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Legal Rhetoric in American Political Speeches: A Qualitative Analysis of Persuasion, Governance, and Constitutional Discourse

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Abstract: Legal rhetoric is a powerful tool in American political discourse, shaping public perception, policy justification, and judicial influence. This qualitative case study examines how U.S. political leaders employ legal language to establish credibility, persuade audiences, and align policies with constitutional principles. Analysing speeches delivered by historical and contemporary figures, including Lincoln, Roosevelt, King, Reagan, Obama, and Trump, this study identifies key linguistic and rhetorical strategies, such as legal formalism, authoritative tone, and citations of legal texts. The findings highlight the enduring role of legal rhetoric in governance and democracy, with implications for legal discourse, political communication, and English for Specific Purposes (ESP).

Keywords: legal rhetoric, American political speech, constitution, ESP.

1. Introduction

Legal rhetoric is broadly defined as the strategic use of legal language, principles, and frameworks to persuade, justify actions, and shape public perception within political discourse. It involves the deliberate employment of specialized terminology, references to laws and constitutional provisions, and authoritative tone to lend credibility to political arguments. This form of rhetoric transcends mere linguistic choices, embedding itself deeply within the mechanisms of governance, political legitimacy, and public influence.

Legal rhetoric transcends mere linguistic choices, embedding itself deeply within governance, political legitimacy, and public influence. Lăpădat and Lăpădat (2022), analyzing John F. Kennedy's inaugural address, underscore his exceptional

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rhetorical skill in evoking unity, optimism, and collective purpose. According to their study, Kennedy's sophisticated blend of legal legitimacy and visionary leadership serves as an exemplary model, effectively showcasing how eloquent rhetoric can elevate political discourse, strengthen democratic ideals, and inspire national renewal (Lăpădat and Lăpădat, 2022).

The significance of legal rhetoric in political discourse lies in its capacity to confer legitimacy, justify policy decisions, and reinforce or challenge the existing constitutional order. Politicians frequently invoke legal arguments to frame complex issues within accessible and authoritative narratives, thereby fostering public trust and facilitating policy acceptance. This linguistic strategy aligns political decisions with perceived constitutional norms, thus anchoring governance firmly in legal legitimacy.

This study emerges from a critical recognition of legal rhetoric's profound impact on governance, political persuasion, and constitutional alignment in American political history. By scrutinizing its application across various historical periods and political ideologies, the study aims to uncover consistent and evolving rhetorical patterns employed by key political figures. Such an exploration not only enriches our understanding of persuasive political communication but also illuminates how democratic processes and legal perceptions are shaped by rhetorical strategies.

To explore these dimensions, the study poses the following research questions:

1. How have prominent American political leaders historically employed legal rhetoric to establish credibility and authority in their speeches?
2. What specific linguistic and rhetorical strategies characterize legal rhetoric in significant political speeches across diverse historical contexts?
3. How does the use of legal rhetoric influence public perception, policy justification, and constitutional discourse within American political governance?

Through addressing these questions, this research will provide a nuanced analysis of legal rhetoric, offering insights relevant to scholars of rhetoric, legal studies, political communication, and educators in the field of English for Specific Purposes (ESP).

2. Literature Review

2.1. Historical Overview and Theories of Rhetoric

Rhetoric, historically recognized as the art of persuasion, has been extensively explored since ancient Greece. Aristotle's rhetorical framework remains foundational, emphasizing three essential persuasive appeals: ethos (credibility), pathos (emotional appeal), and logos (logical reasoning). Aristotle argued that effective rhetoric balances these elements, tailoring discourse to audience perceptions and situational contexts to achieve persuasion (Aristotle, trans. Kennedy, 2007). His theory has profoundly influenced contemporary studies in rhetoric, communication, and politics,

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reinforcing the need for speakers to establish authority and emotional resonance alongside logical argumentation.

Kenneth Burke's theories further elaborate rhetorical analysis through the concept of identification, positing that rhetoric succeeds when speakers create a sense of shared interests, values, or identities with their audiences. Burke's dramatism conceptualizes rhetoric as symbolic action that navigates human relationships through language, thus shaping social and political reality. Burke (1969) emphasizes the symbolic nature of rhetoric, highlighting that persuasion occurs not merely through arguments but through narratives and symbolic representations that resonate deeply with the audience's identity and values.

