



Deception in Amber Heard and Johnny Depp's Trials

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Abstract

Deception is defined as a linguistic and non-linguistic behavior that is used in interaction in order to make the addressees believe what is believed to be false or lack evidence. McCornack (1992) classifies deception into four manipulative strategies (i.e., fabrication, distortion, equivocation and concealment), other scholars argue that deception encompasses the strategies of "fabrication (outright lying), equivocation (being vague and ambiguous), or concealment (with holding relevant information) Thus, the present study investigates the deception strategies and motives that are used by Johnny Depp and Amber Heard during their defamation trials. Qualitative and quantitative methods are employed when analyzing the data in question. The first method is achieved via using Buller & Burgoon's (2004) strategies of deception and Ekman's (1995) motives of deception, while the second method is achieved via counting frequencies and percentages. It is found that the strategies of fabrication and equivocation are frequently used by Johnny Depp, while the strategies of fabrication and concealment are frequently used by Amber Heard. It is concluded that deception can be achieved via using the strategy of fabrication in order to avoid embarrassment, get rid of an awkward situation and get the admiration of others.

Keywords: Concealment, Deception, Equivocation, Fabrication and Legal Language



الخداع في محاكمة أمير هيرد و جوني ديب

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المستخلص

يعرف الخداع على انه تصرف لغوي وغير لغوي ويستعمل في المحادثات لجعل المتلقي يصدق بما هو غير حقيقي. يصنف ماكورناك (١٩٩٢) الخداع إلى أربع استراتيجيات تلاعبية: (التلفيق والتشويه والمراوغة والإخفاء)، يرى باحثون آخرون أن الخداع يشمل استراتيجيات "التلفيق (الكذب الصريح)، والمراوغة (أن تكون غامضة وملتبسة)، أو الإخفاء (مع الإحتفاظ بالمعلومات ذات الصلة) وبناءً على هذه الحقيقة، قامت الدراسة الحالية بدراسة استراتيجيات ودوافع الخداع المستعمل من قبل جوني ديب و أمير هيرد اثناء محاكمة التشهير التي جرت بينهما حيث استعملت طريقة البحث النوعية والكمية لتحليل البيانات. وقد تحققت الطريقة الاولى من خلال إستعمال موديل باركون وبولير (٢٠٠٤) لإستراتيجيات الخداع ومودل إكمان (١٩٩٥). وقد توصلت الدراسة الى إستراتيجيات التلفيق والغموض هي الأكثر إستعمالاً من قبل جوني ديب بينما استراتيجيات التلفيق والإخفاء هي الأكثر إستعمالاً من قبل أمير هيرد. من بين النتائج التي توصلت لها الدراسة هي أن الخداع يتحقق باستعمال استراتيجيات التلفيق من أجل تجنب الخجل والتخلص من الموقف المحرج والحصول على تقدير الآخرين.

الكلمات المفتاحية: الإخفاء، التلفيق، الخداع، اللغة القانونية، المواربة

1- Introduction

The notion of deception is firstly presented by Ekman & Friesen (1969) when they publish their first paper on deception. They confirm that deception is generated when there is a 'leak' when people present information. More precisely, "They specify certain behaviours such as "knitted brow", "shifty eyes", "twitching fingers" that are leaked when deception occurs." (Abdulmajeed & Shafaa, 2018,p232). In this regard, David Buller and JudeeBurgoon (1994) introduce the linguistic theory of inter personal deception. Hence, deceptions, according to them, are "messages that are unintentionally misleading are usually described as mistakes, gaffs and the like." (p192). In (1996), deception is defined by them as "a message knowingly transmitted by a sender to foster a false belief or conclusion by the receiver... deception occurs when communicators control the information contained in their messages to convey a meaning that departs from the truth as they know it." (p205).

