



## Leaving no room for doubt and exceptions: closing arguments through the lens of metadiscourse<sup>1</sup>

Expresar certeza y convicción: el análisis del metadiscurso de las alegaciones finales

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**ABSTRACT:** The closing argument in criminal trials allows for unique metadiscourse analysis opportunities. Yet despite these opportunities, it seems to be an understudied linguistic genre which requires more research into its interactional features. This article aims to explore the types, frequencies and functions of boosters as metadiscourse resources employed by attorneys to achieve their persuasive purposes. In particular, the article describes how attorneys exploit boosters to produce convincing arguments and control the power relationship with an audience. The findings are based on a metadiscourse analysis of 21 closing arguments derived from the *famous-trials.com* website. As regards the choice of boosting resources to be searched in the corpus, the present study adopted Hyland and Zou's (2021) taxonomy of boosters. It was revealed that attorneys made extensive use of boosters to exert an influence on the outcome of a criminal prosecution. The results have implications for our understanding of closing argument as a persuasive interactional legal genre and for teaching legal writing to law students. Hopefully, this study will inspire lawyers to take advantage of boosters and other metadiscourse resources in their attempt to achieve persuasive goals in trials by jury.

*Key words:* courtroom discourse, closing argument, booster, persuasion, metadiscourse.

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RESUMEN: Las alegaciones finales ofrecen oportunidades únicas de análisis del metadiscursos. Sin embargo, algunos de sus géneros están poco estudiados y requieren más investigación sobre sus características discursivas y metadiscursivas. Este artículo explora el papel de los impulsores empleados en el discurso de defensa. El artículo describe cómo los abogados utilizan refuerzos para producir argumentos convincentes y controlar la relación de poder con una audiencia. El estudio se basa en un corpus de 21 argumentos finales tomados del sitio web Famous-trials.com. El marco teórico es la taxonomía de coberturas de Hyland y Zou (2021), que ofrece un método pragmáticamente fundamentado para analizar la cobertura en el discurso jurídico. La atención se centra principalmente en los tipos y frecuencias de estos recursos lingüísticos. Los resultados contribuyen a nuestra comprensión del argumento final como un género jurídico persuasivo de naturaleza interaccional y a la enseñanza de la escritura jurídica a los estudiantes de derecho. Con suerte, este estudio inspirará a los abogados a aprovechar los recursos del metadiscursos en su intento de lograr objetivos persuasivos en los juicios con jurado.

*Palabras clave:* discurso jurídico, alegaciones finales, refuerzo, persuasión, metadiscursos.

## 1. INTRODUCTION

Courtroom discourse has been explored from a variety of perspectives over the last twenty years. Studies on discursive practices that occur in the courtroom have involved analyses of legal language (Breeze, 2013; Chaemsaitong, 2014; Gotti, 2014; Hansen, 2016; Li & Sun, 2018; Szczyrbak, 2021; Tiersma, 1999; Tracy & Hodge, 2018; Yang & Wang, 2021), legal genres (Boginskaya, 2022a, 2022b, 2002c; Cohen de Chervonagura, 2011; Cotterill, 2003; Finegan, 2010; Hernandez, 2017; Gozdz-Roszkowski & Pontrandolfo, 2013; Lee, 2015; Mazzi, 2010; Heffer, 2008; Rosulek, 2015; Shatin & Silantev, 2020; Tanford, 2002; Tiersma, 2008), legal translation (Boginskaya, 2021; Cao, 2013; Hu & Cheng, 2016; Sarčević, 1997; Sandrini, 1999), and legal semiotics (Cheng et al., 2009; Cheng & Sin, 2008), etc.

Although these studies are valuable, few works (Cavaliere, 2011; Chaemsaitong, 2017; Mortensen & Mortensen, 2017; Toska, 2012) appear to have analyzed metadiscourse resources, even though they play an important role in building relationships with an audience and producing persuasive arguments. The interaccional aspect of legal discourse is of particular importance bearing in mind that trials are interpersonal events, in which how it is said is no less important than what is said (Mortensen & Mortensen, 2017), and courtroom discourse is considered to be interaccional, unveiling how attorneys intervene in their texts to build solidarity with the jury (Tracy, 2011; Chaemsaitong, 2012, 2017).

Metadiscourse has established itself as a useful research tool widely applied in studies of discursive practices such as Twitter posts (Russell, 2011), advertisements (Fuertes-Olivera et al., 2001), job postings (Fu, 2012), company reports (Hyland, 1998), political statements (Marín-Arrese, 2021), research articles (Donadio & Passariello, 2022; Hu & Cao, 2011; Goltaji & Hooshmand, 2021; Takimoto, 2015; Zou & Hyland, 2019), election manifestos (Ho & Crosthwaite, 2018). Dafouz-Milne (2008), for example, made an attempt to explore metadiscourse features used in persuading readers and

identified stance categories that predominate in the British and Spanish newspapers. Fu (2012) explored travel blogs in terms of the frequencies and functions of metadiscourse features used by bloggers to communicate with their readers. Peacock (2006) conducted a cross-disciplinary comparison of boosters in research articles from six disciplines and revealed that the highest proportion of these devices appeared in Linguistics and the lowest in Environmental Sciences. Focusing on election manifestos, Ho and Crosthwaite's (2018) study compared the metadiscursive features of the written political evaluative stances and determined the lexical resources employed by the candidates. Taking TripAdvisor as an example, Zhou and Li (2023) explored the types and functions of metadiscourse used in hotel responses to negative reviews. They found that metadiscourse markers can help achieve persuasive goals including restoring the damaged reputation, winning trust, and enhancing rapport. In the legal context, there were far fewer studies, including Mazzi's (2010) one which explored the role of evaluation in the construction of the judge's stance in a corpus of US Supreme Court judgements. Lee's (2015) study investigated interactional metadiscourse resources employed by participants in the interpreter-mediated courtroom examinations of three English-speaking expert witnesses and found that hedging was more frequently used than boosters, and that attitude and engagement markers were regularly used in evaluating interpretations and ensuring their accuracy. Chaemsaithong (2017) analyzed metadiscourse features used in courtroom opening statements and revealed that evaluative stance expressions constitute an integral part of this legal genre.

With this abundance of studies on metadiscourse and stance construction in different linguistic genres, little attention has been given to the closing argument, which is one of the best examples of persuasive discourse featuring metadiscourse categories. The closing argument is a genre which demands special attention, because, as O'Barr (1982: 16) put it, "the intrinsic merits of any case are mediated by the persuasive impact of the messages which present the case and the persuasive skills of the individuals who present them". In order to persuade the jury, lawyers have to present their claims in a form that jurors will find convincing and to build appropriate relations with them. Metadiscursive features play a crucial role in achieving these pragmatic goals.

