understand a point, or believe in a cause(Bada:2010)

Three instances of simile have been detected in this situation by Dr. Mayer . He used the expressions :

" as a restorative justice.... Anything like that..... like his brain".

In all these instances the doctor once more tried to acquit the defendant of the crime he committed entrenching him by results of medical investigations and by the pretext of legal justifications like :

" he was on the road of remorse.. disconnected to reality.. was not worldly and a kind of naïve kid".

The doctor added that the defendant *" was very young to appreciate the consequences of his act..... does not pose a threat".*

He intended to impede the justice path by making the defendant a victim of social environment who deserved to be looked at with sympathetic eye .

- Closing stage

At this stage only two persons were taking the floor ,i.e. the defendant attorney Mr. Huber and the judge who was entitled to passing the sentence on the defendant.

1. Pragmatics Strategies

A- Syllogism

Mr. Huber : Good Afternoon nice to See you again, Sir. A couple of Questions as part of your interesting... you ..uh.. properly something called collision reconsideration Court, and we have been attached that, you..... your honour exhibit 3 to our motion and at that time you were the lead detective in Investigations for the accident on boy shore , this a stand documented that The lead of the detective of the completes in ...uh.... In the situations were there , Maybe a death in an automobile accident that correct, I want to go through all of it but I just have a couple of questions here , First of all one of the things that you always look at are something related to the driver of the vehicle and in your report you uh noted that Cameron Heron and John Burial both had valid driver's license ,and also noted that you had checked their driving record . and neither Cameron Herrin nor john had any infractions In addition you noted Cameron didn't display signs of impairment ,at the Time of crash and this an evident that Cameron wasn't take any Drug or alcohol.. He wasn't intended to cause this accident and what we ask From your Court to look to this young man who is only 21 years old as a guilty but in a mercy sight That this person going to lose his future.

The attorney followed faithfully the three syllogistic premises . When the defendant attorney asked the court to reconsider final sentence, this could be taken as the major premise .

The minor premise was related to his role as an attorney . He said that both of the defendants Cameron and John weren't suffering from any signs of impairment.

According to what he said ,it was evident that both the defendant were neither drug addict nor did they dope out .

In the conclusion premise the attorney asked the court to have mercy to the defendant and hold the court back from passing severe punishment since he was young and by inflicting severe punishment on him would make him suffer from

a total loss of future opportunities because he did not purposefully intend to cause the damages to the deceased because of the car accident.

B- Enthymeme

Judge : let me just... uh... start by sayingum.... multiple people have.. uh... observed Uh this is particularly difficult case because there is really nothing that the... Court Can do.... That..... umthat....that's capable of.... uh of..... of fixing..... uh.... the harm that has been caused to the Victims in this case. So uh..... that's being sent i..... i have got to start with the law I am found... uh.... bound By the law and he gives me a guided line for how to analyse an appropriate Since this case, so I want to start with Cameron Herrin case it really the First thing I need to..... uh..... to addresses it whether or not the Courts' going to depart From the.... Uh... the minimum. In this case which is 222 weeks approximately 18 And a half years. In the Florida state prison..... uh as minimum. The Court going to the defend guilty sentence him to nine years In Florida state prison, on count to the same charge Court will adjudicate to the deafened guilty sentence into 15 years in Florida state prison. And that will run consecutive.. that's count to 24 years in Florida state prison. Mr. Heron you have given up the right to appeal the determination of your guilt or innocence , you do have 30 days to appeal the sentence of the court .

The major premise was introduced by the judge when he stated that the defendant was found guilty of the crime he committed and he was sentenced to 24 years imprisonment. By doing so, the judge departed from the minimum sentence due to the harm he was causing to the victim.. Then he asked the defendant to appeal to the court against the sentence in attempt to acquit himself of the crime.

2- Rhetorical Appeals

- Logos

The Judge:..... the First thing I need to..... uh..... to addresses it whether or not the Courts' going to depart From the.... Uh... the minimum. In this case which is 222 weeks approximately 18 And a half years. In the Florida state prison..... uh as minimum. The Court going to the defend guilty sentence him to nine years In Florida state prison, on count

to the same charge Court will adjudicate to the deafened guilty sentence into 15 years in Florida state prison. And that will run consecutive.. that's count to 24 years in Florida state prison. Mr. Heron you have given up the right to appeal the determination of your guilt or innocence , you do have 30 days to appeal

The judge appealed to the court's logic and rationality. He advanced his argument based on facts. He depended on reasoning and logic to persuade the court of the defendant's guilt. He built a logical case by deploying logical and legal terms and expressions " *damage to the victims ..depart from minimum sentence .. defendant guilty.. the law ...guide lines*".

He tried to convince the audience and the court of guilt of the defendant by resorting to reason and using facts. He announced that the crime was perfectly clear and it caused heavy losses to various parties including the victims and , therefore the defendant ought to bear the results for what he did and should get the most severe penalties.

-Pathos

Mr. Huber.....In addition you noted Cameron didn't display signs of impairment ,at the Time of crash and this an evident that Cameron wasn't take any Drug or alcohol.. He wasn't intended to cause this accident and what we ask From your Court to look to this young man who is only 21 years old as a guilty but in a mercy sight That this person going to lose his future.

The defendant's attorney Mr. Huber on his part appealed to pathos to lessen the severe sentence passed on his client. He sought to make the audience feel affection towards the defendant. In an attempt to touch on emotion so as to make the audience feel sympathetic with the defendant, he stuffed his speech with expressions to appeal to the audience's feelings of sympathy " *mercy sight* ",.. *was not intended " did not show signs of impairment, take no drug .. 21 years old... lose future"*.

The attorney fought his way forward to elicit the audience pathetic feelings by using loaded words and expressions to get some sort of the audience emotional reaction in order not to make the entire audience feel not guilty about the defendant.

- Ethos

Judge: let me just... uh... start by sayingum.... multiple people have.. uh... observable..... Uh this is particularly difficult case because there is really nothing that the.... Court Can do.... That..... umthat....that's capable of.... uh of..... of fixing..... uh.... the harm that has been caused to the Victims in this case. So uh..... that's being send i..... i have got to start with the law aim found... uh.... bound By the law and he gives me a guided line for how to analyse an appropriate.....

As a tool of persuasion at the discretion of the judge whereby he relied on his determination, character and credibility, the Judge expressed his ethos by using the constructions " *let me*", " *I have got to start*".... gives me" to strength his beliefs and stance. As such, he referred to himself as a source of information and authority that all people should abide by and he had to enforce the law according to the powers vested in him. Therefore, he declared that he was not able to fix the grave harm caused to the victims be the defendant and the defendant got what he deserved.

3. Figures Of speech .

Only few figures of speech namely metaphors had been detected in this stage. The defendant attorney embellished his speech with metaphorical expressions as "*display signs of impairment... lead of the detective look to have mercy...mercy sight ..lose future*". Once more , he endeavored to drug persuade the court that the defendant did not premeditate to commit the crime of hitting the victims by his car.

At the time of the crime, he was absolutely sober and did not take any drug whatsoever. That was why he asked the court to sympathize with the defendant and have mercy on him.

On the contrary, the judge used metaphorical expressions "to was not ..fixing ..bound by law .. guide lines". Here, he wanted to persuade the court that such crimes should not go unpunished. His moral and legal responsibilities obliged him to pass severe sentence on such crimes to deter car speeding, reckless driving and made the defendant. He set him an illustrative example for those who did not take in their consideration the horrific consequences of such crimes and they would not escape punishment if they caused suffering or loss to other people.

-Situation 2

The contextual factors which governs Situations (1,2) are as follows :

Contextual Factors	Situation Details
Settings and Scene	Time : 25/ 5/ 2020 Location : Minnesota , Minneapolis Occasion : Homicide accident
Participants	Offenders : <u>Derek Chauvin</u>, , J. Alexander Kueng and Thomas Lane. Victims : George Floyd . Chauvin's Attorneys : John Frank . Witness : Genevieve Hansen
Act Sequence	opening stage, building stage, and closing stage
Instrumentals	face-to-face interaction,
Norms	Para-linguistics
Genre	Conversation

1. Pragmatics Strategies

A- Syllogism

Mr. Frank : thank you your honor we will be calling as our next witness Genevieve Hansen Miss Hanson was one of the bystanders on the scene during that time she recorded a video on the phone and following the incident she also made a 9-1-1 call and for various purposes the defense I stipulating that we would admit the video as exhibit 24. and the 911 call recording as exhibit 25 and that we would publish those to the jury before Miss Hanson starts her testimony as Part of that not only stipulating to the admissibility but any type of confrontation issue that the defendant would have about publishing during the witnesses testimony if that's even a problem given that we're playing them before the witness testifies and should be available for that questioning.

As it has been mentioned earlier, a syllogistic structure is a logical argument. This situation exemplifies syllogistic structures when the defendant attorney at first tried to clarify the whole situation before getting into a more detail of the crime when he asked the witness questions engrossed in reasoning . The major premise referred to the witness presence at the crime scene . She was one of the bystanders who happened to be present at the time of the crime. Miss Hanson, the witness, at that time tried to call the emergency number "911" in her endeavor to rescue the victim who was lying on the ground. The telephone call alludes to the minor premise.

By asking such logical questions, the attorney intended to present these exhibits to the jury so that they could contemplate on them later.

The conclusion premise can be seen clearly when the attorney described the entire incident by playing back the video recording made by the witness aided by the 9-1-1 call, which could trigger the major point to work on throughout the course of the case. The attorney urged the witness to provide more of what she saw which bore evidence of the crime scene, and this in turn was beneficial to the jury.

-Enthymeme

Mr. Frank :so for about two years now you've been a firefighter and can you describe for the jurors you know what you had to do to become a firefighter for the city of Minneapolis?

Here, the enthymematic situation was built on two premises, the most significant of which was when the attorney talked about the recent job of the witness. He stated that the witness was working as a firefighter for about two years " *about two years now you've been a firefighter*". The minor and conclusion premise were merged in the attorney's question about the process that took the witness to become a firefighter. By so doing, he wanted to be sure of the reliability of her testimony.

2- Rhetorical Strategies

A-Rhetorical Appeals

I. Logos

Mr. Frank : and you know what described for ... Would you excuse me if you would describe for the jury what that test is like how long is it?

The attorney here attempted to show the jury the importance of the witness's career. This explained the fact that the witness as a firefighter received advanced training that permitted her to be present and be able to examine the scene of the crime. To that end, the attorney asked logical questions about the witness's job, and the main tasks that a firefighter could perform, as well as the various types of tests she must pass in order to be hired as a firefighter.

Mr. Frank : and that well explains for the jurors what CPR is when we use that term?

The other logos example played a significant role during this stage which required more information about the fire fighters' training and the medical issues they had to deal with such and similar cases during her service.

The situation described above serves as a representation of the witness's knowledge of her professional life, specifically when the attorney asked about the CPR test and how the witness would make use of it concerning life saving protocol.

-Ethos

Mr. Frank : and when you do that as a unit of you know four or however many other firefighters are there you all work together on those types of calls.

The ethos strategy was used to guide the attorney's questions throughout this situation. He devised a new method of questioning the witness, which was smooth and simple, and at the same time he tried to demonstrate his authority as an attorney throughout the proceeding. We can conclude from this situation that he inquired about the actual work of a firefighter, not just about fighting a fire but about the other invisible things these people were doing through their work as fire fighters.

-Pathos

It is rather difficult to develop a pathos strategy at this stage since the court proceedings concentrated on logic and explanations about firefighting and the other principles which were related to this job.

3. Figures Of speech .

The court proceedings at this stage was only a question and answer process. Both the defendant attorney and the witness exchanged roles. Throughout this exchanges a variety of metaphorical expressions were used by both parties. Some of the following metaphorical expressions were pinpointed " a few- ride alongs .. cardiac arresta hands – on portion.... Heart rhythm..... single house and double house Alerted the situation". These expressions were used to sustain the witness testimony because the majority of them were related whether directly

or not to the specifications of her career as a fire fighter. The attorney tried his best to acquit the defendant of the crime he committed , thus he cunningly asked the witness questions expecting that she might fall into the trap set by him and consequently he would ask the court to exclude her testimony.

- Building Stage

1- Pragmatic Strategies

A- Syllogism

Mr. Frank: all right and does this look like you know the area we were talking about where you went and approached this scene that you described? All right now I'm going to pause it right here.

Three syllogism premises are presented in this situation, and the attorney used this strategy to follow up the actual progress made during the night of the accident. In the main premise he asked the witness whether or not she knew the area she was walking through at the time of the accident. When he stated that the witness had moved on and crossed the street to the other side and became part of the crowd, he was actually presenting a minor premise. The conclusion premise was structured according to the witness's description of what was happening at the crime scene.

B- Enthymeme

Mr. Frank : and if you could take the stylus and circle the officer that you're saying the manager stay on the sidewalk and for the record your honour the witness is drawing a circle around officer Tao. So when he uh asked you to go back up on the sidewalk you did.

When the attorney attempted to elicit the witness's first words while she was one of the bystanders, he presented two premises .The significant premise was presented when she claimed that she asked one of the officers present at the crime scene to assist the victim, while the minor premise was realized when the officers were not of any help to the victim.

2- Rhetorical Strategies

A-Rhetorical Appeals

I. Logos

Mr. Frank : so what did you see about the officers there concerning the body on the ground?

Since the court proceedings were concerned with proofs, they based their inquiries on logical standpoints. For example, in quotation above, the attorney attempted to deal with both cases logically by asking such a question so as to understand the victim's current mental state. In addition, he referred to the victim as "the body on the ground," implying that the victim was something other than a human being. He did his best to evade making his client responsible for the crime.

II. Pathos

Mr. Frank : and that individual on the ground under the officers um could you tell if he was moving.

The attorney in this situation used pathos, but not in the way one might expect. The expression he used "individual on the ground," represented manifested his thoughts and ideas which implied that he was not concerned with that person and he only wanted to gather information about the entire situation to find what he could do in favor of his client.

III. Ethos

Mr. Frank : and incidentally i think in a subsequent interview you had talked about mr Floyd's face facing towards the speedway correct?

This situation was navigated through the ethos strategy, which guided the attorney's questions throughout. At the same time, he attempted to demonstrate his authority as an attorney throughout the proceeding by developing a new method of questioning the witness that was smooth and simple. It is reasonable to

conclude from this situation that he inquired about the victim's true position and current state while he was laying on the ground.

2- Figure of speech

draw on the screen ,benefit of the record , pumping the blood , get a pulse back , gain access , going through ... mind , distressing words ,feeling of helplessness

The abovementioned figures of speech have been detected from the situation. By using all these figures of speech, the attorney endeavored to persuade the court that what the witness had seen did not reflect what really happened. So he showered the witness with a series of question in attempt to make her stutter and could not answer to prove that the witness was not accurate concerning the description of the incident.

-Closing Stage

1- Pragmatics strategies

A-Syllogism

Mr. Nilsson :now, have you ever been in a burning building or outside let's say you're outside let me ask you a hypothetical question you're outside of a burning building and spraying the hose on the fire .

Mr. Nilsson is the offender's other attorney attempted to move on to the next set of questions. In these two situations, the syllogism strategy was discovered. The central premise was related to the difficulties the witness had encountered as a fire fighter. In contrast, the minor premise was about her actual career, in which he attempted to determine whether she was well-versed in her field. To understand whether or not the witness was a professional at her job, he asked a hypothetical question as part of the conclusion premise.

B- Enthymeme

Mr. Nilsson: but again you have no frame of reference right i mean you've not seen any police reports you've not looked at the cads you've not heard the 911 calls you didn't listen to dispatch that night that night?

His main point was that he accused the witness of making a call at the spur of the moment without knowing what the police had already done as the crime scene required them to do. This was the central premise. The minor and conclusion premises referred to the irresponsible police call that was made on the night of the accident.

2- Rhetorical Strategies

A- Rhetorical Appeals

I. Logos

Mr. Nilsson : and are you talking about a medical call we stage four different things sure let's ... let's leave it as a medical.

The attorney spoke about medical assistance and medical calls, which were extremely important in such cases. Because medical assistance required a unique handling which could not be provided by just anyone. he suggested that instead of calling the police a call must have be done to medical authorities because he would still be alive if the victim had received medical assistance.

II. Pathos

No Pathos strategies have been found in this stage .

III. Ethos

Mr Nilsson : I believe you had a conversation with the BCA agents shortly after this incident and you described what you observed as far as the paramedics doing was what's called a load and go?

