

**تحليل عملي للدفاع في قاعات المحاكم الأمريكية: محاكمة هيرد  
وديب كدراسة حالة**

**A Pragmatic Analysis of Defense in American  
Courtroom: Heard and Depp's Trial as a Case Study**

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**Keywords:** Argument, Courtrooms, Defense mechanisms, Presuppositions, Speech acts.





## المخلص

يمكن تعريف الدفاع بأنه الحجة التي يقدمها المدعى عليه لإقناع الجمهور بها. ويدل على إنكار التهمة أو تجنبها أو تبادلها. وبالتالي، يتطلب الدفاع القوي استخدام آليات مختلفة لمواجهة الحجة المعارضة بشكل فعال. تهدف الدراسة الحالية إلى: (١) التعرف على آلية الدفاع المستخدمة بكثرة في قاعات المحكمة؛ (٢) اكتشاف الأفعال التفظية المستخدمة بكثرة (التعبيرات) في طرح حجة الدفاع؛ (٣) تحديد طرق الإقناع الأكثر استخدامًا لتعزيز الحجة ونقلها لصالح المدعى عليه؛ (٤) التحقيق في الأنواع الرئيسية من الافتراضات (في هذه الحالة، الواقعية وغير الواقعية والمضادة) التي قدمها المدعى عليه لدعم حجته وجعل الافتراض الذي يميل إليه. ولتحقيق الأهداف المذكورة أعلاه، تقترض الدراسة ما يلي: (١) الإنكار هو آلية الدفاع المستخدمة بشكل متكرر من بين آليات أخرى؛ (٢) فعل الإنكار الحازم هو فعل الكلام المتكرر للغاية الذي يستخدمه المدعى عليه؛ (٣) الشعارات، باعتبارها جاذبية مقنعة، يتم تسجيلها بشكل كبير في قاعات المحكمة؛ (٤) في المقابل، يتم استخدام الافتراض الواقعي بشكل كبير من قبل المدعى عليه لمساعدة الجمهور في الوصول إلى بعض الاستنتاجات المنطقية. أهم الملاحظات الختامية التي توصلت إليها الدراسة الحالية هي: (١) الإنكار، كآلية دفاع، هو الأكثر استخدامًا لأنه استجابة فطرية للإنسان للدفاع عن نفسه؛ (٢) تكثر الألفاظ من حيث ثلاثة أفعال هي الاحتجاج والشكوى والمدح في مقابل اثنين جازمين بالإنكار واللوم؛ (٣) يعتبر الاستئناف الروحي هو الطريقة الأكثر شيوعًا للإقناع في قاعات المحكمة ويتم تسجيله بشكل كبير لإقناع الطرف المعارض؛ (٤) يكثر استخدام الافتراضات الواقعية في المحاكم لصالحيتها لوضع افتراضات تثبت صدق ما لم يقال.

## Abstract

Defense can be defined as an argument set by the defendant to persuade the audience with. It indicates denial, avoidance, or exchange of the charges. Thus, a strong defense demands the utilization of various mechanisms to encounter an opposing argument effectively.

The current study aims at: (1) Identifying the highly used mechanism of defense in courtrooms; (2) Finding out the highly used illocutionary acts (assertives or expressives) in putting forward a defense argument; (3) Pinpointing the most used persuasion appeals (ways) to enhance an argument and move it to the favor of the defendant; (4) Investigating the main types of presupposition (in this case Factive, and Non-Factive and counterfactual) made by the defendant to support his/her argument and make the assumption he/she tends to.

To achieve the aforementioned aims, the study hypothesizes that (1) Denial is the frequently used mechanism of defense among others; (2) Assertive act of denying is the highly frequent speech act used by the defendant; (3) Logos, as a persuasive appeal, is highly recorded in courtrooms; (4) Defendant highly utilizes correspondingly, Factive presupposition to assist audience reach some logical conclusions.

The most essential concluding remarks found in the current study are: (1) Denial, as a defense mechanism, is the most frequent one to use since it is an innate response to a human being to defend himself/herself; (2) the expressives are frequently used in terms of three acts that are protesting, complaining, and praising in return to two assertive of denying and blaming; (3) Ethos appeal is the most common way of persuasion in courtrooms and it is highly recorded to convince the opposing party; (4) Factive presupposition is highly used in courtrooms due to its validity to set presupposition that proves the truthfulness of what's unsaid.



