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DECISION-MAKING, LEGITIMATION, AND POWER IN *HOT BENCH*

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Abstract

Research by Fairclough (1992) and Van Dijk (2008), among others, have demonstrated that power can be illuminated through analyzing discourses. These discourses, according to Van Leeuwen (2007) and Wang (2006), have the precedence to control some of everyday, social, and public spheres. Following this premise, this paper examines how legitimation circulates power in selected decision-making scenes of a three-judge panel of a popular syndicated TV court show, *Hot Bench*. Premiered in 2014, *Hot Bench* draws over 2 million viewers in October 2014, jumping to staggering 2.5 million viewers in November 2014, making it one of the most watched syndicated legal reality TV programs in United States of America, with its second season renewed through 2017. Two objectives of this paper are set out; this paper firstly examines how organization and resolution of cases are generally settled and secondly, it analyzes two cases, defamation and personal property disputes. By analyzing conversations constructed by judges who deliberate verdicts in their chambers, this study which employs Van Leeuwen's (2007) framework of legitimation concludes that the judges typically employ three types of legitimation- authorization, moral evaluation, and rationalization over the course of adjudicating TV court proceedings. This study ultimately contributes to the broader field of discourse analysis by presenting insights into the use of legitimation in legal reality TV programs and taps onto the belief that language, through discourse analysis, serves as a vehicle within which specific discourse community maintains power.

Keywords: popular culture; legitimation; power; discourse analysis; Hot Bench

INTRODUCTION

Fairclough (1989, 1992, 1995) and Van Dijk (2008), among others, have provided insights into how discourses can illuminate power both from the individual and collective levels. The manifestations of power through verbal interaction, Fairclough (1989, p. 46) continues, emerges as "participants control and constrain certain contributions." Thus, as verbal interaction is implicit, explicit, and goal-oriented, discourse analysis remains an important tool to intensify the ways of how power and legitimation are indexed. Drawing on legitimation (Van Leeuwen, 2007), which demonstrates "practices of specific institutional orders," legitimation provides the interconnection between social practices, its construction, and authority. If we extend Van Leeuwen's (2007) framework to popular television

court (hereafter, TV court) shows, we may converge specific linguistic resources that work in tandem with maintaining power and position.

This paper explores a critically-acclaimed popular TV court series, *Hot Bench*, which has been highly rated at the forefront of contemporary syndicated TV market in United States of America. In addition to earning praise and accolade in the 2014 top ten markets, it lures 2 million viewers in October 2014, and draws over 2.5 million viewers in November 2014 (Bibel, 2014), leading to its renewal for a second season (2015-2017). Here, we examine the ways of how specific linguistic resources hold its interrelationship that 'glue' language with power, ideology, and legitimation as demonstrated by the judges' decision-making scenes in *Hot Bench*. The key to exploring this aspect, as we argue, lies in the ways of how judges in *Hot Bench* navigate around specific linguistic and textual components utilized to deliberate their verdicts, unanimously or dividedly, after both plaintiffs and defendants appear before the panel of judges. The term, 'legitimation,' which is based on Van Leeuwen's (2007) framework which has been studied under the broad and microscopic political, historical, and educational spheres is often used to speak of verbal and most importantly written texts. By using Van Leeuwen's (2007) framework to report on a discourse analysis of conversations constructed by judges who decide on cases in *Hot Bench*'s chambers, we accentuate the ways of how language constructs legitimation for public and legal communication, and in this case, media, and its popular culture. In the following pages, we depart from orchestrating narrative exchanges transcribed in everyday conversation, but focus on the institutionalized conversations as manifested in the decision-making process in *Hot Bench* judges' chambers that transpire after both plaintiffs and defendants present their cases. Two questions are central, namely, 1) How are cases in *Hot Bench* generally organized? and 2) What are the types of legitimation employed by judges in their decision-making processes?