The ethos of a question reflected the intelligence of the attorney who witness to answer his perplexing questions . He expressed himself powerfully by seeking for unambiguous answers.

B- Figures of speech

Frame of reference , Call for medical , Medical situation , Fallible memories , Form opinion , Zoomed focus , Refresh recollection , *abnormal response*

The attorney focused on the medical treatment and assistance. He stated that the witness was not more than a firefighter and she lacked the required knowledge about medical assistance . He again urged that the witness could have saved the victim if the latter received medical assistance at once instantly, but unfortunately she made a call to the police instead. By interspersing these figures of speech here and there, he advocated that the witness testimony could not incriminate his client because it was vague and unreliable .

- Situation 3

The contextual factors which governs Situations are as follows :

Contextual Factors	Situation Details
Settings and Scene	Time : 2017 Location : Florida Occasion : Homicide accident
Participants	Offenders: Ashley McArthur. Victims : Taylor Reght Attorneys : Victoria Jenson Witness : Audrey Warner
Act Sequence	opening stage, building stage, and closing stage
Instrumentals	face-to-face interaction,
Norms	Para-linguistics
Genre	Conversation

- Opining Stage

1- Pragmatic Structures

A- Syllogism

Miss Jenson : so what she kind of I guess either service or take money for honey change okay and then in a week in a week's period and how often would you see Ashley up at sticks.

The attorney of the victim concentrated on a specific type of information she wanted to inquire about. The syllogistic structure was realized in the form of three premises. The major premise related to the service the defendant was providing and to her occupation, and the extent to which this information was relevant to the case in general.

The minor premise described the process of the work by means of 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 predication, this portion of the syllogistic structure highlighted the relationship that united the defendant and the witness. The attorney asked this question in order to add another perspective to the case in order to determine where the missing piece of evidence was located.

B- Enthymeme

Miss Jenson : did you and Ashley MacArthur become friends she's been and back in that time frame in 2017 how would you describe your relationship to her were you close were you casual I mean what was really because she's been did you and Ashley socialize outside of sticks.

It was established in this case that there were two premises. The major premise explained the relationship that existed 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 shadow on the different sides of the case.

Moreover, the minor and conclusion premises were related to the defendant's socialization and how she treat others both inside and outside of her workplace. These premises also revolved around the attorney's attempt to understand the defendant's background in order to better understand her attitude, which in turn could produce additional evidence in support of the case in point.

2- Rhetorical Strategies

A- Rhetorical Appeals

I- Logos

Miss Jenson : okay but the four of you ladies were there at Ashley's house okay and do you recall this was... this a day when Taylor and Cassandra were having some issues okay after that day at Miss MacArthur's home did you see Taylor a couple of other times.

The most important aspect of lawsuit to be filed is logic. Because this case was about a perplexing murder that necessitated abundant pieces of evidence, the attorney at this point made the entire subject obvious; she was very clear when she asked about the number of people who were in the defendant 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 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 great tact by beginning with the most basic questions and gradually raising the level of her inquiries. She then showed ingenuity of mind during the witness's testimony. She asked the witness decipherable questions hitting two birds with one stone so as to debilitate the defendant and force her to be straightforward in her responses.

B- Figures of speech

Two figurative expressions have been recognized at this point. The first is a metaphorical one " steamy encounter" which referred to the heated discussion concerning the law- breaking crime that should be severely judged without respite. The second figure is a simile" it started out like a business arrangement" where the victim's attorney had a premonition that the defendant did not commit the crime alone but 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 the date and where this conversation took place from September 7th at Styx billiards okay and who all was there and what did Ashley say to you about Taylor that night there.

It was the question of whether the defendant made herself direct about killing someone, and whether she had any clear intention for killing her friend, and if so, when she had had the thought about it, and whether she and her accomplice had a plan for this. All these propositions expressed the major premise. The attorney was absolutely sure and beyond doubt that the victim had died as a result of a cocaine overdose, and she desired to move forward with the investigation into the murder.

The minor premise was related to the date on which the defendant and her accomplice convened together to carry out their evil scheme. This happening was one of the most important issues in this case because the murder committed after that date. The attorney stressed that issue in her attempt to recognize and identify who was present at that time to build up a solid law-suit 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 attitude towards the victim. It went without saying that the defendant was determined to kill the victim and looted her belongings. At this point the attorney convinced of the defendant 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 how much alcohol did you see Ashley drink before that conversation and what about Jessica was Jessica drinking

The major 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 had a negative impact on her ability to recognize 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 what specifically did Ashley say about cocaine and how much coke do you think it would take to kill somebody after that conversation well let me ask you let me back up were you drinking alcohol at that point.

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

II- Pathos

At this point , the attorney tried to bring the defendant to reason wherein resistance was useless. By so doing, the attorney sought to persuade the court to act likewise and to pay attention to common sense and to issue forthcoming 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 is the partner went to babes and purchased the cocaine.

The ethos strategy assisted the attorney to navigate this situation and guided her questions throughout the entire process. Meanwhile, she demonstrated her

authority as an attorney in the court hearing by devising a new method of questioning the witness that was both smooth and simple. Based on this, it was concluded that she inquired about every single detail that would frame and implicate the witness to reveal that she a share in the crime committed.

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 dealers beard ; winded .. like I picked up a saddle". In all these examples , the attorney attempted to persuade the court that the defendant and the witness partook of 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 I've covered everything and I think I'm miss Jenson I'm going to turn it over to you so this case involves a lot of different pieces of information and a lot of different witnessesTaylor Riot was murdered by this defendant Ashley McArthur and really what you will see in the end is that Ashley McArthur had the motive to kill Taylor Ryan when she had the opportunity to kill Taylor and then she tried to cover it up but to get to that ending we have to start at the beginning in mid 2017 Taylor right the deceased in this case was entangled in some court proceedings and some financial issues with her ex-husband Jeff.

At this point, the attorney went over every single 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 major premise was an introduction to the entire case that included what she had learned throughout the course of 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 which was crystal clear to everyone attending the court proceedings.

The conclusion premise was realized 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 enthymatic 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

For the same reasons stated above, 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 with relation to the main topic. She was very direct in expressing what she wanted

to claim, without hiding any single 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 .

she seized the opportunity to spell out whether the defendant had a direct relation with the victim or not and if so what the reason was to commit such unspeakable crime.

2-Figures of Speech

At this stage various metaphorical expressions have been found which helped in giving strong clues to unravel the perplexing crime.

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 skeletonized ; 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 as a friend who was running a business to help her hiding 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 fertilizers 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.

-Situation 4

The contextual factors which governs Situations (1,2) are as follows :

Contextual Factors	Situation Details
Settings and Scene	Time : 18/3/2018 Location : Wisconsin Occasion : Homicide accident
Participants	Offenders Ezra McCandless Victims : Alex Woodworth Victims attorney : Deja Vishny . Witness : Genevieve Hansen
Act Sequence	opening stage, building stage, and closing stage
Instrumentals	face-to-face interaction,
Norms	Para-linguistics
Genre	Conversation

Opening Stage :

1. Pragmatics Strategies

A- Syllogism

Miss Vishny: so why did you decide specifically ..., I'm going to ask you the specifics of both names and what they mean to you. Let's talk about the last name first why you change your last name ?

The attorney proceeded to determine why and how the defendant had changed her name twice. As regards the major premise, she asked the defendant about the significance of her names and inquired about the impetus behind her move when she had done such a step. The meaning of the minor premise was explicitly

related to each of her both names. She called for the defendant to make it clear whether her first or second name was chosen by her or her family.

The conclusion premise encompassed how the defendant had changed her surname for a reason needed to be made clear to both the judge and the jury.

B-Enthymeme

Miss Vishny: yes you can and it's just so the jury is clear does this book contain both the original copies of the original handwriting and then typed copies to make it easier to read, so what are the names of the journals personal notes research ideas and the quest to understand?

At this point, the attorney questioned the defendant about every detail relevant to her and associated with her personal life starting from the book that contained the essays of the murdered writer ,i.e. Alex who used to be her ex-lover. The major premise revolved around the attorney's way of asking the defendant to explain certain points residing at the victim's handwritten essays. The minor and conclusion premises were structured when the attorney inquired about the victim's essays set to be published in certain journals and notes annexed to these essays. This would definitely help out to probe deeply into the victims' true personality and serve as pieces of evidence for the case as a whole.

2-Pragma-Rhetorical strategies

A-Rhetorical Appeals

1- Logos

Miss Vishny : what did he save that at that time on August 8th or roughly August 8th of 2017 what did he tell you about what he meant by consuming another fiction hearsay ?

Since the attorney was talking over a murder case, she needed to draw near everything in accordance with the rules of logic. As such, she endeavored to sift out every single bit of information about the case. If other means failed ,she would resort to a different method. Therefore, she discussed the crime episodes

in great detail, right down to the dates of each one since each of these occurrences was tacitly linked with a unique facet that played a notable role in the crime investigation.

2- Ethos

Miss Vishny : she seems like she's answering the questions so far so good I guess for from the defense standpoint right and she doesn't seem rehearsed entirely she's taking her time with some of the innocence which i think is import you don't want it to come off, and it's.....

The attorney granted the defendant the right to talk and express whatever she wanted to state comfortably and without being interrupted , yet the jury members insisted that the talk should be brief , hasty and should not take much time in court because the murder case was a first-degree premeditated crime. The attorney felt sympathy for the defendant and asked the jury members to have some leniency towards the defendant so she could have the opportunity to express what was on her mind as the law allowed her to do so . This move lent credence to the attorney who had an impressive and puissant personality in the eyes of the law.

3- Pathos

Miss Vishny : but she's thinking through it and again giving a very humanistic approach right now and that what they're trying to get in are these journals of listen amputation will be received when you met Mr Woodworth I'm going to show you page six you're just there, first of all on that day did Alex Woodward show you his journal?

This appeal was connected to how the defendant expressed her passion, emotion, and affection. She was innocently laughing when she answered the questions directed to her by the court and the jury. While speaking , she seemed cold- hearted. Such a thing angered the court. They thought that she was without sympathy and indifferent repeating herself as she was talking about the victim. Still, from her point of view, the attorney believed contrariwise. She insisted that the defendant was innocuous and of humane character .She added

that the defendant was moved with pity and compassion while she was talking about victim and reading his essays and love letters written to her. This is because she was in love with the victim. The defendant, as the attorney elaborated, did not intend to make the trial as if it were a mock of justice.

B- Figures of Speech

The following figures of speech have been found in this situation:

(I have gone through a lot of changes in my life I tried on a few names..... they were very in tune and aligned with who I am I lean toward my femininity the rose promised by the thorns we were deep in discussion terminate pregnancy).

All these metaphorical expressions were associated with the defendant personal life. They referred to her different names which she chose including her personal and family names. They also implicitly interspersed with her love relation with Jason who impregnated her and her continuous trials to finally have a miscarriage and got rid of the child. Really these various events were the key tenets lawfully required to unearth the crime mystery.

- Building stage

1-Pragmatic Structures

A-Syllogism

Miss Vishny : Miss McCandless may have had and that what she heard or read affected her and so now the second issue what EGIS can we approach her . okay I'm showing you again from exhibit 697 called words dated November 626 excuse me in 2016 , so again looking at the tight and the handwritten pages have you had an ability to look at them before and compare them and are they is the type version just make it easier to read okay now this essay was written before Alex met you but have you read this essay ?

During the legal proceeding, it would be quite normal that there would be many people asking a wide range of questions including the judge, the attorneys, and the jury members. While the defendant's attorney was reviewing the case, she

asked the defendant a couple of questions trying to inquire about the train of events connected with the defendant's history. The initial primary premise of the case revolved around Miss. McCandless because the case's outcome was contingent upon determining whether or not the defendant was influenced by one of the essays written by the victim. The attorney's defense objectives were to present the defendant in such a way that she seemed either innocent or, at the very least, an empathetic person touched with deep emotions. The secondary premise represented the victim's handwritten essays found after the crime was committed. This would lead to the conclusion premise which was related to the victim's love relationship with the defendant. The attorney sought to know if the defendant knew the victim at the time of his writing these essays and wanted to see whether or not the defendant knew about these essays earlier. The attorney took it for granted that the defendant supposedly knew him at the time of writing these essays. To verify her assumptions, the attorney asked the defendant if she had seen these essays or read them before. These arguments and questions if flushed with evidence could unfold the mystery before the court.

2- Enthymeme

Miss Vishny : okay go ahead you. How sad, huh, does he talk in this essay about philosophy and how that helps him, what does he say about that? You can summarize it if you remember it?

The victim's essays were the primary focus of this court case. The victim's attorney requested that the defendant read the essays aloud in front of the judge. She inquired whether the defendant was familiar with the essays or had read them previously. This line of interrogating went through two premises: the first one was related to the philosophical faiths that governed the victim's life. The attorney wanted to hit upon an idea and bring to light if the victim rendered down all of his philosophical beliefs in his writings. The second premise, which was a mixture of the minor and the conclusion premises, was about the defendant's acquaintance with those essays and whether they were written for her

or not. If it appeared that the defendant knew what the essays were about, it would implicate her in committing the crime. The court and the jury would take for sure that the defendant was in a very close love relationship with the victim, and she knew well that the essays were about her which in turn might give proof of her frantic indulgence in the murder.

2- Pragma-Rhetorical Strategies

A- Rhetorical Appeals

1- Logos

Miss Vishny : what is the title of this essay in quotes it says come-as-you-are flaws and all that's the date that this essay was written October 29th 2017 and again is the type version of the same as they have written version alright first of all looking at the very top of this essay come as you are ,I want to ask you without having you read the whole top you notice that he talks about Caputo Abraham and God ,and the Abrahamic story of Isaac and sacrifice is that what that relates to , it does okay it was Caputo or just two tell us about Alex and Caputo or that that book was that a book he was fond of?

Generally, the essays that the victim wrote were dated on 29th 2017. One of the essays was written earlier to the murder. It was about the defendant career and her relation with her boyfriend Jason. This essay referred to the biblical incident of Abraham sacrifice. The victim tried to say that the defendant would kill one of her boyfriends as a sacrifice for the benefit of somebody else. As such, the court asked the victim if she knew about these essays and if it was proved that she did, it would quite obvious that she murdered the victim for the reason mentioned above. In reality, she answered coldly as if she were with him when he wrote the essays. This was an unclouded indication of her involvement in the crime. She tried to justify her murder by stating that she killed him in self defense because the victim tried to assault her when he was doped and under drug influence. Yet, the medical autopsy of the victim's body revealed that he was

drug free. This was another solid evidence that connected the defendant to the premeditated crime.

2- Pathos

Miss Vishny: Okay, let me ask you this first before I get to the themes of loneliness and misery in his writing, did your relationship eventually change from being friends and confidants who went on walks and discussed philosophy into something else .

The attorney played her cards well. She tried to persuade the court that she was just and impartial. Though she was on the defendant's side yet she tried to appear neutral so as the defendant could have a mild sentence. Acting as such, she asked the defendant to reveal the victim's psychological status and if he was melancholic and suffering from loneliness. Then, she hinted that the victim was taking medications to treat depression. She added that this was quite apparent in his essays. By highlighting the victim's psychological problems, she intended to state that the defendant should not be blamed wholly. Though she committed the murder , she was endangered by the victim's disturbing illness. So, she was overcome with fear lest he should do things that might do her grave harm. To save the situation, she did what it was required to do .

3- Ethos

Miss Vishny: okay I'll give you a little latitude so I'm going to rule it is lead what ...what do you mean by that when you say he connected those things?

The attorney asked the defendant specific questions relating to the essays written by the victim. She told the defendant that she should answer clearly and directly without beating round the bush. This was because the defendant was playing on words and taking much time when she wanted to answer those specific questions so she could stoop to cheating .Though the attorney was siding with the defendant as her client, the questions she was asking showed her a

woman with a striking personality and did not turn away from the task of fulfilling law.

B- Figures of speech

We have comes across the following figures of speech embedded in this situation:

(*physical intimacy ; very micromanaged ; got heated ; look like a clown ; living with tuna two tornadoes ; felt very distant from my self ; closing up; mine ... in the sunshine His are so a rainy days; puts a happy face*)

These figures referred to two things. On the one hand, they pointed out to time of disagreement between the defendant and her lover Jason after terminating her pregnancy during which he distanced himself from her leaving her in a turbulent mess. He tried to make fun of her and taunted her as being a clown as illustrated by the simile " like a clown". However ,on other hand , that drove her to become close to Alex whom she began seeing him occasionally. She told him about her self though they stood up to two different philosophical attitudes. Yet, What mattered here most was the fact that she was still in love with Jason despite what had happened between them and she had no felling of true love for Alex whom she figured as looking like her father. What may prove our point here was her seeking assistance from Jason to murder Alex.