Stephen Toulmin's argumentation model offers another critical theoretical foundation, presenting a structured approach to rhetoric that includes claims, grounds (evidence), warrants (justifications), backings (support), rebuttals, and qualifiers (Toulmin, 1958). Toulmin's model is particularly useful in dissecting legal rhetoric, which inherently demands precise justifications and logical coherence. This framework emphasizes the structural rigor needed for arguments to gain acceptance, particularly in legal and political contexts, where credibility and logical coherence are paramount.

2.2. Legal Rhetoric and Constitutional Discourse

Legal rhetoric intersects distinctly with constitutional discourse, drawing upon concepts like legal formalism—the strict adherence to established legal rules and texts—to legitimize political actions. Legal formalism underscores the perception of objectivity and stability in legal interpretation, providing political discourse with an aura of neutrality and legitimacy (Tamanaha, 2004). Politicians strategically employ formalist rhetoric to assert that their decisions align with the foundational texts and legal principles of their political systems, thereby fortifying their claims of legitimacy and reducing perceived bias.

Constitutional interpretation itself is inherently rhetorical, as political actors leverage varying approaches (originalism, textualism, pragmatism) to persuade audiences of the validity and legitimacy of policy decisions. Originalism, advocated notably by figures such as Justice Antonin Scalia, posits that constitutional meaning should remain tied closely to the intentions of its framers (Scalia, 1997). In contrast, pragmatism suggests flexibility in interpretation, emphasizing outcomes and practical implications rather than strict historical adherence (Posner, 1990). These interpretative debates highlight rhetoric's central role in framing constitutional authority, influencing public discourse, and guiding policy legitimacy.

2.3. Review of Empirical and Theoretical Studies

Empirical and theoretical scholarship on legal rhetoric in political contexts highlights its centrality in establishing policy legitimacy and facilitating governance. Studies show that political figures regularly utilize legal rhetoric to frame controversial decisions, justify judicial appointments, and influence public perceptions of

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constitutional interpretation. Research by scholars such as Robert Tsai (2004) demonstrates how presidents and influential leaders deploy constitutional language strategically to gain public support and strengthen policy initiatives. Tsai's analysis of presidential rhetoric illustrates that constitutional appeals enhance rhetorical effectiveness by grounding political arguments in shared foundational values.

Marouf Hasian Jr. (2000) further examines the intersection of rhetoric and legal justification, illustrating how rhetorical framing impacts the public's perception of legality and constitutional compliance. Hasian argues that political rhetoric significantly influences judicial outcomes and policy acceptance, shaping societal understanding of constitutional meanings and legitimacy. Similarly, Philip Bobbitt's seminal work on constitutional interpretation highlights rhetoric as central to constitutional legitimacy, asserting that persuasive discourse profoundly shapes public understanding and acceptance of judicial and governmental actions (Bobbitt, 1982).

Further theoretical explorations have indicated that rhetorical strategies significantly shape governance and democratic engagement by framing political debates in terms of legality and constitutional adherence. For example, Zarefsky (2004) and Murphy (1997) argue that presidential rhetoric often serves as a critical instrument for political leadership, enabling leaders to navigate contentious issues by grounding their arguments in widely accepted constitutional principles. This rhetorical framing elevates the perceived legitimacy and public acceptability of policies, effectively bridging political ideology and constitutional authority.

2.4. Gaps in Current Research and Positioning This Study

Despite existing scholarship, gaps remain in systematically comparing the rhetorical strategies employed by diverse political figures across historical and ideological contexts. Prior studies often examine single leaders or isolated rhetorical events, limiting comprehensive understanding of persistent and evolving rhetorical patterns. For instance, detailed comparative analyses of historical and contemporary figures' use of legal rhetoric in varied political contexts remain underrepresented. Existing literature frequently focuses on specific moments or isolated rhetorical approaches, lacking integrative frameworks to connect these studies.

