



مختبر مقاربات الخطاب
Laboratory of Approaches to Discourse



Editors

Akila Sellami-Baklouti

Fatma Benelhaj

Sabiha Choura

Nadia Abid

This special issue compiles papers from the 48th Systemic Functional Congress (ISFC48) organised in March 2023 by the Systemic Functional Linguistics Association of Tunisia (SYFLAT) and the Laboratory of Approaches to Discourse (LAD-LR13ES15), under the auspices of the Faculty of Letters and Humanities at the University of Sfax. This special issue, which explores the theme of power and empowerment in relation to language and systemic functional theory, is divided into two volumes. The contributions in this first volume provide some reflections on SFL notions, which can empower both the theoretical apparatus and its application to different types of discourse. The papers in the second volume showcase how SFL language descriptions can empower pedagogical practices.

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Modality in court hearing transcripts: An SFL approach

Ahlem Laadhar

Abstract

The present paper aims to investigate the use of Modality in Court Hearing Transcripts by the different participants and its relation with their different power status from a systemic functional approach (SFL). Danet (1980, 495) maintains that “words are a means to an end”. That is, “people play with words for their own sake.” Thus, this paper hypothesizes that the variable of participant has an effect on the distribution of Modality type (Modalization vs Modulation), Modality realization (congruent vs metaphorical) and Modality orientation (subjective vs objective) to serve a participant’s personal purposes. It also argues that such choices reflect the participants’ social power. The investigated corpus comprises two court hearings counting 1500095 words. On the quantitative pattern, the UAM CorpusTool is used to annotate all the instances of Modality according to their type, realization, orientation and sources. The qualitative analysis is also carried out by interpreting the various instances of Modality using the SFL approach, with a focus on the theory of Context. The study has shown that the distribution of Modality instances among the participants reflects their intentions as well as their various social degrees. This paper can add to the literature of SFL along with Legal Studies and raise awareness of people dealing with Modality in Court Hearings.

Keywords

Court Hearing Transcripts; Modality; Power; Participants; Systemic Functional Approach

Introduction

This article investigates the power dynamics within court proceedings. Court hearing transcripts represent Legal Discourse—a discourse of power par excellence—where language acts as social action, and law is viewed as social discourse, per Goodrich (1987, 76). Accordingly, this paper examines how participants in court hearing transcripts employ Modality and how it relates to their power status, using an SFL approach. In this framework, Modality reflects the speaker’s stance toward a proposition. Within SFL, Modality is central to the interpersonal metafunction, which addresses how speakers express attitudes, assert power, and negotiate meanings in discourse. Through the interpersonal

metafunction, language reveals participants' social roles. By analyzing Modality, this paper seeks to uncover how power dynamics are negotiated in legal discourse.

Few studies have examined Modality in Court Hearing Transcripts (CHT) from an SFL perspective. For instance, Ramadhani, Amalia, Indrayani, and Mahdi (2019) explored Modality Systems in courtroom exchanges between lawyers and witnesses, while Dong (2013) examined Interpersonal Metaphor, specifically Modality, in cross-examinations. This research, however, uniquely investigates Modality across various courtroom roles, including Judges, Officers, Lawyers, Witnesses, and Jury Members.

The paper hypothesizes that a participant's role influences the distribution of Modality type (Modalization vs. Modulation), realization (congruent vs. metaphorical), and orientation (subjective vs. objective) for personal purposes, proposing that variations in Modality usage correspond to participants' social power.

The article opens by defining Modality and its types—Modalization and Modulation—and then explores congruent and metaphorical realizations as well as Modality orientation. The Appraisal Theory and the Theory of Context frame the analysis. Following this theoretical foundation, the study defines Legal Discourse, focusing on court hearing transcripts. A corpus description introduces both quantitative and qualitative analyses. The results section details Modality distribution across participants, highlighting variations by role in types, realizations, and orientations, thereby illuminating the intricate relationship between language and power in legal settings.

1. Modality in court hearing transcripts

This section explores the role of Modality in court hearing transcripts by first defining the concept, examining its types, realizations and orientation and finally, analyzing it within the Appraisal Framework.

1.1. Defining modality

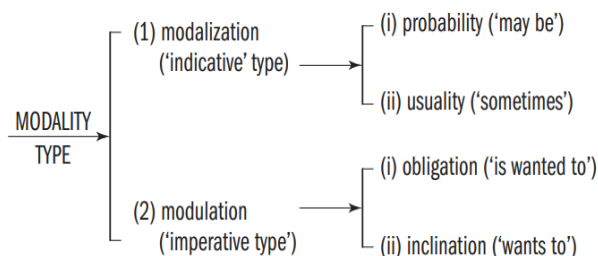
Modality is a linguistic category expressing the speaker's attitude toward the likelihood or necessity of a proposition (Thompson 2014, 247). It conveys degrees of certainty, usuality,

obligation, willingness, and ability. Modality lies between positive and negative extremes, described as the “intermediate ground between yes and no” (Halliday 1994, 356), including terms like “maybe” or “sometimes” (Thompson 2014, 69). In courtrooms, Modality helps speakers manage relationships, convey attitudes, and position themselves regarding propositions. It can be expressed via both Modalization and Modulation types (Halliday & Matthiessen 2014), which will be explored in later sections.

1.2. Modality types

Modality is divided into two types which are Modalization and Modulation, as shown in the following figure.