- Closing Stage

1- Pragmatic Structures

A- Syllogism

Miss Vishny : Alex still writing in a way that reflected and talking to you in a way that reflected misery or depression or unhappiness or yes he was I'm showing you an essay in exhibit 697 called the failure to write dated December 21st 2017 yes are you familiar with that essay?

The primary premise was about the victim's letter to the defendant, in which he discussed his beliefs, opinions about the world and the topics he was interested in. The secondary premise was based on the attorney's assessment of the defendant's writing style which was rife with misery, depression, and unhappiness. The attorney presented an essay to the defendant in which the victim pictured all her personal traits. This proved quite lucidly that the victim knew the defendant closely. The attorney inquired whether or not the defendant was familiar with this particular essay or not so as to see her reaction because the defendant denied earlier any knowledge of this essay and insisted that her relation with the defendant was a fleeting love affair.

B- Enthymeme

Miss Vishny : okay does he also in this? The last sentence in this paragraph mentions if I'll just read it for you alongside the obligatory I want to find a poetics of erotic did he connect Caputo philosophy and errata says.

The primary premise was about the ambiguous letter written by the victim.. In this letter the victim was talking about different philosophies. The attorney asked the defendant to explain what the letter was about. The minor and conclusion premises were related to how these philosophies might affect the victim's doctrines and beliefs. In her trail to figure out if the defendant knew the victim quite well, the attorney asked the defendant about his personal life and how he looked at the world from the philosophical viewpoint. This was done on purpose to prove that the defendant knew the victim closely against her statement in which she alleged that she only knew little about him. These enthymematic structure were very invaluable to the court to reveal the defendant's insidious plans.

A- Rhetorical Appeals

1- Logos

No apparent logical structures were found in this stage. This was because the closing stage swarmed with different types of stories narrating and describing the perplexed relationship between the defendant and the victim. The attorney asked the defendant to digress and shed light on the way they knew each other and what the things she knew about him including his beliefs and attitudes and why he looked lonely and depressed. She wanted to know whether or not they fell in love with each other. As it was said earlier, these questions were intended to implicate the defendant in the crime. Therefore, such narrations required no elements of logical structures, but they sequenced details and information into some kind of logical order, usually chronological.

2- Pathos

Miss Vishny : what's he talking about they're committed but to someone who doesn't love him; did he discuss with you what that line meant "that he's committed but to somebody who doesn't love me"?

The victim's attorney read the message that the victim had written before he was murdered. The message was unmistakable that the victim wanted someone to love him truly and that he was wondering why no one loved him, particularly Ezra, because he used to love her. The message was written shortly before Ezra McCandless murdered the victim. This situation was loaded with feelings and passion which expressed how the victim was feeling at that time. Throughout this case, the attorney did not express her feelings and emotions but she appealed to the victim's feelings of sympathy and compassion.

3-Ethos

The closing stage was felt like a conclusion featuring only routine speeches and activities by various parties of the court. The attorney here was preoccupied

with inquires bombarding the defendant with the various questions to reveal the truth about the murder. Thus, it was quite difficult to identify her character and disposition during the court proceedings. This could mean, among other things, that her distinguishing character was fainting amidst the noise and hustle. Cautious of being lost between the victim and the defendant whom she was representing, she was wrestling with the resolving of the crime mystery.

B- Figures of speech

The closing stage embodied the following tropes:

(second wager of experience.... Shattered conscience Misery blocks happiness ...loneliness prevents socialization... philosophy was like a way out A book was a staple ethical fool ... sharing a lot of ourselves)

These tropes illuminated the relationship between the defendant and the victim. Spotted here and there, they expressed how the defendant caused the victim pain and suffering which made a cure unattainable. They also showed the playful character of the defendant who tried to seduce the victim pretending that she loved him, whereas in reality she fell in love with another person. She abandoned him to loneliness and misery. By so doing, she committed her unthinkable crime and misled the public opinion implying that the victim might commit suicide during a fit of depression.

4.3.2 The Quantitive analysis

After the qualitative analysis has been carried out in the previous sections which shows how the persuasive strategies have been pragma- rhetorically fulfilled , the following sup sections are concerned with the quantitive analysis.

4.3.2.1 The Pragma-Rhetorical Study of Persuasion in Criminal Cases

In relation to the extent of matching criminal cases to the pragmatic structure of persuasion proposed in Chapter Two, the statistical analysis in situation one shows that the opening stage of criminal cases scores (100%) which involved pragmatic structures (10%) and Pragma-rhetorical strategies (90%) . while the Building scores in pragmatic structures (19%) and Pragma-Rhetorical strategies (81%) , and the closing stages score in pragmatic structures (32%) and in pragma-rhetorical strategies (68%) respectively. This indicates that these cases in this situation match, to a great extent, the proposed structure. Whereas Situation two have different distribution, the Opening stage scores (37%) for the pragmatic structures and (63%) for the pragma-rhetorical strategies since some strategies and structures do not start with this stage because they are either a complement to the previous situation and in building stage scores for pragmatic structures (24%) and (76%) for pragma-rhetorical strategies, in closing Stage (20%) for pragmatic structures and (80%) for pragma-rhetorical strategies . In situation three all the stages in every single situation has the percentage of (100%) . In the opening stage it is scores (22%) for Pragmatic structures , and (78%) for pragma-rhetorical structures , In Building stage scores (25%) for pragmatic strategies and (75%) for pragma-rhetorical strategies , In Closing stage it scores (19%) for pragmatic structures and (81%) for pragma-rhetorical strategies . Situation Four in the opening stage scores for the pragmatic strategies (34%) and (66%) for the pragma-rhetorical strategies , in building stage it scores (26%) for pragmatic

structures and (74%) for pragma-rhetorical strategies . In closing stage it scores (54%) for pragmatic structures and (46%) for pragma-rhetorical strategies .

Table (2) Distribution of Stages in Criminal Cases .

Situations	Stages	Pragmatic Structures		Pragma-Rhetorical Strategies	
One on Situation	Opening	32	10%	273	90%
	Building	54	19%	233	81%
	Closing	30	32%	104	68%
Two on Situation	Opening	62	37%	107	63%
	Building	108	24%	338	76%
	Closing	243	20%	194	80%
Three on Situation	Opening	24	22%	83	78%
	Building	43	25%	129	75%
	Closing	39	19%	170	81%
Four Situation	Opening	70	34%	136	66%
	Building	56	26%	158	74%
	Closing	76	54%	66	46%



Fig.(5) The Distribution of Criminal Cases In American Supreme Court.

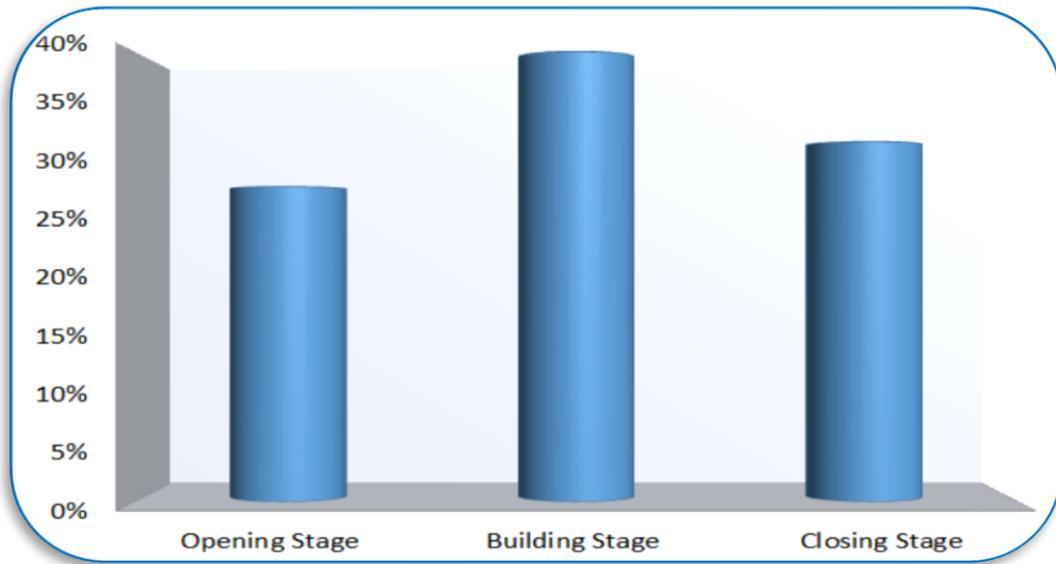


Fig.(6) The Distribution Of Stages in Criminal Cases.

4.3.2.1.1 Opening Stage Analysis

The statistical analysis shows that opening stage in situation one is the dominated stage in all situations it scores (39%) , in situation two opening stage scores (21%) , in situation three opening stage scores (14%) and in situation four it scores (26%) .

Table (3) Opening stage through all the situation

Opening Stage	Situation One		Situation Two		Situation Three		Situation Four	
		305	39%	169	21%	107	14%	206

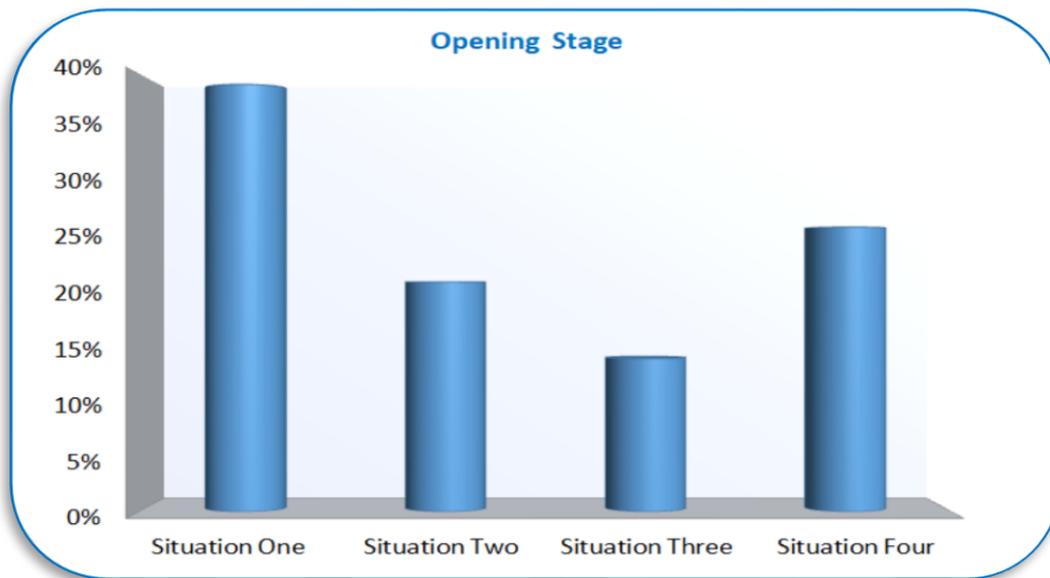


Fig.(7) Opening Stage in Criminal Cases.

Opening Stage in Situation one is the higher percentage above all situations , this indicates that the attorney in situation one introduce the case and the evidence in a powerful way. It is very clear the difference between the cases in this stage , situation two and four are almost in the same range , the attorney presents only the main issues without presenting a strong evidence . Opening stage in situation three is lowest , this reflects the weakness of the introduction of the attorney and the strategies that were used at the beginning is not as powerful as the other stages .

Opening stage in situation one scores (10%) for the pragmatic structures which involved syllogism (47%) this strategy reflects the organized thoughts that the attorney introduces it at the beginning of each stage , syllogism is mainly related to the most dominated sides in the cases , on the other hand Enthymeme scores (53%) this strategy was used by the attorney to reveal about something that is not as important as what was mentioned before .

This stage of the presentation of the case and the evidence is where pragmatic structures play an important but simple role in reference to the pragma-rhetorical strategies. Syllogism is when the speaker introduces his ideas in detail and gives a

wide explanation about every single point that is related to the case, while Enthymeme is when the speaker gives a brief summary of one point without going into great detail.

The attorney begin in a strong manner, this can be seen in the figures , which show that at some point the attorney is able to handle the subject as shown in pragma-rhetorical strategies that involved rhetorical appeals, this strategy by itself the high use of logos that reflects logic and proofs about crime while it is not in pathos. It is noteworthy that Ethos is high at this stage because it reflects the character of the court and the ruling state within it.

Table (4) Pragmatic Structures in Opening Stage in Situation One .

Opening stage	Pragmatic Structures	
	Sylogism	Enthymeme
	47%	53%

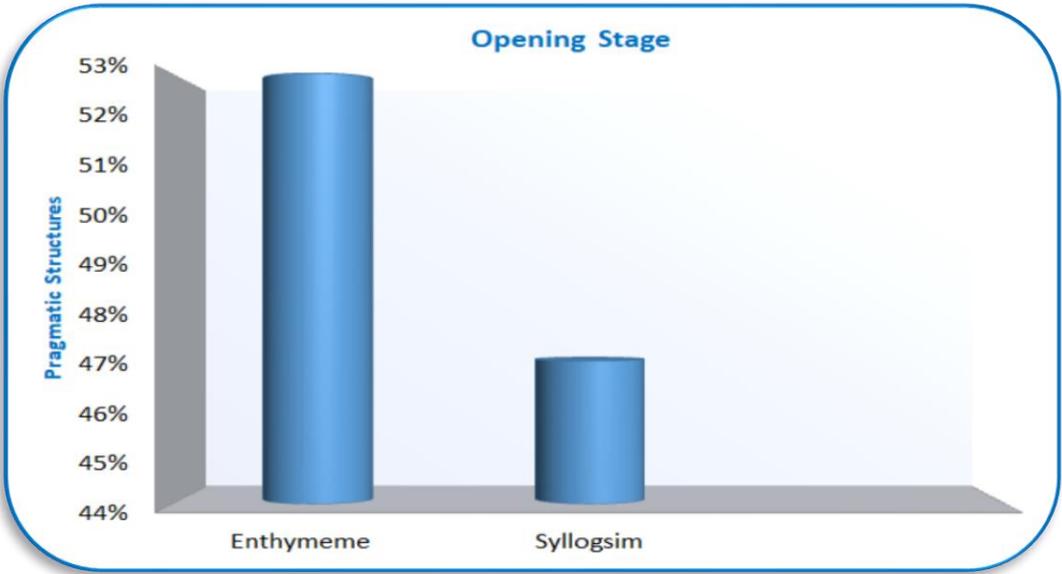


Fig.(8) Pragmatic structures in opening stage in situation one .

The Pragma-Rhetorical strategies at the opening stage in situation one involved rhetorical appeals (37%) and figures of speech (63%) . Rhetorical appeals consist of three appeals , Logos (40%) , Pathos (27%) and Ethos (33%) . Figures of speech consist of Metaphor (45%) , simile (31%) and repetition (24%) .

Table (5) Pragma-Rhetorical Strategies in opening stage in Situation one.

