



Cite us here: Abdullah Shahrose, Sanam Khaskheli, Onib Ur Rehman, & Agha Muhammad Yar Khan. (2024). The Psychology of Legal Discourse: How Language Shapes Perception and Decision-Making in Court. *Shnakhat*, 3(2), 146-151. Retrieved from <https://shnakhat.com/index.php/shnakhat/article/view/287>

“The Psychology of Legal Discourse: How Language Shapes Perception and Decision-Making in Court”

Abdullah Shahrose Sanam Khaskheli Onib Ur Rehman Agha Muhammad Yar Khan

Lecturer at C.S. Department, HITEC University, Taxila

Lecturer in English at Benazir Bhutto Shaheed University Lyari, Karachi

Scholar at C.S. Department, HITEC University, Taxila

Scholar at S.E. Department, HITEC University, Taxila

Abstract

Legal language is a particular variety of professional language used in the legal system and has a significant impact on each stage of the judicial process concerning the perception of information and decision-making. This study focuses on the roles of psychology and legal language as it investigates how the linguistic factors influence the bias and feeling of judges, jurors, attorneys, and defendants in the courtroom. Framing, priming, anchoring, metaphors and analogies are some of the areas that the study explores to determine how language influences legal decisions. It focuses on the effectiveness of the storytelling approach in building narratives and the differences that the legal language makes in engagement and understanding. Heuristics and biases are the psychological assumptions and fallacies, which are used to consider how legal language affects decision-making cognition. This study also aims to look at how the use of emotional appeals and the tone and choice of words affects the perceptions of jurors and judges. Also, it looks at the impact of presenting a label and language comprehension to the defendants with a focus on clear language as crucial in delivering justice. The implications of the research stress the importance of understanding and practicing fair language use which respects the psychological and emotional states of clients, and encourage legal actors to work towards clear language in legal discourse. This research will fill the gap of applying the knowledge from psychology and linguistics to law and practice in order to make the language not a hindrance but the means for legal success.

Keywords: Psychology, Legal Discourse, Language, Courts, Perceptions, Decision-Making

Introduction

The courtroom is a stage where the drama of human conflict plays out, and the key to its narrative is language. Legal discourse, the specialized language used in legal settings, is a powerful tool that shapes perception and influences decision-making. Understanding the psychology behind this

discourse reveals how language impacts the thoughts and behaviors of judges, juries, attorneys, and defendants. Language in the legal domain is not merely a medium for communication but a strategic instrument employed to frame arguments, construct narratives, and guide interpretation. According to Solan (2010), legal language operates under a unique set of principles and expectations that distinguish it from everyday communication, often characterized by its precision, formality, and use of jargon. This specialized discourse has profound implications for the outcomes of legal proceedings, as the way information is presented can significantly sway judgments and verdicts (Tiersma, 1999).

Legal discourse encompasses a variety of linguistic strategies that serve to influence perception and decision-making. One critical aspect is the framing of narratives by attorneys, who selectively present facts and construct stories that favor their clients. Research by Pennington and Hastie (1993) illustrates how narrative construction affects jurors' understanding and evaluation of evidence, highlighting the persuasive power of a well-told story. Additionally, the use of metaphors and analogies can simplify complex legal concepts, making them more accessible to laypersons, as noted by Winter (2001). Jury instructions, another crucial element of legal discourse, must be carefully crafted to ensure clarity and avoid ambiguity, which can lead to misinterpretation and unjust outcomes (Heffer, 2008). The language used in court not only guides jurors' and judges' comprehension but also primes their cognitive and emotional responses, affecting their final decisions (Lind & Tyler, 1988).

This research paper aims to explore the psychological mechanisms through which legal discourse shapes perception and decision-making in court. By examining the roles of framing, priming, anchoring, and emotional appeals, the study seeks to understand how language influences cognitive biases and heuristics in legal settings. The significance of this research lies in its potential to enhance the effectiveness and fairness of legal communication. By providing insights into the interplay between language and psychology, this paper intends to offer strategies for legal professionals to improve clarity and persuasiveness in their discourse. Ultimately, this research contributes to a more just legal system where the power of language is harnessed to support equity and fairness, ensuring that all participants in the legal process are better understood and represented (Greenberg & Shuman, 2007).

The Power of Legal Language

Legal language is distinct in its precision, formality, and use of specialized terminology. This form of discourse is not just about conveying information; it is about persuasion, argumentation, and framing narratives. The words chosen by lawyers and judges can significantly influence the outcome of a case by shaping how facts are perceived and interpreted. Legal professionals utilize language strategically to frame issues in ways that benefit their clients and to undermine the opposition's arguments. The precision of legal terminology ensures that meanings are clear and unambiguous, reducing the likelihood of misinterpretation. According to Conley and O'Barr (2005), the language used in legal settings is crafted to exert control and establish authority, which can significantly affect how evidence is perceived and evaluated. The formality and structure of legal discourse also play a role in maintaining the decorum and seriousness of the court, reinforcing the legitimacy of the legal process (Gibbons, 2003).

