Highlighting Audience Presence in the Legal Discourse of Opening Statements and Closing Arguments

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Summary:

The objective of the study is to investigate the linguistic elements at the disposal of defense and prosecution attorneys when highlighting the presence of the courtroom audience. Drawing upon the engagement categories in Hyland's (2005, 2008 and 2019) framework of stance and engagement, this study examined the transcripts of twenty four opening statements and closing arguments delivered by defense and prosecution attorneys in six prominent American trials. The findings have shown that prosecution and defense attorneys adopt similar strategies to interact with the courtroom audience; however the density of these strategies varies.

1 .Introduction

The concept of audience is widely recognized as being difficult to define (Hyland, 2019). According to certain analysts, the term audience refers to actual individuals who exist outside of the written text, and the writer must take them into account and adapt accordingly (Park, 1986; Adel, 2006). However, for other analysts, the audience is a concept that is represented through the writer's rhetorical decisions (Kirsch and Roen, 1990). It is quite obvious that the aforementioned two perspectives, along with numerous others, have primarily focused on audience in relation to written discourse. Due to the inherent agency of writers in constructing their audience depending on their familiarity with prior texts in comparable contexts, as well as their understanding of the readers' capacities, it becomes evident that the audience is an elusive and ever-changing entity, devoid of a definitive and fixed existence (Hyland, 2019).