## 1. Introduction

Pragmatics is a linguistic discipline that tackles the use of language in context. It focuses on the acts performed by the speaker/writer while using language or the assumptions that direct the hearer/reader to infer or form a full understanding of spoken or written texts. That is to say, it tackles the speaker's/writer's intention.

Legal language is the language used inside courtrooms by a judge, jury, attorney, defendant, or prosecution that differs from ordinary language used outside the court.

A strong defense, as an argument, requires the use of various mechanisms to counter opposing points of view effectively. An argument is a product, that is based on three premises:

Claim → Data → Warrant

In these terms, the current study raises many questions that need to be answered throughout the work

- 1) What is the highly used mechanism of defense in American courtrooms?
- 2) Which illocutionary act is highly used by the defendant?
- 3) On which appeal of persuasion does the defendant rely in presenting her/his argument?
- 4) What type of presupposition is the most frequently used by the defendant to suggest an inference for the opposing sides?

### **The study aims at:**

- 1-Identifying the highly used mechanism of defense in American courtrooms.
- 2-Finding out the highly used illocutionary act in defendant standpoint.
- 3-Pinpointing the most adopted appeal of persuasion to reinforce an argument and move it for the favor of the defendant.
- 4-Investigating the main types of presupposition set in a defendant's proposition to put forward a conclusion.

### **This study hypothesizes the following:**

1. Denial is the most common defense mechanism used in American courtrooms.
2. Correspondingly, the assertive act of denying is the highly frequent illocutionary acts used with the respect to defense.
3. Logos is highly recorded persuasive appeal in courtrooms to convince the opposing party.
4. Factive presupposition is highly utilized by defendant to put forward a logical inference.



### **The procedures followed in this study are**

- 1-Presenting the literature related to argument and pragmatics.
- 2-Collecting data from a website (as scripts of the trial) then analyzing them by means of an eclectic model.
- 3-Analyzing the data in question both qualitatively and quantitatively.
- 4-Discussing the findings of the analysis.
- 5-Drawing some concluding remarks.

This study is limited to investigating the means of defense (mechanisms) and its pragmatic structure in American courtrooms. The data in question is the trial of Johnny Depp and his ex-wife Amber Heard. Four extracts are selected for the defendant.

## **2.Literature Review**

### **2.1 Pragmatics**

According to Robin (1964), pragmatics is defined as the study of phenomena that pertains to meaning and revolves around various aspects of speech situations. Leech (1983:13-14) defines pragmatics as the study of meanings in connection to speech situations, and that pragmatics involves solving problems from both the speaker's and listener's perspectives; it also covers how to speak in a certain scenario and further lays the route to identify a central principle that applies regardless of whether the topic is pragmatic or semantic. Whether the topic is pragmatic or semantic. The study of pragmatics focuses on the variables that control language use, allowing us to select words from a variety that will suit our needs and those of others in social situations. Thus, sound patterns and the meaning we are creating by presenting the vocabulary through the planned method as a means of communication are pragmatic elements that influence our choice of grammatical structure (Crystal, 1987).

Wijana (1996) stated that Pragmatics is a branch of linguistics that analyzes the external meaning of language units based on their context. According to Levinson (2008: 507) "Pragmatics is the study of those relations between language and context that are grammaticalized or encoded in the structure of language". According to the expert explanation before, pragmatics is a branch of linguistics that studies language usage and the meaning of communication in context between speakers and listeners.

### **2.2 Searle's Speech Act Theory**

Searle's ground-breaking work was called *Speech Acts: An Essay in the Philosophy of Language*. Searle (1969) proposed the speech act, which was later developed through subsequent publications. Searle, like Austin, distinguishes "illocutionary acts" as "complete" speech acts and "perlocutionary acts" as the effects of illocutionary acts on listeners. Austin distinguishes between "utterance acts" (or "Phatic Acts") and "propositional acts" (which relate to and predicate). However, Searle



disagrees with Austin's distinction between locutionary and illocutionary acts (Searle, 1969).