Given the imbalance in the amount of research into metadiscourse features and to complement the picture of persuasion in courtroom discourse, the current research investigated boosters in closing arguments delivered by attorneys drawing upon a corpus of high-profile US trials. The article aims to show that attorneys make extensive use of boosters in persuading the jury to return a favorable verdict.

To achieve this goal, the study seeks answers to the following questions:

- (1) Which types of boosting do attorneys choose to convince the jury to accept their version of a criminal event?
- (2) What is the frequency of occurrence of the types of boosting in the corpus of closing arguments?
- (3) What are the most frequent lexico-grammatical categories and lexical items used by attorneys in persuading the jurors?

By answering these research questions, it is hoped that lawyers will be inspired to apply boosting devices in their closing arguments in order to strengthen persuasion effectiveness.

## 2. THEORETICAL BACKGROUND

### 2.1. CLOSING ARGUMENTS: DISCURSIVE FEATURES

The closing argument is the last opportunity for the jurors to hear a comprehensive analysis of each party's evidence and the attorneys' last chance to convince the jury. Closing arguments offer the opportunity to summarize and evaluate important facts in the form of a narrative and make a request for a verdict using a wide range of rhetorical devices to persuade jurors to adopt a favorable version of reality.

For researchers, closing arguments allow for unique analysis opportunities. The opposing attorneys who deliver closing arguments have had access to the same facts that have been presented as evidence during the trial, yet they create different versions of reality. Rhetorical devices used for this purpose are of great research interest.

Previous research has made contribution to the study of closing arguments in terms of their linguistic features, move structure and rhetorical functions (Aldridge, 2007; Cotterill, 2003; Danet, 1980; Eades, 2008; Gilbert, 2005; Heffer, 2005; Kurzon, 2006; Rosulek, 2015). Using the materials of the criminal case against O. J. Simpson, Cotterill (2003), for example, conceptualized the trial as a process of (re)constructing the criminal event and revealed the linguistic and discursive features of this type of discourse. Heffer (2005) provided a detailed analysis of closing arguments and developed a model for describing expert-lay interactions in a trial. The researcher emphasized the hybrid nature of courtroom interactions explaining it by a strategic tension: expert-lay discourse is a product of strategic tension between the paradigmatic needs of the expert and the narrative thinking of lay participants. Rosulek (2015) identified rhetorical strategies used by lawyers to create competing realities in the courtroom. Her study showed how different versions of reality are created using the model of silencing, de-emphasising and emphasising. Rosulek claimed that emphasis occurs when a social actor or an event is repeatedly referred to by a term with a shared semantic property.

Most of these studies emphasize that the closing argument is a culmination of the trial, the last chance to convince the jury in the reliability of the evidence presented. It is the phase in the trial when attorneys can present the evidence effectively, when they are permitted to explain to the jurors why the evidence is important to the decision they must make. As Malton (1993) claims, closing arguments are influential in their ability to synthesize trial information and remind jurors of evidence deemed important to an advocate's case. The closing argument exerts therefore a decisive influence on the outcome of a criminal prosecution. It is aimed to weave the evidence into a cohesive argument for the purpose of destroying the version of the opposing party. For the attorneys, closing arguments are their final opportunity to convince the jury, matching the evidence and the law in such a way that they and their clients win the case (Montz, 2001).

An effective address to the jury must have a carefully planned case in order to provide the material upon which a persuasive argument can be built. The preparation is similar to the painting of a picture. By proper arrangement of colors, it is possible to create a picture capable of arousing desired feelings in the audience, evoking the desired response. The attorney has certain evidence. By properly arranging it in the most effective order, she can paint a convincing picture capable of arousing feelings in jurors that cause them to accept the attorneys' arguments. All the parts of the closing argument – attraction of jury's attention, key issue statement, argument, rebuttal, exit line – are aimed at convincing the jury.

The discursive features of the closing argument determine its interactional and interpersonal nature. First, the closing argument is a monologue delivered to a silent audience (jurors). Second, the closing argument manifests the attorneys' control over the linguistic choices, thereby indicating attorneys' awareness of the audience. Finally, the closing argument is directed to jurors. These discursive features demonstrate that the closing argument is a phase in the trial where the attorneys are motivated to use interactional metadiscourse to negotiate their positions with the jury members for a favorable verdict.

Metadiscourse appears to be an effective strategy in achieving the key purpose of closing arguments – to confute an argument of the opposing party. The role metadiscourse plays in persuasion in closing arguments cannot be overlooked. Despite the analytical attractiveness of closing arguments as a linguistic genre, to my knowledge, no studies have been conducted looking at closing arguments from a metadiscourse perspective. To fill this gap, this study aims to find out the role of boosting as a metadiscourse strategy in closing arguments and how they help legal professionals to achieve their persuasive purposes.

## 2.2. BOOSTING AND PERSUASION

In making attempts to persuade the jury into accepting their versions of the crime, the attorneys make strong claims for which they have epistemic authority. While persuasion means engaging an audience, metadiscourse appears to be crucial in effective interactions with the jury members. Metadiscourse is a central feature of persuasive discourse, and speakers make choices on employing metadiscourse resources devices to interact with an audience in different genres. Crismore and Farnsworth (1990), for example, claimed that the employment of metadiscourse features could increase the persuasiveness of texts. Abdi's (2002) study revealed that metadiscourse devices assist in establishing credibility. The same conclusions were made by Hyland (1998) who revealed that metadiscourse resources used in company reports serves the persuasive function. Being a feature of persuasive discourse, metadiscourse "refers to speakers' attempts to build relations with their audience via the articulation of their position, as achieved through the careful selection of linguistic resources" (Ho & Crosthwaite, 2018: 632).