Figure 1: System of types of modality



(Source: Halliday & Matthiessen 2014, 691)

1.2.1. Modalization

Modalization (or epistemic Modality) shows the speaker’s assessment of the likelihood of the proposition. It relates to how valid the information is being presented in terms of how likely it is to be true and how frequently it is true, as Thompson (2004) elucidates. Modalization carries two key meanings. The first relates to a degree of probability, indicating uncertainty—essentially a “yes or no,” or “maybe” (Halliday & Matthiessen 2014, 691). As Thompson (2014, 70) explains, probability refers to how likely the presented information is to be true. The second meaning of Modalization conveys a degree of usuality, indicating both “yes and no,” or “sometimes” (Halliday & Matthiessen 2014, 691). Usuality, as defined by Thompson (2014, 70), reflects how frequently the presented information is true.

Modulation

Modulation or deontic Modality (Halliday & Matthiessen 2014, 691) includes two distinct sub-categories. The first meaning of Modulation denotes Obligation. It means ‘is wanted to’ and it is related to a command. The scale for the demanded goods-&-services includes: permissible, advisable and obligatory (Thompson 2014, 70). The second meaning of Modulation denotes some degree of inclination. It means ‘wants to’ and it is related to an offer (Halliday & Matthiessen 2014, 691). It concerns the degree of willingness or inclination of the speaker to fulfill the offer (Thompson 2014, 70). The scale of inclination includes some essential points as ability, willingness and determination.

1.2.2. Concluding remarks

In a nutshell, a clause is considered as Modalization “when modality is used to argue about the probability or frequency of propositions.” A clause is regarded as Modulation when it tackles degrees of obligation (‘allowed to /supposed to /required to’) and degrees of inclination (‘willing to /anxious to /determined to’), as maintained by Matthiessen et al. (2010, 146).

1.3. Modality realizations

This section explores how Modality is realized in language, focusing on congruent Modality and the grammatical metaphor of Modality.

1.3.1. Congruent modality

Three main forms are used to express Modality congruently, which are modal operators, mood adjuncts and predicators. Modal operators can express all four types, namely probability, usuality, inclination or obligation, as it is shown in the following examples.

- (1) [Probability] *There can't be many candlestick-makers left.*
- (2) [Usuality] *It ll change right there in front of your eyes.*
- (3) [Obligation] *The roads should pay for themselves, like the railways.*
- (4) [Inclination] *Voters won't pay taxes any more.*

Mood adjuncts are typically realized by an adverbial phrase or a prepositional phrase. (Halliday & Matthiessen 2014)

(5) *John probably has already left.* (Taverniers 2006, 7)

The predicator, passive or adjective, is the last form expressing Modality congruently. Halliday (1994, p.91) offers the following examples.

(6) [a passive verb predicator] *You are required to be patient.*

(7) [an adjective predicator] *I am determined to win.*

In brief, modal operators, mood adjuncts and predicators are the congruent forms used to convey the meaning of Modality. The following section offers the metaphorical means implemented to express Modality.

1.3.2. Grammatical metaphor of Modality

Grammatical Metaphor involves structures, where the non-congruent use of grammar carries the metaphorical meaning (Thompson 2014, 236). Modality can be conveyed both congruently and metaphorically through extra clauses, as shown in the examples below (Taverniers 2004, 9):

(8) [Mental cognitive clause] *I think John has already left.*

(9) [Relational attributive clause] *It is very clear that John has already left.*

These are examples of Interpersonal Grammatical Metaphors of Modality because the modal meaning is expressed outside the clause (Taverniers 2004, 9). The metaphorical form allows us to express our viewpoint subjectively (“I think...”) or to disguise responsibility by presenting it objectively (“It’s likely that...”) (Halliday & Matthiessen 2014).

1.4. Modality orientation

Orientation distinguishes between subjective and objective Modality, as well as explicit and implicit forms (Halliday & Matthiessen 2014, 692). Subjective Modality reflects personal viewpoints, while objective Modality presents external facts. Implicit (congruent) realizations directly align with linguistic forms, such as:

(10) *She must be happy.*

Explicit (metaphorical) realizations use more abstract expressions, like (11) to convey the same meaning.

(11) *It's possible that she is happy.*

Implicit subjective forms use modal finite operators such as “will,” “must,” or “should.” Objective Modality, on the other hand, can appear as impersonal by using expressions like “It’s likely that...” (Halliday & Matthiessen 2004, 624). Implicit objective forms involve mood adjuncts like “probably” or “certainly,” while Modulation in objective orientation uses structures like “be allowed to” or “be able to.” Subjective metaphors like “I think” express personal views on certainty or doubt (Halliday & Matthiessen 2014, 698). Objective metaphors, however, claim objectivity for matters that are actually subjective (Halliday & Matthiessen 2014, 698). Halliday and Matthiessen (2014, 688) explain that speakers can explicitly state subjective or objective probabilities through projecting clauses, such as “I think” for subjective, or “It’s likely” for objective.

After dealing with Modality types, realizations and orientation which are considered in the annotation of the corpus, it is essential now to consider the Appraisal Framework which is utilized in the interpretation of the results reached.