Speech acts theory is the study of how to do things using words, in other words, Speech acts are utterances used by a speaker to perform actions. The fundamental tenet of this theory is that speaking is acting (Searle, 1979).

Searle's taxonomy of speech acts is based on a robust conceptual foundation, it continues to be the most influential one. It makes an effort to develop, support, and schematize the initial Austinian one.

### **Illocutionary acts are divided into five macro groups by Searle**

1. **Assertives:** The purpose of this class is to declare if an expression is true or false in a true-false dimension. In order to make the words match the world, it highlights the speaker's convictions and beliefs. The reason assertions are named as such is that they express opinions regarding a certain situation in the world. The verbs that characterize this class are; deny, blame, state...etc.
2. **Directives:** These speech acts, as the name implies, indicate the speaker's wish or desire to direct the hearer to do or not do something. The direction of the fit is from world to words. Directives cause events to occur that modify the world in accordance with the speaker's wishes. The verbs in this class are command, request, urge, ...etc.
3. **Commissives:** These forms of Speech Acts obligate the speaker to take some future action. The direction of fit is world-to-words The verbs that indicate this type of Speech acts are; promise, vow, pledge, ...etc.
4. **Expressives:** These Speech Acts reflect the speaker's psychological condition and emotions. In performing those Speech Action, the speaker is not striving to make the world match the words or vice versa, but rather expressing the truth itself. There is no direction of fit because the expression is mostly subjective and tells nothing about the world. Expressive verbs are; protest, complain, praise, ...etc.
5. **Declaration:** These Speech Acts affect the situation of the world. If declarations are made properly, various changes can occur. To successfully conduct this speech act, the speaker must have a unique institutional role in a specific environment. Fit works in two directions: words-to-world and world-to-words. The verbs that go under this class are: declare, approve, appoint, ...etc.

### **2.3 Presupposition**



According to Yule (1996), presupposition refers to a speaker's assumption about the situation before speaking. Meanwhile, Huang (2007) defines presupposition as an inference or statement that is assumed to be true when a sentence is spoken. Presupposition is closely associated with speakers, not sentences. Grundy (2008) defines presupposition as the background information required for an appropriate utterance, which the addressee accommodates.

Yule (1996) provides the following examples of presuppositions or triggering elements:

#### **A. Factive presupposition**

Factive presupposition refers to the assumption that something is true based on the existence of certain words, such as "know," "realize," "be glad," "be sorry," "regret," "aware," "odd," etc., e.g., I regret telling her > I told her

#### **B. Counterfactual presupposition**

Counterfactual presupposition implies that what is assumed is not merely false but also contradictory to reality. e.g., If you were not short, you would have become a pilot > you are short.

#### **C. Existential presupposition**

Existential presupposition assumes the existence of entities named by the speaker. It is characterized by the usage of noun phrases and possessive construction. e.g., Ali is a teacher > there is a teacher.

#### **D. Lexical Presupposition**

Lexical Presupposition is when a speaker uses a word with the expectation that it will be perceived differently. The use of "stop", "start", and "again" implies an unstated concept. e.g., she stopped playing > she used to play.

#### **E. Structural presupposition**

Structural presuppositions are assumptions behind the use of specific structures. The listener assumes the information offered is real based on the person asking the question. e.g., When did she leave? > She left.

#### **F. Non-Factive presupposition**

An assumption that is untrue is known as a non-Factive presupposition. e.g., you dreamed that you were tall > you were not tall.

### **2.4 The Concept of Defense**

Defense as a term refers to an act that is supplied and stated by the party opposing an action or suit as a legal or factual reason why the plaintiff should not recover or establish what he seeks; what is used to defeat an action. More specifically, what is sufficient when provided for this purpose. In either of these contexts, it may be either a denial, justification, or confession of action, or an exception to their sufficiency in point of law (Black's Law Dictionary, 2021)



A defense is an act of protecting one's personal interests. Under common law, a defendant might employ defenses to avoid or limit liability. A defense can either assert a failure to establish a claim or affirm the existence of a claim while presenting additional reasons why the plaintiff or prosecution cannot prevail on a cause of action, a demand for relief, or otherwise attain the desired result. Defenses can be based on both factual and legal grounds (Legal Information Institute, 2022).