Over the last decades, there have been several taxonomies developed for metadiscourse elements (Beauvais, 1989; Hyland, 2005; Vande Kopple, 1985), which divide the linguistic resources into textual and interpersonal. The current study adopted Hyland's (2005) taxonomy that identifies metadiscourse categories by formal rather than functional characteristics. Hyland (2005) distinguishes between two types of metadiscourse – interactive and interactional. While the interactive metadiscourse helps organize a text coherently by linking sentences to each other so that the reader can understand it better, interactional metadiscourse is employed to interact with the reader, to explicitly convey views and attitudes, and to involve the audience by allowing them to respond to the unfolding text and anticipating their objections (Hyland, 2005). Hyland's (2005) taxonomy of interactional metadiscourse involves five elements –hedging, boosting, attitude stance, self-mention, and engagement– which help realize the credible and affective appeals contributing to the persuasiveness of a text. Given the focus of the current study, consider boosters as metadiscourse features more closely

Holmes (1982) conceptualized boosters as lexical items that the writer can use to show strong conviction for a statement. In line with Holmes, Crismore, Markkanen and

Steffensen (1993) described boosters as certainty markers that deal with the writers' commitment to the truth of their statements, denoting the writer's full commitment to the proposition. In the same vein, Hyland (2005) defined boosting as a communicative strategy employed for recognizing contingency and indicating the space the speaker is willing to offer for negotiation. Boosters serve to suppress alternatives and present the propositional content with conviction. In persuasive texts such as closing arguments, boosters help the attorney create an impression of certainty, conviction and assurance, instill trust and confidence in the jury, thus emphasizing innocence of the accused. According to Hyland (1998), boosters allow speakers to project a credible image of authority, decisiveness, and conviction in their views. Peacock (2011) claims that boosters increase the force of statements, emphasize conviction, and persuade an audience that the claims are justified, thus avoiding disagreement and implying certainty resulting from the convincing nature of the data itself. As Vázquez and Giner (2009) say, speakers produce categorical statements when they consider the audience to have been led throughout the argument and convinced of it. In sum, boosting should be interpreted as a metadiscourse phenomenon contributing to persuasion.

Despite the wealth of studies on boosting as an element of persuasive discourse, it has been predominantly explored on corpora of academic texts (Donadio & Passariello, 2022; Hu & Cao, 2011; Goltaji & Hooshmand, 2021; Takimoto, 2015; Vázquez & Giner, 2009; Zou & Hyland, 2019). There has been an upsurge of interest in boosting and other metadiscourse categories in a variety of academic genres, including research articles, dissertations, and book reviews. At the same time, however, there is a severe lack of research focusing on non-academic contexts, including court trials, and more studies are needed to describe types, frequencies and rhetorical functions of boosting devices in linguistic genres other than academic ones. If boosting is important in academic writing, it is also important in courtroom discourse. In closing arguments, the significance of persuading the jury has been widely acknowledged since convincing arguments can positively influence jury deliberations. Although boosting plays a decisive role regarding persuasion, persuasive goals intended by lawyers were not specified, let alone the role played by boosters in achieving these goals. Therefore, based on the previous research concerning metadiscourse and persuasion, this study attempted to examine the persuasive functions of boosting devices in closing arguments with a view to filling the existent research gap.

### 3. METHODOLOGY

#### 3.1. DATA

The present study was conducted on a corpus of closing arguments derived from the *famous-trials.com* website. The *famous-trials.com* is a database which enables the search of trial transcripts and other materials relating to the greatest trials in world history such as Triangle Fire Trial (1911), Rosenberg Trial (1951), Lenny Bruce Trial (1964), O.J. Simpson Trial (1995), Moussaoui Trial (2006), George Floyd Murder Trial (2021). The website was created in 1995 by American Professor Douglas O. Linder with the aim to present documents of the trials that have grabbed the public's attention. The site is intended for high school, college, and law school instructors and students as well as scholars.

In total, 21 closing arguments were included in the corpus. The closing arguments were delivered by both defense and prosecution in high-profile criminal trials held from 1993 to 2021. This timespan seems to provide a representative picture of persuasive discursive practices and their metadiscourse features in the judicial context.

The size of the corpus is 94,432 words. The closing arguments vary in length from about 2,000 words to 6,000 words. On average, the closing arguments selected for the study are about 4,000-4,500 in length.

The data selection criteria therefore included: the timeframe (1993-2021); the situation (criminal trial); and the genre of legal discourse (closing argument).

### 3.2. METHODS

As the study aims to analyze how boosting is realized linguistically, the methods of quantitative and qualitative analysis were applied.

The closing arguments were downloaded from the *famous-trials.com*, converted to the Microsoft DOCS format and analyzed to calculate the total number of boosting devices and the number of the individual types of boosting.

Hyland and Zou's (2021) typology of boosting markers was adopted as the initial model for revealing boosting devices. The taxonomy is presented in Table 1.

**Table 1. Types of booster**

<i>Types</i>	<i>Function</i>	<i>Lexical realizations</i>
<b>Certainty markers</b>	indicate the writer's epistemic conviction	<i>to show, to prove, to confirm</i>
<b>Extremity markers</b>	emphasize the upper edge of a continuum	<i>highest, best</i>
<b>Intensity markers</b>	amplify the emotive strength of a statement	<i>extremely, very, always</i>

The quantitative analysis followed two stages: first, the closing arguments were read and manually scanned in search of potential boosting markers. AntConc 3.5 was then used to search the frequency of occurrence of boosting devices in the corpus. Every occurrence of a boosting device was manually double-checked in context to verify that it was serving the boosting function. This was done by comparing every occurrence with the definition of boosting provided by Hyland (2005). Once it was determined that a given feature qualified as a booster, it was assigned to one of the groups (certainty marker, extremity marker, or intensity marker).

The quantitative analysis was combined with a manual qualitative analysis of the examples, which was conducted to interpret the findings of the quantitative analysis. To ensure in-depth exploration into the use of boosting, examples were taken from the corpus being studied and explanations were provided to describe the pragmatic functions of boosting markers found in the corpus.

The raw frequencies and share of each type of boosting marker found in the corpus were calculated. The frequencies of occurrence of boosting markers were summarized in a table format.

## 4. RESULTS

### 4.1. QUANTITATIVE ANALYSIS

The overall frequency reveals that boosting devices are an integral part of the closing arguments, and are found in all the texts. With 670 boosting items in a corpus of 94,432 words, this amounts to about one booster every 141 words. Table 2 summarizes the results of the quantitative analysis of boosting markers occurring in the corpus.