While individual studies, such as those by Tsai (2004) or Hasian (2000), provide rich analyses of particular leaders or eras, they often overlook broader trends across multiple historical contexts. This study aims to fill this gap by providing a comparative qualitative analysis of speeches by influential American leaders, thus contributing a nuanced perspective on legal rhetoric's role in political discourse, governance, and constitutional alignment. By addressing this comprehensive and integrative approach, the study will enhance understanding of how rhetorical strategies evolve and persist in political discourse, illuminating their critical role in shaping governance and constitutional legitimacy.

Additionally, contemporary developments in political communication have introduced new complexities not fully addressed by traditional analyses of rhetoric.

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The emergence and influence of new media and digital tools in shaping political platforms and perceptions have significantly altered rhetorical strategies. According to Lăpădat (2022), contemporary media instruments “are critical in constructing robust political constructs or platforms and should they fail to achieve this undertaking, they can undoubtedly, at least, put forward a modified perception of that political element” (Lăpădat, 2022:80). Building on this perspective, Lăpădat (2023) emphasizes that successful communication increasingly depends on the ability to integrate resources, methodologies, and strategic adaptations to challenges, arguing that "effective utilization of modern resources and methodologies can enhance engagement, authenticity, learner-centeredness, and communicative competence" (Lăpădat 2023, 253). This interconnected approach highlights the evolving demands placed on political figures, who must strategically navigate shifting media landscapes to maintain rhetorical effectiveness.

3. Methodology

This study employs a qualitative research design to deeply analyze the nuances of legal rhetoric within American political speeches. A qualitative approach is justified as it allows an in-depth exploration of rhetorical strategies, linguistic patterns, and persuasive elements employed by prominent political figures. Unlike quantitative methods, qualitative analysis effectively captures the complexity and contextual richness inherent in rhetorical discourse, facilitating comprehensive insights into how legal rhetoric shapes governance, persuasion, and constitutional alignment.

The selection of speeches and political figures for analysis follows rigorous criteria to ensure both historical significance and diversity across different eras and ideological spectrums. Chosen figures, Abraham Lincoln, Franklin D. Roosevelt, Martin Luther King Jr., Ronald Reagan, Barack Obama, and Donald Trump, represent pivotal moments and influential rhetorical styles across American history. Lincoln symbolizes rhetoric grounded in unity and constitutional ethos during the Civil War. Roosevelt reflects persuasive appeals tied explicitly to constitutional legitimacy amid economic crisis and wartime governance. King represents moral and legal appeals aimed at fulfilling constitutional promises within civil rights discourse. Reagan embodies conservative discourse characterized by constitutional originalism and appeals to tradition. Obama illustrates rhetorical strategies that integrate constitutional vision with contemporary social policy advocacy. Trump exemplifies modern political discourse that strategically utilizes legalism and authoritative rhetoric to reinforce executive power and policy decisions.

The framework for rhetorical and linguistic analysis integrates established rhetorical theories with practical methodologies from discourse analysis. Specifically, the analysis will employ elements derived from Aristotle’s rhetorical appeals (ethos, pathos, logos), Burke’s identification concept, and Toulmin’s structured argumentation model. Each speech will be systematically examined for language choices, frequency, and strategic usage of constitutional citations, authoritative tone, and persuasive rhetorical appeals. Attention will also be given to rhetorical devices

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such as metaphors, analogies, repetition, and symbolic language, assessing their effectiveness in enhancing legal credibility, persuasion, and constitutional justification.

This study acknowledges certain limitations inherent in qualitative research. Given the interpretive nature of rhetorical analysis, findings may reflect researcher subjectivity. To mitigate this limitation, analysis will rely on clearly defined analytical criteria and consistently applied methodological frameworks, ensuring transparency and rigor in interpretations. Furthermore, the relatively small sample size of selected speeches, though representative, limits generalizability. However, the depth of qualitative analysis compensates for this, offering detailed insights into rhetorical nuances rather than broad generalizations.

Ethical considerations involve ensuring accurate representation and contextual integrity of analysed speeches, respecting historical and cultural contexts. As all speeches are publicly available and historically documented, ethical risks are minimal. Nonetheless, the study maintains commitment to unbiased representation, avoiding selective interpretations or distortions that could influence the authenticity of findings. Transparency in methodology and analytical criteria further reinforces ethical rigor, ensuring credibility and integrity throughout the research process.