**Controlling definition:** Defense, in court rooms, is a speaker's argument either to deny a charge or to persuade the audience (judge and jury) to be innocent and sometimes victim. A defender needs argument to prove his or her standpoint (defense) and should use mechanisms to achieve his or her argument.

## 2.5 Defense Mechanism

Anna Freud (1936) defined defense mechanisms as "unconscious resources used by the ego" to ultimately decrease internal stress. According to the American Psychiatric Association (1994), a defense mechanism is an unconscious psychological activity that functions to insulate a person from anxiety-producing thoughts and feelings associated with internal conflicts and external pressures. Sigmund Freud, known as the father of psychoanalysis, began the discussion of defense mechanisms in the nineteenth century in relation to the subconscious defenses of the id, ego, and superego (Cramer, 2015). The initial defense mechanisms were more clearly defined and analyzed by his daughter, Anna Freud, in the twentieth century. She created ten major defense mechanisms, but the number of mechanisms has since been increased by later psychoanalysts. Psychiatrist Vaillant (1994) introduced a four-level classification of defense mechanisms:

1. **pathological defenses** (denial, delusional projection)
2. **immature defenses** (fantasy, projection, passive aggression, acting out)
3. **neurotic defenses** (reaction formation, dissociation)
4. **mature defenses** (humor, sublimation, suppression, altruism, anticipation).

The following mechanisms have been selected for the purpose of analyzing the data in question:

**Denial** is the refusal to recognize external reality because it is too dangerous, arguing that an anxiety-provoking stimuli does not exist, Resolving emotional conflict, and reducing anxiety by refusing to notice or actively accept the most unpleasant aspects of external reality (Vaillant,1994).





**Humor** is the overt presentation of ideas and sentiments (particularly those that are unpleasant to dwell on or too horrible to discuss directly) that bring enjoyment to others. The ideas maintain some of their underlying discomfort, but they are "skirted around" with witticism, such as self-deprecation (Vaillant,1994).

**Projection** is a basic form of paranoia. Projection reduces anxiety by allowing the expression of undesirable impulses or desires without becoming consciously aware of them; attributing one's own unacknowledged, unacceptable, or unwanted thoughts and emotions to another; includes severe prejudice and jealousy, hypervigilance to external danger, and "injustice collecting," all with the aim of shifting one's unacceptable thoughts, feelings, and impulses onto someone else, so that those same thoughts, feelings (Vaillant,1994).

**Avoidance** is defined as ignoring or avoiding unpleasant thoughts or sensations, as well as staying away from people, places, or situations linked with those thoughts or feelings. This defense mechanism may be present in post-traumatic stress disorder, in which a person avoids the scene of a traumatic motor vehicle accident or avoids driving altogether (Cramer, 2015).

## 2.6 The Concept of Legal Language

Legal language refers to the unique terminology, lexicon, and style used in the legal industry to explain complicated legal concepts and principles simply and precisely. Lawyers, judges, and other legal professionals use legal terminology to efficiently communicate laws, rules, court rulings, and legal arguments. The use of precise wording and technical phrases in legal documents serves to avoid ambiguity and guarantee that legal agreements and court decisions are understood consistently by all parties involved. Legal language also contributes significantly to the legal system's integrity and legitimacy by sustaining the values of justice and fairness. Furthermore, legal language helps in defining of legal relationships and duties, offering a framework for dispute resolution and the enforcement of legal rights (Ondřej Glogar, 2023).

Legal language has several characteristics that set it apart from other types of language. One key feature is its precision and specificity. Legal documents are carefully constructed to ensure the wording used is clear and unambiguous, leaving little room for interpretation. This precision is vital in the context of law, where even minor ambiguities can have far-reaching effects. Another distinguishing feature of legal language is its formality. Legal documents frequently follow a precise format, structure, and style that are intended to communicate authority and seriousness. This formality helps to establish the text's legal validity and authority, giving it credibility in the eyes of the reader. Furthermore, legal language is distinguished by its dependence on technical terminology and jargon.



Legal practitioners employ specialized vocabulary to communicate complicated legal concepts in an efficient and exact manner, making legal language generally inaccessible to individuals lacking the appropriate training and competence (DeGooyer, 2022).