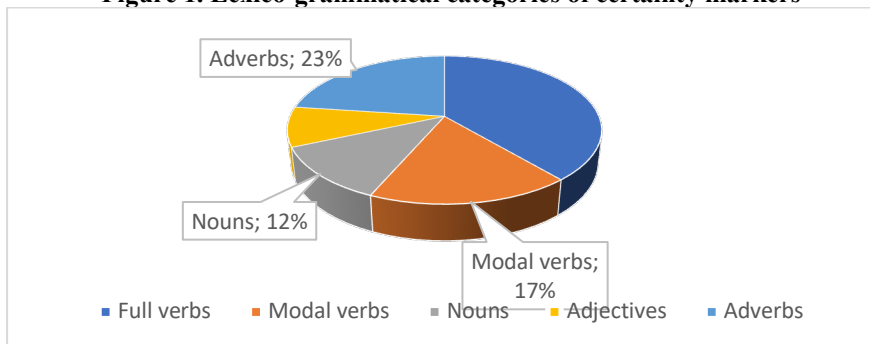
**Table 2. Frequencies of the types of boosting in the corpus**

<i>Boosters</i>	<i>Raw frequency</i>	<i>Share</i>
<b>Certainty markers</b>	506	75.5
<b>Intensity markers</b>	136	20.3
<b>Extremity markers</b>	28	4.2
<b>Total</b>	670	100

The quantitative analysis revealed considerable differences between the three types of boosting. As can be seen in Table 2, certainty markers predominate, accounting for 75.5% of all boosting devices found in the corpus. Intensity markers are less important than certainty markers. They rank second in the corpus with 20.3% of 670 boosters in the corpus. The least frequently used boosters are extremity markers, which account for 4.2% of the total number. The analysis revealed only 28 occurrences of this type of boosting. The full list of each type of boosting is presented below.

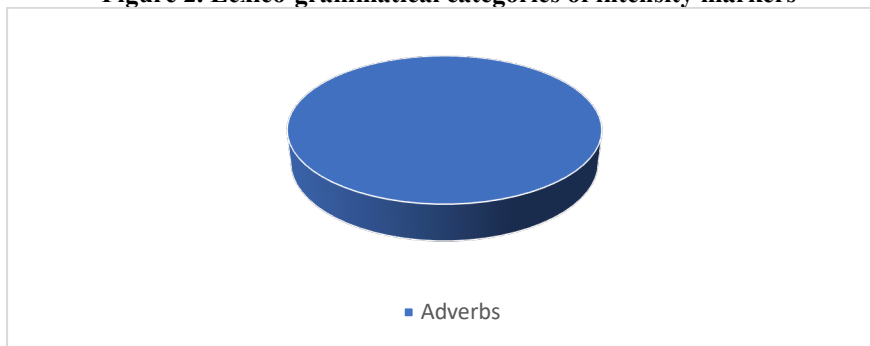
To answer Research Question 3, the study also determined the frequencies of lexico-grammatical categories used for each type of boosting. The results which demonstrate the peculiarities of linguistic realizations of each type of boosting are presented in Figures 1-3. As can be seen, full verbs are most frequently used as certainty markers, adverbs are exploited as intensity markers and adjectives help realize extremity.

**Figure 1. Lexico-grammatical categories of certainty markers**

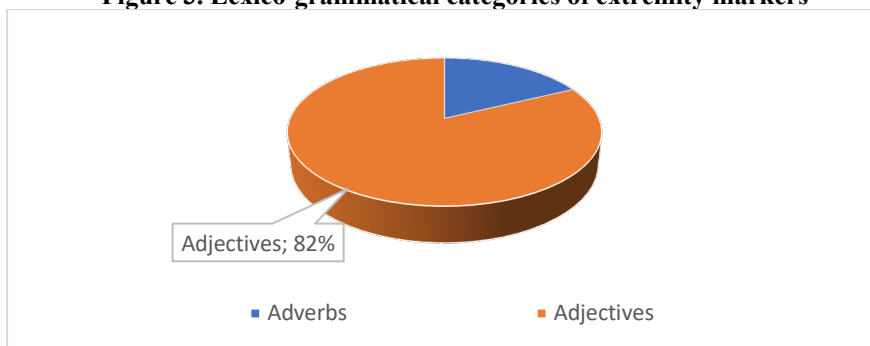




**Figure 2. Lexico-grammatical categories of intensity markers**



**Figure 3. Lexico-grammatical categories of extremity markers**



Quantitative results do not explain the ways in which attorneys deploy the boosting items to achieve persuasive purposes. Thus, a detailed qualitative analysis of boosters helping gain the jury's acceptance for the particular interpretation of facts is presented below.

## 4.2. QUALITATIVE ANALYSIS

### 4.2.1. Certainty markers

Certainty markers were predominantly employed by attorneys to convince the jury of the reliability of facts presented by the attorney. Being considered an effective rhetorical strategy in proving defendant's guilt or innocence, these resources were most frequently preferred by the attorneys. By conveying a clear stance towards the certainty of a proposition, they used them to project credibility and an image of conviction in their presentations of evidence in the case. Here are two examples from the corpus in which the attorneys employ boosting devices contributing to the build-up of credibility, thus dismantling the version of the opposing party.

- (1) Now, those items alone **show clear** evidence of planning, planning activity, planning for a murder preparation.

- (2) So this case is **clearly** more than about nine minutes and 29 seconds.

In the examples, in a persuasive effort, the attorneys employ the evidential *show*, *clear*, and *clearly* to strengthen the arguments and convince the jury of reliability of the evidence presented. The boosters help the lawyers to convince the jurors of the truth of the statements. They seem to be blocking any other viewpoints that may rise in relation to the case. This type of boosting emphasizing certainty is widely used by attorneys to instill trust in the jurors through an impression of certainty in the claims presented. Skelton (1997) claims that verbs such as *show* or *demonstrate* are means of claiming that the truth the speakers/writers are discussing is ‘evidential’ – declared to be true. Hunston (1995) says that these evidential verbs imply certainty resulting from the convincing nature of the information rather than from human persuasive skills. Swales (1990) refers these items to powerful rhetorical tools used for signalling that claims are to be taken as substantiated. The evidential booster *clearly* from the second example functions to indicate a mutual understanding between the attorney and the jury based on shared experience, and it assists the speaker in leading the audience to the same reasonable inferences. It should be mentioned here that Vassileva (2001) refers these markers to solidarity boosters. Using these devices implies that there is no need in further clarification because the listeners/readers already possess the requisite understanding being members of the same discourse community.

In the corpus, certainty is also realized through the use of the evidential adjectives *obvious* and *evident*, the epistemic adverbs *certainly*, *of course*, *surely*, and *undoubtedly*, the evidential verbs *demonstrate* and *indicate*, and the epistemic verb *prove*. Other lexical items that frequently occur in the corpus are the epistemic modal verbs *must* and *should* that indicate inference from what is generally known, as illustrated in the following example:

- (3) Under the Senate rules, each of these allegations **must** have been alleged in a separate article of impeachment.
- (4) Because if it had been something that he picked up from the soil, then you **should** have seen dirt in it.

