Rhetorical Prosody in French Courtroom Discourse

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Abstract

We demonstrate the important role of prosody used in rhetoric development during courtroom discourse. Our study is based on real-life examples of prosecution and defence speech taken from a documentary film about French courts. In addition to the well-known syntactic, semantic and attitudinal functions of intonation, we attempt to show how prosody is linked to the argumentative strategy used by the speaker in order to persuade the audience with both a global discourse and internal level of utterances.

Index terms: Prosody, Legal speech, Phonostyle, Rhetoric

1. Introduction

Legal discourse is one of the three rhetorical genre as defined by Aristotle. Rhetoric is fundamentally based on the fact that speech is not merely a means of transmitting a message, but rather a means used by a speaker to modify the environment, i.e., the behaviour of the persons being spoken to.

Thus a rhetorical discourse is considered a speech act. As such there is an aim (nowdays we would say a 'communicative intention'), a prerequisite, an actual realization and an effect. So rhetoric can be considered the art of persuasion through speech and is based on three principles. The first principle of rhetorical discourse is reason ('*logos*') with the use of logical arguments. Secondly an emotional dimension ('*pathos*') may be employed in order to seduce the audience. Finally, according to the Greek tradition, there may be a representation of the orator given by the orator himself ('*ethos*').

Legal discourse has these rhetorical bases which are directed towards a judge or a jury who is to be persuaded either by the prosecution or by the defence. In order to achieve this purpose, the prosecutor or the advocate generally uses a logical dimension but can add some 'pathos' or even entirely base the discourse on emotion in order to enhance the persuasive effect. Discourse based on reason may be structured in four parts: 'exordium' (introduction), 'narration' (the story), 'argumentation' and 'peroration' (conclusion) (Reboul, 1991).

Considering legal discourse as persuasive discourse, we can claim that traditional rhetorical principles, logos and pathos become strategies adopted by a speaker in a particular situation to achieve a 'communicative' objective which is to persuade. We will show how these two strategies are actualised through language at each linguistic level. We insist here on prosody which is used for cohesion and structuration, globally and on lower linguistic levels of these discourses mainly when it is based on reason (logos) and also conveys emotion in order to remain in the domain of empathy.

There are very few studies dedicated to the experimental phonetic study of rhetorical speaking styles (mainly political speeches) such as those by Duez (1999), Fonagy (1983), Martin (2009), and mainly Touati (1991, 1994, 1995).

2. Experimental Protocol

2.1. Hypothesis

Rhetorical strategy is closely linked to prosody. A speaker may choose one of these strategies – not exclusively, based on logos or pathos according to the context of the speech act in order to privilege either the raison or the emotion. The speaker's choice of this rhetoric strategy might not be exclusive, because emotional appeal can be integrated in a rational speech strategy

- The rhetorical strategy adopted by the speaker is not only present via the text, but especially through the prosody, however not exclusively; occasionally *pathos* could be presented inside *logos*.
- When the adopted strategy is *logos*, the discourse is organised in four parts of rhetoric: exordium, narration, argumentation and peroration.
  When the adopted speech strategy is 'rational', then the privileged strategy stays within traditional aristocratic rhetoric. In this case, the rhetoric discourse is structured following the proposed framework. In the case of judicial discourse, we might find four parts of classical rhetoric representatively and clearly organized. The hypothesis is that this rhetoric structuration in judicial discourse corresponds to the prosodic partition.
- Within the argumentative part of the discourse, there is rhetoric, technically realized by prosody. The argumentative part is constructed from several techniques which might not only clearly and explicitly shows the purpose of the speaker, but also makes the arguments more appealing. These argumentative techniques are strengthened through the prosodic phenomenon which supports this strong persuasive effect.

2.2. Corpus

The French filmmaker R. Depardon filmed public hearings in a Parisian courtroom ('la 10ème chambre') for flagrant and repeat misdemeanours from which a 'DVD' "10ème Chambre" (2003) including many hearings was produced. The prosecutor and the defence spoke for two or three minutes each. Two of these hearings in which there were two female prosecutors and two male defense attorneys were chosen for this analysis.