Framing and narrative construction are critical components of legal discourse. Lawyers craft narratives that present their clients in the best possible light while framing the opposition negatively. The way a story is told emphasizing certain facts and omitting others can create sympathy for one side and skepticism for the other. Research by Bennett and Feldman (1981) highlights how the construction of a legal narrative can influence jurors' perceptions and lead to different interpretations of the same set of facts. Metaphors and analogies are also powerful tools in legal language, making complex issues more relatable and understandable. For instance, describing a contract as a "partnership" can evoke feelings of fairness and cooperation, while calling it a "trap" might suggest deceit and unfairness (Lakoff & Johnson, 1980). These linguistic strategies are essential in shaping the cognitive and emotional responses of those involved in the legal process, ultimately impacting the decisions they make.

Jury Instructions and Legal Reasoning

Jury instructions are critical components of legal discourse, playing a vital role in guiding jurors on the legal standards they must apply in reaching a verdict. The clarity and complexity of these instructions can significantly impact jurors' understanding and their ability to render a just decision. Clear and straightforward instructions help jurors grasp the legal principles at play and apply them appropriately to the facts of the case. However, ambiguity or overly technical language in jury instructions can lead to confusion and misinterpretation, potentially undermining the integrity of the verdict. Research by Devine and Caughlin (2014) emphasizes the importance of crafting jury instructions that are accessible to laypersons while accurately reflecting the law. Ensuring that jurors comprehend their duties and responsibilities is essential for upholding the principles of fairness and justice in legal proceedings.

Jurors, like all individuals, rely on cognitive shortcuts or heuristics when making decisions. Legal language has the potential to trigger these heuristics, influencing jurors' perceptions and judgments. For example, the repetition of certain phrases or the framing of evidence as "strong" or "weak" can shape jurors' understanding of the case and sway their verdicts. Studies in psychology have demonstrated the pervasive influence of heuristics and biases on decision-making (Kahneman, Slovic, & Tversky, 1982), highlighting the need for careful consideration of language in legal contexts. By understanding how legal language interacts with jurors' cognitive processes, legal professionals can work to minimize the impact of biases and promote fair and impartial deliberations.

Psychological Mechanisms at Play

The psychological impact of legal discourse can be understood through several key mechanisms. Priming, first identified by Meyer and Schvaneveldt (1971), refers to the phenomenon where exposure to specific words or phrases influences individuals' subsequent thoughts and behaviors. In court, the language used in opening statements, witness questioning, and closing arguments can prime jurors to focus on particular aspects of the case. For example, repeated mentions of a defendant's alleged motive for a crime can shape jurors' perceptions and interpretations of evidence, ultimately influencing their verdict.

Anchoring, as proposed by Tversky and Kahneman (1974), is another psychological mechanism at play in legal settings. The first piece of information presented to jurors or judges

often serves as an anchor, heavily influencing subsequent judgments. For instance, initial damage claims made by plaintiffs in a civil case can set a reference point that affects the final award, even if subsequent evidence suggests a different valuation. Understanding the anchoring effect is crucial for legal practitioners, as it highlights the importance of carefully framing initial arguments and evidence presentations to shape subsequent decision-making processes. Framing effects, explored extensively by Tversky and Kahneman (1981), also play a significant role in legal discourse. The way information is presented can alter perception and decision-making. For example, describing a defendant's actions as "self-defense" versus "aggressive retaliation" can lead to different interpretations of the same behavior. By strategically framing arguments and evidence, attorneys can influence how jurors perceive the events in question and ultimately sway their judgments. Recognizing the power of framing effects in legal communication underscores the need for clarity, precision, and fairness in presenting evidence and constructing narratives in the courtroom.

The Role of Emotion

Emotion plays a crucial role in legal decision-making, despite the legal system's emphasis on rationality and objectivity. Attorneys strategically leverage emotional appeals to connect with jurors on a human level, as outlined by Nussbaum (2001). Stories of suffering, injustice, or heroism can evoke strong emotional reactions, influencing jurors' opinions and decisions. By tapping into jurors' empathetic responses, attorneys can shape the narrative of a case and sway the outcome in their favor. However, the use of emotional appeals also raises ethical considerations regarding the manipulation of jurors' emotions and the integrity of the legal process.

In addition to explicit emotional appeals, the language and tone employed in legal discourse can convey subtle emotional cues that influence how messages are received. The tone of voice, choice of words, and even body language can all contribute to the emotional tenor of courtroom interactions. A calm and composed presentation can instill confidence and credibility in the speaker, while a passionate plea can evoke empathy and urgency. Research by Lazarus (1991) emphasizes the role of appraisal processes in determining emotional responses, suggesting that individuals' interpretations of events are influenced by their subjective evaluations. By understanding how language and tone can evoke specific emotional responses, attorneys can strategically tailor their communication to resonate with jurors and enhance persuasive effectiveness.

The Impact on Defendants

The language used in court can profoundly influence defendants' perceptions and behaviors throughout legal proceedings. Firstly, defendants who are described in negative terms, such as "criminal" or "offender," may internalize these labels, leading to detrimental effects on their self-esteem and behavior. Research by Crocker and Major (1989) highlights the potential for negative labels to contribute to self-stigmatization, where individuals adopt societal stereotypes and judgments as part of their self-concept. Conversely, more neutral or positive descriptions can mitigate these effects, fostering a sense of dignity and agency in defendants as they navigate the legal system.