4. Analysis and Discussion

This section analyses selected political speeches delivered by prominent American leaders, focusing explicitly on their use of legal rhetoric to persuade audiences, legitimize governance, and align policy decisions with constitutional principles. The chosen speeches represent diverse historical contexts and ideological positions, reflecting critical moments in U.S. history and demonstrating the strategic application of constitutional language. Specifically, speeches by Abraham Lincoln (Gettysburg Address, Emancipation Proclamation), Franklin D. Roosevelt (Fireside Chats, Four Freedoms speech), Martin Luther King Jr. (“I Have a Dream”), Ronald Reagan (inaugural addresses and judicial appointment speeches), Barack Obama (inaugural addresses, healthcare reform speeches), and Donald Trump (speeches on immigration policy and judicial appointments) are analysed. Each analysis includes historical context, specific excerpts, and qualitative examination of rhetorical strategies employed. Collectively, these speeches illustrate how legal rhetoric has consistently functioned as a vital component of American political discourse, influencing policy legitimacy, judicial interpretation, and public perception across different eras.

4.1. Abraham Lincoln: Constitutional Ethos and the Rhetoric of Unity

Abraham Lincoln's rhetorical mastery was particularly evident in how he employed constitutional language to affirm national unity, legitimize significant policy shifts, and morally justify the abolition of slavery during the American Civil War. Two landmark speeches exemplify his adept use of legal rhetoric: the Gettysburg Address (1863) and the Emancipation Proclamation (1863).

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In the Gettysburg Address, delivered during the dedication of a soldiers' cemetery following one of the war's bloodiest battles, Lincoln invoked constitutional ideals implicitly by referencing the nation's founding principles articulated in the Declaration of Independence: “Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal” (Lincoln, 1863).

Lincoln strategically positioned the Constitution and Declaration as intertwined documents that collectively affirmed liberty and equality. This invocation served both as a legal and moral appeal, grounding the nation's sacrifices within constitutional ethos and rallying support for continued unity amid civil war.

Lincoln's Emancipation Proclamation explicitly employed constitutional authority to reshape America's legal and social landscapes:

> By virtue of the power vested in me as Commander-in-Chief of the Army and Navy of the United States...I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free. (Lincoln, 1863)

Lincoln’s deliberate constitutional reference legitimized emancipation and established legal precedent for future civil rights legislation, effectively using legal rhetoric to enhance his persuasive credibility.

Overall, Lincoln skilfully combined explicit constitutional justification and implicit moral reasoning. His rhetorical approach emphasized unity, equality, and authoritative legitimacy, profoundly shaping public perception, governance legitimacy, and constitutional interpretation.

4.2. Franklin D. Roosevelt: Persuasive Appeals and Constitutional Legitimacy

Franklin D. Roosevelt utilized legal rhetoric strategically to garner public support and justify expansive federal actions during times of national crises, notably the Great Depression and World War II. His Fireside Chats and the "Four Freedoms" speech illustrate his adeptness at constitutional rhetoric.

In his Fireside Chats, Roosevelt frequently justified government interventions through explicit constitutional references, portraying such actions as necessary measures grounded in constitutional legitimacy: “I am prepared under my constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require” (Roosevelt, 1933).

Through such framing, Roosevelt legitimized sweeping federal policies, strategically using constitutional rhetoric to build public trust and acceptance.

The "Four Freedoms" speech further exemplified Roosevelt's use of constitutional ideals to justify interventionist policies and unify public sentiment around shared democratic values:

> We look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression...The second is freedom of every person to

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> worship God...The third is freedom from want...The fourth is freedom from fear. (Roosevelt, 1941)

Roosevelt linked these freedoms explicitly to constitutional and democratic principles, using legal rhetoric to frame global democratic ideals and justify U.S. policy direction.

Roosevelt's rhetorical strategy thus effectively employed constitutional legitimacy to bolster support for policy initiatives, significantly influencing public perception, governance legitimacy, and America's global political discourse.