In (2004), Buller & Burgoon develop their theory by saying that "deception is found in newspapers and Television where we find people use all manner of deceptions; politicians lying about their private lives, businessmen covering their deals, etc. It is all around us."(Abdulmajeed & Shafaa, 2018, p233). Two methods are adopted in the present study; namely, the qualitative and quantitative. The first method is accomplished due to the adaptation of Buller & Burgoon's (2004) strategies of deception and Ekman's (1995) motives of deception. The second method is accomplished due to counting the frequencies and percentages. The data of the present study encompasses (6) extracts that are taken from Johnny Depp and Amber Heard's defamation trials in 2022. The strategies of deception and its motives have not been pragmatically tackled in legal genre. The current study aims at investigating the deception strategies and its motives that are used by Johnny Depp and Amber Heard during the defamation trials.

Hence, the present study attempts to answer the following questions:

1. What are the deception strategies that are used by Johnny Depp and Amber Heard; and which one is the frequently used?
2. Are there motives behind deception; and which one is frequently used Johnny Depp and Amber Heard if there is any?

2- Theoretical Framework

Key Words

2-1 Deception

While McCornack (1992) classifies deception into four manipulative strategies(i.e., fabrication, distortion, equivocation and concealment), other scholars argue that deception encompasses the strategies of "fabrication (outright lying), equivocation (being vague and ambiguous), or concealment (with holding relevant information)." (Buller&Burgoon, 2004, p16) and (Merzah and Abbas, 2020, p121)

Additionally, Buller&Burgoon (1996) mention that the deceptive goals are

accomplished via ‘falsification’, ‘equivocation’, and/or ‘concealment’. The act of creating a false story is called ‘fabrication’ i.e., “lying”, the act of avoiding important information is called ‘equivocation’; while the act of hiding important stories is called ‘concealment’, i.e., “secret”. (p98).

There are too many definitions of the concept of ‘deception’. But actually there is no “universally accepted definition of deception” (Papi, 2014, p8). Danyel (2011), for instance, presents the “web of deceit” in which she proposes that deception is nothing but “lying and deception without lying (the latter also called misleading). The distinction is essentially based on two criteria: verbal vs. non-verbal means of expression, and (lack of) truthfulness of the statement.” (cited in Papi, 2014, p8)

What is meant by deception is that causing somebody to accept what is false or untrue. For Mahon (2008), “to deceive=to intentionally cause another person to have (or continue to have) a false belief that is truly believed to be false by the person intentionally causing a false belief.” (cited in Papi, 2014, p9)

Buller&Burgoon (2004) propose certain factors through which the process of deception is determined. Among these factors come: “contextual factors, senders’ and receivers’ pre-interaction, pre-existing knowledge, the positive or negative valence of the relationship between conversational partners, and initial expectations for honesty within the exchange.” (p6)

In (2006), Buller&Burgoon mention four reasons to initiate the “leakage”:

1. Firstly, “the deceiver’s motivations to manage the information can create efficient performance”;
2. Secondly, “deception increases physiological activation”;
3. Thirdly, “the main feelings of the deceiver are guilt and anxiety”;
4. Fourthly, “the complex cognitive factors involved in deception can tax the brain beyond its capacity.” (p103)

2-2 Motives of Deception

It is Ekman (1995) who presents nine motives behind doing deception as a result of making collecting the data of his study. These motives are as follow:

1. “To avoid being punished: it is the most frequent type in which deceivers try to avoid punishment for mistakes;
2. To obtain a reward;
3. To protect other person from being punished;
4. To protect oneself from the threat of physical harm;
5. To win the admiration of others;
6. To get out of an awkward social situation;
7. To avoid embarrassment;
8. To maintain privacy without giving notification of the intention to maintain some information as private;
9. To exercise power over others by controlling the information of the target.” (p63)

2-3 Language in the Courtroom as a Legal Setting

Courtroom is the place where the discourse functions as an “instrument of

institutional empowerment and control.” (Wagner&Cheng, 2011, p4), and the courtroom proceedings “are the best way to extract all the needed and relevant knowledge in giving the final verdict.” (Catoto, 2017, p65)

The courtroom attains its own reliability and the credibility from being a judicial institution to serve the people in certain community to get their rights throughout a fair justice. All people, including judges, lawyers and lay people, attended in the courtroom must show their readiness to abide by the law and their readiness to be involved in the hearings of the court cases.