## **2.7 Rhetorical Devices of Defense**

Corbett (1971) states that “Rhetoric is the subject that is concerned with the employment of the discourse, whether spoken form or written form, to motivate the hearer, whether the hearer is just a single person or is composed of a group of people.”. In the view of John Locke, an English philosopher of the 17th century, rhetoric is “the science of oratory,” or “the art of speaking elegantly and forcefully.” (Huang, 1999: 1). Burke (1969:72) said that “wherever there is persuasion, there is rhetoric. And wherever there is meaning, there is persuasion”.

### **1. Humor**

According to Attardo (1994), anthropologists, psychologists, linguists, and sociologists have all come to view humor as a broad concept that encompasses anything that makes people laugh, feel amused, or feel funny.

Humor starts when negative emotions such as fear, sadness, or anger are juxtaposed with incongruous aspects, transforming them into pleasant ones. In short, humor is produced when a person is exposed to a scenario or stimuli with a humorous context, such as jokes or cartoons (Ruch, 1998).

An additional description of the term humor is the feature that makes a scenario or a piece of entertainment funny (the MacMillan English Dictionary for Advanced Learners, 2002). According to the Oxford English Dictionary, humor is the characteristic of behavior, expression, or writing which makes others laugh (DiCioccio, 2012). In regards to this source, humor is a means of expression through speech that is meant to cause amusement.

### **2. Sarcasm**

Sarcasm is the act of replacing an utterance's figurative meaning with its semantic meaning and then taking into account both meanings. However, Sarcasm is defined as "saying one thing while really meaning another thing." Communication process is perfect, according to Brown and Levinson (1987), if anything is said or done in a way that makes it difficult.

### **3. Circumlocution**

Circumlocution is a tactic for describing or explaining the meaning of a target phrase using qualities such as shape, color, size, or function. In other words, employing many words to describe something that already has a clear description (Smyth, 1920).



Circumlocution is the use of unnecessary words and indirect language to avoid getting to the point, as opposed to conciseness. In other words, circumlocution is used to avoid answering a question, to stall and to waste time. Circumlocution is beating around the bush (Roget's 21st Century Thesaurus, 2012).

#### **4. Narration (Storytelling)**

According to Dyson and Genishi (1994), narration is a rhetorical mode used to tell a story that involves a teller communicating with an audience through narrative structure, vocalization, and mental images. The audience also provides verbal and nonverbal feedback.

According to McDrury and Alterio (2003: 31),

Storytelling is uniquely a human experience that enables us to convey, through the language of words, aspects of ourselves and others, and the worlds, real or imagined, that we inhabit. Stories enable us to come to know these worlds and our place in them given that we are all, to some degree, constituted by stories: Stories about ourselves, our families, friends and colleagues, our communities, our cultures, our place in history.

#### **2.8 Appeals of Persuasion**

1. **Pathos** is an emotive appeal that includes “putting the audience into a certain frame of mind” (Demirdögen, 2010: 190). Pathos persuades through emotions such as security, love, guilt, greed, pity, humor (Gabrielsen & Christiansen, 2010) anger, insult, empathy, fear, and confusion (Mshvenieradze, 2013). During an emotional appeal, the speaker displays identification with the “needs, values and desires of the audience” (Higgins & Walker, 2012: 198).
2. **Logos** is a rational appeal, and persuasion is achieved through “the proof, or apparent proof, provided by the words of the speech itself” (Demirdögen, 2010: 190). Logos appeals to reason, which makes the “clarity and integrity of the argument” very important (Higgins & Walker, 2012: 198).
3. **Ethos**, or ethical appeal, focuses on the speaker's personal characteristics (Demirdögen, 2010). The term Ethos refers to “persona, or projected character of a speaker/communicator, including their credibility and trustworthiness” (Higgins & Walker, 2012: 197).

#### **3.Data Collection, Description and Analysis**

This chapter displays the description of the collected data as well as the methodology of the analysis.

##### **3.1 Data Collection and Description**



In 2016, Heard accused her spouse of physical assault, citing Depp's frequent use of drugs and alcohol. Depp refuted his wife's accusations, claiming that Amber Heard's abuse claims were motivated by a desire for swift financial resolution. As a result, the couple divorced in 2017. In 2018, the Washington Post reported that Amber Heard stated 'I spoke up against sexual violence. That must change. As a result, Johnny Depp sued her for the headlined op-ed. The last trials in the United States lasted six weeks.