Premised on institutional orders and legitimation, we will firstly discuss how legitimation is related to our examination on TV court shows, pushing the boundaries of intricate linguistic resources and their components, with the objective of describing these resources and the kinds of legitimation involved in the construction of power and legitimacy. After that, the discussion takes turn to describing the ways of how cases arbitrated on *Hot Bench* are generally followed through, emphasizing *Hot Bench*'s contexts, physical settings, organization, and resolution of the cases in the hope that this description will be of utmost importance for critically analyzing the construction of legitimation. This is followed by analyses of TV court texts concerning two cases, defamation and personal property disputes, before a recapitulation of main points are presented as the outcome of the article. By exploring these aspects, we align TV court shows and legitimation in the form of conversation exchanges as the ensuing discussion will reveal.

POWER, LEGITIMATION, AND TV COURT TEXTS

Before we get into discussion of legitimation, we would first like to dwell on the notion of power, which is often discussed in institutionalized discourse, typically through elaborating on its four related contexts. The first notion verbal interactions are associated with power is how it orchestrates ideology. Centered on power, which can be discursive or non-discursive (Wang, 2006), specific linguistic aspects can reveal how practices and conventions are invested in ideological 'businesses' (Fairclough, 1989, 1992, 1995; Fairclough and Wodak, 1997). From hedging, quoting verbs and modality to semiotics, nominalization and transitivity, just to name a few, these resources work in tandem to potentially manifest norms, practices, and conventions to build upon social construction (Berger and Luckmann, 1966). Secondly, through discourses, power emanates from negotiations, with the objectives of finding out how verbal exchanges are initiated, sustained, and closed, signifying participants' contributions. This point, as explored by Fairclough and Wodak, centers on the "linguistic character of social and cultural processes and structures" (Fairclough and Wodak, 1997, p. 272), emanating power relations (Abduljalil, Noraini, and Nor Fariza, 2014; Nor Fariza and Jamaluddin, 2010). Noting that some cultures explicitly display power, these scholars in the likes of Norman Fairclough, Ruth Wodak, and Teun A. Van Dijk, to name a few, also increasingly focus on the culturally implicit imposition of power, highlighting domination, subordination, and coercion. Thirdly, these linguistic features as mentioned earlier which work progressively often serves as a

means to centralize not only levels of authority, but also seek relationship with audience. Fairclough (1995) and Van Dijk (2008), for instance, reference this idea through how "professors control scholarly discourse, teachers educational discourse, journalists media discourse, politicians policy, and judges and lawyers legal discourse," (Wang, 2006, p. 531), who are, for the most part, equipped with different (linguistic, rank, and status) resources to exert power. In turn, these institutionalized settings, functioning as 'distributor' of power "affects or coerces another person" overtly and covertly (Wang, 2006, p. 531).

Fourthly and what is argued as the thrust of this study is the ways of how power is intertwined with discourses that are used to legitimize institutionalized texts and talk. In this sense, legitimation regulates the preponderance of written and oral texts that are present in specific institutional manners. Legitimation, which is drawn from Van Leeuwen's (2007) categories of legitimation, harkens to Berger and Luckmann's (1966, p. 111) idea of social construction of social reality which follows that:

> Legitimation provides the 'explanations' and justifications of the salient elements of the institutional tradition. (It) 'explains' the institutional order by ascribing cognitive validity to its objectivated meanings and (...) justifies the institutional order by giving a normative dignity to its practical imperatives.

