CHAPTER I

INTRODUCTION

1.1.Background of the Study

Communication is an essential part of human life. A fundamental human need is the capability to express oneself and communicate with others (Thomas & McDonagh, 2013). They also mentioned that socializing and engaging with others is a crucial aspect of leading a healthy lifestyle. In other words, the individuals must make sure that every meaning they transmit is understood as they meant. In performing communication, language is a powerful device that assists people in carrying out specific goals, including sharing their thoughts and ideas, expressing their feelings, affecting other people, and establishing relationships (Supardi, 2017). In short, language can be used in various aspects or contexts of communication on a daily basis—for instance, the use of language in courtroom settings. Here, the language itself is employed by legal figures such as judges, prosecutors, attorneys, lawyers, jurors, and witnesses (Supardi, 2010).

One of the communications found in the courtroom setting is the opening statement. Berman-Barret (2003) conveyed that the opening statement in a courtroom is the first chance to elaborate on the evidence arranged to be provided to the judge or jury. In addition, Chaemsaithong (2014, 2017) mentioned that, instead of just performing for them, the opening statement is a persuading monologue addressed to the silent audience because it is the first chance for each party to make a first impression and influence the jury's

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decision. In conclusion, an opening statement in the courtroom is the first interaction between the lawyer and the jury, in which the trier of fact can listen to the comprehensive statements of the factual claims of both sides. Because it affords a crucial chance to give the jury a summary of the case and to clarify the anticipated evidence that will be produced in the following parts of the trial, the opening statement, while not required, is rarely omitted. Therefore, it can be argued that the speech in the opening statement contains the attitudes of lawyers when presenting the claims as well as the engagement that includes the jury as the audience of their speech, resulting in the opening statement seems, as mentioned by Chaemsaithong (2014), 'fictively dialogic'.

The opening statement presents the statement by the lawyer as its speaker. The statements uttered by the speaker have the 'basic and minimal units of linguistics communication' (Searle, 1994). Searle then said that when a speaker speaks a language, they produce a term called 'speech act'. According to Austin (1962), speech acts are considered as the kind of speaker's expressions based on their psychological states such as gratitude, embarrassment, regrets, etc., as well as their social interaction involvement that consists of request, order, promise, etc. Then, Tauchid & Rukmini (2016, as cited in Tsoumou, 2020) mentioned that the theory of speech acts is a crucial device to comprehend how speakers employ language to carry out intended acts and how listeners deduce the intended meaning from what is said. Regarding the speech acts theory, Austin (1962) proposed three kinds of speech acts; those are 1) a locutionary act, which is the utterance of a sentence

with literal sense and reference 2) an illocutionary act, which is the making of a request, statement, promise, offer, asking a question, issuing an order, *etc*. when uttering a sentence 'because of the conventional force/intention associated with it or with its explicit paraphrase', and 3) a perlocutionary act, which assumes that the addressee(s) will be affected by the utterance of the sentence, with the nature of those effects depending on the context of the utterance.

Besides that, the interactive patterns of a monologue speech can be examined through some linguistic features employed by the speakers to build engagement with the audience, making them pay attention to the stance or claim of the speakers themselves. Chaemsaithong (2014) modified the theory of stance and engagement by Hyland (2005) to delve into the linguistic features that lawyers can employ to interact through their opening statements in a trial with the context of historical discourse.

Stance and engagement theory was originated by Hyland in 2005 to scrutinize the voice of an author of academic writings. That kind of voice is a manifestation of the author's awareness which produces the interaction that the writers can manage in two ultimate ways: stance and engagement. It is stated that according to Hyland (2005), the stance is an element related to the ways an addresser portrays themselves and communicates their judgments, ideas, and convictions. It is the manner to impose their own authority on their ideas or withdraw and hide their participation. Otherwise, engagement is a process that addresses, acknowledges, and relates to others, recognizing their

audience's presence and enticing them to follow along with their argument and pay attention.

Taking into account the speaker's intended acts and interactive patterns embedded in utterances, the writer of this study is interested in delving into the illocutionary acts as well as the stance and engagement elements of the opening statement performed by one of the plaintiff's lawyers—Ben Chew—in the trial of Johnny Depp and Amber Heard regarding their defamation case in 2022.