Recognizing the power of language to shape defendants' self-perception underscores the importance of using respectful and unbiased language in court proceedings to uphold the principles of fairness and justice. Furthermore, legal jargon can pose a significant barrier to understanding for defendants, particularly those without legal training or with limited education. The complexity and technicality of legal language can impede defendants' comprehension of the proceedings, hindering their ability to meaningfully participate in their defense. Research by Grisso and Ring (2001) emphasizes the importance of ensuring defendants' understanding of legal proceedings to safeguard their rights and facilitate fair adjudication. Providing clear and accessible explanations of legal concepts and procedures is essential for promoting defendants' engagement and ensuring that they are able to exercise their rights effectively within the legal system. By addressing language barriers, legal professionals can enhance defendants' comprehension and participation, thereby promoting the integrity and fairness of the judicial process.

In conclusion, the language used in court has significant implications for defendants' experiences and outcomes within the legal system. Negative labels and complex legal jargon can impact defendants' self-perception, comprehension, and participation in legal proceedings. Recognizing and addressing these linguistic challenges is essential for upholding defendants' rights, ensuring fair treatment, and promoting equitable access to justice for all individuals involved in the legal process.

Conclusion

In conclusion, the psychology of legal discourse illuminates the significant influence of language within the courtroom, transcending mere communication to become a potent tool in shaping narratives, framing evidence, and eliciting emotional and cognitive responses. The meticulous selection of words and phrases in legal settings can sway perceptions, affect judgments, and ultimately determine the course of justice. By grasping the intricate psychological dynamics at play, legal professionals can adeptly navigate the complexities of courtroom communication, ensuring that language aligns with the pursuit of fairness and equity. Moreover, this understanding enables practitioners to mitigate the risks of bias, manipulation, and misunderstanding, thereby upholding the integrity of legal proceedings and safeguarding the rights of all parties involved. Ultimately, by harnessing the power of language to serve the cause of justice rather than obscuring it, the legal system can strive towards a more equitable and transparent administration of law.

References

- Greenberg, S., & Shuman, D. W. (2007). The Impact of Legal Language on Perception and Decision-Making in Court. *Journal of Forensic Psychology Practice*, 7(1), 33-50.
- Heffer, C. (2008). *The Language of Jury Trial: A Corpus-Aided Analysis of Legal-Lay Discourse*. Palgrave Macmillan.
- Lind, E. A., & Tyler, T. R. (1988). *The Social Psychology of Procedural Justice*. Springer.
- Pennington, N., & Hastie, R. (1993). The Story Model for Juror Decision Making. In *Inside the Juror: The Psychology of Juror Decision Making* (pp. 192-221). Cambridge University Press.

- Solan, L. M. (2010). *The Language of Judges*. University of Chicago Press.
- Tiersma, P. M. (1999). *Legal Language*. University of Chicago Press.
- Winter, S. L. (2001). *A Clearing in the Forest: Law, Life, and Mind*. University of Chicago Press.
- Bennett, W. L., & Feldman, M. S. (1981). *Reconstructing Reality in the Courtroom: Justice and Judgment in American Culture*. Rutgers University Press.
- Conley, J. M., & O'Barr, W. M. (2005). *Just Words: Law, Language, and Power*. University of Chicago Press.
- Gibbons, J. (2003). *Forensic Linguistics: An Introduction to Language in the Justice System*. Blackwell Publishing.
- Lakoff, G., & Johnson, M. (1980). *Metaphors We Live By*. University of Chicago Press.
- Devine, D. J., & Caughlin, D. E. (2014). *The Psychology of Jury Instructions: Cognitive, Emotional, and Motivational Processes*. Oxford University Press.
- Kahneman, D., Slovic, P., & Tversky, A. (1982). *Judgment under Uncertainty: Heuristics and Biases*. Cambridge University Press.
- Meyer, D. E., & Schvaneveldt, R. W. (1971). Facilitation in Recognizing Pairs of Words: Evidence of a Dependence between Retrieval Operations. *Journal of Experimental Psychology*, 90(2), 227–234.
- Tversky, A., & Kahneman, D. (1974). Judgment under Uncertainty: Heuristics and Biases. *Science*, 185(4157), 1124–1131.
- Tversky, A., & Kahneman, D. (1981). The Framing of Decisions and the Psychology of Choice. *Science*, 211(4481), 453–458.
- Lazarus, R. S. (1991). *Emotion and Adaptation*. Oxford University Press.
- Nussbaum, M. C. (2001). *Upheavals of Thought: The Intelligence of Emotions*. Cambridge University Press.
- Crocker, J., & Major, B. (1989). Social Stigma and Self-Esteem: The Self-Protective Properties of Stigma. *Psychological Review*, 96(4), 608–630.
- Grisso, T., & Ring, M. (2001). *Evaluating Competencies: Forensic Assessments and Instruments*. Springer.