What they suggest is that in order for institutions to function, certain embedded elements that surround a particular tradition can be revealed through analyzing its cognitive values and normality, an idea in which Van Leeuwen (2007) is motivated to pursue. In his theory, Van Leeuwen (2007) firstly looks at specific collection of texts, including those that regulate and legitimize a certain field that, in his example, expounds on compulsory education. He decides to use texts that include but are not limited to, teacher training texts, brochures for parents, books for young children, press reports, radio broadcasts, advertisements, as well as critical texts, encompassing a wide range of genres that, according to Van Leeuwen (2007), "provided some version, some recontextualization" (p. 92 & 93). He firstly chunks these texts into clauses and parts of clauses that manifest several representations of normal and typical activities of education 'stakeholders', namely teachers, parents, children, and other aspects such as settings and schedules, including (teaching) materials. Three elements that are central to his analysis of texts are 'reactions,' 'purposes,' and 'legitimation.' While stating the need to do a particular action, for instance, "Don't worry if your child cries," (Van Leeuwen, 2007, p. 93), purposes refer to how texts give meaning and purposes to these stakeholders. In the texts that examine compulsory education, some clauses demonstrate teachers' texts that "use specific apparatus to promote muscular coordination." (Van Leeuwen, 2007, p. 93). In turn, what these texts do, besides giving abstract information, demonstrate activities in schools that are observable and doable. Legitimation, finally, accompanies these texts, that, according to Van Leeuwen (2007), answers the questions of "'Why,'- Why should we do this?' and 'Why should we do this in this way?" (p.93). Putting it differently, legitimation seeks to provide overt, embedded, and sometimes implicit reasons for completing actions, practices, or activities.

Thus, with his legitimation framework, studies using legitimation have already begun to be intensified across disciplines, that includes, but are not limited to business, social management, politics, and newspaper and media discourses (see for instance Aula and Tienari, 2011; Dunmire, 2009; Oddo, 2011; Reyes, 2011; Vaara, 2014). Dunmire (2009) examines and disrupts normal ways of examining 9/11 narratives to expose historical and motivational contexts by elaborating on the ways such potential security threats to America is justified on the premise of legitimation. Reyes (2011) references legitimation to politicians' use of power through analyzing complex and simple syntactic structures and direct, and indirect speech while Oddo (2011) uses legitimation to demonstrate the ways that permit military intervention in Middle East through "ideological polarization" and "moralized lexico-grammatical structures" (Oddo, 2011, p. 308). In the context of higher education, Aula and Tienari (2011) index legitimation to the manifestations of "imaginary incentives, and predictions of an inevitable future" (p.7) among universities in their approach towards becoming internationalized. Vaara (2014), on analyzing tensions surrounding Eurozone as a transnational hub finds that, through legitimation, the notion of nationalism has consistently played varying roles in the

construction of elites, revealing complications surrounding the perpetuations of European identity. In this study, however, how has legitimation ascribed from the intricate verbal exchanges encased within the decision making processes of judges when *Hot Bench* firstly introduced to viewers in 2014?

Our article argues that, as audience engages with the verbal interactions among the three judges during their deliberation phases in *Hot Bench*, these interactions invariably entail a way or imposition for some types of reasoning that allow participants, speakers, or hearers to act, say, write, or perform in a certain manner corresponding to the exchanges or claims in question. Specifically, from (co-) constructing, analyzing, comparing, and contrasting both plaintiff and defendants' arguments, this notion of legitimation, can also be applied to the context of decision making processes among judges of *Hot Bench* within the interchangeable and overlapping notions of popular culture and legal courtroom genres. In this sense, legitimation functions as the 'device' or clauses that not only push the 'why' but also unlocks the convergence of power, authority, and legal discourse community. In exploring the judges' process of making decisions, such richness in judges' elaborations may provide "the intricate interconnections" between social and legal practices and "discourses that legitimize them" (Van Leeuwen, 2007, p. 111). However, the above mentioned explications are merely fractions of how power, legitimation, and discourse analysis are intertwined. At the same time, one must be cognizant of the ways legitimation is made in TV court shows. The questions, then, remain: What does legitimation entail? What are the specific categories that construct legitimation as proposed by Van Leeuwen (2007)? The following discussion will tap onto these enquiries.