Language in the courtroom is identified as the kind of immense powerful tool of controlling and practicing power over the suspects, witnesses, lawyers and even on the audience. It is, as Fairclough (1989) says, the “primary medium of social control and power.” (p3) in the legal settings where the language is formulated in a way to control and to practice the power of law. Legal discourse in the legal settings is the best tool of implementing and applying the law.

2-3-1 The Linguistic Tools of Legal Language

Coulthard, et. al., (2017) describe the difficulty of comprehending the legal language, by saying that “Anyone who hears the term ‘legal language’ thinks immediately of grammatically complex, sparsely punctuated, over-lexicalized, opaque, written text.” (p31)

First of all, let us start with the context. Legal context in the legal language, as a matter of fact, involves using certain pragmatic devices; they are, for example, the titles of the people present, like (Sir, Madam, Officer...etc.). One does not expect to hear titles like *love*, *honey* in such formal context. Such words, in case it is used in the court, for example, it “might lead to a feeling of being patronized.” (Coulthard, et. al., 2017, p19)

Another example is discourse markers. In the court context, for example, the discourse markers, such as *but*, *so*, *well*, *you know* etc... due to their lack of references to some significant events, these discourse markers are occasionally disregarded. (Green, 1990) However, they are actually very significant in the utterance context. Hale (1999) considers them as pragmatic ones because “their presence or absence can affect the illocutionary force of the utterance.” (p58). Hale confirms the importance of the discourse markers in courtroom questions by saying that these are “devices of argumentation, combativeness and even control.” (p59)

Grice’s (1975) Cooperative Principle is also looked at as one of the most important pragmatic tool in the legal context. It is a sort of pragmatic principle which presupposes that conversation should be “such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which [one] is engaged.” (p45). But actually, courtroom and police questioning room are not the place for the conversation to be inherently cooperative. Levinson (1992) defines these kinds of argumentation as “argumentative”. (p76)

Levinson (1992, p76) explains cooperative principle in interrogation as It's doubtful that either side will believe the other is adhering to the tenets of quality, manner, and especially quantity (requiring that each speak as much as

the other requires). In an activity of this kind, it is not supposed to find these maxims are sincerely fulfilled; there might be a case of not cooperating in providing the quality and quantity of information the court requires.

Conversational analysis and discourse analysis are further tools of a discourse study of legal language as explained in Coulthard (1977). The rapid development of the discourse analysis has witnessed world-wide changes in its scope to include various disciplines including forensic discourse analysis.

It, by using Coulthard et. al., (2017) words, is concerned with specific institutional functions of language both above the level of the sentence in turn taking, topic creation, and text structure, and at the level of the word or particle in the use of discourse markers, terms of address, pauses, hesitations, and even laughter. Discourse analysis (DA) takes account of intonation; paralinguistic features (gesture, gaze direction, facial expressions) and examines pragmatic features, such as interruption, politeness, and question design. Forensic DA is chiefly concerned with dyadic interaction, conversations between two speakers (e.g. lawyer/ witness; police officer/ suspect). (p22)

Though sometimes, there are more than three people in the conversation interacting with each other with the lawyer present as well who makes infrequent interventions.

Conversation analysis and the turns taking is properly realized in Sacks et. al., (1974) in which they present the “simplest systematics of turn-taking: only one speaks at a time...order and distribution are not determined in advance...size of turn varies; and what is said and done is not determined in advance.” (p700) As far as the legal discourse is concerned, the conversations vary; they sometimes are done in an ordinary conversation and the other times are done in a police questioning discourse. In the courtroom, the difference is only in the amount of the of talk.

Critical discourse analysis is a further strategy of the legal discourse in courtroom conversations by which, the “relations of power and ideologies and the constructive effects that discourse has upon social identities, social relations and systems of knowledge, and belief, none of which is normally apparent to discourse participants.” (Fairclough, 1995, p12). The relation between forensic discourse analysis and the critical discourse analysis appears when judges, lawyers, police officers and other participants in this legal context make their comments.