Epistemic modality in these statements concerns the way the attorneys communicate their certainties. Identified as speculative, it overlaps with boosting. According to Hyland (1998), the modals like *must* and *should* are employed to signal accepted truth implying that the claim is one that is already generally accepted. They express the speaker’s assessment concerning the existence of the situation, its actual or potential occurrence and are used in striving for control of audience’s acceptance of information, by offering guarantees for the truth of speaker’s assertions (Marin-Arrese, 2021).

The most common certainty markers found in the corpus are depicted in Table 3.

**Table 3. The list of certainty markers found in the corpus**

<i>Lexical items</i>	<i>Raw frequency</i>
to show	66
should	51
evidence	45
must	39
to prove	35
to believe	34
to demonstrate	23
evident	22
certainly	22
undoubtedly	19
of course	17
surely	15
clearly	15
fact	15
to find	14
to think	14
obvious	14
beyond doubt	10
to establish	10
obviously	9
definitely	9
definite	8

As can be seen from the table, an interesting feature of the attempt to create a confident image is the extensive employment of the high commitment modals *should* and *must* that account for a large share of certainty markers (90 occurrences or 17.7% of all boosters found in the corpus). As for full verbs, they were the most frequent lexico-grammatical category in the group of certainty markers. For example, evidential verbs used for conveying certainty and lending support for speaker's views appeared 134 times in the corpus (26.5%). Cognitive verbs were also commonly used by the attorneys. The analysis found 62 occurrences (12.3%) of this category of boosters. Evidential and epistemic adverbs with 116 occurrences (22.9) were slightly less frequent in the corpus. Regarding the nouns, 60 instances of this lexico-grammatical category appeared in the corpus to promote the credibility of the party. The least frequent category was adjectives – the analysis found only 44 instances serving the evidential and epistemic purposes.

Thus, certainty in the corpus was realized through the use of different lexico-grammatical categories such as full verbs (38.8%), adverbs (22.9%), modal verbs (17.7%), nouns (11.9%), and adjectives (8.7%) (see Figure 1).

#### 4.2.2. Intensity markers

In addition to indicating certainty and creating a credible image, attorneys also have to amplify the emotive strength of their claims through the use of intensity markers. These lexical items rank second in the corpus accounting for the lower proportion of all boosting features (20.8%). They are employed to add affective color to their claims and

raising the volume rather than expressing an attitude (Hyland and Zou 2021), as illustrated in the following examples:

- (5) With the blood drops and the bloody shoeprints leading out to the driveway, a **very** reasonable and **very** logical inference is that his hand was still bleeding when he went to reach for the door to open it at Bundy.
- (6) And some of this evidence is **extremely** important to the final determination of Mr. Floyd's cause of death.
- (7) Common sense tells you that there are **always** two sides to a story.
- (8) Because of their vanity, they **very** soon pretended to solve this crime and we think implicated an innocent man, and they **never**, they **never ever** looked for anyone else.

In presenting alternative views, the attorneys make an attempt to connect with the jury emotionally. They see the problems they touch upon as vital and seek to encourage the jurors to consider them in the same way. The degree adverbs *very* and *extremely* and the frequency adverbs *always* and *never* are helpful in enhancing persuasion through a committed attitude. They shut down dialogue by leaving no room for exceptions. These two statements have been elaborated from firm viewpoints. Even if the evidence is ambiguous, the lawyers have presented their claims with confidence. The key reasons for their acting are related to persuasion. The only strategy capable of producing reliable and convincing statements seems to be through the use of persuasive linguistic resources such as boosters.

The most common intensity markers found in the corpus are presented in Table 4. As can be seen, all of them are adverbs.

**Table 4. The intensity markers found in the corpus**

<i>Lexical items</i>	<i>Raw frequency</i>
very	73
always	23
never	19
extremely	13
particularly	10

The analysis revealed that all the intensity markers found in the corpus were adverbs, and this lexico-grammatical category did not demonstrate a wide repertoire being restricted to five instances, as illustrated in Table 4.

#### 4.2.3. Extremity markers

Finally, extremity markers which, as Hyland and Zou (2021) put it, mark the upper edge of a continuum and help remove any alternative versions of the crime, were little used in the corpus. In the following example, the attorneys employ the superlative adverb *most certainly* and the superlative adjective *most devastating* to upgrade the

propositions and emphasize the reliability of evidence, thus contributing to the persuasiveness of the claims.

- (9) But there are certain things that he can do, things that tell you that it **most certainly** was not business as usual on the night of June the 12th after he murdered Ron and Nicole.
- (10) And in that one simple careless act gave us **the most devastating proof** of guilt in the case, because on that sock, on that sock we found blood that matched Nicole Brown, blood that matched the Defendant and the blue black cotton fiber.

The boosters in the examples help in persuasion as they undermine prosecution’s versions by strengthening the propositions. In order to enhance reliability of the evidence, the defense attorneys make use of these extremity markers to further increase the power of persuasion of what is being said. In (12), the lawyer strengthens the asserted position by employing a cluster of boosters – the extremity marker *the most devastating* and the certainty marker *proof*.

The frequency of occurrence of this type of boosting is shown in Table 5.

**Table 5. The extremity markers found in the corpus**

<i>Lexical items</i>	<i>Raw frequency</i>
most important	5
most difficult	3
most significant	3
highest	2
best	2
most certainly	3
most interesting	3
the worst	2
most devastating	1
most defining	1
most evidently	1
scariest	1
most clearly	1

As can be seen, the most frequent extremity marker in the corpus is *most important* followed by *most difficult* and *most significant*. Regarding other lexicogrammatical categories, I found only five occurrences of the adverbs in the superlative form – *most certainly* (3), *most evidently* (1) and *most clearly* (1).

#### 4.2.4. A cluster of boosting devices

I have presented the three types of boosting as having different rhetorical effects, but the corpus-based analysis revealed that when boosting devices are employed in clusters, as illustrated in the following examples, the persuasiveness of closing arguments increases.