### 3.2 Model of Analysis

The model adopted to analyze the data in equation is an eclectic one based on Toulmin's Premises (1958); Vaillant's (1994) and Cramer's (2015) defense mechanisms; appeals of persuasion; in addition to the main triggers of presupposition (Factive, Non-Factive, and Counterfactual conditional) to draw a pragmatic structure of defense. It falls into three premises of argument. Each premise consists of levels to analyze the data.

In the first premise, four defense mechanisms have been applied to set an argument that are: Denial, Projection, Avoidance and Humor. In terms of the second premise, three appeals of persuasion are taken into consideration to justify the claim. These appeals are Ethos, Pathos and Logos. Concerning the first appeal, expressive acts are employed. The second one deals with the emotional narration of the facts by the defendant. The last one comprises the insertion of facts and numbers to prove the argument. This appeal meets the next premise (warrant) when the defendant gives clues of her assumption upon which both claim and data depend.

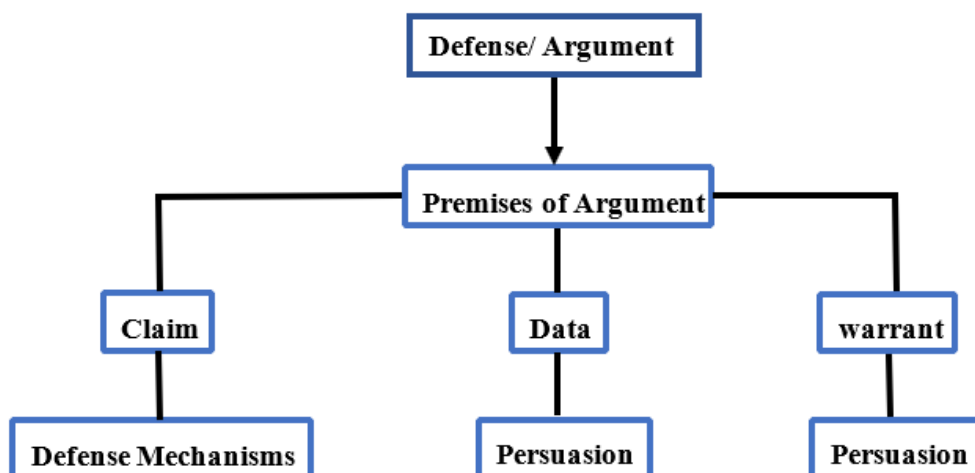




Figure (1) A Pragmatic Structure of Defense

**3.3 Data Analysis**

**Extract (1)**

*“When you say you buy a house; you don't pay for the entire house at one time? ... I made the pledge. I want to be very clear. I pledged the entirety. I haven't been able to fulfill those pledges because I've been sued.”*

**Context (1)**

Amber was asked several times if she did donate her entire settlement to the charity, as stipulated in the agreement, or not, but in all these times she refuted to announce that she donated the settlement, all what she was saying that she pledged it and the reason after that she hasn't been able to fulfill the pledges because she has been sued, even though she has had all the settlement 13 months before Depp sued her.

**Discussion (1)**

Concerning the first level of the model (Premise of Claim), the defense mechanism of projection has been used by Heard to defend herself by blaming Depp, using assertive act of blaming, for not letting her make the pledge when she says *“I made the pledge. ... I pledged the entirety.”* Meanwhile, at the second level (Premise of Data), Heard uses Logos appeal



to persuade the audience of being victimized and used by Depp. She reverses the fact of being sued for her favor ***“I haven't been able to fulfill those pledges because I've been sued.”*** As far as the third level is concerned (Warrant premise), Heard makes a Factive presupposition that she hasn't fulfilled those pledges, so that she cannot denote it.