4.3. Martin Luther King Jr.: Constitutional Promises and Moral Appeals

Martin Luther King Jr.'s "I Have a Dream" speech (1963) exemplifies the strategic use of constitutional rhetoric to advance civil rights and social justice. Delivered during the March on Washington, King powerfully invoked constitutional principles and America's foundational documents to frame civil rights as both a moral and legal imperative:

> When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir... America has given the Negro people a bad check, a check which has come back marked 'insufficient funds. (King, 1963)

By referencing the Constitution and the Declaration, King highlighted the gap between America's stated ideals and social realities, effectively utilizing legal rhetoric to demand accountability and immediate legislative action. His speech employed constitutional discourse not only to assert moral authority but also to legitimize the civil rights movement's demands within a widely respected and accepted legal framework.

King's rhetorical approach masterfully blended emotional appeal (pathos), moral reasoning, and constitutional logic, profoundly influencing public opinion, judicial decisions, and legislative actions. His use of legal rhetoric provided powerful justification for civil rights reforms, demonstrating the enduring impact of constitutional language in shaping social and political change.

4.4. Ronald Reagan: Constitutional Originalism and Conservative Discourse

Ronald Reagan's rhetorical approach was characterized by his consistent advocacy for constitutional originalism, judicial restraint, and limited government intervention. Reagan employed legal rhetoric to articulate a conservative vision of governance grounded in constitutional legitimacy. In his inaugural addresses, Reagan emphasized constitutional principles as foundational guides for national governance:

"In this present crisis, government is not the solution to our problem; government is the problem" (Reagan, 1981).

This declaration illustrated Reagan's use of constitutional rhetoric to justify his political agenda aimed at reducing federal intervention and promoting individual

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freedoms. Reagan frequently invoked the Founders' intentions and original constitutional interpretations, strategically employing legal rhetoric to frame judicial appointments and legislative initiatives within a constitutionally conservative framework.

Reagan's strategic rhetorical alignment with constitutional originalism significantly impacted public perceptions, judicial appointments, and policy legitimacy, effectively reinforcing conservative ideological positions through constitutional discourse.

4.5. Barack Obama: Constitutional Vision and Rhetoric of Legal Reasoning

Barack Obama's speeches consistently reflect a deep engagement with constitutional values and legal reasoning, shaped by his background as a constitutional law professor and community organizer. His rhetorical approach is marked by intellectual precision, an appeal to procedural legitimacy, and a consistent framing of policy through the lens of constitutional continuity and civic responsibility. Nowhere is this more evident than in his defense of the Affordable Care Act (ACA) and his broader appeal to national unity grounded in shared legal principles.

In his speech on March 23, 2010, the day the ACA was signed into law, Obama made the legal grounding of the policy central to his rhetoric: "We are a nation of laws, and this law was passed by both houses of Congress and signed by the President of the United States. It has been upheld by the Supreme Court. That's how a democracy works." (Obama, 2010)

This appeal to legislative and judicial authority is a clear example of logos—using logical and procedural reasoning to validate controversial policy. Obama does not appeal to partisan loyalty; he appeals to the process, suggesting that the legitimacy of a law stems from the democratic and constitutional steps taken to enact it. This rhetorical strategy enhances ethos, positioning Obama not just as a political leader but as a steward of democratic and constitutional order.

In addition, Obama often used legal rhetoric to frame America's story as one of expanding constitutional inclusion. In his 2009 Inaugural Address, he stated:

> What the cynics fail to understand is that the ground has shifted beneath them - that the stale political arguments that have consumed us for so long no longer apply. The question we ask today is not whether our government is too big or too small, but whether it works." (Obama, 2009)

Here, Obama implicitly addresses the Constitution as a living framework—capable of adapting to modern challenges, including healthcare, immigration, and education. He distances himself from both minimalist and maximalist readings of government, focusing instead on functional legitimacy, rooted in democratic responsiveness and constitutional adaptability.

Obama's use of inclusive language—frequently referencing "we the people," "our democracy," and "the rule of law"—places legal rhetoric at the centre of his public persuasion. His tone is often measured and professor-like, reinforcing

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credibility through clarity and coherence rather than charisma alone. Compared to Reagan and Trump, Obama is more explicitly institutional in his legal appeals, often invoking the interdependence of the three branches of government, and rarely challenging the judiciary or Congress outright.

Ultimately, Obama's rhetorical strategy showcases legal rhetoric not as a defensive manoeuvre, but as a constructive force, enabling progress while respecting precedent. His speeches reveal a vision of constitutional governance that is pragmatic, inclusive, and intellectually grounded—a distinct rhetorical identity within the American presidential tradition.