1.5. The Appraisal framework

Starting with defining the term Appraisal, it is “a central part of the meaning of any text and any analysis of the interpersonal must take it into account” (Thompson 2004, 75). It studies how the speaker feels about a particular participant, subject, or content (Thompson 2004, 75). The role Appraisal aims to assess is “whether the speaker thinks something (a person, thing, action, event, situation, idea, etc.) is good or bad” (Thompson 2004, 75). Thompson (2014, 80) states that the Appraisal system contains “three main regions of meaning”, sustaining that “one of these is Engagement, which focuses on how resources such as modality and projection [...] are deployed in negotiating solidarity”. Thompson (2014, 80) highlights that “the second is Graduation, dealing with the ways in which speakers and writers can intensify or weaken their evaluations.”

Attitude, a key component of Appraisal theory, is divided into three sub-systems: Affect, which deals with the expression of emotions; Judgment, which concerns the evaluation of character; and Appreciation, which relates to the assessment of the value of things (Martin & Rose 2003). For example, Affect focuses on the feelings of the person making the evaluation, while Judgment and Appreciation emphasize the qualities of the person or object being evaluated (Thompson 2014). It can be inferred that Judgment and Appreciation are more indirect than Affect, as they do not explicitly reveal the emotional source of the evaluation. When evaluating a person, it is classified as Judgment, whereas evaluating an object, action, or event falls under Appreciation (Thompson 2014). The focus in the paper is on the Attitude sub-system which is used in the analysis part to show how opinions are conveyed through the use of Modality types, realizations and orientation.

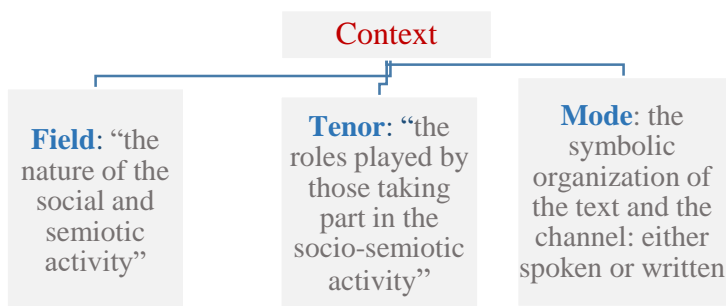
2. The theory of context

This section begins by defining the theory of context, and then explores the genre of court hearing transcripts, focusing on the legal register and the specific characteristics of court hearing transcripts.

2.1. Defining the theory of context

The context of situation consists of three elements: Field, Tenor, and Mode, which helps interpret the social environment where meanings are exchanged (Halliday & Hasan 1989). The Field refers to the type of social or semiotic activity, such as teaching or shopping, and the subject matter or topic of interaction (Hasan 2009; Halliday & Matthiessen 2014). Tenor addresses the roles and relationships between participants, like teacher and student or customer and vendor. These roles also involve power dynamics, familiarity, and emotional charge (Halliday & Matthiessen 2014, 33). Mode refers to the symbolic organization and function of the text, the communication channel (spoken or written), and the rhetorical mode, such as persuasive or didactic (Halliday & Hasan 1989, 8; Halliday & Matthiessen 2014). It also covers the medium of communication, whether aural or visual (Hasan 2009).

Figure 2: The Components of Context



(Source: *Halliday & Matthiessen 2014*, 33)

In summary, the three elements of Context are: Field, which refers to the subject matter, in this case, the legal proceedings; Tenor, which relates to the roles of participants, and Mode, which pertains to the spoken channel of communication. This highlights the importance of defining the genre of court hearing transcripts in the following section.

2.2. The genre of court hearing transcripts

Court Hearing Transcripts pertain to the Legal Register, which is defined in the subsequent section.

2.2.1. The legal register

Legal discourse serves as the channel for creating and transmitting legal texts, constituting and enacting law (Morrill, Harrison & Johnson 1998, 693). Writers in law use distinctive linguistic features to express legal concepts (Trosborg 1991, 2), with precision being the most important. Legal texts are characterized by precise, clear, and unambiguous language to ensure clarity for ordinary citizens (Bhatia 2006, 3).

Another feature is all-inclusiveness, aiming to cover all contingencies, which leads to syntactic complexity (Tiersma 2006; Gibbons 1994). Repetition is also crucial for clarity, as it avoids misunderstandings by repetitively using nouns instead of pronouns (Gocić 2012, 92; Bhatia & Bhatia 2010, 2). Impersonal constructions, such as passive voice and nominalizations, enhance objectivity and generality in legal texts (Zaharia 2008, 195; Danet 1985, 281).

Formality is another hallmark of legal writing, often involving archaic expressions (Danet 1985, 281; Tiersma 1999, 95). Despite its complexity, brevity remains a core value of effective legal writing, with a focus on eliminating unnecessary words (Zillman & Roth 2008; Faulk & Mehler 1994, 42).

2.2.2. Court hearing transcripts

A legal case is “an abridged version of a judgment” based on the actual negotiation of justice in court (Bhatia 2006, 4). Before reporting, a trial occurs before a judge, where arguments are presented, and a judgment is made based on legal principles (Maley 1994, 32). The case consists of four main moves: case identification, case description, argument, and judgment, which are complementary and essential (Bhatia 2006, 3). These moves justify the judgment made. Court hearings reflect diverse styles, influenced by the advocates' approaches and the judge's character and attitude (Haigh 2009, 203).