Opening Stage	Pragma-Rhetorical Strategies			
	Rhetorical Appeals 37%		Figures of speech 63%	
	Logos	40%	Metaphor	45%
	Pathos	27%	Simile	31%
	Ethos	33%	Repetition	24%

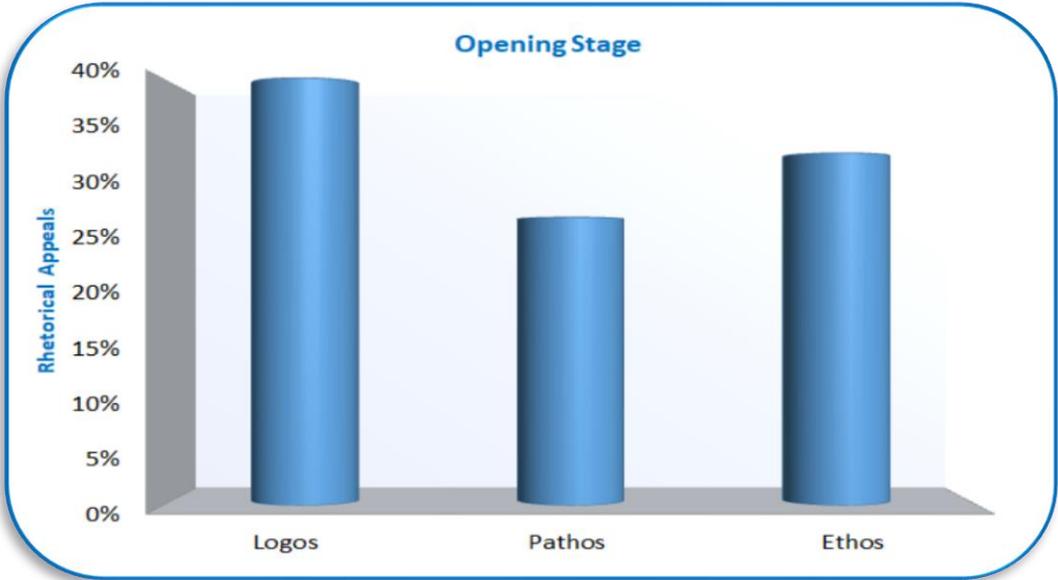
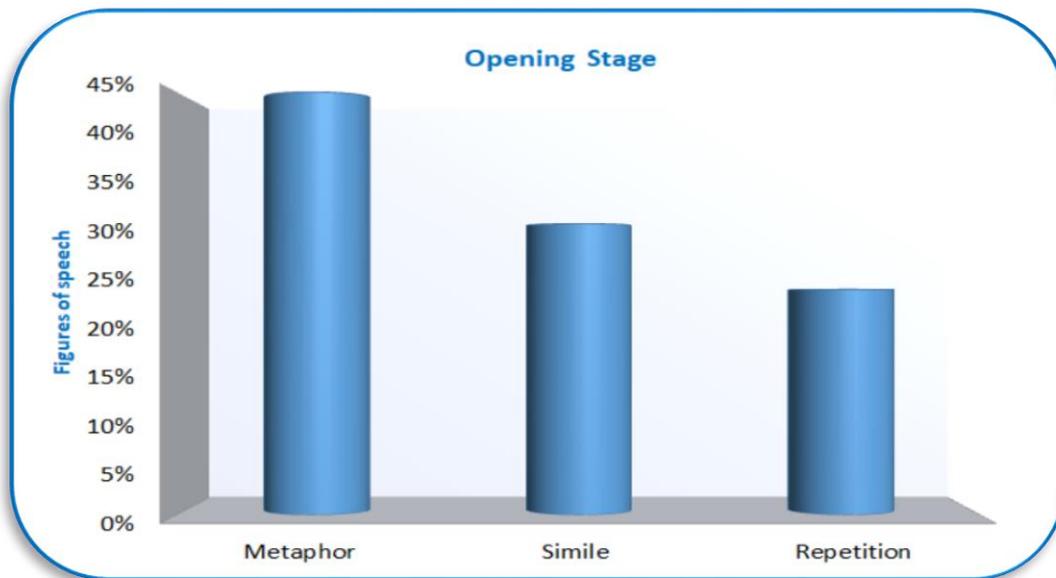


Fig.(9) Rhetorical appeals in Situation one at the Opening Stage .



Fig(10) Figures of speech in situation one at the opening stage .

Opening stage in situation two involved the same divisions with the difference of the percentages . Pragmatic Structures scores (37%) which involved Syllogism (48%) and Enthymeme (52%) . Pragma-Rhetorical strategies scores (63%). (49%) for Rhetorical Appeals , logos (25%) , Pathos (12%) and ethos (63%) . (51%) for Figures of speech . metaphor (63%) , simile (35%) and repetition(3%) .

Table (6) Opening Stage in Situation Two

		Situation Two				
		Pragmatic Structures 37%	Pragma-Rhetorical Strategies 63%			
Opening Stage	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
	48%	52%	Logos	25%	Metaphor	62%
			Pathos	12%	Simile	35%
			Ethos	63%	Repetition	3%

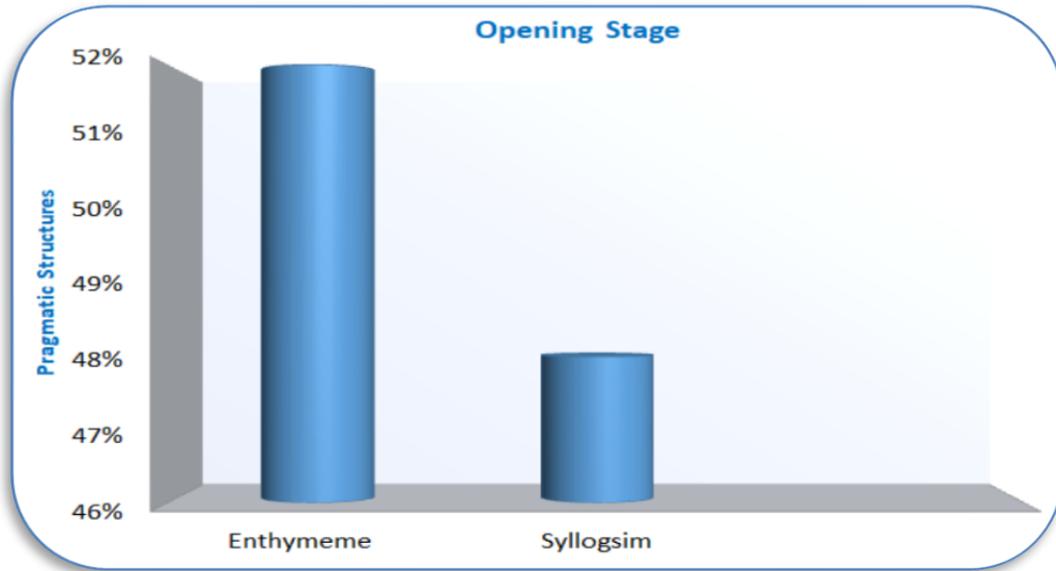


Fig.(11) Pragmatic Structures in Situation Two in Opening Stage



Fig.(12) Rhetorical appeals in Situation Two at the Opening Stage

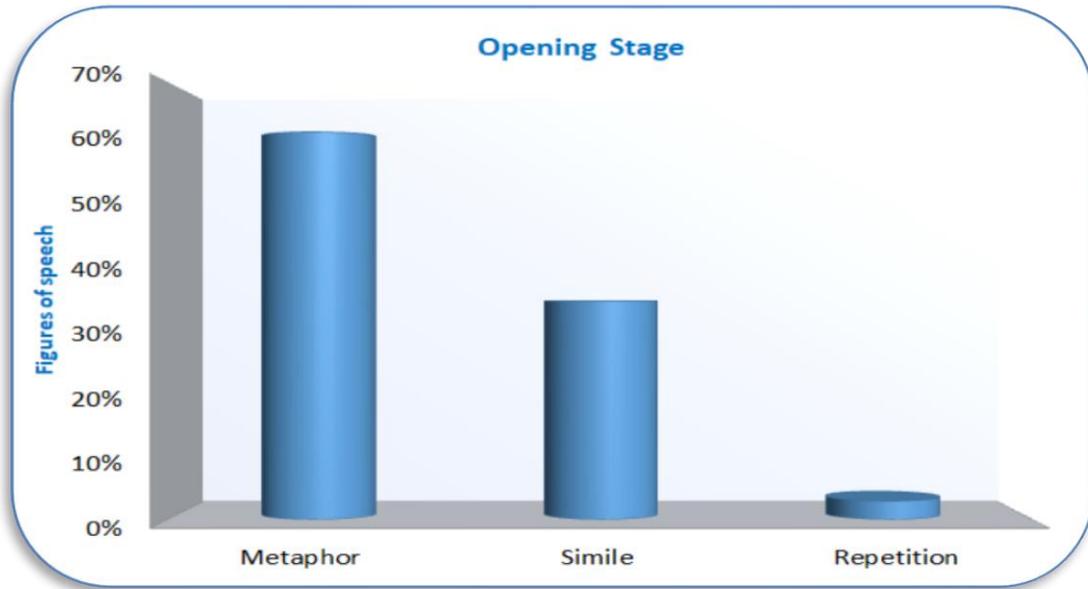


Fig.(13) Figures of speech in Situation Two in Opening Stage

While in Situation Three 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 (7) Opening stage in Situation Three .

		Situation Three				
		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%

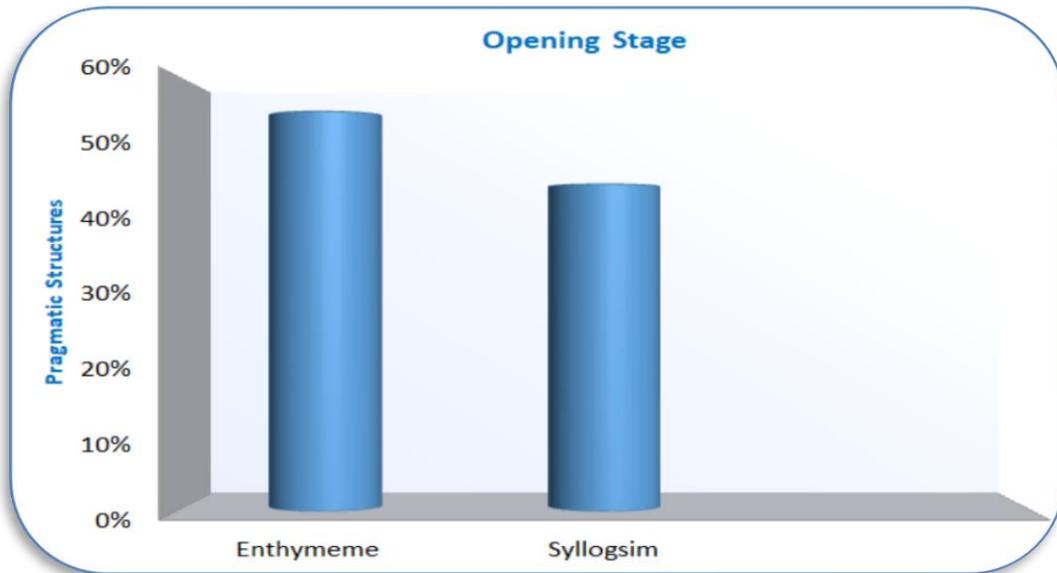


Fig.(14) Pragmatic Structures in situation Three

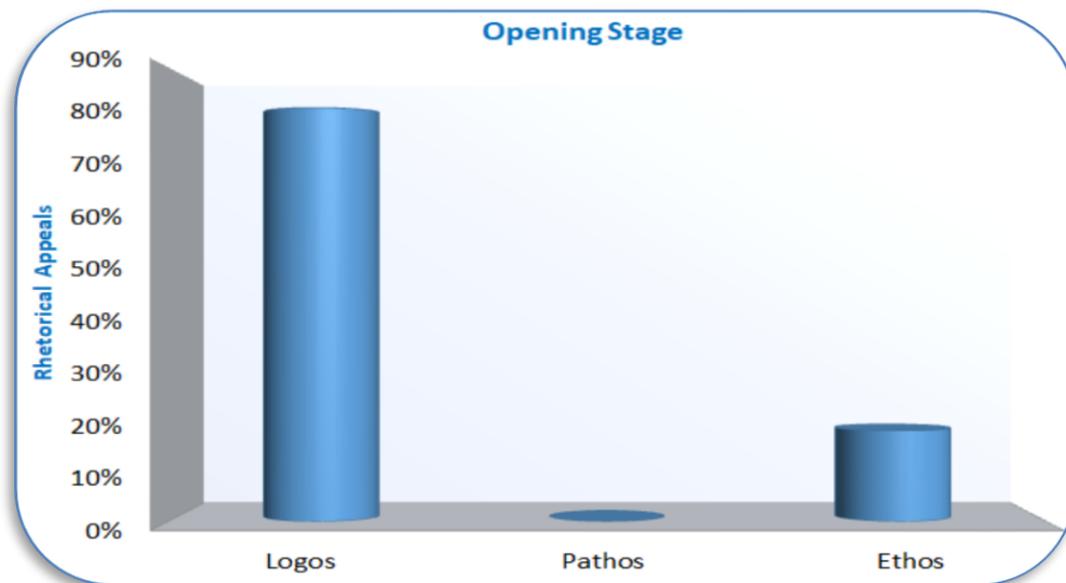


Fig.(15) Rhetorical Appeals in Situation Three

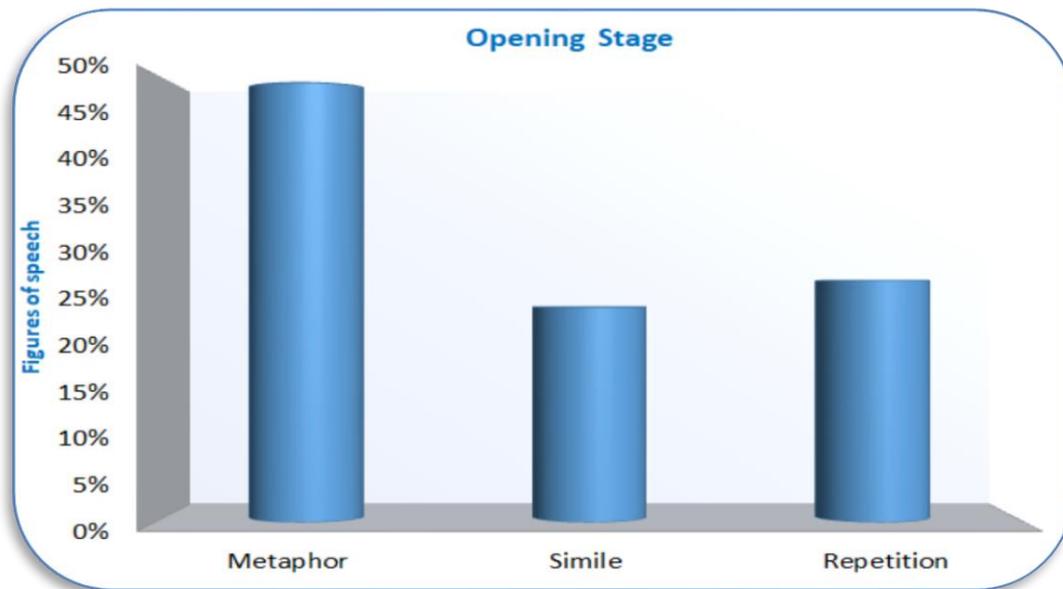


Fig.(16) Figures of Speech in Situation Three .

In Situation Four the opening stage it scores (34%) for pragmatic structures , (51%) for syllogism and (49%) for enthymeme .Pragma-Rhetorical Strategies scores (66%) , (45%) for rhetorical appeals which scores (33%) for Logos , (39%) for pathos and (28%) for ethos . and (55%) for figures of speech , metaphor (60%) , simile (40%) and (0%) for repetition .