- (11) *The scariest homicides are **always** the ones where the bad guy is handsome, charming, someone who doesn't look like a murderer. I'm not going to do it in the detail you have already heard it, heaven forbid, but although you have already seen with the opportunity **evidence**, with the conduct **evidence**, we already have **evidence to show** you that the Defendant did commit these murders, without even really getting into the physical evidence, and once you see the vast array of physical **evidence**, you **can** see that there is **virtually** an ocean of **evidence to prove** that this Defendant committed these murders. Now, these murders did not occur in a vacuum, and it's **very** important **evidence** that you've heard in the beginning of this case. They occurred in the context of a stormy relationship, a relationship that was scarred by violence and abuse. And this important **evidence** completes the picture of the Defendant's guilt as it **explains** the motive for these murders and **shows** you what led this Defendant to be sitting here in this courtroom today.*

In a persuasive effort, the attorney deploys all the three types of boosting: the intensity markers *always*, *very*, and *virtually*, the extremity marker *the scariest*, and the certainty markers *evidence*, *show*, *prove*, *can* and *explain* which contribute to strengthening the persuasiveness of the statements and instill more confidence in the jury members. For example, the extremity marker *the scariest* followed by the intensity marker *always* enhances the persuasive power of the claim about the type of murderers who usually commit homicides. The speaker leaves no doubt that he absolutely believes what he is claiming which helps him appear as a credible presenter of facts thus exercising control over recipients' beliefs. The certainty marker *evidence* that occurs seven times in this excerpt has the same rhetorical effect – the attorney makes an attempt to persuade the jury members into finding the defendant guilty. The evidential verbs *show*, *explain* and *prove* make persuasion more effective by strengthening the asserted position. All these boosters emphasize certainty, help in convincing the jurors of reasonability and reliability of attorney's version of the criminal event. By conveying a clear stance towards the certainty of a proposition, the attorney uses these features to project credibility and an image of conviction.

## 5. DISCUSSION AND CONCLUSION

The study aimed to investigate boosters as metadiscourse features used in a corpus of closing arguments delivered by attorneys in high-profile criminal cases. Seeking answers to the research questions, the study revealed some trends in the use of boosting devices by attorneys in their closing arguments. The use of boosters by legal professionals suggests the direct communication and confident rhetoric. Using these devices, they seek to suppress alternative versions of the crime and present their claims with conviction. In persuasive texts such as closing arguments, boosters are helpful in creating an impression of certainty and assurance and instilling trust and confidence in the jury.

The first research question that guided this study asked which types of boosting the attorneys choose to convince the jury to accept their version of reality. As the analysis

showed, the attorneys employed all three types of boosting identified by Hyland and Zou (2021). That is, they used certainty markers, intensity markers and extremity markers to realize the following pragmatic functions: indicating epistemic conviction, intensifying the emotive strength of the argument, and emphasizing the upper edge of a continuum. From a discourse perspective, the frequent employment of boosting devices constitutes a crucial element of the attorneys' argumentative moves and indicates the attorneys' conceptualization of this monologic legal genre as dialogic, interactional and interpersonal. The closing argument is an example of simulated interaction, as it involves "interactants who do not always correspond to the addresser and addressee in the actual situation of communication, or even to referents in the current discourse space" (Pascual, 2006: 248).

The second research question asked about the frequency of occurrence of the types of boosting in the corpus of closing arguments. The quantitative analysis revealed considerable differences between the three types of boosting. Certainty markers significantly outnumber other types, accounting for 75.5% of all boosting devices. Intensity markers ranked second with 20.3% of 670 boosters. The least frequently used boosters were extremity markers which accounted for 4.2% of the total number. The analysis revealed only 28 occurrences of this type of boosting. This frequent use of certainty markers can be explained by their rhetorical function –to enable speakers to convey their epistemic convictions, to express a clear stance towards the truth of propositional content, and to project credibility and an image of conviction.

The third research questions asked about the most frequent lexico-grammatical categories and lexical items used by attorneys in persuading the jurors. The analysis of lexical items used for boosting revealed that this metadiscourse feature was most frequently realized through adverbs (mainly through those expressing intensity), full verbs (mainly evidential verbs) and modal verbs (mainly epistemic modals). The nouns with 9% were the least frequent in the corpus. Within the lexical preferences, the corpus showed that the degree adverb *very*, the evidential verb *to show*, the modal verbs *should* and *must*, and the epistemic noun *evidence* were most frequently used by the attorneys in making persuasive efforts

It is worth noting that the research results presented in this paper are limited due to a rather small-scale nature of the corpus and should be interpreted as trends that need to be confirmed or disproved by a larger-size corpus-based analysis. Additionally, the identification of boosters, the interpretation of their persuasive functions, and the choice of examples are rather subjective which may make the results biased. As for future research, it is suggested that data with a larger size be collected to reveal a more sufficient pattern. I also suggest that further research be conducted to investigate this area either by extending the methodology or examining other types of metadiscourse features used by attorneys to interact with jury members. For example, it would be interesting to analyze the role of hedges in this genre and identify the degree of mitigation, caution and humility in closing arguments. I also hope that this paper might encourage researchers to investigate metadiscourse resources employed by other participants in trials (e.g., judges, defendants, witnesses).

## REFERENCES

- Abdi, Reza (2002). Interpersonal metadiscourse: An indicator of interaction and identity. *Discourse Studies*, 4(2): 139–45. <https://doi.org/10.1177/14614456020040020101>