3. Methodology

This section starts with a description of the corpus, followed by an overview of the research methods employed, including both quantitative and qualitative analyses, and concluding with the procedure used to analyze the data.

3.1. Description of the corpus

The corpus chosen for inquiry is made up of two Court hearing transcripts counting 150095 words. The first case is about accusing the famous football player O.J. Simpson of killing his ex-wife Nicole Brown Simpson and her friend Ronald Goldman. It is taken from <http://simpson.walraven.org/#transcripts2>. It comprises 83091 words. The second case is about accusing Steven Avery of killing the photographer Teresa Halbach. It has 67604 words. It is taken from <http://www.stevenaverycase.org/jurytrialtranscripts/>.

3.2. Methods used in research

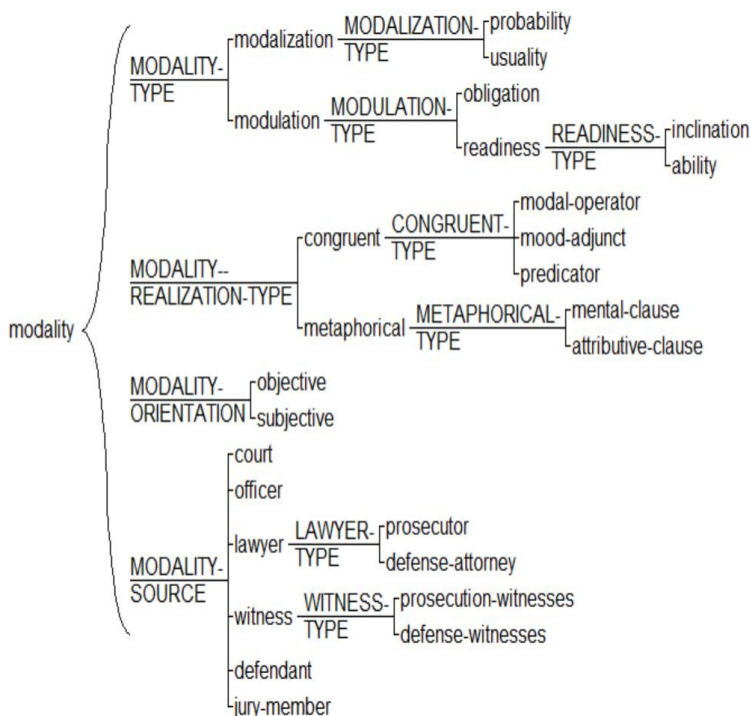
This section aims to sketch out the methodological framework implemented in the analysis of the corpus. It comprises two major sub-sections. The first one deals with the quantitative tools used to analyze the corpus. The second copes with the theories used to

analyze the results as well as some samples from the corpus qualitatively.

3.2.1. The quantitative analysis

The corpus is annotated using the UAM CorpusTool, a software application designed for annotating grammatical expressions defined by the user. Specifically, 2.8 version is downloaded. The UAM CorpusTool is used to annotate all the instances of Modality according to their type, realization and orientation, as well as their sources in the corpus. Afterwards, the UAM CorpusTool offers the different frequencies of the annotated items, in the form of percentages. Then, the results are put in tables, compared and interpreted taking into account the power status of each participant. Before annotating the elements of Modality, the annotation scheme used is laid out.

Figure 3: The Annotation Scheme



3.2.2. Qualitative analysis

This paper conducts a qualitative study of Modality instances, using an SFL approach to interpretation. The objective is to discuss various examples from the corpus, focusing on the interpersonal metafunction of language, which pertains to the social roles and relationships enacted through communication.

The qualitative analysis incorporates the theory of Context, considering the interplay of field, tenor, and mode. Each participant's use of Modality reflects their role, the activity type, and the formal, spoken nature of the proceedings. By applying the Attitude-Appraisal framework, the analysis uncovers how language is used to negotiate meanings, navigate power dynamics, and express evaluations in court settings. Ultimately, this approach aims to demonstrate how social power is translated through language.

3.3. The procedure of analysis

The analysis follows a structured approach to investigate the distribution of Modality in court hearing transcripts. First, the distribution of Modality is examined according to different sources. Next, the study focuses on the types of Modality used, particularly distinguishing between Modalization (expressing probability and usuality) and Modulation (expressing obligation and readiness). Comparisons are made between the Prosecutor and Defense Attorney, as well as between Prosecution and Defense Witnesses. Subtypes such as probability versus usuality and obligation versus readiness are also analyzed according to the source.

The analysis, then, explores how Modality is realized in the corpus, focusing on congruent and metaphorical realizations. These are distributed according to the source, with comparisons between types of Lawyers and Witnesses. The distribution of congruent and metaphorical types is further examined.

Finally, the study investigates the orientation of Modality, determining whether it is subjective or objective, and how this varies across different sources in the corpus.

4. The results

In this section, Modality used by different participants in the corpus is examined. Hence, the distributions of Modality types, realizations and orientation are compared according to their sources.

4.1. The distribution of Modality according to the source

The first sub-section of the analysis investigates the distribution of Modality instances among the participants. The results are shown in Table 1.