Table (8) Opening stage in Situation Four

		Situation Four				
		Pragmatic Structures	Pragma-Rhetorical Strategies			
Opening Stage	34%	66%				
	Syllogism	Enthymeme	Rhetorical Appeals	Figures of speech		
	51%	49%	Logos	33%	Metaphor	60%
			Pathos	39%	Simile	40%
			Ethos	28%	Repetition	0%

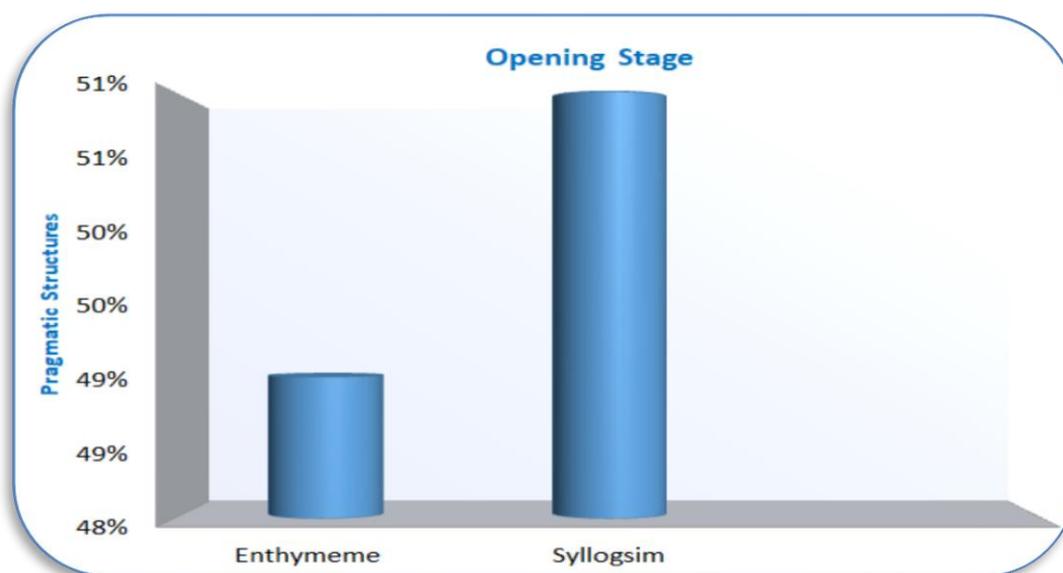


Fig.(17) Pragmatic Structures of Situation Four at the Opening Stage

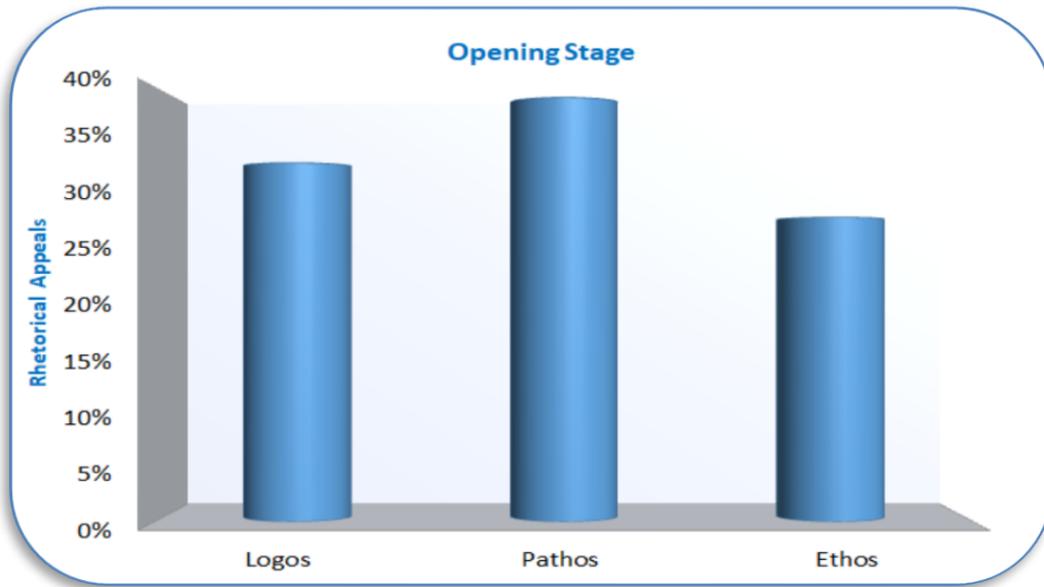


Fig.(18) Rhetorical Appeals of Situation Four at the Opening Stage .

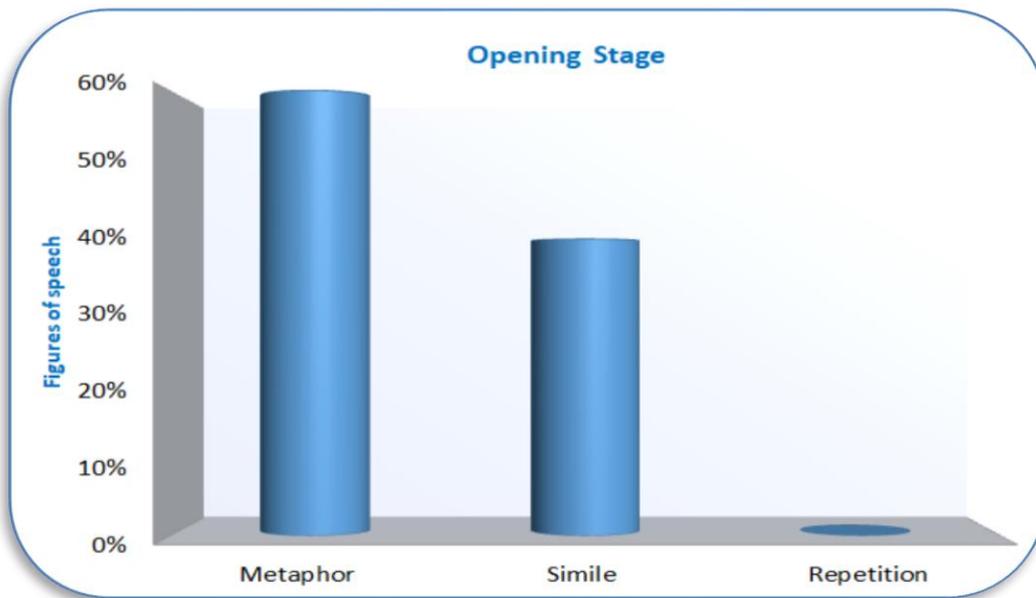


Fig.(19) Figures of Speech of Situation Four at the Opening Stage

4.3.2.1.2 Building Stage Analysis

Building stage is the dominated stage in every case that had been studied , since it is related to the attorneys when he establishes the main point of the case. They paint a complete picture of it by identifying the evidence, situations, and dates. situation two is the dominated in this stage in all situations it scores (42%) , in situation one building stage scores (27%) , in situation three Building stage scores (10%) and in situation four it scores (21%) .

Table(9)The distribution of Building Stage in American Criminal Cases.

Building Stage	Situation One		Situation Two		Situation Three		Situation Four	
		287	27%	446	42%	107	10%	214

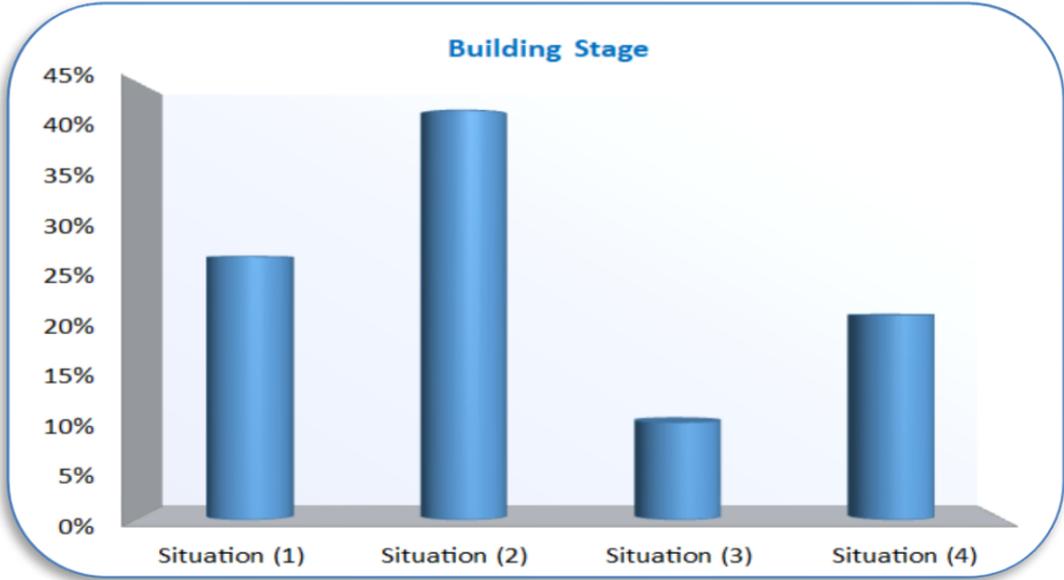


Fig.(20) Building Stage in American Criminal Cases .

Building Stage in Situation one is the second between the other situations , this indicates that the attorney in situation one introduce the case in an ordinary case way without giving a noticeable events that related to the case . It is very clear the difference between the cases in this stage , situation one and four are almost in the same range , the attorney presents only the main issues without presenting a strong evidence . Building stage in situation three is lowest , this reflects the weakness of the introduction of the attorney and the strategies that were used at the beginning is not as powerful as the other stages .

The Building stage in situation one scores (19%) for the pragmatic structures which involved syllogism (48%), on the other hand Enthymeme scores (52%) it is a supportive structure the attorney used it to continue what had been introduced in the syllogism structure .

Table (10) Pragmatic Structures in Building Stage in Situation One .

Building stage	Pragmatic Structures	
	Sylogism	Enthymeme
	48%	52%

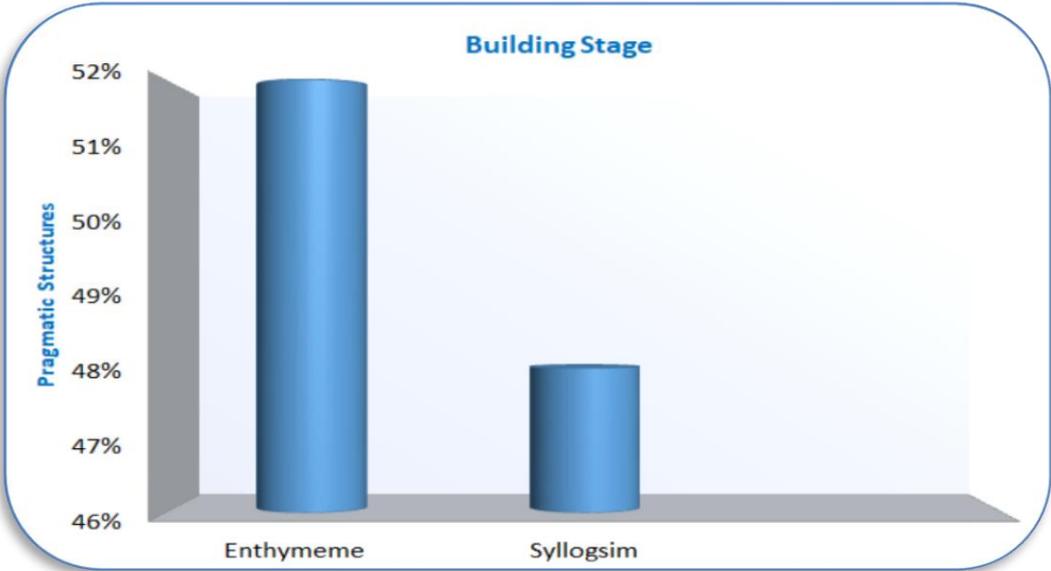


Fig.(21) Pragmatic Structures in Situation One at the Building Stage.

The Pragma-Rhetorical strategies at the building stage in situation one involved rhetorical appeals (52%) and figures of speech (48%) . Rhetorical appeals consist of three appeals , Logos (39%) , Pathos (44%) and Ethos (17%) . Figures of speech consist of Metaphor (53%) , simile (31%) and repetition (16%) .

Table (11) Pragma-Rhetorical Strategies in Building stage in Situation one.

Building Stage	Pragma-Rhetorical Strategies			
	Rhetorical Appeals 52%		Figures of speech 48%	
	Logos	39%	Metaphor	53%
	Pathos	44%	Simile	31%
	Ethos	17%	Repetition	16%

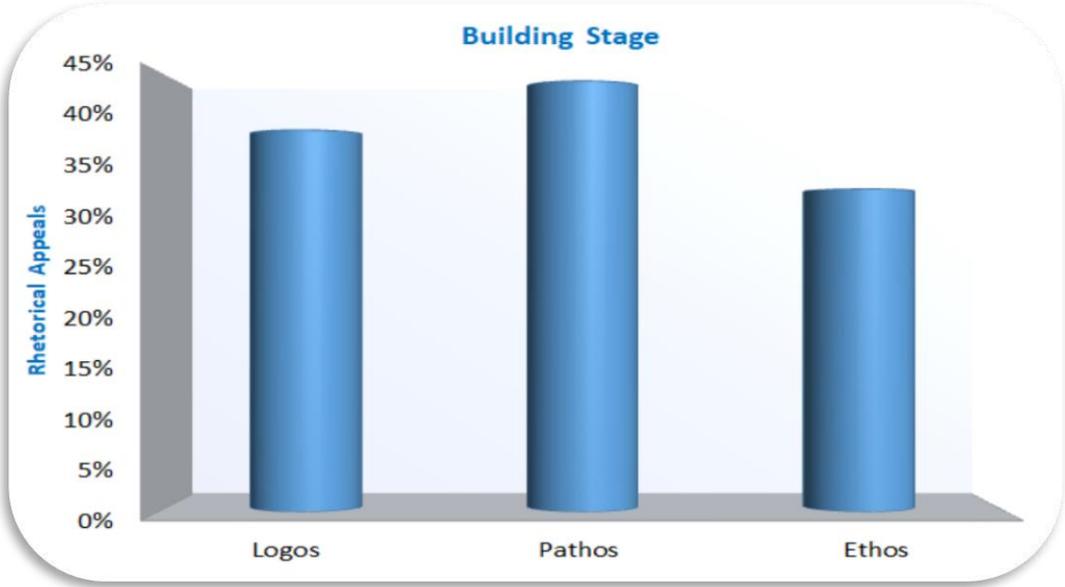


Fig.(22) Rhetorical Appeals at the Building Stage in Situation One .

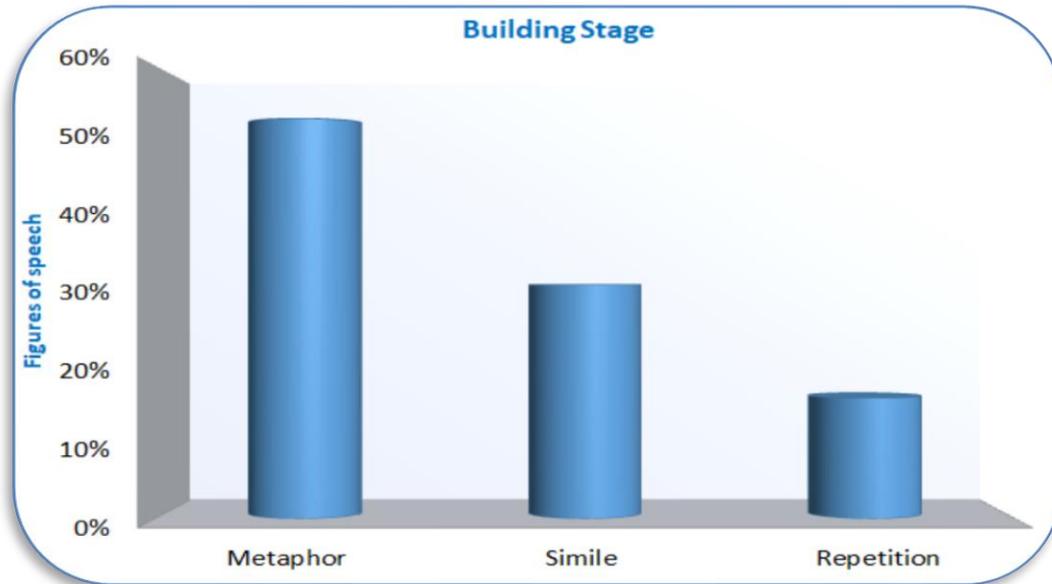


Fig.(23) Figures of Speech at the Building Stage in Situation One

Building stage in situation two involved Pragmatic Structures scores (24%) which involved Syllogism (49%) and Enthymeme (51%) . Pragma-Rhetorical strategies scores (76%). (48%) for Rhetorical Appeals , logos (38%) , Pathos (43%) and ethos (19%) . (52%) for Figures of speech . metaphor (48%) , simile (32%) and repetition(20%) .