4.6. Donald Trump: Rhetoric of Authority and Selective Legalism

Donald Trump's rhetorical style in political speeches reflects a distinctive use of legal rhetoric that emphasizes executive authority, national security, and a populist interpretation of constitutional principles. Unlike his predecessors, Trump's approach is less anchored in legal formalism or explicit constitutional references. Instead, he often employs legalistic language selectively to frame controversial policies as necessary, lawful, and protective of American sovereignty.

In his 2017 address justifying the travel ban on several Muslim-majority countries, Trump argued: "We will defend the rights of all Americans, and we will comply with the law and the Constitution. But we will also do what is necessary to ensure that we are safe" (Trump, 2017, Executive Order Address). This statement reflects Trump's strategic balancing of legality and populist urgency. The appeal to constitutional compliance is paired with the assertion that public safety overrides normative legal constraints—a move that introduces a rhetorical tension between law and executive discretion.

Similarly, in his 2018 speech on immigration policy and judicial appointments, Trump stated: "The Constitution was made to give power to the people, not to unelected bureaucrats or activist judges. We are appointing judges who will interpret the law as written" (Trump, 2018, Midterm Campaign Speech). Here, Trump echoes originalist rhetoric akin to Reagan's era, promoting a return to constitutional "intent" while simultaneously discrediting judicial independence. This language aligns with conservative legal narratives emphasizing textualism, but it also politicizes legal interpretation by framing opposition as anti-democratic or illegitimate.

Trump's speeches often employ an authoritative tone reinforced by legalistic terminology, such as "orders," "proclamations," and "mandates", to assert executive dominance. Unlike Obama's appeals to consensus or King's moral-legal synthesis, Trump's rhetoric relies on stark dichotomies: legal vs. illegal, citizen vs. alien, law and order vs. chaos. While critics argue that Trump's legal rhetoric was sometimes factually inconsistent or oversimplified complex constitutional doctrines (Chomsky & Herman, 2020), its persuasive power resided in its clarity, repetition, and appeal to a specific vision of American constitutional identity-centred on protectionism, sovereignty, and unilateral authority.

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5. Comparative Insights: Continuities, Contrasts, and Rhetorical Strategies in Legal Discourse

A comparative analysis of the six American political figures—Abraham Lincoln, Franklin D. Roosevelt, Martin Luther King Jr., Ronald Reagan, Barack Obama, and Donald Trump—reveals not only thematic differences in how legal rhetoric is employed but also a striking variety of rhetorical strategies tailored to their historical contexts, ideological objectives, and intended audiences. Despite their differing styles and political positions, all six utilized legal rhetoric to legitimize authority, align their policies with constitutional ideals, and appeal to public sentiment in ways that deepened the persuasive power of their discourse.

Lincoln and King, though separated by a century and situated in vastly different political landscapes, both engaged in constitutional moralism—drawing from the founding documents not merely for legal validation, but to stir the conscience of the nation. Lincoln's ethos was established through a modest, collective tone. In the Gettysburg Address, for example, he spoke of a nation "conceived in Liberty, and dedicated to the proposition that all men are created equal," invoking a principle that resonated far beyond the battlefield. His rhetoric subtly positioned the Constitution as a living document capable of guiding a nation through civil war and transformation.

Similarly, Martin Luther King Jr. transformed the Constitution into a promissory note, emphasizing its unfulfilled guarantees:

> When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note... a promise that all men... would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness. (King, 1963)

Here, King fuses logos and pathos, turning legal discourse into a moral appeal for justice and equity. The use of metaphor (the "promissory note") reframes constitutional texts as living contracts between the government and its people—contracts that, if broken, justify political dissent and reform.

Franklin D. Roosevelt and Barack Obama similarly engaged in legal rationalism, focusing on the Constitution as a flexible instrument for social and political reform. Both leaned on logos—the logical appeal grounded in legality and procedural legitimacy—while maintaining an emotional connection to American democratic ideals.