Table 1: The distribution of Modality according to the Source

	Court	Officer	Lawyer	Witness	Defendant	Jury Member	Total
Number	760	33	2190	619	370	190	4162
Percentage	18.26%	0.79%	52.61%	14.87%	8.88%	4.56%	100%

Table 1 reveals that Modality is produced by different sources at varying rates, with Lawyers generating the highest percentage, reflecting their crucial role in the courtroom. This is evident in the following statement from a Lawyer:

CHT 1: *And certainly a report of a law enforcement interview ...*

In CHT 1, the Attorney demonstrates confidence through the mood adjunct ‘certainly,’ indicating a high degree of probability.

Conversely, the Defendant, occupying the lowest status in the courtroom hierarchy, uses Modality infrequently (8.88%). This aligns with the expectation that only more powerful participants can freely express their views and evaluate circumstances through Modality. Witnesses are similarly constrained (14.87%), as they are typically required to recount events without personal assumptions. The variable of Tenor, a key contextual element, illustrates how the relationships and established norms of distance between courtroom participants influence the distribution of Modality instances.

4.2. The distribution of Modality types in the corpus

In this section, the distribution of Modality types in the corpus is analyzed. The following subsections examine how these categories are distributed across different participants within the corpus.

4.2.1. The distribution of Modalization vs Modulation according to the source

In this sub-section, the focus is on the distribution of Modalization vs Modulation among the participants in the courtroom. The results attained are in Table 2.

Table 2: The distribution of Modalization vs Modulation among the participants

	Number	Modalization		Modulation	
Court	760	288	37.89%	472	62.11%
Officer	33	13	39.39%	20	60.61%
Lawyer	2190	1056	48.22%	1134	51.78%
Witness	619	447	72.21%	172	27.79%
Defendant	370	267	72.16%	103	27.84%
Jury member	190	101	53.16%	89	46.84%

The Table indicates that Modalization is predominantly utilized by the Defendant and Witnesses, with usage exceeding 70%. This reflects their lower status in the courtroom hierarchy. As Cotterill (2003, 129) observes, “witnesses are often placed in a vulnerable position as their testimony is scrutinized,” and she also notes (2003, 99) that “the defendant in a criminal trial is often at a linguistic disadvantage.” An example illustrating Modalization is the following:

CHT 2: *Mrs. Simpson: but he always looks as stary.*

Here, Mrs. Simpson uses the mood adjunct ‘always,’ which occupies the top of the usuality scale, to convey her perspective while attempting to defend her son.

Conversely, Modulation is employed at high rates by Judges and Lawyers. Judges have the highest percentage of Modulation (62.11%), reflecting their authority in the courtroom. An example of Modulation is seen in the Judges' utterance:

CHT 3: *I would like to ask you a couple of questions.*

This instance demonstrates a mental clause signaling inclination. It illustrates that Judges can express their preferences freely, unlike the Witnesses and the Defendant, whose Modality largely indicates Probability and Usuality. The contrasting usage of Modulation and

Modalization highlights the social hierarchy established within the courtroom.

4.2.2. The distribution of Modalization vs Modulation between the prosecutor and the Defense Attorney

A comparison is settled between the Prosecutor and the Defense Attorney as far as the implementation of Modalization vs Modulation is concerned. The results are displayed in Table 3.

Table 3: The distribution of Modalization vs Modulation between the prosecutor and the Defense attorney

	Prosecutor		Defense Attorney		ChiSqu	Sign
Number	912		1278			
Modalization	338	37.06%	718	56.18%	77.925	+++
Modulation	574	62.94%	560	43.82%	77.925	+++

Table 3 shows that Prosecutors use Modulation more often than Modalization, whereas Defense Attorneys prefer Modalization. This contrast reflects courtroom power dynamics: Prosecutors, in a more authoritative position, rely more on Modulation, while Defense Attorneys, in a comparatively weaker role, use Modalization more frequently. The Chi-square test in Table 3, showing high significance, and the strong correlation between Attorney type and Modality, indicated by three pluses, support this finding.

4.2.3. The distribution of Modalization vs Modulation between the Prosecutor Witness and the Defense Witness

An important variable that reflects the difference of power between Prosecution Witnesses and Defense ones is related to the use of Modality type i.e. Modalization vs Modulation. The results of these comparisons are in Table 4.

Table 4: The distribution of Modalization vs Modulation between the Prosecution witnesses and the Defense witnesses.

	Prosecution witness		Defense witness		ChiSqu	Sign
Number	393		226			
Modalization	271	68.96%	176	77.88%	5.689	+++
Modulation	122	31.04%	50	22.12%	5.689	+++

Obviously, both Prosecution Witnesses and Defense Witnesses implement Modalization more frequently than Modulation. However, the discrepancy between both participants is clear. Hence, Defense Witnesses tend to use Modalization more than Prosecution Witnesses do due to the formers' weaker position in the courtyard. An example of a Prosecution Witness's use of Modulation is the following.

CHT 4: *I believe he admitted that he hit it and stating that it was his.*

In this example, '*I believe*' is a mental cognitive clause functioning as a grammatical metaphor of Modality expressing Probability. The Witness uses the first personal pronoun in order to display certainty towards what he reports. '*I believe*' shows the Witness's level of certitude and commitment to the truth of the proposition. Moving to the Defense Witness, an example of Modalization is the following.