LEGITIMATION AS A FRAMEWORK

Four components make up the framework for legitimation (Van Leeuwen, 2007) as can be seen in Table 1. These are authorization, moral evaluation, rationalization, and mythopoesis (moral tales or narratives). We will examine these linguistic resources in detail:

Table 1. Categories of Legitimation

Categories	Sub-categories
Authorization	Personal authority
	Expert authority
	Role Model authority
	Impersonal authority
	Tradition
	Conformity
Moral evaluation	Evaluation
	Abstraction
	Analogies
Rationalization	Instrumental
	Theoretical
Mythopoesis	Moral tale
	Cautionary tale

Authorization

Authorization is referred to as the authority as defined by tradition, custom, and law, including those individuals vested with the institutional power to exert some kind of authority. Under this aspect, seven sub-aspects include personal, expert, role, model, impersonal, tradition, and conformity authority. Firstly, *personal authority* is the authority that is granted to individual(s) given their status or role in an institution. For instance, "That's what her mother says" (Van der Houwen, 2015) can demonstrate personal authority. Secondly, under this term of authorization lies *expert authority*. Expert authority is not defined by status but is defined by one's expertise on a given subject as can be shown in the following example, "Circumstantial evidence as defined by lawyers is the preponderance

of evidence beyond doubt" (Van der Houwen, 2005, 2015). Thirdly, authorization is legitimized by the impersonality of things, clauses, or ideas that may include laws, rules, and regulations vis-à-vis *impersonal authority* as in "We can't rule against the defendant because that's not what the law says" (Van der Houwen, 2015). The fourth, fifth, and sixth forms of legitimation that fall under the category of authorization are role model, tradition, and conformity. *Role model* authority involves the kinds of individuals that make people want to follow, for example, celebrities and political leaders, who are most often associated with popular culture. The authority of *tradition*, however, does not deal with the reason why something transpires or whether or not something is compulsory, but "'because this is what we always do' or because this is what we have always done'" (Van Leeuwen, 2007, p. 96), implying the interrelationship of tradition with practice, habits, and customs. For example, in "It is not the practice of this court to have both defendants and plaintiffs to talk to each other," (Davies, 2014) "practice" carries the idea of tradition, implying the kinds of procedures most commonly found in American's court of law. In the case of authority of *conformity*, Van Leeuwen (2007) distinguishes between reasoning and normalization; conformity in this sense is not "'because that's what we always do', but 'because that's what everybody else does', or because that's what most people do'. The implicit message is, 'Everybody else is doing it, and so should you' or 'Most people are doing it, and so should you'" (p.97). An example follows through: "Many courts now process complaints swiftly" (Davies, 2014).

Moral Legitimation

Unlike previous categories which are termed based on authority, moral evaluation emphasizes moral agenda. Here, three sub-categories are found - evaluation, abstraction, and analogies. Firstly, *evaluation* which deals with a dichotomy of values center on concrete qualities for referring to actions or objects. For instance, "It was surprising to me that you had the audacity to ask her for the return of money" (Davies, 2014) can illustrate evaluation. Secondly, the notion of moral evaluation can be defined by *abstracting*. Specifically, this kind of legitimation refers to the abstract ways that "moralize" practices such as referring school students going to school as "the child takes up independence," as an alternative of saying, "the child goes to school for the first time" (Van Leeuwen, 2007, p. 99). *Analogies*, which is related to comparisons in discourse takes up the third form of moral evaluation. Here, the underlying assumption of moral legitimation is not the reason why something needs to be done or why something needs to operate in certain ways, but because it "is like another activity which is associated with" positive or negative values (Van Leeuwen, 2007, p. 99). "Your eating the steak is the same as your responsibility to pay up your rent" (Davies, 2014) is an example of analogy.

Rationalization

Rationalization is a form of legitimation that gives purposes to social and institutionalized practices and actions. Under this view, two main sub-categories can be found, namely instrumental and theoretical. Firstly, *instrumental rationalization* involves goal-, means-, and effect- orientations. For instance, "police reports are done to get you out of trouble" (Davies, 2014) (read: goal-orientation), "You meddle in their business by sticking your nose into it" (Bibel, 2014) (read: means-orientation), and "It's not for you to decide the outcome of the case" (Bibel, 2014) (read: effect-orientation). Secondly, *theoretical rationalization* assumes that legitimation is established on some kind of truth, most often associated with definition, explanation, and prediction. Each examples follow through: "Circumstantial evidence is based on the preponderance of evidence" (Van der Houwen, 2015) (read: definition), "The dog is his because the dog is still connected to him pretty significantly" (Van der Houwen, 2015) (read: explanation), "Don't get too comfortable. This case isn't long" (Van der Houwen, 2015) (read: prediction).