Table (12) Building Stage in Situation Two

Building Stage	Situation Two					
	Pragmatic Structures 24%		Pragma-Rhetorical Strategies 76%			
	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
	49%	51%	Logos	38%	Metaphor	48%
		Pathos	43%	Simile	32%	
		Ethos	19%	Repetition	20%	

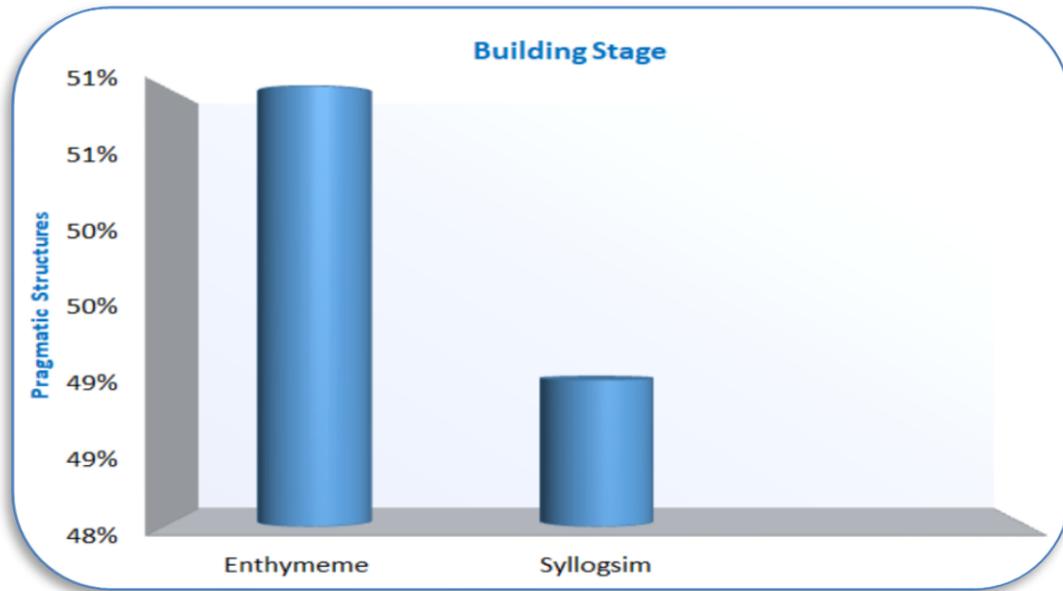


Fig.(24) Pragmatic Structures at the Building Stage in Situation Two.

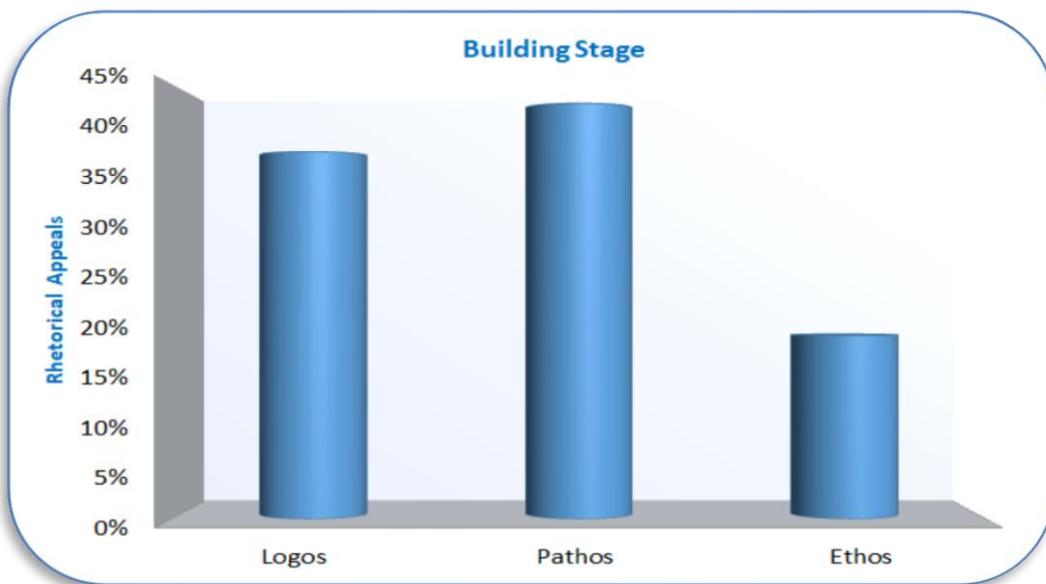


Fig.(25) Rhetorical Appeals at the Building Stage in Situation Two.

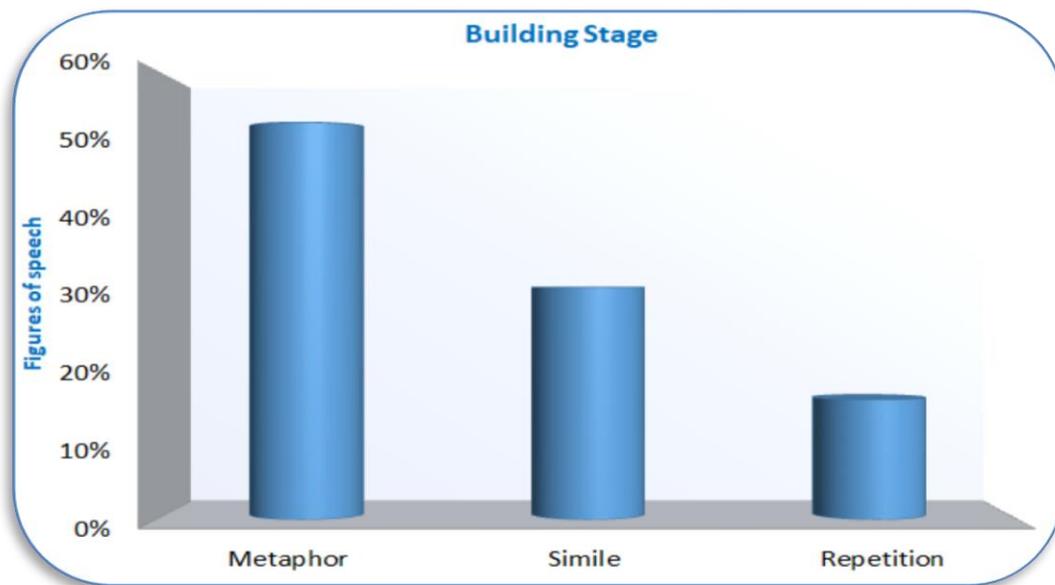


Fig.(26) Figures of Speech at the Building Stage in Situation Two.

Situation Three the building stage it scores (25%) for pragmatic structures , (53%) for syllogism and (47%) for enthymeme. Pragma-Rhetorical Strategies scores (78%) , (57%) for rhetorical appeals which scores (46%) for Logos , (1%) for pathos and (53%) for ethos . and (43%) for figures of speech , metaphor (49%) , simile (24%) and (27%) for repetition .

Table (13) Building stage in Situation Three .

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

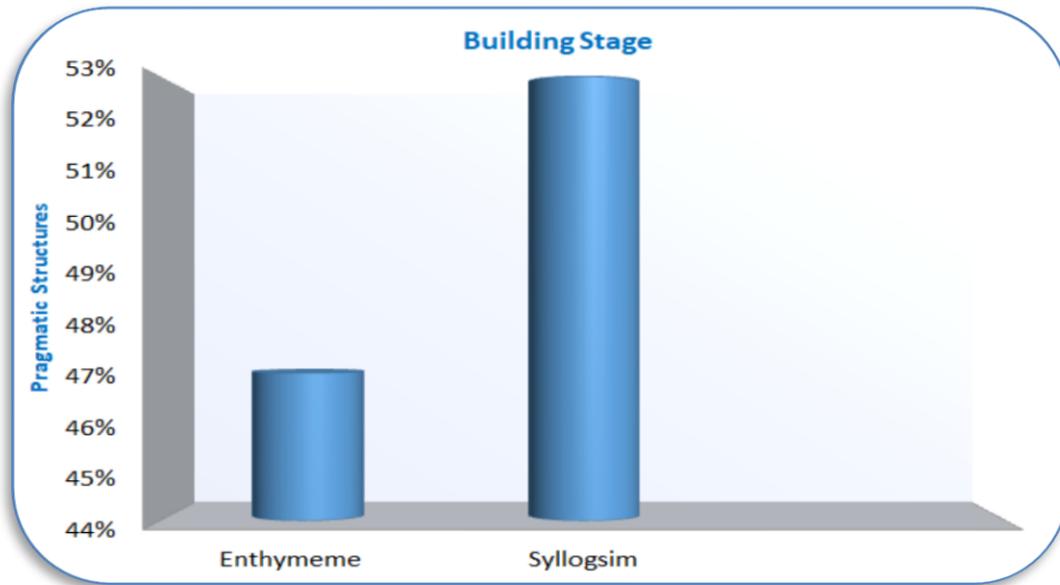


Fig.(27) Pragmatic Structures at the Building Stage in Situation Three.

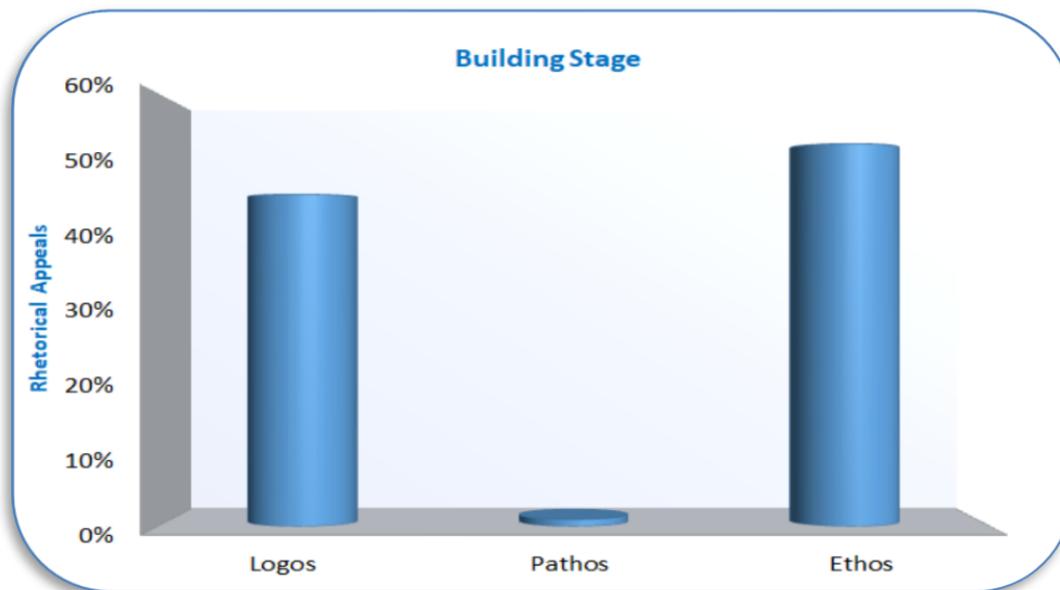


Fig.(28) Rhetorical Appeals at Building Stage in Situation Three .

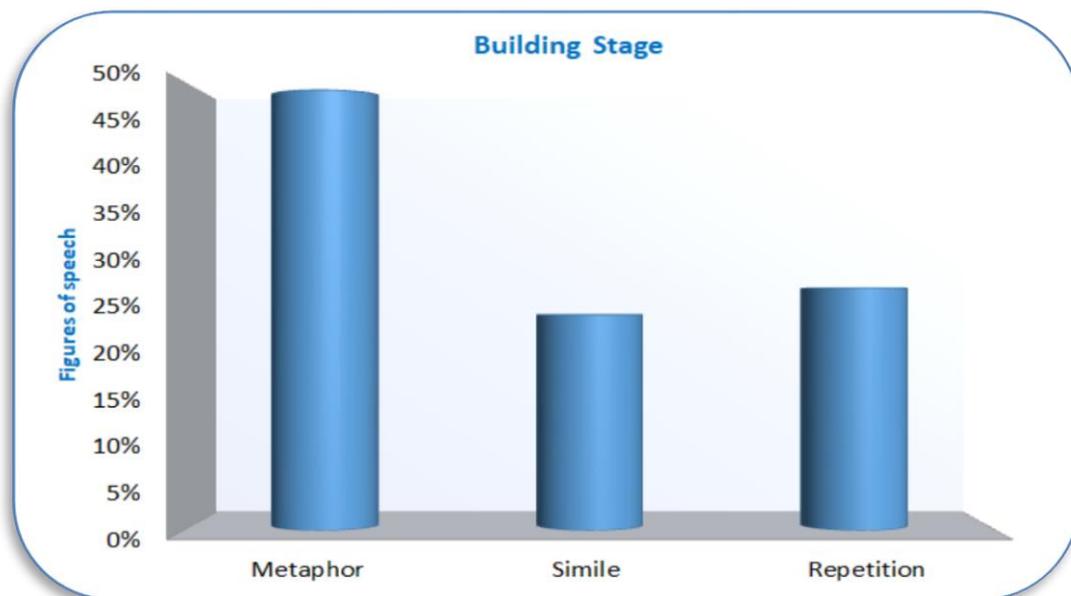


Fig.(29) Figures of Speech at the Building Stage in Situation Three .

In Situation Four the Building stage it scores (26%) for pragmatic structures , (59%) for syllogism and (41%) for enthymeme .Pragma-Rhetorical Strategies scores (84%) , (70%) for rhetorical appeals which scores (43%) for Logos , (31%) for pathos and (26%) for ethos . and (30%) for figures of speech , metaphor (67%) , simile (23%) and (10%) for repetition .

Table (14) The Distribution of Building Stage in Situation Four .

		Situation Four				
		Pragmatic Structures 26%	Pragma-Rhetorical Strategies 84%			
Building Stage	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
	59%	41%	Logos	43%	Metaphor	67%
			Pathos	31%	Simile	23%
			Ethos	26%	Repetition	10%

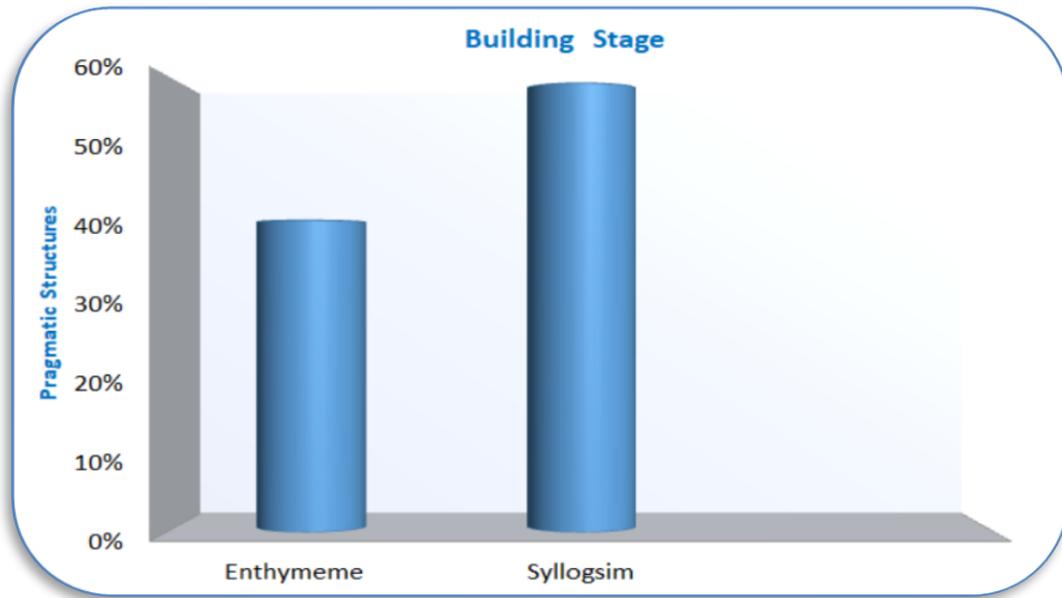


Fig.(30) Pragmatic Structures at the Building Stage in Situation Four .

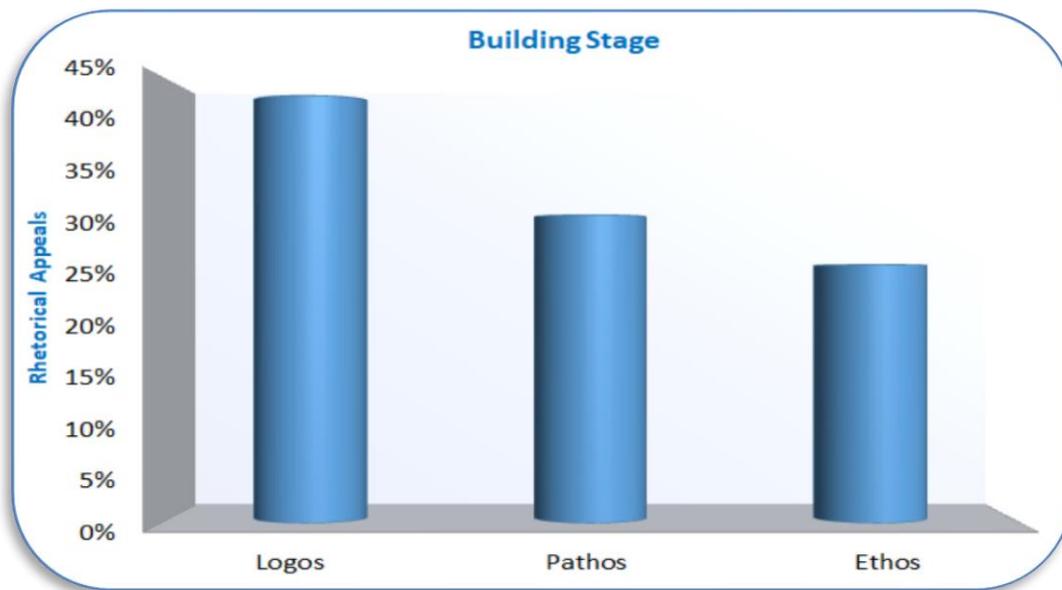


Fig.(31) Rhetorical Appeals At the Building Stage in Situation Four .