CHT 5: *Mr. Bell: I have never used that word to describe another person. I have used it several times, many many times lately in referring to Mark Fuhrman conversation.*

'Never' is an objective explicit instance of Modality, which expresses usuality denoting a direct negative proposition. Indeed, the Defense Witness emphasizes his innocence of using such a racist term and indirectly accuses the detective Fuhrman who is a Prosecution Witness in the case of repeatedly using the term 'negro' against the Defendant to prove him biased and not reliable enough to take his testimony into account. Therefore, power discrepancy is reflected in CHT 5 via the attack of the Defense Witness against the Prosecution Witness.

4.2.4. The distribution of Probability vs Usuality according to the source

The comparison of the use of probability vs usuality among the participants in the courtroom is clear in the percentages put in Table 5.

Table 5: The distribution of Probability vs Usuality according to the source

	Number	Probability		Usuality	
Court	288	278	96.53%	10	3.47%
Officer	13	13	100%	0	00.00%
Lawyer	1056	943	89.29%	113	10.70%
Witness	447	409	91.50%	38	8.50%
Defendant	267	242	90.64%	25	9.36%
Jury member	101	89	88.12%	12	11.88%

The Table shows that participants favor probability markers over expressions of usuality, as probability is a powerful tool in shaping trial narratives. Cotterill (2003, 152) argues that “the strategic use of probability markers allows legal professionals to introduce doubt or certainty, shaping the way evidence is perceived,” highlighting its role in influencing courtroom narratives and judgments.

CHT 6: *Sure, if I could just be standing out after I bring the jurors in?*

The modal operator “could” suggests a low degree of certainty or possibility. Here, the officer uses “could” to make a polite request. This choice reflects the hierarchical relationship, positioning the officer in a deferential role. The modal operator, thus, enables a polite, tentative request, shaping social dynamics in the courtroom.

In conclusion, Table 5 shows that probability markers are more common than expressions of usuality, reflecting a focus on possibility over habitual events in courtroom interactions. An example like “could” illustrates respect in hierarchical exchanges.

4.2.5. The distribution of obligation vs readiness according to the source

The distribution of obligation vs readiness in the corpus is reflected in Table 6.

Table 6: The distribution of Obligation vs Readiness according to the source

	Number	Obligation		Readiness	
Court	472	164	34.75%	308	65.25%
Officer	20	9	45.00%	11	55.00%
Lawyer	1134	175	15.43%	958	84.57%
Witness	172	20	11.63%	152	88.37%
Defendant	103	12	11.65%	91	88.35%
Jury member	89	20	22.47%	69	77.53%

Table 6 reveals that Judges have the highest use of obligation markers, reflecting their dominant authority, followed by Officers, Jury members, and Lawyers. Judges' power to impose obligation is evident in the following example from the Court:

CHT 7: *It is required that you stay over.*

In CHT 7, the phrase “It is required” is an explicitly objective attributive clause, demonstrating the Court’s authority. This formal expression of obligation adds impersonality and formality, enhancing the commanding tone of the statement. Conversely, Defendants and Witnesses show the lowest use of obligation due to their subordinate status

In summary, Judges exhibit the highest use of obligation, as seen in authoritative language like “It is required,” emphasizing their dominant role. By contrast, Defendants and Witnesses, with minimal authority, use constrained responses like “cannot,” underscoring their limited role. These patterns in Modality reflect the power hierarchy within the courtroom.

4.3. The distribution of Modality realizations in the corpus

This section analyzes the distribution of Modality realizations within the corpus, examining both congruent and metaphorical realizations across various dimensions, including their distribution according to the source, among different types of Lawyers, among types of Witnesses, and the specific patterns observed within each realization type.

4.3.1. The distribution of congruent vs metaphorical realizations according to the source

This section investigates the distribution of Modality realizations (congruent vs metaphorical) among the participants in the courtroom. The subsequent Table reveals the different results reached.

Table 7: The distribution of Modality realizations according to the source

	Number	Congruent		Metaphorical	
Court	760	619	81.45%	141	18.55%
Officer	33	32	96.97%	1	3.03%
Lawyer	2190	1646	75.16%	544	24.84%
Witness	619	334	53.96%	285	46.04%
Defendant	370	149	40.27%	221	59.73%
Jury member	190	122	64.21%	68	35.79%

Judges, Lawyers, Jury members, and the Officer primarily use congruent expressions, with usage increasing alongside their power. In contrast, the Defendant, the weakest participant facing potential penalties, uses over half of their Modality instances in metaphorical forms. Witnesses, with less power than court officials, show a near-equal split between congruent and metaphorical expressions.

CHT 8: *I think both Nicole and I talked to Mr. Olson.*

In CHT 8, the Defendant uses a metaphorical form of Modality by expressing probability through the mental process “think” paired with the first-person pronoun. This phrasing aims to project credibility and trustworthiness while subtly acknowledging the Defendant’s lower social status in the courtroom.

In summary, congruent expressions correlate with higher authority in court, while metaphorical forms are more common among less powerful participants, reflecting courtroom hierarchy.

4.3.2. The distribution of Modality realizations (congruent vs metaphorical) between the types of Lawyers

This sub-section compares the Prosecutor and the Defense Attorney as far as the use of Modality realization is concerned. Results are displayed in the following Table.