Roosevelt's Fireside Chats were pioneering in their calm, explanatory tone. He often reassured citizens that even the boldest New Deal reforms were grounded in constitutional authority: "The only thing we have to fear is fear itself... This Nation asks for action, and action now." (Roosevelt, 1933)

While this excerpt does not directly cite legal texts, his broader rhetoric emphasized the legitimacy of federal intervention, casting it as both lawful and

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morally imperative. FDR's constitutional rhetoric was utilitarian, emphasizing the adaptability of the American legal system to times of economic and social crisis.

Barack Obama, in contrast, explicitly invoked constitutional law to justify policies such as healthcare reform and immigration relief. In a 2010 speech defending the Affordable Care Act, he asserted: "We are a nation of laws, and this law was passed by both houses of Congress and signed by the President of the United States." (Obama, 2010)

Obama's rhetoric was marked by procedural ethos, an appeal rooted in institutional process and legal order. His frequent use of constitutional references was not only about persuasion but about legitimizing governance in a polarized political climate. He carefully balanced emotional appeals with technical legal justification, reinforcing his credibility as a constitutional scholar and a democratic leader.

The rhetorical contrasts between Reagan and Obama reflect broader ideological divisions within American political culture. Lăpădat highlights these distinctions clearly, asserting that "Reaganomics was based on supply-side economics, emphasizing tax cuts, deregulation, and tight monetary policy. On the other spectrum, Obama's economic doctrine emphasized government intervention to address inequality and promote economic growth" (Lăpădat, 2023:10). These differing rhetorical approaches—Reagan's emphasis on constitutional limits and Obama's pragmatic invocation of constitutional legitimacy—illustrate the adaptability of legal rhetoric to support distinct policy frameworks and ideological objectives.

Ronald Reagan and Donald Trump, though both conservatives, employed legal rhetoric in divergent ways. Reagan's style was reverential and principled, emphasizing originalism and federalism. In his First Inaugural Address, Reagan famously stated: "In this present crisis, government is not the solution to our problem; government is the problem." (Reagan, 1981)

This ideological framing draws heavily on the constitutional principle of limited government, echoing the framers' distrust of centralized power. Reagan frequently invoked the Constitution as a shield against overreach, often referencing the Founding Fathers and natural rights to strengthen his legal appeals.

Donald Trump, on the other hand, adopted a more authoritative and populist legalism. His rhetoric selectively invoked constitutional values, often in simplified, emotionally charged terms, to reinforce executive power and national sovereignty. In a 2018 campaign speech, he declared: "The Constitution was made to give power to the people, not to unelected bureaucrats or activist judges." (Trump, 2018)

Here, Trump echoed originalist themes, but framed them in stark populist binaries—law vs. chaos, patriot vs. outsider, people vs. elite. While not grounded in deep constitutional analysis, his language sought to simplify legal authority, reinforcing the notion that he, as president, was the ultimate defender of the Constitution against its misinterpretation or misuse by other branches of government.

Another key rhetorical strategy across these speakers was the symbolic appropriation of legal texts. Lincoln, King, and Obama quoted or alluded to constitutional language to underscore moral obligations and civil rights. Reagan and

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Trump used it to frame ideological positions and justify judicial appointments. Roosevelt referenced legality to validate progressive reform. In all cases, legal language served as more than content, it was a rhetorical device, a legitimizing force that transformed political persuasion into authoritative speech.

Repetition, parallel structure, legal metaphors, and strategic allusion were employed to elevate the tone and imbue speeches with legal gravitas. Lincoln's "government of the people, by the people, for the people" used anaphora to reinforce democratic values. King's repeated refrain "I have a dream" mimicked courtroom cadence, building emotional momentum and laying out a moral argument with legal underpinnings.

Moreover, the role of audience perception is crucial. Lincoln and King addressed divided nations in moments of existential crisis, using legal rhetoric to inspire unity and collective purpose. Roosevelt and Obama spoke in times of economic upheaval and ideological division, using legality to restore public trust in government institutions. Reagan and Trump, however, often positioned themselves in opposition to existing legal structures, using constitutional rhetoric to critique the judiciary, bureaucracy, or even legislative gridlock.

Finally, the framing of legality itself varied considerably:

- Lincoln and King portrayed legal documents as aspirational tools for justice.
- Roosevelt and Obama treated law as a framework for reform and governance.
- Reagan and Trump employed the Constitution as a means of restraint—defining what the government should not do, rather than what it must do.