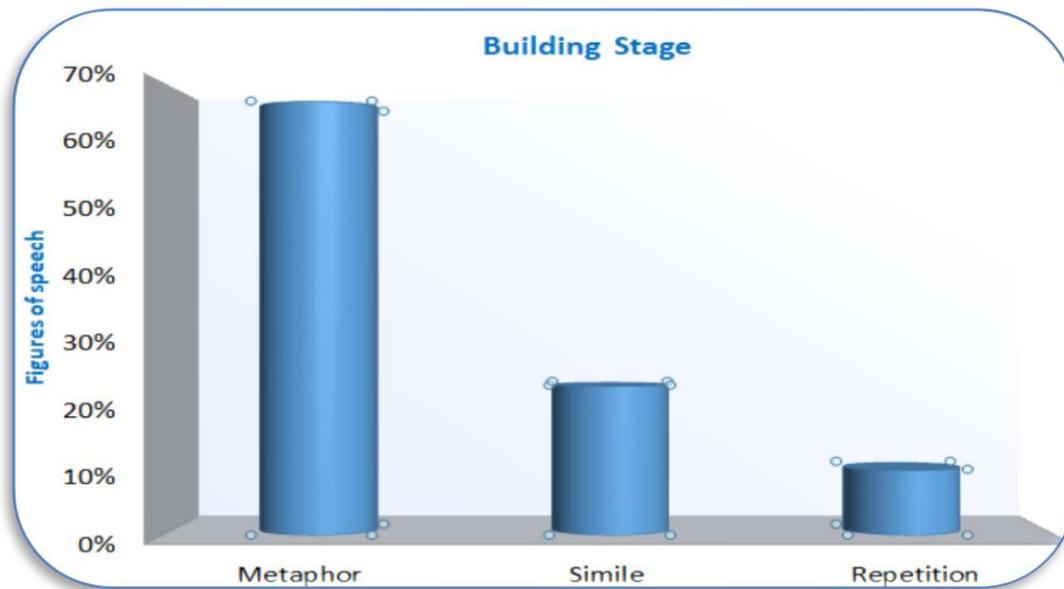


Fig.(32) Figures of Speech at the Building Stage in Situation Four.

4.3.2.1.3 Closing Stage Analysis

Closing stage is the second dominated stage in criminal cases that had been studied, since it is related to the results and the final sentence by the judge and the jury. It puts the final picture of it by identifying the whole situations. Besides this, the attorney can conclude, summarise, invite comments or likes, etc. situation one is the dominated in this stage in all situations it scores (42%), in situation two closing stage scores (27%), in situation three closing stage scores (10%) and in situation four it scores (21%).

Table(15)The distribution of Building Stage in American Criminal Cases.

Closing Stage	Situation One		Situation Two		Situation Three		Situation Four	
		134	18%	243	33%	209	29%	142



Fig.(33) Closing Stage in Criminal Cases .

Closing Stage in Situation one scores (18%) the lowest stage , this indicates that the attorney in situation one didn't comment on the final results .Situation two is the dominate one since the case was related to a racism issues so the exhibits and the crime was on the public in front of many people . Situation three and four are almost in the same range , the attorney presents only the final states without a noticeable or new ideas .

Closing stage in situation one scores (32%) for the pragmatic structures which involved syllogism (63%) and Enthymeme scores (37%) . Pragma-rhetorical strategies scores (68%) , (41%) for rhetorical appeals , logos (51%), pathos (30%) and ethos (19%) . Figures of Speech scores (32%) , metaphor (61%) , simile (28%) and (11%) for repetition .

Table(16) Distribution of Closing stage in Situation One

		Situation One					
		Closing Stage		Pragmatic Structures 32%		Pragma-Rhetorical Strategies 68%	
		Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
		63%	37%	Logos	51%	Metaphor	61%
				Pathos	30%	Simile	28%
				Ethos	19%	Repetition	11%

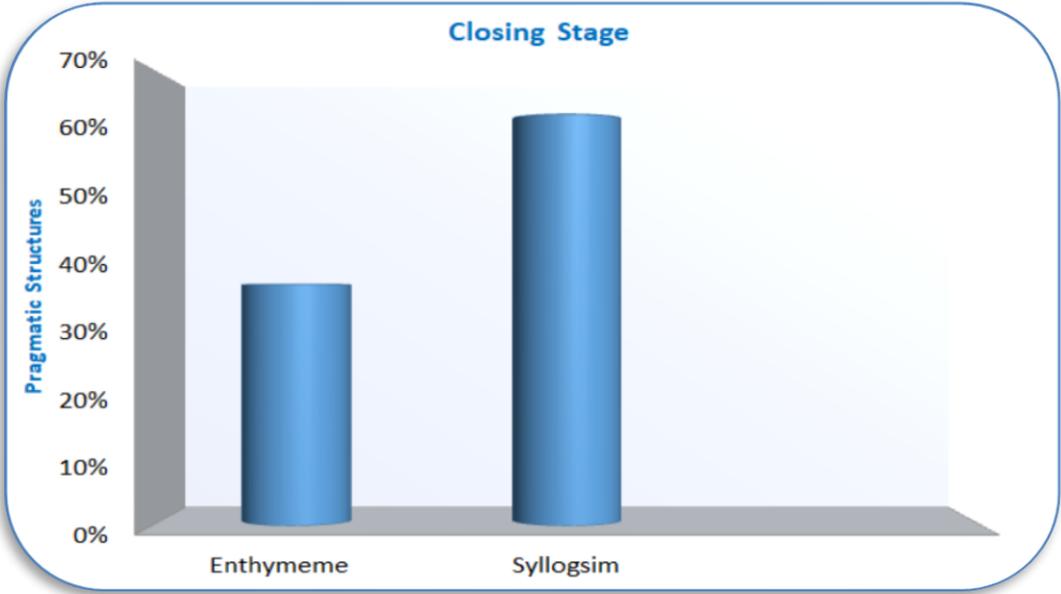


Fig.(34) Pragmatic Structures at the closing stage in Situation One

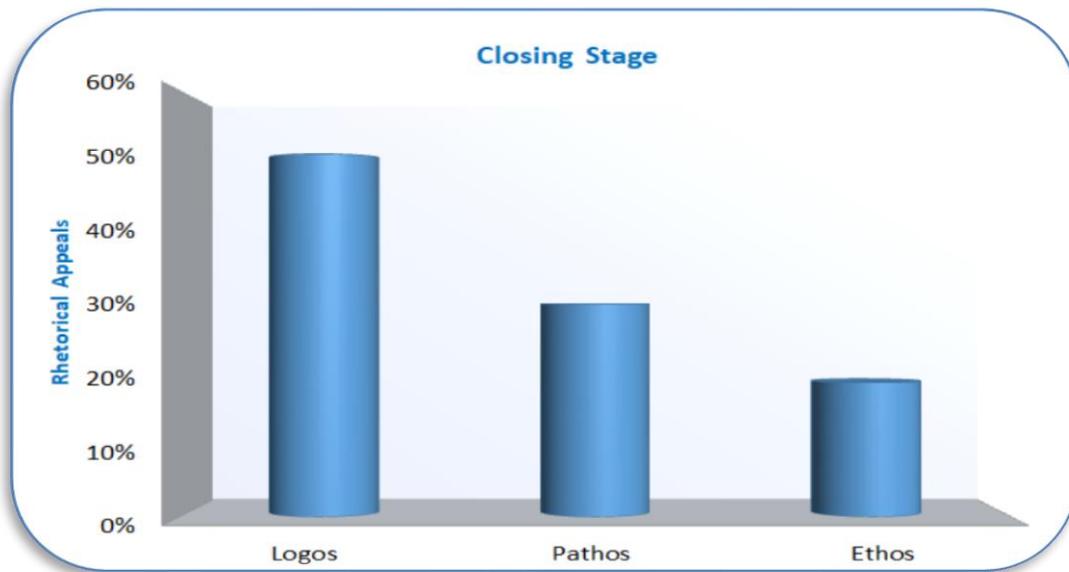


Fig. (35) Rhetorical Appeals at the closing stage in Situation One .

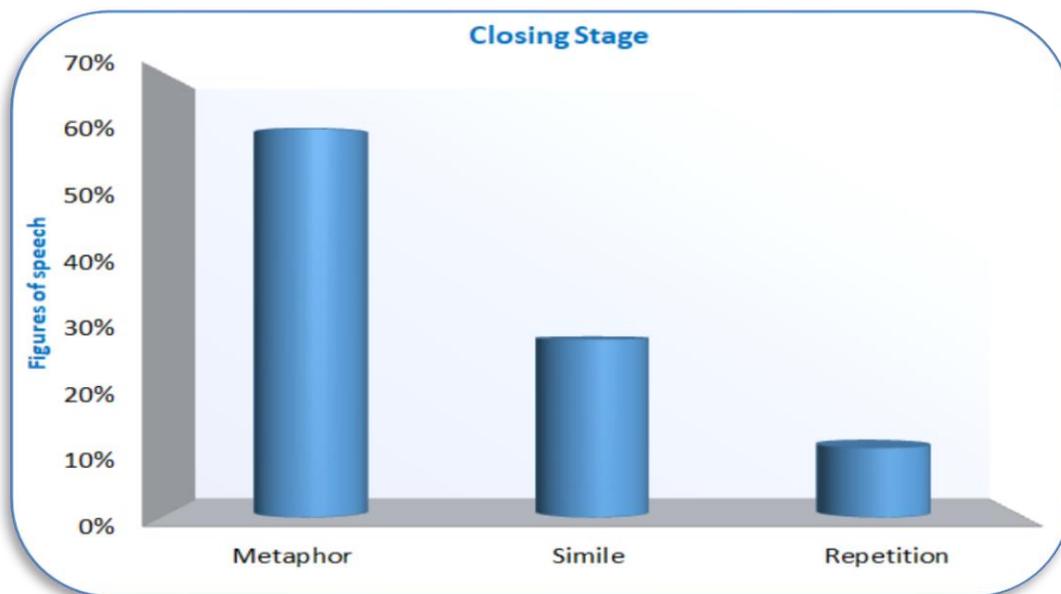


Fig. (36) Figures of speech at the closing stage in Situation One .

Closing stage in situation two involved Pragmatic Structures scores (20%) which involved Syllogism (67%) and Enthymeme (33%) . Pragma-Rhetorical strategies scores (80%). (50%) for Rhetorical Appeals , logos (46%) , Pathos (19%) and ethos (39%) . (50%) for Figures of speech . metaphor (63%) , simile (37%) and repetition(0%) .

Table (17) Closing Stage in Situation Two

		Situation Two					
		Pragmatic Structures 20%		Pragma-Rhetorical Strategies 80%			
Closing Stage		Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
		67%	33%	Logos	46%	Metaphor	63%
				Pathos	19%	Simile	37%
				Ethos	39%	Repetition	0%

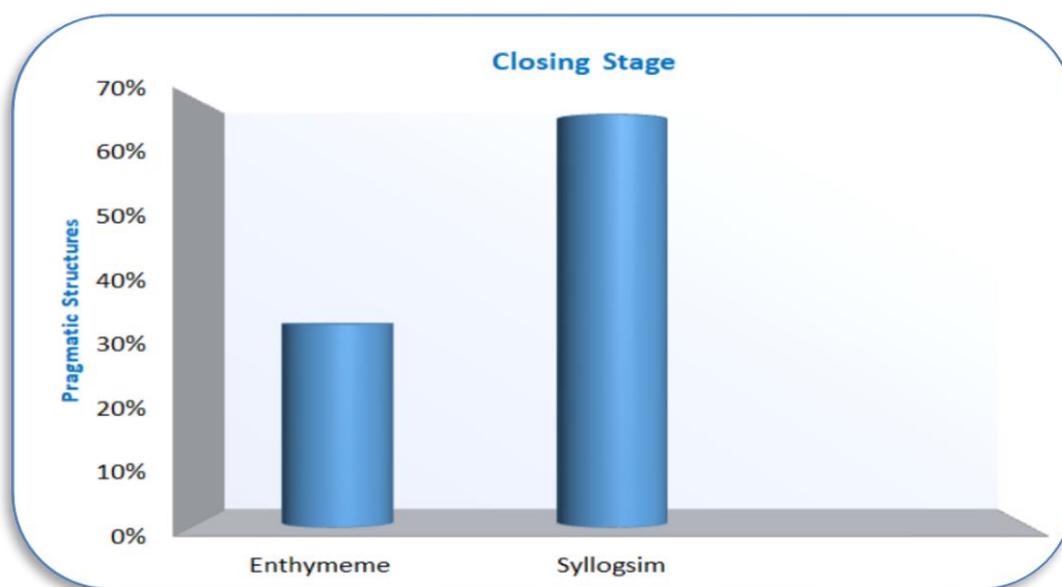


Fig. (37) Pragmatic structure in closing stage



Fig. (38) Rhetorical Appeals at the closing stage in Situation Two .

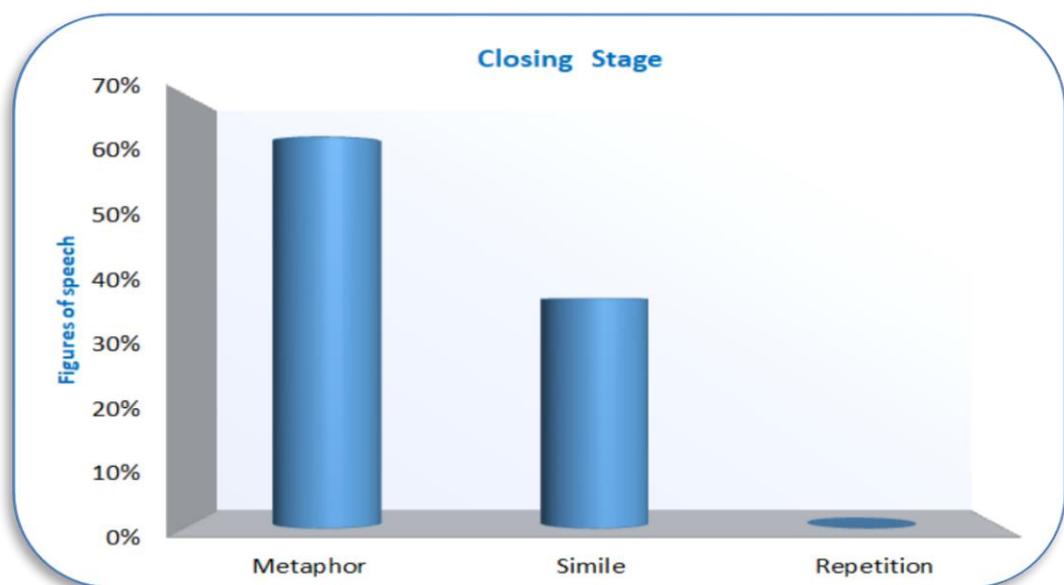


Fig. (39) Figures of Speech at the closing stage in Situation Two .

Situation Three the Closing stage it scores (19%) for pragmatic structures , (54%) for syllogism and (46%) for enthymeme. Pragma-Rhetorical Strategies scores (81%) , (49%) for rhetorical appeals which scores (45%) for Logos , (0%) for pathos and (55%) for ethos . and (51%) for figures of speech , metaphor (48%) , simile (30%) and (22%) for repetition .

Table (18) Building stage in Situation Three .