These oral discourses are spontaneous but in a conventional courtroom style i.e., they are not read from a written text.

2.3. Discourse Analysis

All the recordings in the DVD were transcribed orthographically using the 'Transcriber' software program. From the written text we determined the four traditional parts of legal discourse as follows (in fact the second and third ones were merged in an argumentative narration):

- In the exordium the speaker presents the case and develops his thesis. He tries to draw the judge's attention to the case he is attacking or defending, using phatic language and function language. This part is very short.
- The narration should come just after, but this part is not obligatory here as the judge already knows everything about this type of case. It is immediately combined with some other arguments.
- The argumentation is made up of either a confirmation or a rebuttal and here we will find arguments pro and con.
- The peroration is the last part of rhetorical speech. In legal discourse it generally corresponds to the recommendations presented by the prosecutor or the defense attorney concerning the expected sentence.

This discursive analysis was carried out on two levels. First we delimited the four (here three) canonical parts. Then in the argumentative parts, we determined the linguistic processes used by the speaker to support his arguments or to refute those of the adversary.

2.4. Prosodic Analysis

Prosodic analysis is conducted at two levels using P. Martin's program 'WinPitch Pro'. We carried out an automatic extraction of the F0 values every 20ms over the total duration of each speech. These values were statistically computerized and displayed on a diagram in order to be matched with the global textual analysis. Then we selected utterances which appeared to us to be the most representative and the most interesting for our assumptions. We mainly analyzed melodic patterns, changes in tempo and rhythm as well as pauses.

This two-level prosodic analysis is matched to the text in order to show how combining text and prosody gives sense to these legal discourses.

3. Two Strategies

Considering the fact that speech rhetoric is an act intended to convince someone, in our case a judge, it is reasonable to think that the two principles, logos and pathos, can be used to define two possible strategies used by the speakers.

At first sight, a rational strategy seems to be the one most adapted to legal speech since it is a question of discussing what is true or false, especially when actual facts are already well established.

An argumentation can be based totally or partially on it, but the second 'pathos' principle may be used in an attempt to move the judge since it may appear more effective.

3.1. Pathos

One of the advocates deliberately uses this strategy:
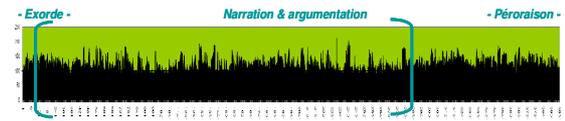

Figure 1: *Long-term F0 values automatically extracted every 20ms in one of the defender's speeches.*

As can be seen in Figure 1, the F0 level is very low, between 100 and 140Hz, with a few high excursions and the speaker's pitch range is narrow with no melodicity.

The expected structuration of legal speech in three (or four) parts is completely upset. Moreover it will appear that this particular prosody enhances the fact that the syntactico-semantic structure seems to have no cohesion. Both syntax and prosody are deconstructed which makes the overall semantics difficult to grasp.

There is a succession of lexical phrases and tonal chunks which seem unrelated to each other as we shall see in the two following examples. Embedding of sequences does not appear and syntactic constructions are difficult to restore but prosodic cues partly make it possible to rebuild a syntactic structure via an analysis with syntactic grids (Blanche-Benveniste, 2003). It is the case in the following extract which is articulated on *souhaiterais que* then *j'aimerais que* with the help of pauses to understand who is supposed to speak: the defender, his client or the victim.

« et je souhaiterais pour ma part
[1,18s] **que** *lorsqu'il y a eu de l'amour pendant sept ans* **et qu'***on se voit signifier [1,00s]*
« tu t'en vas je veux plus entendre parler de toi c'est fini [0,75s] tu n'existes plus pour moi »
[0,73s] **que** *[0,28s] parfois ce qui était de l'amour [0,41s] devienne ce qu'il y a de plus moche de plus horrible et qui est de la haine*
et c'est vrai que j'aimerais bien moi
que *l'amour soit pas aussi proche de la haine et bien sûr quand c'est de la haine [0,36s] du côté des victimes [1,00s] bien sûr. »*

We especially bring attention to two examples: Figure 2 and Figure 3. In Figure 2 the advocate tries to make the judge and the audience feel the situation of the defendant and provoke sympathy.