Mythopoesis (Moral Stories/Narratives)

Two major categories are established under mythopoesis, moral and cautionary tales. In *moral tales*, main characters in storytelling are rewarded because they engage in legitimate institutionalized practices, while *cautionary tales* narrate the readings that inform the consequences if one does not conform to the norms of social practices. The following examples can demonstrate the above-mentioned ideas: "No wonder there had been so many voices cheering her on. The whole family had come with Daddy to see Mary Kate win her first race" (read: moral tales) (Van Leeuwen, 2007, p. 106) and "I remember I had to answer to the teachers if I didn't turn up for schools" (Bibel, 2014) (read: cautionary tales).

However, the above are merely a fraction of examples of how Van Leeuwen's (2007) framework can be put to work to study verbal exchanges among judges in TV court shows; one would certainly find limitations and similar trajectories of understanding legitimation using other categories to reflect their connections with power and authority. Yet, in our view, one needs to be conscious of the fact that although many TV court shows are broadcast to viewers mainly for popularity, verbal narratives emanating from TV court shows can illustrate how judges navigate around specific linguistic components to firm up legitimation.

METHODOLOGY

Discourse analysis with respect to specific linguistic elements in decision-making process from the perspective of legitimation was the focus in this study. The data (cases in *Hot Bench*) were retrieved from Youtube between October and November of 2014. 20 cases were made available on Youtube. However, this paper reports on the discourse analysis of two particular cases, namely, personal property and defamation disputes. For the purposes of the study, two cases were selected out of twenty cases gathered (Hot Bench 2014a, 2014b). Transcripts were provided simultaneously when audience watched the show. As mentioned prior, on average, a case lasted from 15 to 30 minutes, without commercials, or existed as long as 35 minutes. The transcripts, obtained from the websites (Hot Bench 2014a, 2014b) were further divided into segments of talk, with deliberation of verdict being the main focus for analysis. Specifically, the transcript entailed a close examination in order to examine the verbal exchanges involving categories of legitimation that led to the judges' decision-making. To reiterate, these categories encompass legitimation in the forms of authorization, moral evaluation, rationalization, and mythopoesis, existing within parts of clauses of text and talk. Thus, the turn-takings in the deliberation stages were analyzed to examine how decision making among the three judges took place, where and how legitimation was ascribed and how they helped shape the (unanimous or divided) verdict. These verbal exchanges were analyzed with regard to the issue discussed, how power and legitimation were enacted through these specific linguistic configurations. With increasing focus on how these segments or talk constructed information or ideas on legitimation, standard and semi-standard spelling were also used to represent formality and informality of the texts. For example, "wanna," if so pronounced, for "want to." Speaker identification, with respect to how they were recognized and labeled was followed through after the talk was segmented. In this study, we used Billig and Schegloff's (1999) framework, reflecting the analysts' underlying impression of transcripts. Identifications of speakers were based on last name (Van Der Houwen, 2005; 2015) as well as social roles (doctor, client, student, teacher, in this case, judges) (Matoesian, 2001; Atkinson and Drew, 1979), for instance, "Judge Acker," integrating social role(s) and last name to aid our understanding.