2-4 A Brief Summary of Heard and Depp’s Defamation Trails

In 2015, Johnny Depp and Amber held a private ceremony to announce their marriage on his private island in Bahamas. Unfortunately, their relationship did not last long. In 2016, Heard started accusing her husband of being a physical abuser since Depp was always under the effect of ‘drugs and alcohol’. On his part, Depp denied his wife’s accusations by saying that the motives behind Amber Heard’s using abuse claims are to get a quick financial resolution. Accordingly, they got divorced in 2017.

In 2018, it was written in Washington Post that Amber Heard stated ‘I spoke up against sexual violence — and faced our culture’s wrath. That has to change’. As such, Johnny Depp sued her for that op-ed headlined. The last

trials held in US for six weeks. In a libel countersuit, Amber Heard was given \$2 million, and Johnny Depp was given \$15 million in damages, as a result. (Behera, 2022)

2-5 Related Studies

As being an important aspect of communication, deception gets the scholars' attention. Therefore, deception has been differently studied by researchers. Among these studies come: "Types of Deception and Underlying Motivation: What People Think" by Sonja Utz in 2005. Her study focuses on the question of how people can differentiate between "identity concealment", "attractiveness deception", and "gender switching" in different scenarios as types of deception. 88 students of Chemnitz University of Technology are the population of her study. The three main forms of deceit were categorically assessed and linked to various motives. In terms of severity, "attractiveness deception" ranked highest, followed by "gender switching" and "identity concealment". While "attractiveness deception" was thought to be largely motivated by the want to display oneself in an idealized manner, "gender switching" was thought to be primarily motivated by the desire to experiment with other roles or facets of the self. On the other side, "identity concealment" was linked to privacy worries. Besides, Al-Hindawi and Al-Aadili's (2017) study is entitled "The Pragmatics of Deception in American Presidential Electoral Speeches". Their study aims to find the deception strategies of ostensible promise, equivocation, fabrication, and dissociation as a result of violating Grice's maxims cognitive strategies such as metaphor, presupposition, positive self representation and negative other representation by the American presidential candidates. The most significant conclusion drawn from this research is that American presidential candidates most frequently use the tactics of "giving an ostensible promise, equivocation, presupposition, and positive self/negative other representation to achieve their objectives.

3- Data Analysis

3-1 Johnny Depp's Speeches

Extract (1)

"Mr. Depp: Insane. It's insane to hear heinous accusations of sexual violence that she's attributed to me, that she's accused me of. I don't think anyone enjoys having to split themselves open and tell the truth, but there are times when one just simply has to because it's gotten out of control. Horrible, ridiculous, humiliating, ludicrous, painful, savage, unimaginably brutal, cruel, and all false. Awful."

(FAIRFAX COUNTY COURT Wed. May 25, 2022)

In order to show that Amber Heard deceives the jury and the world by telling them untrue stories, Johnny Depp exploits the deception strategies of **fabrication** and **equivocation** by saying "*Insane. It's insane to hear heinous accusations of sexual violence that she's attributed to me, that she's accused me of.*" While the first deception strategy is achieved when untrue stories are spoken, the second deception strategy is achieved when insufficient evidences are presented. Hence, Johnny Depp's speech manifests that her accusations are

untrue and vague despite using all the negative words to describe him by Amber Heard. The motives behind that are to **get out of an awkward social situation** and **win the admiration of others**.

Extract (2)

“Mr. Depp: I'm sorry he feels bad. Yes, because any other answer, you know, it would turn into World War III.”

(FAIRFAX COUNTY COURT Wed. May 25, 2022)

The deceptive strategy of **concealment** is used in extract (2) when speaking about their relation. The initiation of this strategy is attributed to Johnny Depp's speech when he hides the consequences when speaking about the fights between him and his ex-wife by describing them as 'World War III'.

The motive is to **get out of an awkward social situation** and to keep certain information secret without announcing that it will remain private. That is, Johnny Depp avoids speaking about the relationship between his ex-wife and her sister, but rather exploits the expression 'World War III'.