Closing Stage	Situation Three					
	Pragmatic Structures 19%		Pragma-Rhetorical Strategies 81%			
	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
	54%	46%	Logos	45%	Metaphor	48%
			Pathos	0%	Simile	30%
Ethos			55%	Repetition	22%	

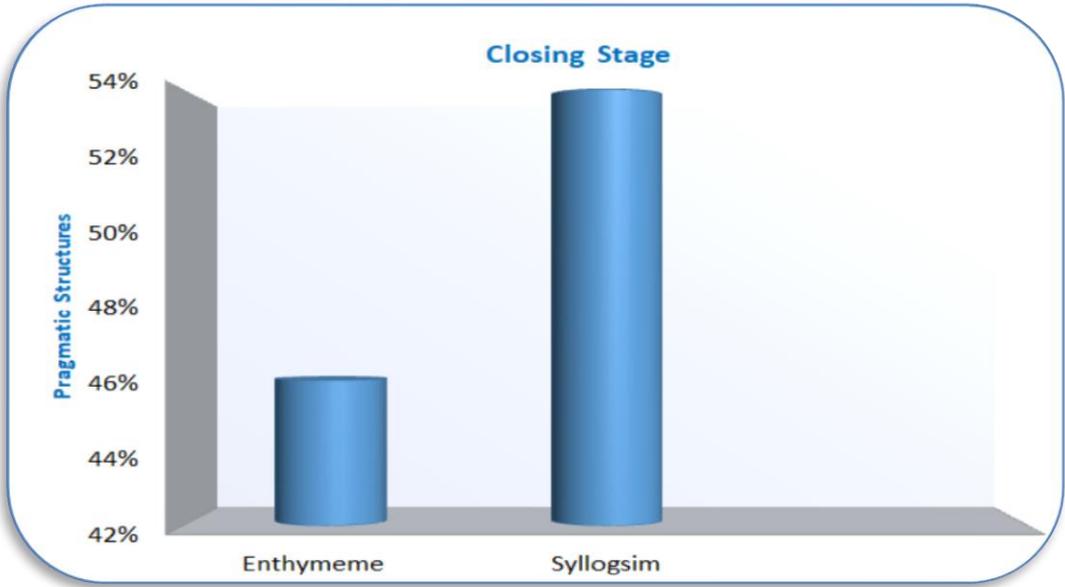


Fig. (40) Pragmatic Structures at the closing stage in Situation Three .

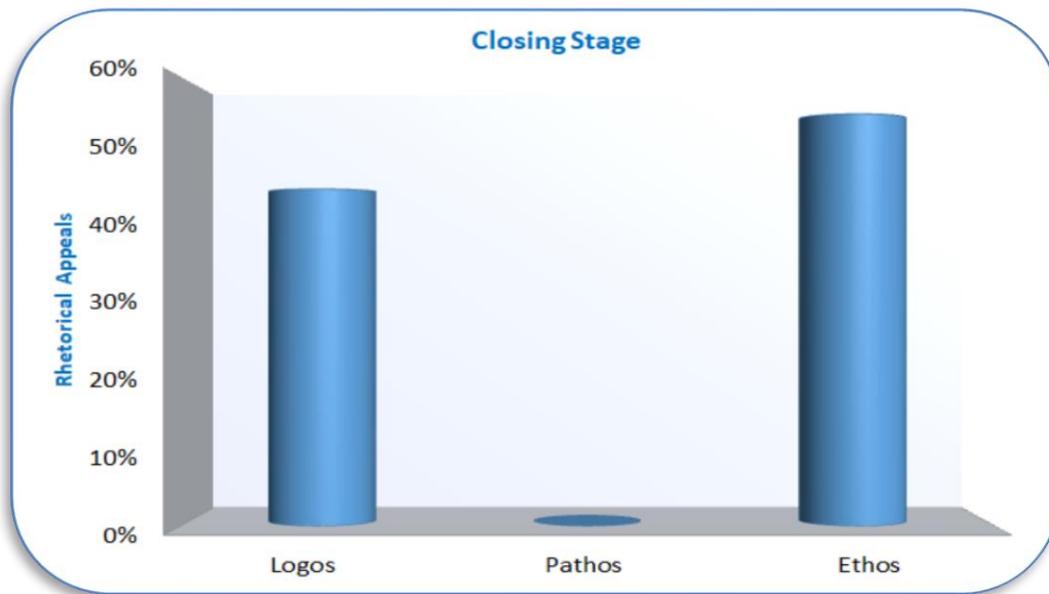


Fig. (41) Rhetorical Appeals at the closing stage in Situation Three .

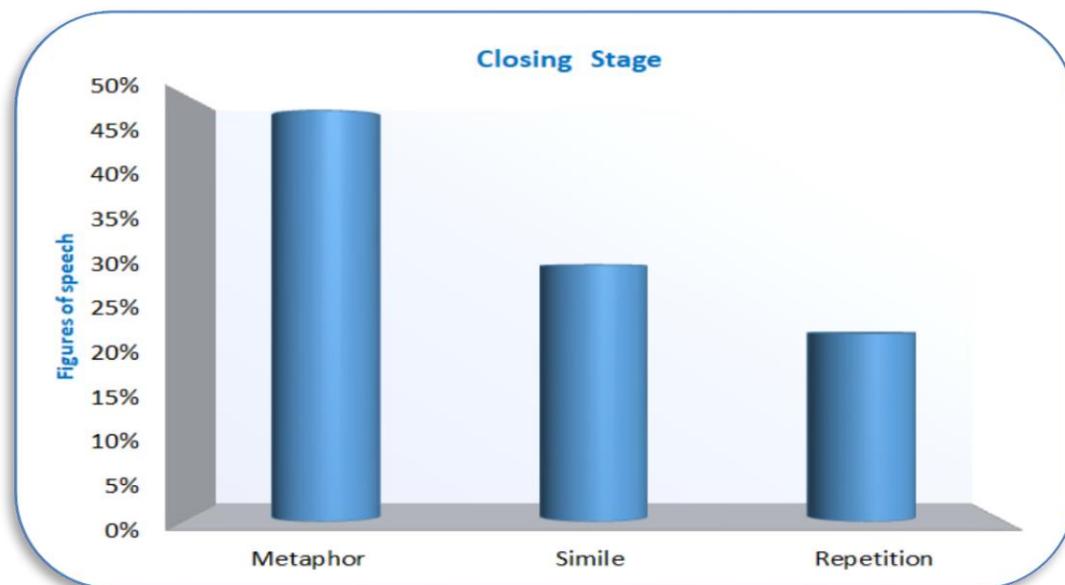


Fig. (42) Figures of Speech at the closing stage in Situation Three .

In Situation Four the closing stage it scores (54%) for pragmatic structures , (53%) for syllogism and (47%) for enthymeme .Pragma-Rhetorical Strategies scores (46%) , (36%) for rhetorical appeals which scores (0%) for Logos , (58%) for pathos and (42%) for ethos . and (46%) for figures of speech , metaphor (52%) , simile (31%) and (17%) for repetition .

Table (19) The Distribution of Closing Stage in Situation Four .

Closing Stage	Situation Four					
	Pragmatic Structures 26%			Pragma-Rhetorical Strategies 84%		
	Syllogism	Enthymeme	Rhetorical Appeals		Figures of speech	
	53%	47%	Logos	0%	Metaphor	52%
		Pathos	58%	Simile	31%	
		Ethos	42%	Repetition	17%	

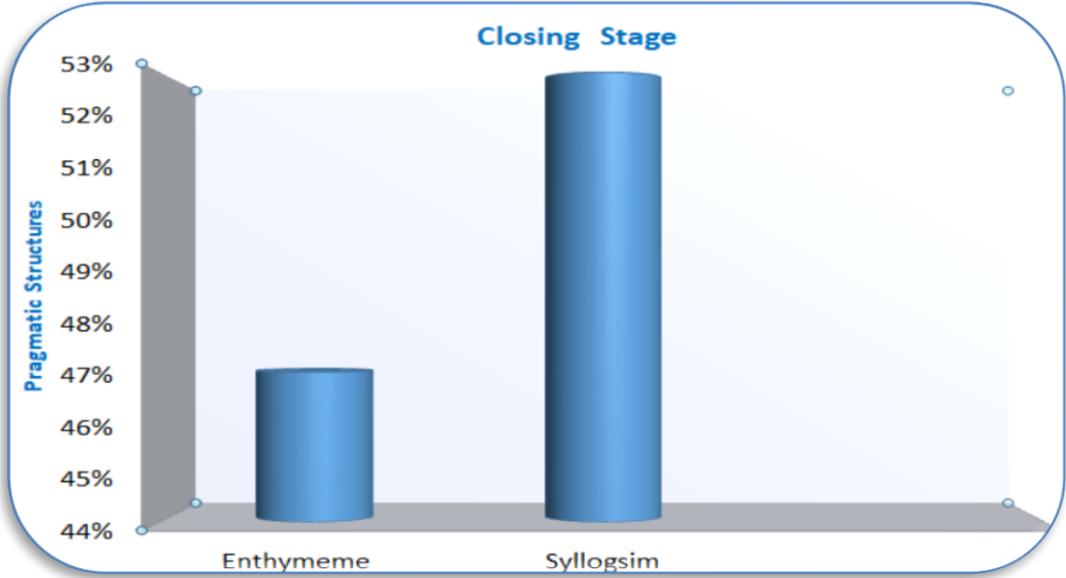


Fig. (43) Pragmatic Structures at the closing stage in Situation Four .

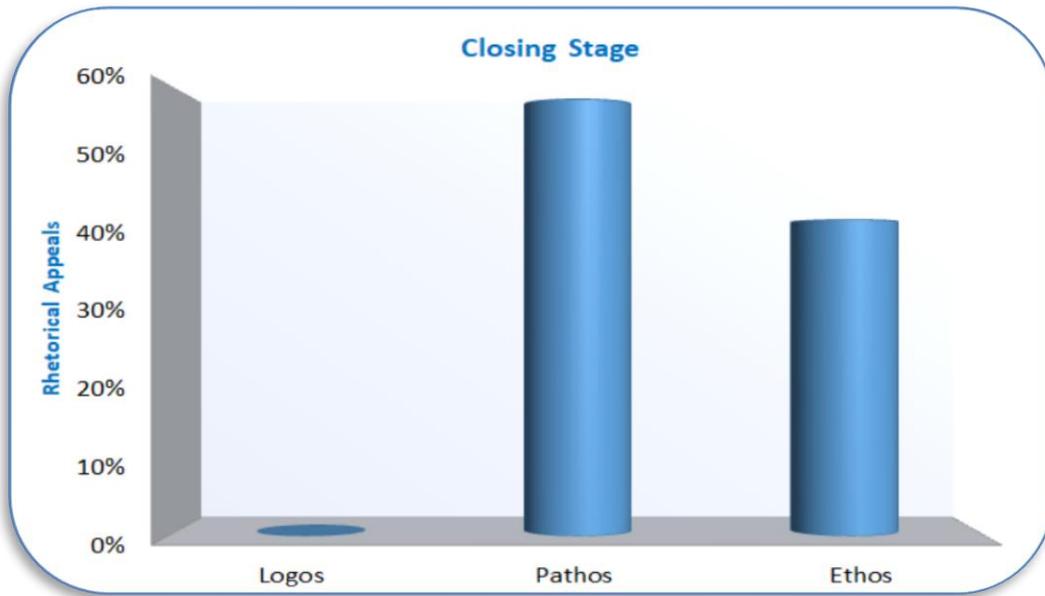


Fig.(44) Rhetorical Appeals at the closing stage in Situation Four .

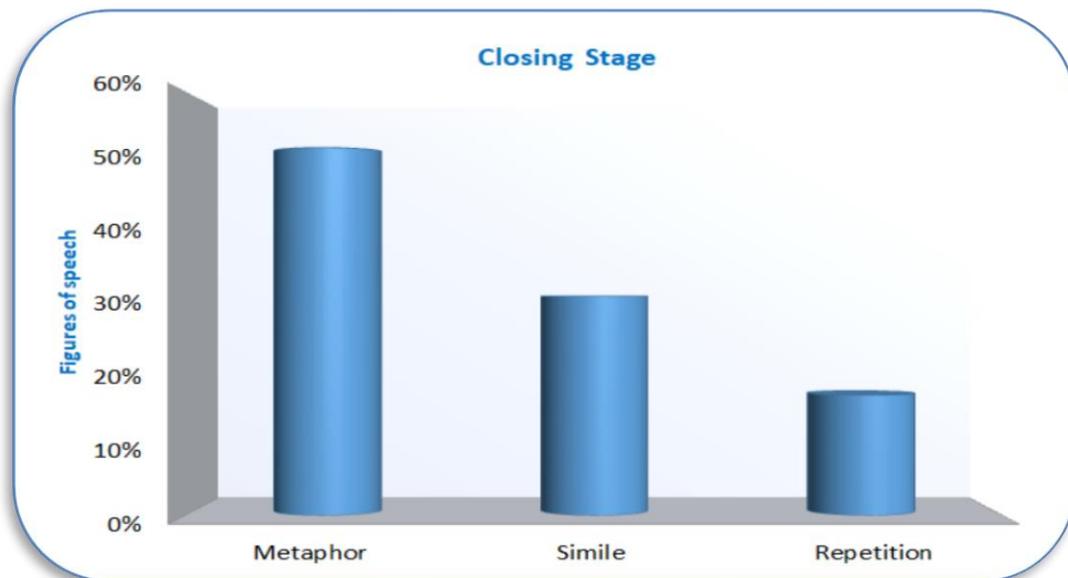


Fig.(45) Figures of Speech at the closing stage in Situation Four .

CHAPTER FIVE

Conclusions, Recommendations, and Suggestions for Further Research

5.0 Introductory Remarks

This chapter is devoted to presenting the final outcomes of this study. It puts forward the conclusions arrived at by the researcher; proposes related recommendations and suggests some titles for further research.

5.1 Conclusions

Based on the qualitative and quantitative analysis of the four criminal cases taken from the American supreme court , several conclusions, drawn in accordance with its aims and hypotheses are presented as follows:

1- The manifestation of persuasion depends fundamentally on two main rhetorical moves of persuasion : one for identifying the case and presenting it , and another for describing the case specifically the criminal cases .This is further confirmed by the statistical analysis. Therefore, this verifies the first hypothesis of this study which reads " Persuasion is the step that reveals the texts which typically have two main rhetorical moves: one for identifying the case and another for describing it."

2. To generate pragmatic structures ,there are two pragmatic structures :syllogism and enthymeme . Both of them are fulfilled in the selected cases. Throughout the trails , the attorney's conversational interaction assume that his speeches have been made of pragmatic structures ;they are used in each of the fourth selected extracts. Accordingly, the second hypothesis of this study which reads -" There are two pragmatic structures which are: Syllogism and Enthymeme . Syllogism is a subtle, specious, or crafty argument . Enthymeme is a rhetorical syllogism and is used in oratorical practice" is confirmed .

3. The rhetorical appeals are pragma-rhetorical strategies that classify a speaker's or writer's appeal to their audience. These include ethos, pathos, and logos . In most of the cases these appeals are realized , except in third case and in fourth case where logos and pathos are not realized in the closing stage. The third hypothesis which reads : "The rhetorical appeals , are strategies of rhetoric that classify a speaker's or writer's appeal to their audience. These include ethos, pathos, and logos" is partially confirmed .

4- Certain figures of speech are deployed all through these cases including : simile , metaphor and repetition. With little differences, repetition is the lowest which is found in the selected data; repetition is not found in the opening stage in the fourth situation and in the closing stage of the second situation. The fourth hypothesis which reads : Only certain figures of speech of speech are deployed in these cases : ,simile , metaphor and repetition". is partially confirmed .

5. Two different combinations of communications and counter communications have been used by the attorney through the trails , direct and redirect examination , that's when the attorney starts his inquiry with the witnesses . The fifth hypothesis which reads : Existential different functions that are used by American Attorney, which includes two different combinations of communications and counter communications, which are a direct, and redirect examination. "is confirmed .

5.2 Pedagogical Recommendations

It is recommended that:

1. As a form of communication, teachers should direct their students' attention towards principles of court trials to help them consolidate their awareness of how persuasion could be finalized by concentrating on the utmost means that help in pursuing such an objective.

2. Students should be aware of the fact that various genres need to be studied to investigate rhetoric married to several pragmatic structures resulting in pragma-rhetorical strategies to achieve several functions of persuasive ends.

3. Textbooks designers are recommended to pay more attention to persuasion to provide students with enough description of the general characteristics, pragmatic strategies, and functions of such a phenomenon.

5.3 Suggestions for Further Research

The findings of this study could be reinforced by the following suggestions for further research:

1. Carrying out a critical pragma-rhetorical study of persuasion in American criminal proceedings .

2. Conducting a socio- pragmatic study of persuasion in American criminal proceedings .

3. A semantic study of Persuasion in American criminal proceedings .

4. A Pragmatic Study of persuasion in American criminal proceedings.

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