#### **Extract (2)**

***“Yes, but I wrote this op-ed in the context of many men, at the time, that were public figures or in the public eye, being accused as well. So, it was a reference, in general, to a larger phenomenon, not just Johnny. ... Yes, but I was intending to keep that private when this was published. I had not publicly, ever, accused him of that... I just didn't notice the title. ... How else would I have linked it? ... I couldn't attach it with a paper clip”.***

#### **Context (2)**

The question that is addressed to Heard is that if she wrote the op-ed to accuse Depp of being an abuser or not, and she refuted to accuse Depp only but many men. Another question has been raised including the title of the op-ed that was titled “Amber Heard I Spoke up Against Domestic Violence”. The content of the question was that she put that title on her Twitter or not, Amber stated that she only re-tweeted it without noticing what the title was.

#### **Discussion (2)**

At the first premise, the mechanisms of denial and humor have been used by

Heard to defend herself. She first denies her intention to accuse Depp in public: ***“I had not publicly, ever, accused him of that”***, by the use of assertive act of denying, then she uses a sarcastic phrase ***“I couldn't attach it with a paper clip”*** referring to the link that cannot be literally attached with a paper clip. Regarding the second premise, Heard tries to persuade the audience at the appeal of Ethos by using the expressive act of protesting: ***“How else would I have linked it?”***. At the last premise, Heard sets a Factive presupposition saying ***“I just didn't notice the title”*** meaning that she has published the link without noticing that the title was in her name.

#### **Extract (3)**

***“The copyright ownership of that is news to me. I learned that yesterday. ... It did not. It did not come to me – I mean come from me. ... You are very wrong about that. ... If I wanted to leak information, I could have done it in a more effective way, a lot sooner, and a lot more. I really did***



*not leak this evidence. If I wanted to leak it, I could have done a lot more with it”.*

### Context (3)

Heard was asked about the video that she filmed of her husband, the question was that if the video came from her or not and if she edited the portions, that made her look bad, or not. However, she said that if she wanted to leak any information, she would do more than that with it, even though she testified earlier in this trial that she does not know how to leak things.

### Discussion (3)

As far as the first premise is concerned, the mechanism of denial has been used by Heard to defend herself saying *“It did not. It did not come to me – I mean come from me. ... You are very wrong about that”*. employing the assertive act of denying. Concerning the second premise, Heard tries to convince the audience with her claim at the appeal of Ethos by using the expressive act of protesting in these words *“The copyright ownership of that is news to me. I learned that yesterday”* declaring that the video has nothing to do with her. In the terms of the last premise, Heard uses a conditional clause by its virtue the presupposition of counterfactual conditional has been achieved when she says *“If I wanted to leak information, I could have done it in a more effective way, a lot sooner, and a lot more. I really did not leak this evidence. If I wanted to leak it, I could have done a lot more with it”* Heard denies leaking any information. She presupposes the falsity of what has been accused with.

### Extract (4)

*“That's not how your memory or my memory works. You know, we were together for five years, almost, four and a half, and it was a very violent, chaotic, at times very loving, emotional relationship. So as anyone can imagine, there was a lot going on, and unfortunately, the violence became almost normal, especially towards the end. It was just -- it's hard to even - it's hard to say that now, but the violence was almost normal, and, you know, your brain does with trauma what it does, puts it away best you can. So, I was --frankly, I was shocked to see a lot of the information presented to me through my therapist's notes because she was taking”*

### Context (4)

Heard claims that she did not realize the abuse and the violent times she lived until she saw the information presented through her therapist's notes, explaining, when asked, why she did not remember all of these events.



#### Discussion (4)

Regarding the first level, the defendant adopts the mechanism of avoidance *“That's not how your memory or my memory works”* Here, she avoids answering the question directed to her *“And how is it that you didn't just remember all of those events like this?”*. Heard uses the means of circumlocution not to answer the question. She goes back to the early memories of her marriage describing the change of Depp's treatment for her which is indeed mere a redundancy. At the second level of the model, the defendant makes an amalgam of two of the persuasion appeals to achieve her goal. She tries to convince the audience by the means of Ethos and Pathos appeals. She uses an expressive act of complaining and an expressive act of praising when she describes her marriage and the years she spent with Depp. For example, when she says *“and it was a very violent, chaotic, at times very loving, emotional relationship.”* Correspondingly, she uses the strategy of narration (story telling) to earn the audience's sympathy. She describes her relationship with Depp as being unstable one that affects her life and memory negatively. She also describes her disappointment in people around her. Tackling the las level, the defendant makes presupposition of non-Factive when she uses the verb “imagine” in her utterance *“So as anyone can imagine there was a lot going on, and unfortunately, the violence became almost normal, especially towards the end.”* The use of the verb imagine ad a clue for Non-Factive presupposition suggests that what follows is false as she wants to say that Violence is not and cannot be normal. It is instated abnormal conduct).