- Aldridge, Michelle and June Luchjenbroers (2007). Linguistic manipulations in legal discourse: Framing questions and “smuggling” information. *International Journal of Speech, Language, and Law*, 14(1): 83–105. <https://doi.org/10.1558/ijssl.v14i1.85>
- Beauvais, Paul (1989). A speech-act theory of metadiscourse. *Written Communication*, 6(1): 11–30.
- Boginskaya, Olga (2021). A Contrastive Study of Deontic Modality in Parallel Texts. *ELOPE: English Language Overseas Perspectives and Enquiries*, 18(2): 31–49. <https://doi.org/10.4312/elope.18.2.31-49>
- Boginskaya, Olga (2022 a) Competition - game - ritual: Three aspects of communicative interactions in the courtroom. *Tomsk State University Journal of Philology*, 76: 5–27. <https://doi.org/10.17223/19986645/76/1>
- Boginskaya, Olga (2022 b). Dissenting with conviction: Boosting in challenging the majority opinion. *International Journal of Legal Discourse*, 7(2): 257–279. <https://doi.org/10.1515/ijld-2022-2073>
- Boginskaya, Olga (2022 c). Popularizing in legal discourse: What efforts do Russian judges make to facilitate juror’s comprehension of law-related contents? *Discourse studies*, 24(5): 1–15. <https://doi.org/10.1177/14614456221108585>
- Breeze, Ruth (2013). Lexical bundles across four legal genres. *International Journal of Corpus Linguistics*, 18(2): 229–253. <https://doi.org/10.1075/ijcl.18.2.03bre>
- Cao, Deborah (2013). Legal translation studies. In Carmen Millan-Varela & Francesca Bartrina (eds.), *The Routledge handbook of translation studies*. Routledge.
- Carranza, Isolda (2008). Metapragmatics in a courtroom genre. *Pragmatics*, 18(2): 169–188. <https://doi.org/10.1075/prag.18.2.01car>
- Cavalieri, Silvia (2011). The role of metadiscourse in counsels’ questions. In ed. Anne Wagner and Le Cheng (eds.), *Exploring courtroom discourse: The language of power and control*. Routledge
- Chaemsaitong, Krisda (2012). Performing self on the witness stand: Stance and relational work in expert witness testimony. *Discourse & Society*, 23: 465–486. <https://doi.org/10.1177/0957926512441111>
- Chaemsaitong, Krisda (2014). Interactive patterns of the opening statement in criminal trials: A historical perspective. *Discourse Studies*, 16(3): 347–364. <https://doi.org/10.1177/1461445613508900>
- Chaemsaitong, Krisda (2017). Evaluative stancetaking in courtroom opening statements. *Folia Linguistica*, 51(1): 103–132. <https://doi.org/10.1515/flin-2017-0003>
- Cheng, Le and King Kui Sin (2008). Terminological equivalence in legal translation: A semiotic approach. *Semiotica*, 172: 33–45. <https://doi.org/10.1515/SEMI.2008.088>
- Cheng, Le, Lijin Sha and Yinglong Zheng (2009). A semiotic interpretation of legal terms. *Contemporary Rhetoric*, 2: 37–43. <https://doi.org/10.1515/sem-2020-0031>
- Cohen de Chervonagura, Elena (2011). La prostitución judía y su discurso a la luz de un expediente judicial. *Culture, Language and Representation*, 9(9): 31–51.
- Cotterill, Janet (2003). *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*. Palgrave Macmillan.
- Crismore Avon and Rodney Farnsworth (1990). Meta- discourse in popular and professional science discourse. In William Nash (ed), *The Writing Scholar Studies in Academic Discourse*. Newbury Park, CA: Sage.



- Crismore Avon, Markkanen Raija and Steffensen Margaret (1993). Metadiscourse in persuasive writing: A study of texts written by American and Finnish university students. *Written Communication*, 10: 39–71.
- Dafouz-Milne, Emma (2008). The pragmatic role of textual and interpersonal metadiscourse markers in the construction and attainment of persuasion: a cross-linguistic study of newspaper discourse. *Journal of Pragmatics*, 40(1): 95–113 <https://doi.org/10.1016/j.pragma.2007.10.003>
- Danet, Brenda (1980). Language in the legal process. *Law and Society Review*, 15: 445–565
- David, Rene (1973). *Les grand systems de droit contemporains*. Dalloz.
- Donadio, Paolo and Mattia Passariello (2022). Hedges and boosters in English and Italian medical research articles: A cross-cultural comparison. *International Journal of Language Studies*, 16(1): 1–20
- Eades, Diana (2008). *Courtroom talk and neocolonial control*. Mouton de Gruyter. <https://doi.org/10.21832/9781847692559>
- Finegan, Edward (2010). Corpus linguistic approaches to ‘legal language’: Adverbial expression of attitude and emphasis in Supreme Court opinions. In Malcolm Coulthard and Alison Johnson (eds.), *The Routledge handbook of forensic linguistics*. Routledge.
- Fu, Xiaoli (2012). The use of interactional metadiscourse in job postings. *Discourse Studies*, 14(4): 399–417. <https://doi.org/10.1177/1461445612450373>
- Fuertes-Olivera, Pedro-A., Marisol Velasco-Sacristan, Ascension Arribas-Bano and Eva Samaniego-Fernandez (2001). Persuasion and advertising English: metadiscourse in slogans and headlines. *Journal of Pragmatics*, 33: 1291–1307 [https://doi.org/10.1016/s0378-2166\(01\)80026-6](https://doi.org/10.1016/s0378-2166(01)80026-6)
- Gilbert, David (2005). *David Basic Trial Techniques for Prosecutors*. Alexandria: APRI.
- Goźdź-Roszkowski, Stanislaw (2020). Communicating Dissent in Judicial Opinions: A Comparative, Genre-Based Analysis. *International Journal for the Semiotics of Law*, 33(1): 381–401. <https://doi.org/10.1007/s11196-020-09711-y>
- Gozd-Roszkowski, Stanislaw and Gianluca Pontrandolfo (2013). Evaluative patterns in judicial discourse: A corpus-based phraseological perspective on American and Italian criminal judgments. *International Journal of Law, Language & Discourse*, 3: 9–69
- Goltaji, Faranak and Mozghan Hooshmand (2021). A comparative study of interactional metadiscourse markers in EFL textbooks written by native and Iranian authors. *International Journal of Language Studies*, 15(2): 23–46
- Gotti, Maurizio (2014). Linguistic insights into legislative drafting. *Theory and Practice of Legislation*, 2(2): 123–143
- Hansen, Maj-Britt Mosegaard (2016). Patterns of thanking in the closing section of U.K. service calls: Marking conversational macro-structure vs. interpersonal relations. *Pragmatics and Society*, 7: 664–692. <https://doi.org/10.1075/ps.7.4.07mos>
- Heffer, Chris (2005). *The language of jury trial*. Houndmills. Palgrave.
- Hernandez, Hjalmar Punla (2017). A (forensic) stylistic analysis of adverbials of attitude and emphasis in Supreme Court decisions in Philippine English. *Indonesian Journal of Applied Linguistics*, 7(2): 455–466. <https://doi.org/10.17509/ijal.v7i2.8354>
- Ho, Sin Yan Eureka and Peter Crosthwaite (2018). Exploring stance in the manifestos of 3 candidates for the Hong Kong Chief Executive election 2017: Combining CDA

