

The role of polysemy of English negation in the linguistically restrictive environment of the courtroom: A case study of the construal of responsibility in three Chicago rape trials

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Keywords : Critical Discourse Analysis, Negation, Polysemy

This study examines the role of polysemy of English negation markers as a rhetorical strategy for the construal of agency. It demonstrates the discursive importance of this construction in the language of defense attorneys in contemporary American rape trials. The American courtroom is a politically and ideologically charged linguistic environment that operates along a specific set of behavioral and linguistic conventions that influence not only the linguistic output of every participant in a criminal trial, but the strategies utilized by the prosecution and the defense to construe events in various ways. In the case of rape trials, Critical Discourse Analysis becomes particularly useful in light of the complex and ideologically charged cognitive models evoked in rape trials. Specifically, the concepts of gender, consent, agency, and responsibility are crucial to understanding the construal mechanisms employed in such discourse. Here, we will use Beukeboom (2014) and Beukeboom's (& al. 2010, 2019) notion of negation bias combined with Hart's (2014) approach to construal operations in order to demonstrate how variation in the use of negated propositions can be exploited to influence the construal of victims' agency in examination and cross examination by defense attorneys.

The data are extracted from a corpus of three transcripts of rape trials in the Circuit Court of Cook County, Chicago over the last ten years. The transcripts, obtained through Westlaw, were randomly selected from search results that were filtered to retrieve only trials where there was a single defendant, where sexual violence constituted the central charge against the defendant, and the defendant was ultimately found guilty. From there, two samples of negation will be manually tokenized and extracted from the corpus. First, all uses will be automatically extracted and then a manually established subsample of uses by defense attorneys while questioning complaining witnesses will be extracted. In comparing those two samples, we expect to find a prominent and marked use of negation markers in defense attorneys' discourse. This use will be shown to constitute a construal operation that frames the victims' role as responsible for the crimes committed against them. A critical interpretation of this use would be that it undermines victim credibility based on ideologically charged mental representations of agency and responsibility. These expected findings have serious implications since it can be shown that this rhetorical strategy is a result of language restrictions determined by and specific to the American courtroom.

References

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