FINDINGS OF RESEARCH QUESTION 1

Physical Settings of Hot Bench

The physical setting of *Hot Bench* is nowhere different than a 'real' small claims court in America with the exception of three seats on the bench where the three judges get to question litigants simultaneously. As can be seen from Figure 1, the litigants, plaintiffs (P) and defendants (D) face the

judges (J) while audience (A) sits behind the litigants. Witnesses (W), who frequently present, sit behind the litigants. Bailiff (B), a court attendant with a task to maintain the order of the court trial, including distributing litigants' paperwork to judges and ensuring control of the court, stands besides the judges- Judges Tanya Acker (J^1), Patricia DiMango (J^2), and Larry Backman (J^3). Figure 1 (Inside Edition, 2014) provides an overview of the *Hot Bench* set taken to facilitate our understanding of its physical setting:

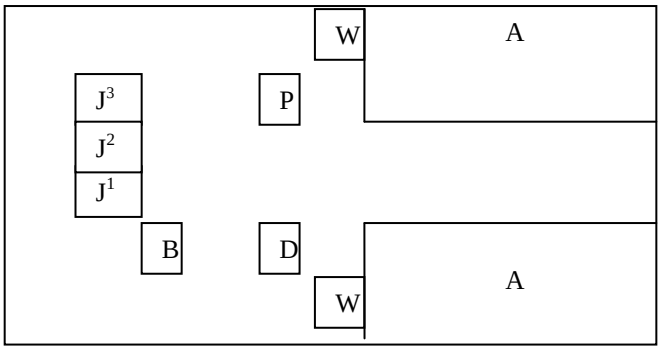

Figure 1. Orientation of *Hot Bench's* setting

Organization, Turn-Takings, and Resolution of Cases in Hot Bench

Cases arbitrated on *Hot Bench* are manifested in several turn-takings in which they usually occur. Table 2 gives an overview of how *Hot Bench* starts and finishes, with frequent consistent orders with reference to how it is broadcast to audience. However, before *Hot Bench* airs, each judge receives both complaints and replies from the litigants, making it easier for them to (co-) construct the overview for each proceeding.

Table 2. Organization of Cases

Turn	Speaker	Structure
1	Announcer	introduces plaintiff(s) and defendant(s), briefly states the nature of case
2	Bailiff	presents a docket containing facts of the case to judges.
3	Judge Acker	overviews the complaint and counterclaim (if any) and proceeds to question plaintiffs and sometimes defendants (sometimes evaluates the case)
4	Plaintiffs	provide response/testimony (as elicited by either judges)
5	Defendants	provide response/testimony (as elicited by either judges)
6	Judge Dimango	questions plaintiffs and defendants and cross-examines witnesses
7	Plaintiffs	provide response/testimony (as elicited by either judges)
8	Defendants	provide response/testimony (as elicited by either judges)
9	Judge Backman	questions plaintiffs and defendants and cross-examines witnesses
10	Plaintiffs	provide response/testimony (as elicited by either judges)
11	Defendants	provide response/testimony (as elicited by either judges)
12	Judge	cues for deliberation (as elicited by either judges)
13	Judges	leave for chambers
14	Judges	evaluate claims and counterclaims
15	Announcer	re-iterates the nature of case
16	Judge	announces the decision (as elicited by either judges)
17	Judge	addresses perspectives on either plaintiffs and defendants (if any; as elicited by either judges)
18	Judges	leave the bench
19	Bailiff	directs the way out for both plaintiffs and litigants
20	Litigants	evaluate the outcome of the case

However, the format of the case above is not followed through in linear fashion. Sometimes, judges other than Judge Acker present the overview of the case, summarizing claims and counterclaims. Moreover, during the process of questioning, Judge Acker may firstly address the defendant while other judges may begin with the plaintiffs. In other occasions, judges may interrupt one another during the process of fact-finding in order to gather facts before deliberation. However, one thing is

certain; one of the judges may cue one another to either deliberate or leave the bench for chambers through, for instance, “Are we ready to retire?” or “Are we ready to vote?” What happens in the chamber pertains to how they evaluate claims and counterclaims and argue before each other to come to a conclusion where judges may contradict one another based on the presentation of evidence by both plaintiffs and defendants. If the decision is not unanimous, however, the majority of votes get the verdict. For instance, if the decision made by both Judges Bakman and Acker contradict Judge DiMango, Judge DiMango’s opinion does not count but she can make known of her perspective at the final announcement of decision to address the litigants, if s/he wishes to do so. By revealing how judges weigh in the claims and counterclaims, audience has the opportunity to see how multiple perspectives of viewing the cases exist and how judges evaluate both written and oral evidence. The litigants, however, can voice out their evaluations of the case and verdicts at the end of the show, with occasional deletions on cusswords and improper use of English. Cases typically run from 15 minutes to 30 minutes, depending on the nature of each case, with commercials running in between the cases.