- and corpus-like insights. *Discourse & Society*, 29(6): 629–654. <https://doi.org/10.1177/0957926518802934>
- Holmes, Janet (1982). Expressing doubt and certainty in English. *RELC Journal*, 3: 9–28. <https://doi.org/doi.org/10.1177/003368828201300202>
- Hu, Pi-Chan and Le Cheng (2016). A study of legal translation from the perspective of error analysis. *International Journal of Legal Discourse*, 1(1): 235–252. <https://doi.org/10.1515/ijld-2016-0007>
- Hunston, Susan (1995). A corpus study of some English verbs of attribution. *Functions of Language*, 2(2): 133–58
- Hyland, Ken (1998). Exploring corporate rhetoric: Metadiscourse in the CEO's letter. *Journal of Business Communication*, 35(2): 224–245. <https://doi.org/10.1177/002194369803500203>
- Hyland, Ken (2005). *Metadiscourse: Exploring Interaction in Writing*. Continuum.
- Hyland, Ken and Hang Zou (2021). "I believe the findings are fascinating": Stance in three-minute these. *Journal of English for Academic Purposes*, 50. <https://doi.org/10.1016/j.jeap.2021.100973>
- Kelemen, Katalin (2017). *Judicial Dissent in European Constitutional Courts: A Comparative and Legal Perspective*. Routledge. <https://doi.org/10.4324/9781315590769>
- Kurzon, Dennis (2006). *Law and Language: overview*. *Encyclopedia of language and linguistics*. Elsevier.
- Lee, Jieun (2015). Evaluation of court interpreting A case study of metadiscourse in interpreter-mediated expert witness examinations. *Interpreting*, 17(2): 167–194. <https://doi.org/10.1075/intp.17.2.02lee>
- Li, Jian and Yuxiu Sun (2018). Presuppositions as discourse strategies in court examinations. *International Journal of Legal Discourse*, 3(2): 197–212. <https://doi.org/doi.org/10.1515/ijld-2018-2008>
- Marín-Arrese, Juana I. (2021). Winds of War: Epistemic and effective control in political discourse. *Cultura, Lenguaje y Representación*, 26: 289–307. <https://doi.org/10.6035/clr>
- Matlon, Ronald (1993). *Opening statements/closing arguments*. Stuart Allen Books.
- Mazzi, Davide (2010). "This argument fails for two reasons ...": A linguistic analysis of judicial evaluation strategies in US supreme court judgments. *International Journal for the Semiotics of Law*, 23: 373–385. <https://doi.org/10.1007/s11196-010-9162-0>
- Montz, Craig Lee (2001). Why lawyers continue to cross the line in closing argument: An examination of federal and state cases. *Ohio Northern Law Review*, 28: 67–131
- Mortensen, Sune Sønderberg and Janus Mortensen (2017). Epistemic Stance in Courtroom Interaction. In F. Poggi & A. Capone (eds.), *Pragmatics and Law, Perspectives in Pragmatics, Philosophy & Psychology* 10. [https://doi.org/10.1007/978-3-319-44601-1\\_16](https://doi.org/10.1007/978-3-319-44601-1_16)
- O'Barr, William M. (1982). *Linguistic Evidence: Language, Power, and Strategy in the Courtroom*. Academic Press.
- Pascual, Esther (2006). Fictive interaction within the sentence: A communicative type of fictivity in grammar. *Cognitive Linguistics*, 17: 245–267.
- Peacock, Matthew (2011). A cross-disciplinary comparison of boosting in research articles. *Corpora*, 1(1): 61–84.

- Rosulek, Felton Laura (2015). *Dueling discourses: The construction of reality in closing arguments*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199337613.001.0001>
- Rupp, Heinz (1966). *Zur Frage der Dissenting Opinion. Die moderne Demokratie und ihr Recht. FS für Gerhard Leibholz*. Mohr.
- Russell, Adrienne (2011). The Arab spring extra-national information flows, social media and the 2011 Egyptian uprising. *International Journal of Communication*, 5: 1238–1247.
- Shatin, Yuriy and Igor Silantev (2020). Russian Judicial Discourse in the Light of the Modern Theory of Argumentation. *Kritika and Semiotika*, 2: 401–412. <https://doi.org/10.25205/2307-1737-2020-2-401-412>.
- Skelton, John (1997). The representation of truth in academic medical writing. *Applied Linguistics*, 18(2): 121–40.
- Swales, John (1990). *Genre Analysis: English in Academic and Research Settings*. Cambridge University Press.
- Szczyrbak, Magdalena (2021). I'm thinking and you're saying: Speaker stance and the progressive of mental verbs in courtroom interaction. *Text & Talk*, 41(2): 239–260. <https://doi.org/10.1515/text-2019-0145>.
- Takimoto, Masahiro (2015). A Corpus-based analysis of hedges and boosters in English academic articles. *Indonesian Journal of Applied Linguistics*, 5(1): 95–105. <https://doi.org/10.17509/ijal.v5i1.836>
- Tiersma, Peter M. (1999). *Legal Language*. The University of Chicago Press.
- Toska, Bledar (2012). Epistemic hedges and boosters as stance markers in legal argumentative discourse. *Topics in Linguistics*, 10: 57–62
- Tracy, Karen (2011). What's in a name? Stance markers in oral argument about marriage laws. *Discourse & Communication*, 5: 65–88. <https://doi.org/10.1177/0261927x16652191>
- Tracy, Karen and Danielle Hodge (2018). Judge Discourse Moves that Enact and Endanger Procedural Justice. *Discourse and Society*, 29(1): 63–85. <https://doi.org/10.1177/0957926517726112>.
- Vande Kopple, William (1985). Some exploratory discourse on metadiscourse. *College Composition and Communication*, 36(1): 82–93
- Vázquez, Ignacio and Diana Giner (2009). Writing with Conviction: The Use of Boosters in Modelling Persuasion in Academic Discourses. *Revista Alicantina de Estudios Ingleses*, 22: 219–237.
- Wald, Patricia (1995). The rhetoric of results and the results of rhetoric: judicial writings. *University of Chicago Law Review*, 62(4): 1371–1419. <https://doi.org/10.2307/1600107>
- Yang, Min and Min Wang (2021). A science mapping of studies on courtroom discourse with CiteSpace. *International Journal of Legal Discourse*, 6(2): 291–322. <https://doi.org/10.1515/ijld-2021-2057>
- Zhou, Ruiqi and Siming Li (2023). A Study on the Persuasive Function of Metadiscourse in Hotel Responses to Negative Reviews on TripAdvisor. *English Language Teaching*, 16(6): 55–67. <https://doi.org/10.5539/elt.v16n6p55>
- Zou, Hang and Ken Hyland (2019). Reworking research: Interactions in academic articles and blogs. *Discourse Studies*, 21(6): 713–733 <https://doi.org/10.1177/1461445619866983>