The defendant's actual words (see Figure 2) are repeated by his defense attorney. Instead of being used as a way to tell the story, which should be considered a slice of private life, it is mainly used to show how the defendant is morally wounded. The defense attorney tries to show the human side of his client, even if he is guilty.

F0 is not only low but practically flat. In fact it is not easy to understand who is supposed to be speaking via the advocate's voice.
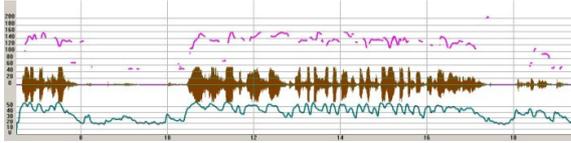
Figure 2 : *les affaires privées {2,515 s} allô toi bon écoute-moi c'est ne crois pas que j'appelle pour te récupérer ou quelque chose comme ça j'en ai rien à foutre {0,527 s} de ta gueule*

In Figure 3, the text is lexically deconstructed: it is an enumeration of phrasal chunks. There is no specific prosodic pattern to establish a hierarchical syntactic cohesion between the chunks. The whole utterance has a very slow tempo. These successive chunks are produced on a rather low level and a very narrow range. Each of them is a correct morpho-syntactic phrase with a corresponding rise-fall tone; they are separated by significant pauses as long as the spoken parts. This gives a binary rhythm which strangely enough results in the semantic coherence of this complex utterance.

The reference of pronouns is not clearly understandable (*I, he,* and *someone*). It is a clever way of claiming that anybody might have behaved as his client did. The defender deliberately attempts to use an emotional rather than rational argumentation in order to gain some indulgence.
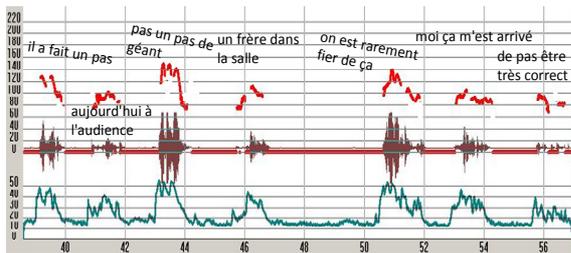

Figure 3 : *l a fait un pas [0,841sec] aujourd'hui à l'audience [1,142sec] pas un pas de géant [2,0 sec] un frère dans la salle [3,7sec] on est rarement fier de ça [0,96sec] moi ça m'est arrivé [1,518 sec] de pas être très correct*

This discursive strategy is developed with a 'pathos' feeling contrary to an expected rhetorical argumentation structured at every level, as can be seen in the next paragraph.

3.2. Logos

When this strategy is used, it is possible to show the general prosodic differences in three parts of the legal discourse. The main difference appears in the middle part where there is much more melodic than in the first and third ones, where the F0 range becomes very wide and where words whose contrastive F0 prominences match their contrastive lexical and argumentative value.
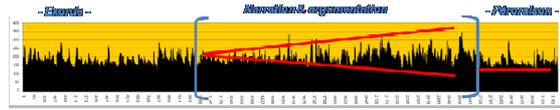

Figure 4: *Long term F0 values automatically extracted every 20ms in one of the prosecutor's speech*

This may be illustrated in the following examples:

In Figure 5, the transition from the narrative-argumentation of the discourse to its conclusion (peroration) is clearly marked. Prominent focalisations on successive arguments are highlighted as well.

In the first part, there are contrastive prominences of two contrastive arguments (*lui* and *elle*) while the whole range is 250Hz wide. In the second part (the beginning of the conclusion), the register is lower, the range is narrower and the tempo becomes faster.