FINDINGS OF RESEARCH QUESTION 2

In the first narrative exchange, the judges deliberate verdicts on a case surrounding a vandalized car (Hot Bench, 2014a). Prior, the plaintiff in this case files a complaint stating that the defendant vandalizes his car. The plaintiff sues for the amount to get his car fixed, while the defendant denies the charges. The judges’ discussion is given in Table 3:

Table 3. Personal Property Dispute

1	Judge DiMango:	I think I definitely see different opinions here on this one.
2		
3	Judge Acker:	Yeah, I have a sense I wanted to believe her. Look, he hurt her feelings. She admitted he hurt
4		her feelings. She wasn’t a bad girl. She overreacted to a bad situation, but I believe him
5		
6	Judge DiMango:	I'm sort of with you. I think that that was definitely vandalism on that car. You have his
7		pictures.
8		
9	Judge Acker:	It's a nice car.
10		
11	Judge Backman:	So you both find that she is responsible for doing the damage to this car?
12		
13	Judge Acker:	Well, I didn't quite say that. The plaintiff if you notice, my last question to him was, “how do
14		you know it was her?" If there was really good evidence that it had been her, the police
15		would've showed up at her door, made a report you know, at least interrogated her
16		
17	Judge Backman:	Interesting they never even questioned her.
18		
19	Judge Acker:	Interesting. Are we ready to vote?
20		
21	Judge DiMango:	Yes, we are.
22		
23	Judge Backman:	I'm ready to vote.

Reflecting on the nature of the case, the judges use three concepts, namely, evaluation (moral), explanation (theoretical rationalization), and prediction (theoretical rationalization). Firstly, while describing multiple perspectives existing in this case (line 1), Judge Acker, who seems indecisive, uses evaluation, *overreacted* (line 4), and in this case moral evaluation as to why intentional damages on personal property are not accepted in the society, enabling her to explain why the defendant seems to be partially blamed for the altercation. Both words, *overreacted* and *bad situation* (line 4) are associated with negative connotations and distressed experiences. In addition to these expressions (*overreacted* and *bad situation*), the evaluation is presented with theoretical rationalization (explanation) by Judge DiMango (lines 6-7). By using the words, *vandalism* and *pictures* (lines 7-8), these words convey powerful visualization on the kinds of psychological suffering vandalism creates and gives a sense of how the decision-making processes among the discourse community vis-a-vis

law makers pertain to relying on concrete evidence. However, when Judge Backman further solicits for verification, so you both *find that she is responsible for doing the damage to this car?* (line 11), the judges are presented with another type of delegitimation, prediction (theoretical rationalization), through *how do you know it was her?* (line 13-14), a line of questioning put forth by Judge Acker. The effect of the prediction perhaps derives from Judge Acker wanting to cross-examine the plaintiff in order to establish circumstantial evidence (New York Courts, 2015) through the use of *police* (line 14), *report* (line 15), and interrogation (*interrogated*, line 15). These words, *police*, *report*, and *interrogated*, along with the expression, *how do you know it was her?* point at a sense related to plaintiff's lack of concrete evidence. In addition to these words, the use of the third conditionals that expresses prediction rather than certainty (lines 14-15) further justifies doubts on the plaintiff's narrative.