That current trial involves two ex-spouses, Johnny Depp and Amber Heard, who was well-known as a Hollywood actor and actress. As stated in an NBC News article written by Rosenblatt (2022), In 2016, the couple divorced. They fought in court over an opinion editorial published by Heard for The Washington Post in 2018 on surviving domestic abuse. However, even though that opinion editorial did not mention the name of the abuser, the readers will easily guess that the abuser was his ex-husband, Johnny Depp. In other words, that opinion editorial defames Depp's reputation as an actor and as a man. As a result, Depp filed a lawsuit for $50 million in damages since he considered Heard's opinion editorial was full of false statements and Johnny Depp himself was a victim of domestic abuse. However, Heard also filed a countersuit for $100 million, claiming that she only ever used physical force against Depp in self-defence or to protect her younger sister.

Other than that, a news article from CinemaBlend written by Chichizola (2022) mentioned that Johnny Depp's lawyers gave their opening statements

on behalf of the plaintiff On April 12. A jury has been deliberating on a decision after hearing testimony from several witnesses over the previous several weeks. The judgments are coming in fast; according to The New York Times, Johnny Depp has found Amber Heard guilty of slander in three instances. As a result, the jury chose to award Depp $10 million in compensatory damages and $5 million in punitive damages. However, they also compensated Amber Heard $2 million in restitution. Hence, Depp will receive a total of $15 million in compensation, and Heard will receive $2 million. Depp was found guilty on one count, while the Amber Heard actress was found guilty on all three.

In this part, the author of this study will explain several previous studies regarding the theory of speech acts, stance, and engagement elements. The first was the study by Simon & Dejica-Cartis (2015) entitled "*Speech acts in written advertisements: Identification, classification and analysis*" which took an interdisciplinary approach to speech acts. This study identified, classified, and analysed the illocutionary acts that could be found in written advertising using the approach by Van Dijk to discoursal speech acts. This study used the quantitative method on 84 written advertising taken from various newspapers and magazines. The findings revealed that particular micro- and macro-speech acts were preferred by advertising over others. As a result, commercials frequently use two kinds of speech acts: macro-speech acts to persuade and give information, and micro-speech acts to inform, direct, and assert the meaning conveyed in the advertisement. To put it another way, written

advertising serves dual purposes; to persuade or inform the addressee, while another purpose is to inform, direct, and make positive claims about the offer without providing the required evidence to back the claim up.

In addition, a study entitled "*Analysing speech acts in politically related Facebook communication*" by Tsoumou (2020) examined speech acts in politically charged discussions on Facebook. Speech acts taxonomy by Weignand was applied to a dataset of over 265,147 words, and the results show that the entire interaction on Facebook interaction can be deemed as a series of speech acts employed by each user. In other words, the Facebook post itself can be considered a speech act delivered by its users, and its communication or the response between users is a dialogically ordered interactivity. It implied that utterances by the speakers are speech acts with a specific objective, and no illocutionary force could exist in isolation from its perlocutionary counterpart consequence.

Other than the previous studies of speech acts, the following part will discuss the previous studies regarding stance and engagement theory. The first one is the study by Chaemsaithong (2014) entitled "*Interactive patterns of the opening statement in criminal trials: A historical perspective*" which dug more profound the Anglo-American courts' opening statement in terms of its discursive history and interactive features. This research is achieved by drawing on the ideas of the stance and engagement concepts, and the quantitative analysis, which is based on 51 opening statements from the Proceedings of the Old Bailey between 1759 and 1789. This study shows that

interactive devices are a crucial component of the genre and that pronouns appear to be used the most frequently, followed by the attorneys' use of attitude markers, questions, and reported discourse. With the help of these tools, the attorneys may be able to sway the jury's perception of the particular occurrences and parties.

Furthermore, there is the study by "Sayah & Hashemi's (2014) study entitled "*Exploring Stance and Engagement Features in Discourse Analysis Papers*". In this study, ninety discourse papers in sociology, linguistics, and education published in ISI and non-ISI journals were chosen, and they were examined using Hyland's (2005) model. In either of the data, it is found that there are significant disparities in emerging traits, such as hedges, self-mentions, and appeals to shared knowledge. When producing discourse analysis articles, it is essential to remember that each researcher has their own preferred conversational style, interpersonal techniques, and organized preconceptions.