Table 8: The distribution of Modality realizations between the two types of lawyers

	Prosecutor		Defense Attorney		ChiSqu	Sign
Number	912		1278			
Congruent	742	81.36%	904	70.74%	32.176	+++
Metaphorical	170	18.64%	374	29.26%	32.176	+++

Table 8 shows that both the Prosecutor and Defense Attorney primarily use Congruent Modality, aligning with legal discourse's need for clarity, precision, and formality. Congruent Modality provides direct expressions of certainty, obligation, or usuality, reducing ambiguity, which is essential in legal settings. Though the Defense Attorney uses Metaphorical Modality (29.26%) more than the Prosecutor (18.64%), both prioritize congruent forms to ensure their arguments remain clear and grounded in legal reasoning, crucial for persuading judges.

The Prosecutor uses more direct language, reflecting their powerful role in maintaining a consistent narrative to convince the Judges. In contrast, the Defense Attorney’s role in challenging the Prosecutor’s narrative is shown by a higher use of Metaphorical Modality, reflecting their different power levels, as indicated by the chi-square test (Table 8).

CHT 9: You never had a conversation with Miss Louis?

In CHT 9, the Prosecutor uses the mood adjunct “never” to assert the absence of any contact between the Witness and Miss Louis, displaying direct, negative Modality that denies facts favorable to the Defendant.

In summary, more powerful participants, like the Prosecutor, rely on congruent expressions, while the Defense Attorney’s higher use of metaphorical expressions reflects their role in opposing the prosecution's narrative. This contrast in Modality use highlights courtroom power dynamics.

4.3.3. The distribution of Modality realizations (congruent vs metaphorical) between the types of witnesses

The results of comparing the use of Modality realizations between Prosecution Witnesses and Defense ones are displayed in the table below.

Table 9: The Distribution of Modality realizations between both types of witnesses

	Prosecution witness		Defense witness		ChiSqu	Sign
Number	393		226			
Congruent	236	60.05%	98	43.36%	16.085	+++
Metaphorical	157	39.95%	128	56.64%	16.085	+++

Table 9 shows that Prosecution Witnesses who enjoy a more powerful status in the court room than Defense ones employ the congruent realization more frequently than their counterparts do and even more frequently than metaphorical realizations. At the opposite side, Defense Witnesses who are much weaker than the Prosecution counterparts implement metaphorical Modality more frequently than the congruent realization. Consequently, the stronger the participants are, the more congruent realizations they use.

An example of congruent Modality uttered by a Prosecution Witness is the following.

CHT 10: *I would characterize as average height and average weight.*

In this example, the Prosecution Witness expresses his readiness to provide his testimony in a credible and accurate way. Another example containing metaphorical Modality which is stated by the Defense Witness is the following.

CHT 11: *I truly believe it was a woman.*

In CHT 11, the Defense Witness tries to show his certainty of the information they offer in a way to exonerate the Defendant. The variable of tenor plays a role in the choice of Modality realization since the use of either congruent or Metaphorical Modality depends on whether the Witness is pro or against the Defendant.

In conclusion, the use of congruent versus metaphorical Modality reflects courtroom power dynamics. Stronger Prosecution Witnesses favor congruent Modality for direct, credible testimony, while weaker Defense Witnesses rely more on metaphorical Modality to express certainty in a less assertive way.

4.3.4. The distribution of the congruent type according to the source

Focusing more on the Congruent type of Modality, its use is compared among the participants of court hearing transcripts. The results are put in Table 10.

Table 10: The distribution of the congruent type in the Corpus

	Number	Modal operator	Mood adjunct	Predicator
Court	619	478 77.22%	75 12.12%	66 10.66%
Officer	32	31 96.88%	01 3.12%	0 00.00%
Lawyer	1646	1231 74.79%	271 16.46%	144 8.75%
Witness	334	211 63.17%	103 30.84%	20 5.99%
Defendant	149	96 64.43%	52 34.90%	1 0.67%
Jury member	122	79 64.75%	26 21.31%	17 13.93%

Table 10 shows that all participants have the same rank as far as the congruent realizations of Modality are concerned. In first place, comes the modal operator. Secondly, there is the mood adjunct. Lastly, comes the predicator with its both types. The similarity among all participants in the courtroom concerning the rank of Modality congruent realizations may be explained by the fact that, in English, modal operators are more recurrent than mood adjuncts and the latters are more frequent than predicators. However, it is worth noting that the powerful participants in the court such as the Court, Jury Members and Lawyers make use of predicators in a significant way. The following example is an instance of the Court's use of the predicator.

CHT 12: *The defense is supposed to discover witness statements to the people and –*

The predicator used is passive, indicating obligation by the Judges who enjoy the most powerful status in the court. The power of imposition is forced through this predicator to refer to the party that must obey the court's statements.

CHT 13: *We should see if Mr. Avery is willing to waive his presence.*

In CHT 13, the Defense Lawyer, Mr. Strang, uses the adjectival predicator “willing” to express inclination, which highlights the Lawyer’s support for the Defendant, Mr. Avery, by emphasizing his agency. This reflects the role of a Defense Lawyer, whose responsibility is to advocate for the Defendant. Mr. Strang’s choice of Modality not only conveys his alignment with the Defendant but also emphasizes his commitment to empowering his client through language.

4.3.5. The distribution of the metaphorical type according to the source

Attention is now directed to the distribution of the metaphorical realizations among the sources in the corpus.