However, the following illustration in Table 4 elaborates a case on defamation (Hot Bench, 2014b). The plaintiff files a lawsuit against his former wife, who falsely accuses him of abusing their child. Prior to the case, the defendant accuses the plaintiff for abusing their child while they are both on a vacation. The defendant denies the charges by saying that the plaintiff is an abuser. The following exchange shows the judges' discussion:

Table 4. Defamation Dispute

1	Judge Backman:	All right ladies, he's suing for punitive damages based on a child-abuse allegation.
2		
3	Judge DiMango:	With regard to the allegations, it was surprising to me that she had not raised this prior to his
4		going away. While the child wasn't even in an environment that she was complaining was
5		the thing that was jeopardizing his mental health and safety.
6		
7	Judge Backman:	You don't sign a visa for your minor child when the other parent has threatened to kidnap the
8		the child.
9		
10	Judge Acker:	And I have to tell you, being branded an abuser? That is abominable.
11		
12	JudgeBackman:	I'm gonna boil over if we talk about it anymore. Have we reached a verdict?
13		
14	Judge DiMango:	I think we have.

In Table 4, three specific concepts, moral evaluation, tradition, and analogies, are used by the judges in order to delegitimize the findings of the plaintiff's case. Firstly, moral evaluation is used by Judge DiMango to express a sense of constructing what is considered to be abnormal and psychologically inept. The expressions which are considered negative are *complaining* and *jeopardizing his mental health and safety* (lines 3-5). These two expressions, taken together with the word *surprising* (line 3) indicate the process of assessing the moral conduct of the defendant (plaintiff's former wife) whose conduct should have been acknowledged by the plaintiff before coming to court. In addition to these words that constitute evaluation, the negative judgment on the plaintiff's part is delegitimized through through the use of simple present, *You don't sign a visa*, which signals a fact or custom, connected to 'common sense' and tradition because "this is what we always do" (Van Leeuwen, 2007, p. 96). By illustrating how the plaintiff should have considered the psychological repercussions on the plaintiff's child, the judges' evaluation and authority emphasize the weakness of the plaintiff's complaint. The effect, as Judge Acker later evaluates, is *abominable* (line 10). The plaintiff's narrative is referred to as *abominable*, assessing the plaintiff's case as suspicious and doubtful and illustrating the bleak and troubles derived from being labeled as *an abuser* (line 10). Judge Backman further supports this stance by analogizing the seriousness of the case to steaming pot of drinks (*I'm gonna boil over*, line 12). The verb *going to boil over* is linked to criticisms against plaintiff's judgment, whose decisions on being away for a vacation should have emphasized the well being of *the child* (line 7) and thus could be interpreted as an instance of delegitimizing the plaintiff's report. So, the uses of evaluation, tradition and analogies each applies to the practice of deliberating a verdict by the judges in *Hot Bench* as illustrated in the exchange above.

CONCLUSION

Our analysis invites one of the many readings that contribute to the present body of research on legitimation. While previous studies on legitimation have focused on post 9/11 history (Dunmire, 2009), politicians' specific linguistic structures (Reyes, 2011), Middle East military strategies (Oddo, 2011), higher education (Aula and Tienari, 2011), and European identity (Vaara, 2014), to name a few, this study has focused on legal discourse by examining verbal exchanges among judges during their deliberation of verdicts in a popular reality TV program, *Hot Bench*. In the selected deliberation processes examined, three broad concepts are intensified by the judges, namely, authorization, moral evaluation, and rationalization. Specific concepts include tradition, explanation, evaluation, prediction, and theoretical are posited to legitimize the judges' renderings of the outcome of the case. Thus, on one level, the use of these specific categories of legitimation may help the judges to reach unanimous decision, and on the broader level, we see that the discourse in a popular legal reality TV program, in this case, *Hot Bench*, employs multi-faceted reasoning that make it possible for different opinions to converge and diverge from one another. Future studies could examine legitimation in selected court's press releases, newspaper, and sustainability programs by the government with the objectives of examining institutionalized texts. By examining how reasoning is justified and, therefore, legitimized, these concepts on legitimation will repeatedly question the boundaries of persons vested with power and authority, including relevant discourse community to expose specific strategies employed to reach decisions.

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