Extract (3)

“Mr. Depp: I mean, I'm in total shock that this is happening to me, that my entire life on the planet has been brought to the head of a pin with all this completely, utterly false information. So, yeah, when you're accused of horrific acts and things that you have not done, when it's actually some very ugly things that are going out there into the world about you on a non-stop basis by Ms. Heard and her team, you have a tendency as humans to get very, very irate and angry, not to the point where you go out and hurt someone, not to the point even where you assault a cabinet”

(FAIRFAX COUNTY COURT Wed. May 25, 2022)

In extract (3), Johnny Depp utilizes the deception strategies of **fabrication** and **equivocation**. He aims at showing how his ex-wife and her team used to deceive the world and the jury by presenting false stories about him. While fabrication strategy is achieved when speaking about Amber Heard's lies and fabricated stories, equivocation strategy is accomplished when presenting vague and insufficient evidences when speaking about Johnny Depp. The motive behind doing so is to **get rid of an awkward social situation** after being accused of untrue information by his ex-wife.

3-2 Amber Heard's Speeches

Extract (1)

“Amber: And nothing I could do to calm him down, it seemed like. I'd walk away and that would make it worse. I remember he...in my apartment in Orange, it would...he would grab me by the hair or he'd grab me by the arm, pull me into him, scream at me that way. He'd smash things around me, then he would smash things very close to me. And then he would just hit me.”

(FAIRFAX COUNTY COURT Wed. May 4, 2022)

Deception is achieved in extract (1) is owing to Amber Heard's use of the deception strategies of **fabrication** and **concealment** when presenting her testimony. Telling untrue information and hiding important information that are related to their relationships by Amber Heard activate the strategies of deception in question. The motivation behind doing so is **to get out an**

awkward situation, that is, presenting her testimony against her ex-husband accusations and **win the admiration of others** when speaking about her ex-husband's abusive behaviours.

Extract (2)

“Amber: I was...I had thrown a... Well, Johnny slapped me, I walked away from him, and that made it worse. We got into, like, a shouting match. And he kind of did this thing with his body where I could tell he was going to hit me again. I picked up a...like, a... I remember kind of, like, a little...not a pot, but, like, a vase. And I remember I got away from him enough as he reels back, I threw it in his direction and actually managed to get away before he got me. He grabbed me by the arm and he kind of just held me on the floor, screaming at me. I don't know how many times he hit me in the face, but I remember being on the floor in my apartment and I'm just...I remember thinking, "How could this happen to me again?"

(FAIRFAX COUNTY COURT Wed. May 4, 2022)

The deception strategies of **fabrication** and **equivocation** are used by Amber Heard to show that she has been physically and verbally abused by her ex-husband. While the former is achieved when Amber Heard tells false information, the latter is achieved when she provides insufficient evidences about Johnny Depp's abusive behaviours. The motivation behind so is **to get rid out of an awkward situation** that she has been into and **avoid embarrassment** and **get the admiration of others** so as to convince that she has been abused.

Extract (3)

“Amber: I heard this time "nagging bitch," "nagging bitch," all the time. He even said that he'd made a mistake with me. And then, he didn't want...that when we touched back down, he'd get rid of me and I'd go back to... He said some disgusting things to me. I don't know if I need to repeat it.”

(FAIRFAX COUNTY COURT Thurs. May 5, 2022)

Deceiving the jury and the world about her ex-husband's negative behaviour requires her to adopt the deception strategies of equivocation and concealment. That is, she provides insufficient information and hides important information lead to the initiation of these strategies. The motives behind doing so is **to get rid of an awkward social situation** that she has been under, **win the admiration of others** and **avoid embarrassment**.

4- Analytical Framework

4-1 Results and Discussion

The results and discussions of the occurrences of the deception strategies and motives in Johnny Depp and Amber Heard testimonies are going to be presented. The following tables present the frequencies and percentages of using deception strategies and their motives by Johnny Depp and Amber Heard.