Figure 5 : *Non pas pour **lui** / parce qu'il l'a il l'a déjà pris son avenir il est déjà avec une autre personne mais pour **elle** / c'est pourquoi je requière*

It is inside the narrative-argumentation part of the discourse that the melodic variation is more salient. It is also this part where the argumentative effort of the speaker is significantly expressed. The speaker might strategically use the best language in order to obtain the main purpose of the speech i.e. persuasion. Most of the speech style effects are made up of lexical message and voice. It is the combination of these two elements that either makes the message more prominent or certain aspects of the message more contrastive. In this case, there are two opponents *lui* (him: the accused) and *elle* (her: the victim) that hold the intonation prominence.

Figure 6 is another extract from the discourse using rational appeal as a global logos strategy. In this case, the prosody emphasizes the attorney's negative judgements of the accused.

It is interesting to note that within a mainly rational strategy, illustrated by the overall prosodic patterns starting very high on *c'est terrible*, the prosecutor introduces some pathos implying words which trigger emotional lexical effects (*contraindre, détruire, menacer, terminé, rien*). These words are uttered on a continuously lowering tone and separated by noticeable pauses.
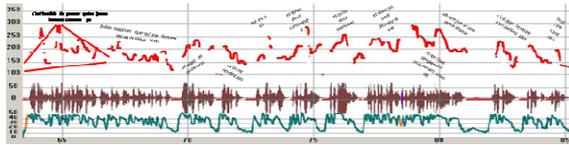
Figure 6 : *« C'est terrible de penser qu'un jeune homme comme ça puisse supposer que qu'une femme est en quelque sorte un objet de possession qu'on ne rendra pas qui est à soi et qu'on peut contraindre et qu'on peut menacer et dont on peut détruire la vie et qui tout simplement maintenant vous dit ah ben j'en ai une autre d'amie c'est donc terminé n'en parlons plus tout cela n'est rien »*

There is opposition of two elements, two theories, two facts from the opponents, because in a judicial case there is two party representing two different aspects from one single event. The two different aspects are truth likely to each party according to their argument. This opposition of two elements is preceded by organizing the text and the prosody.

Figure 7 illustrates the case of playing with F0 prominence on a positive ('pleasure') argument and a negative ('condemnable') one: there is a sharp rise (from 150Hz to 300Hz) on 'pleasure', followed by the high longer dive (from 250Hz to 110Hz) of the negative argument. Then comes a neutral tone and a prosodic rising-falling pattern (140-200-150Hz) matching the French syntactic structure (*mais n'a qu'un plaisir* = but he's got just one pleasure).
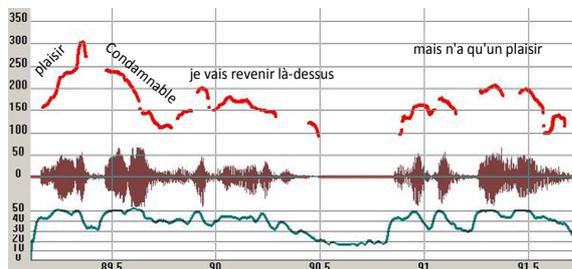

Figure 7: *Plaisir condamnable je vais revenir là-dessus mais n'a qu'un plaisir*

4.   Conclusion

Rhetoric is the art of persuasion through language. When speech is used, as in the case of legal discourse, the speaker plays with reason, emotion, pro/con arguments and attempts to match linguistic (lexicon, syntax, etc.) resources with physical gestures, including phonation features i.e., prosody and voice.

In this study we have shown with real-life examples the interplay of all these components and the way they work together according to the speakers' 'logos' or 'pathos' strategy, so;

- Courtroom discourse may be based entirely on 'pathos' by using some sort of destructuration even at the prosodic level.

- In the case of the 'logos' strategy, prosody is used to differentiate the four main parts of legal discourse.
- Prosodic structures are connected to argumentative structures (pros and cons, true and false, etc…)

Prosody is not reduced to just a phonosyntactic role used to organise speech cohesion or to focus on a such-and-such argument. It may be used to play an opposite role, giving the impression of not only deconstructing spoken discourse, but actually building cohesion and giving a real overall meaning suited to the communicative situation. Prosody plays the main role in courtroom legal discourse expressing the rhetoric strategy.

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