Besides that, there is also a study by Al-Rickaby (2020) entitled "*A critical discourse analysis of stance and engagement markers in English and Arabic newspaper opinion articles in 2016*". Twenty opinion pieces—ten in English and ten in Arabic—are examined using Hyland's analytical framework to aim the primary goals of this study which are to identify stance and engagement signals in opinion articles written in both English and Arabic and to compare how they are used both qualitatively and quantitatively. The findings showed that position and engagement markers are used by authors of opinion articles

in both English and Arabic in their persuasive writing. In terms of numbers, the findings indicated that the total tokens for these markers in the English datum are (210) and in the Arabic datum are (211). That suggested that both sets of corpora utilise the features equally. The subcategories of stance and engagement indicators are used throughout them, albeit with varying frequency.

This present study differs from the previous ones since this study chooses to analyse the opening statement in the courtroom discourse, which has still rarely been studied. Here, the author will use illocutionary acts theory by Searle (1979) to comprehend the intended act that can be examined from the speaker's utterances in building relationships with the hearers. Not only that, but this study will also delve into the stance and engagement markers in the opening statement spoken by Ben Chew—a lawyer of Johnny Depp in the trial, using Hyland's concept of voices that was modified by Chaemsaithong (2014). Furthermore, this study is also different from Chaemsaithong's (2014) since it will be using the current corpus of courtroom discourse as the data of the study, not a historical one. This study will discuss the plaintiff's lawyer's opening statement, examining the interactive part of the very first opening statement in the trial presented by the lawyer to the jurors—which is how the lawyer defended the plaintiff by maintaining and presenting several vital pieces of evidence to be listened by the trier of facts before the defendant part stated their arguments. In sum, this study will discuss the connection between Illocutionary acts and stance and engagement elements as the interactive

patterns found in the data, which is the very first opening statement in the trial by the plaintiff's lawyer, Ben Chew.

1.2.Research Problems

This study will be analysing three questions as the research problems. Those are:

1. What types of Illocutionary Acts were employed by Ben Chew in his opening statements in the trial?
2. What kinds of stance and engagement elements were employed by Ben Chew in his opening statements in the trial?
3. How do the Illocutionary Acts, stance, and engagements elements of Ben Chew's opening statements in the trial affect the interactive patterns?

1.3.Purpose of the Study

This study aims to:

1. Identify the Illocutionary Acts performed by Ben Chew in his opening statements in the trial.
2. Identify the stance and engagement elements employed by Ben Chew in his opening statements in the trial.
3. Elaborate on the connection between Illocutionary Acts and stance and engagements elements as the interactive patterns of Ben Chew's opening statements in the trial

1.4.Scope of the Study

This present study focuses on analysing the interactive patterns in the opening statements performed by Ben Chew to defend his client, Johnny

Depp, in the trial of Johnny Depp versus Amber Heard defamation case in 2022. The writer chose Depp vs Heard defamation case trial in 2022 because it is a contemporary trial which contains the opening statement that has rarely been academically studied. The writer, then, needs to employ the stance and engagements theory (Hyland, 2005) that is modified by Chaemsaithong (2014) to delve into how the lawyer presents his position and engages with the audience. However, beforehand, this study also initially requires the theory of Illocutionary Acts (Searle, 1979) to identify the intended acts of the speaker's utterances. In the last part, this study will elaborate on the connection between the illocutionary acts as well as stance and engagements elements as the interactive patterns of the selected opening statement.

1.5.Limitation of the Study

This study has limitations on the data of this study, which will be only analysing the opening statement by one of the plaintiff's lawyers, Ben Chew. It is due to the selected opening statement contains the series of data in the form of utterance/words/phrases/sentences that is required for this study. Furthermore, it will be excluding the opening statement performed by another plaintiff's lawyer, Camilla Vasques, and the defendant's lawyers. Besides that, Hyland's original theory of stance and engagement (2005) is not employed in the present study since it is proposed to analyse the academic paper. As a result, this present study prefers to use its modification by Chaemsaithong (2014) to delve into the trial opening statement's interactive patterns.

1.6. Research Significance

The findings of this study are expected practically to provide an understanding of how a monologue speech can be considered as an interactive communication. Academically, it is expected to offer the knowledge for comprehending the interactive linguistic features as well as the contribution to the pragmatics studies on speech acts and stance-engagement elements found in courtroom communication. Other than that, this research will also provide a perspective that language in a courtroom discourse can be used by the legal figures, such as lawyers, as an interactive means to persuade the jurors through the opening statement in a trial.