Table (1) Deception Strategies, Frequencies and Percentages in Johnny Depp and Amber Heard Testimonies

Johnny Depp Deception Strategies			Amber Heard Deception Strategies		
Type	Freq.	Per.	Type	Freq.	Per.
Fabrication	2	40	Fabrication	3	50
Equivocation	2	40	Equivocation	1	16.7
Concealment	1	20	Concealment	2	33.3
Total	5	100	Total	6	100

According to the results that are presented in table (1), the deception strategies are differently employed by Johnny Depp and Amber Heard. On the one side, It is found that Johnny Depp exploits the strategies of fabrication and equivocation equally (2) times (equals to (40%)) while the strategy of concealment registers the lowest frequency (1) time (equals to (20%). On the other side, it is seen that Amber Heard gives emphasis to the strategy of fabrication with a frequency (3) times (equals to (50%)) and followed by a proximate frequencies (2) times (equals to (33.3%)) to the strategy of concealment and (1) time (equals to (16.7%)) to the strategy of equivocation. Thus, the deception strategies of fabrication, equivocation and concealment are used in Johnny Depp and Amber Heard testimonies. Based on the results that are shown in table (1), the deception strategies of fabrication and equivocation are frequently used in Johnny Depp testimonies, while the deception strategy of fabrication is frequently used. Hence, this answer question No.1 which states "What are the deception strategies that are used by Johnny Depp and Amber Heard; and which one is the frequently used?"

Table (2) Deception Motives, Frequencies and Percentages in Johnny Depp and Amber Heard Testimonies

Johnny Depp's Motives			Amber Heard's Motives		
Type	Freq.	Per.	Type	Freq.	Per.
Get rid of an awkward situation	3	60	Get rid of an awkward situation	3	37.5
Win the admiration of others	2	40	Win the admiration of others	3	37.5
Avoid embarrassment	0	0	Avoid embarrassment	2	25
Total	5	100	Total	8	100

Table (2) explicates that both Johnny Depp and Amber Heard differently use deception motives in their testimonies. Johnny Depp frequently uses the

motive of get rid of an awkward situation with the frequency of (3) times, equals to (60%), then he uses the motive of win the admiration of others with the frequency of (2) times, equals to (40%). On the other side, Amber Heard uses the motives of get rid of an awkward situation and win the admiration of others more highly with equal frequencies of (3) times, equals to (37.5%) more than she does with the motive of avoid embarrassment with the frequency of (2) times, equals to (25%).

It is found that Johnny Depp and Amber Heard call for the deception motives of get rid of an awkward situation, win the admiration of others and avoid embarrassment in their testimonies. It is clarified that the motives of get rid of an awkward situation receives higher frequency in Johnny Depp testimonies whereas the strategies of get rid of an awkward situation and win the admiration of others receive higher frequencies. Thus, this answer question No.2 which states “Are there motives behind deception; and which one is frequently used by Johnny Depp and Amber Heard if there is any?”

5- Conclusions

It is concluded that:

1. Deception is known as a linguistic or non-linguistic behaviour in which the deceiver aims at making the addressee to believe what is untrue or false of an incident.
2. Deception can be achieved due to three strategies; namely, fabrication (i.e., saying untrue stories), equivocation (i.e., what you say lacks sufficient evidence) and concealment (i.e., hiding important information). However, Jonny Depp and Amber Heard differently call for these strategies.
3. It is found the strategy of fabrication is highly employed by Amber Heard than Johnny Depp with the frequencies that amount to (50%) and (40%) respectively. Hence, it can be concluded that Amber Heard claims untrue stories than Johnny Depp when giving testimonies.
4. Concerning the strategy of equivocation, table (1) manifests that Johnny Depp uses this strategy more than Amber Heard does when presenting testimonies. Thus, this strategy reveals Johnny Depp’s intention that his ex-wife presents insufficient evidences about him.
5. Concerning the deception strategy of concealment, it is shown that Amber Heard employs it more than Johnny Depp. This means that Heard hides important information when she testifies than Johnny Depp does.
6. The motives behind using the deceptive strategies are either to get out an awkward situation that they have been **under** win the admiration of others and avoid embarrassment. The motive of get out an awkward situation gets the higher frequency in both Johnny Depp and Amber Heard testimonies.

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