Table 11: The distribution of the Metaphorical type in the Corpus

	Number	Mental clause		Attributive clause	
Court	141	125	88.65%	16	11.35%
Officer	01	01	100%	00	00.00%
Lawyer	544	501	92.10%	53	7.90%
Witness	285	283	99.30%	2	0.70%
Defendant	221	220	99.55%	01	0.45%
Jury member	68	66	97.06%	2	2.94%

Table 11 shows that all participants in court hearings use mental clauses far more frequently than attributive clauses, likely due to the spoken nature of the transcripts, which emphasizes mental over attributive clauses typical of oral discourse. An example of mental clauses from the Defendant appears in CHT 13:

CHT 13: *No, I think both Nicole and I talked to Mr. Olson, and I think we possibly told him a little more.*

In CHT 13, O.J. Simpson uses two mental clauses to emphasize his subjective perspective. Repeating “I think” centers his viewpoint and may encourage empathy. The oral mode allows Simpson to present a self-focused narrative, using the spontaneity of spoken language to influence courtroom perceptions subtly.

In contrast, the Court and Lawyers lead in using attributive clauses, with percentages of 11.35% and 7.90%, respectively, of their total metaphorical modalities. Judges use attributive clauses to exercise authority and objectivity, as they assess the likelihood and seriousness of propositions, reinforcing their authority, as in:

CHT 15: *It was entirely possible that the court would conduct some questioning of the Jurors on an individual basis.*

The power of imposition is enforced by the Judges who are exercising their power via attributive clauses which are called Judgments as far as the Appraisal Theory is concerned. They are also used to show the speaker's assessment of the likelihood of the proposition and to signal one's commitment towards the proposition. Moreover, such clauses give the impression of formality and objectivity that both Judges and Lawyers tend to show.

4.4. The distribution of Orientation according to the source

A last distribution which is accounted for in this article concerns the allocation of orientation (Objective vs Subjective) among the participants in the courtroom, as will be figured out in Table 12.

Table 12: The distribution of orientation according to the source

	Number	Objective		Subjective	
Court	760	160	21.05%	600	78.95%
Officer	33	01	3.03%	32	96.97%
Lawyer	2190	460	21.00%	1730	79.00%
Witness	619	125	20.19%	494	79.81%
Defendant	370	55	14.86%	315	85.14%
Jury member	190	45	23.68%	145	76.32%

The Table shows that all participants use subjective Modality more frequently than objective Modality, with percentages ranging from 76.32% to 94.11%. This indicates that the storytelling is largely construed subjectively. An example from the Judges' statements demonstrating subjective Modality appears in CHT 16:

CHT 16: *We wanted to make sure that all the Jurors have not been exposed to any information.*

In CHT 16, “we wanted” is a Grammatical Metaphor of Modality conveyed through a subjective, implicit affective clause. High-ranking participants use the first-person plural pronoun “we” to assert authority, emphasizing impartiality. This choice accentuates transparency in legal proceedings, clearly communicating the intentions guiding the Court’s actions.

Conclusion

In courtroom discourse, the distribution of Modality reflects participants' power rankings, shaped by their social roles. This reveals two social dimensions: power and solidarity (Brown & Gilman 1960, 253). Modality choices indicate power dynamics, with the “linguistic structure itself” creating imbalances (Goodrich 1987, 79). Judges and lawyers, holding higher status, mostly use congruent Modality and Modulation, while defendants and witnesses, with lower status, prefer metaphorical Modality and Modalization. Judges and lawyers assert control through Modulation (obligation and readiness), whereas defendants and witnesses use Modalization to convey certainty in their testimonies.

Participants generally favor Subjective Modality (speaker perspective) over Objective Modality (accepted facts), shown by the frequent use of modal operators and mental clauses. Distinctions also exist between lawyers and witnesses, with Prosecutors using Modulation more often than Defense Attorneys, who lean toward Modalization. Prosecution Witnesses, reflecting higher power, use congruent Modality more than Defense Witnesses. Language thus serves as a “powerful tool of domination and repression” (Danet 1980, 542), with courtroom transcripts revealing power dynamics and authority negotiation. In short, language manipulates the legal system, with “linguistic structures” deserving critical analysis (Hart 1952, cited in Goodrich 1987, 79).

Analyzing Modality in courtroom transcripts from an SFL perspective has significant impacts. First, it shows how legal participants adjust language to influence outcomes. As Cotterill (2003, 160) notes, Modality enables practitioners to imply guilt or innocence, affecting interpretation. This method highlights the role of language in courtroom certainty, authority, and persuasion. Second, it can improve legal practice by guiding communication strategies among judges, lawyers, and officers. Insights from SFL

can enhance training, making courtroom communication more effective. Third, understanding Modality aids access to justice, helping all participants, including jurors and witnesses, comprehend interactions. Fourth, SFL studies contribute to forensic linguistics, providing methods for analyzing courtroom interactions.

Ultimately, this research enriches both SFL and Legal Studies literature, spotlighting Modality in court hearings. An SFL approach to Modality offers valuable insights into how language functions within the judicial system, deepening theoretical understanding, refining legal practices, and benefiting society by making legal language more accessible.

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About the author

Ahlem Laadhar is an English Language Teacher at the Faculty of Sciences of Sfax. She researches her PhD about the Use of Modality in Legal Discourse: Academic Legal Articles and Court Hearing Transcripts as a case study. Her research interests are Cognitive Linguistics, Corpus Linguistics, Genre and Register Analysis, Systemic Functional Linguistics and Pragmatics.

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