#### 3.4 The Findings

To answer the question raised before and to verify or refute the hypotheses, the study finds out the following points in accordance with the qualitative and quantitative analyses:

1. As a mechanism of defense, Heard uses the denial mechanism more than the other three mechanisms that she uses equally. Table (1) shows that denial has been used twice while the other three have been used once.

Table (1) The Frequencies and Percentages of Defense Mechanisms.

Defense mechanisms	Frequency	Percentage
Denial	2	40 %
Projection	1	20 %
Avoidance	1	20 %





<b>Humor</b>	1	20 %
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2. This study points out two assertive acts that are used in terms of defense in courtrooms: assertive act of denying and assertive act of blaming. In Heard's case, assertive act of denying is used more than the assertive act of blaming. With regard to the expressive acts, three of them are used that are: the expressive act of complaining, expressive act of praising, and expressive act of protesting. In Heard's case, the expressive act of protesting is used twice as opposed to the other two expressive acts that have been used once. Thus, the study sums up that expressive speech acts has the superiority to the assertive ones and that expressive act of protesting has the superiority to the other two expressive acts as shown in table (2).

Table (2) The Frequencies and Percentages of Speech Acts.

<b>Speech Acts</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Denying</b>	2	28.5 %
<b>Blaming</b>	1	14.2 %
<b>Protesting</b>	2	28.5%
<b>complaining</b>	1	14.2%
<b>Praising</b>	1	14.2%

3. It is found out that Ethos appeal of persuasion has been used three times by Heard in her attempt to persuade the audience of her data (ground). She does so by means of setting expressive acts of speech. Unlike Ethos, Pathos and Logos are used once as it is shown in table (4).

Table (3) The Frequencies and Percentages of Persuasion Appeals.

<b>Persuasion appeals</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Ethos</b>	3	60 %
<b>Pathos</b>	1	20 %
<b>Logos</b>	1	20 %



4. It has been proved that the presupposition of the Factive type is more than the other two types, namely: Non-Factive and counterfactual conditional presuppositions. Factive presupposition is used twice throughout the data in question while the other two are used once for each as shown in table (5). The use of Factive presupposition comes from the fact that using such type presupposes that what comes forward is true. Heard tries to set assumptions that help the audience draw a conclusion for her favor.

Table (4) The Frequencies and Percentages of Presuppositions.

Presuppositions	Frequency	Percentage
<b>Factive</b>	2	50 %
<b>Non-Factive</b>	1	25 %
<b>Counterfactual</b>	1	25 %

#### 4. Conclusions

Based on the findings above as well as the discussion of data analysis, the study draws the following concluding remarks:

1. The first hypothesis of the current is proved. Denial is the most frequent defense mechanism used since it is an innate human response to defend himself/herself.
2. The second hypothesis has been partially verified. It is supposed that the assertive act of denying is highly recorded in courtrooms, but this is not the case at all times, as the assertive act of denying and expressive act of protesting were used equally. Since Heard tries to affect the judgment of the audience and influence them to regard her to be believable, she sets the expressive acts more than the assertive ones. She denied and protested equally due to her lack of evidence. Generally speaking, Heard uses expressive acts more than assertive ones.
3. The third hypothesis has been refuted. At the second premise of producing any argument, data (ground) are needed where the role of the persuasive appeals urgently appears. It is supposed that Logos appeal is the most common way of persuasion in courtrooms. Instead, in Heard's case, she employs the Ethos one more than others. It is due to her intention to influence the audience and convince them to be reliable, truthful, and trustworthy.
4. Finally, the validation of the fourth hypothesis is achieved. Factive presuppositions are highly used in courtrooms due to their validity to set presupposition that proves the truthfulness of what's unsaid. The presupposition is used at the level of a warrant to make an amalgam of both claim and data depending on the assumptions that are headed for



the audience to assist them in drawing a conclusion in favor of the defendant.

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