This spectrum of rhetorical strategy illustrates how legal discourse in political speech is ideologically malleable, yet consistently powerful. Whether evoking unity, justifying policy, or asserting executive authority, each leader harnessed the Constitution and legal language to persuade, inspire, and shape governance.

7. Conclusions

Summary of Findings and Analytical Insights

This study has provided a qualitative rhetorical analysis of the ways in which prominent American political figures - Abraham Lincoln, Franklin D. Roosevelt, Martin Luther King Jr., Ronald Reagan, Barack Obama, and Donald Trump - strategically employed legal rhetoric within political speeches to establish credibility, legitimize policy decisions, and align their discourse with constitutional principles.

The analysis highlighted consistent rhetorical strategies such as the strategic invocation of foundational legal texts, appeals to ethos (credibility and authority), and the use of constitutional references to frame public discourse. At the same time, notable differences emerged reflecting distinct historical contexts, ideological frameworks, and rhetorical styles of individual speakers.

Significantly, legal rhetoric was revealed to have a substantial impact on governance, policy acceptance, judicial perception, and public opinion. Lincoln and

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King used constitutional moralism effectively, shaping national values and contributing to lasting changes in public perceptions of equality and civil rights. Roosevelt and Obama emphasized pragmatic constitutional legitimacy, utilizing legal arguments as instruments for policy reform and societal reassurance during periods of economic and social uncertainty. Reagan and Trump, though operating within conservative frameworks, demonstrated divergent rhetorical applications of constitutional originalism and executive authority, significantly shaping contemporary debates around governance, judicial appointments, and executive-legislative dynamics.

Implications of the Study

This analysis carries several important implications. For political communication strategies, it emphasizes the importance of constitutional literacy and strategic framing of legal discourse to enhance persuasive efficacy, policy acceptance, and audience trust. The effective use of legal rhetoric serves not only to reinforce policy legitimacy but also to influence judicial interpretations and democratic engagement more broadly.

Regarding constitutional literacy and democratic engagement, the findings suggest that greater public understanding of constitutional principles and legal language can enhance critical civic participation, enabling citizens to engage more meaningfully in democratic processes. Promoting constitutional literacy through political education and public discourse strengthens democratic institutions by fostering informed debate and responsible governance.

The findings also hold implications for judicial influence and governance. Political leaders' rhetorical framing of constitutional ideals inevitably shapes judicial interpretation and public attitudes toward courts and legal institutions. An awareness of the rhetorical interactions between political and judicial discourse thus becomes crucial for understanding policy legitimacy, the separation of powers, and democratic accountability.

Furthermore, the analysis significantly informs the field of English for Specific Purposes (ESP), particularly in Legal English education. By identifying linguistic and rhetorical patterns specific to constitutional and political contexts, educators can better design curricula and instructional materials that prepare learners, especially legal professionals and policymakers, to effectively employ legal rhetoric. Understanding rhetorical strategies, constitutional terminology, and persuasive discourse enhances learners' ability to communicate effectively within professional legal and political contexts.

Recommendations for Future Research

Finally, this study identifies several promising avenues for future research. Future analyses could further explore comparative rhetorical approaches in broader international contexts or investigate emerging trends such as digital media's influence on the use of legal rhetoric. Additionally, research could examine audience

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perceptions more closely, employing quantitative or mixed-method approaches to measure how rhetorical strategies directly influence public opinion and policy outcomes in contemporary politics. Such studies would further illuminate the evolving relationship between rhetorical practice, constitutional discourse, governance, and democratic participation.

References

1. Aristotle. 2007. *On Rhetoric: A Theory of Civic Discourse*. Translated by George A. Kennedy. New York: Oxford University Press.
2. Bobbitt, Philip. 1982. *Constitutional Fate: Theory of the Constitution*. New York: Oxford University Press.
3. Burke, Kenneth. 1969. *A Rhetoric of Motives.* Berkeley: University of California Press.
4. Chomsky, Noam, and Edward S. Herman. 2020. *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Vintage.
5. Hasian Jr., Marouf. 2000. *Legal Memories and Amnesias in America's Rhetorical Culture*. Tuscaloosa: University of Alabama Press.
6. King, Martin Luther, Jr. 1963. "I Have a Dream." Yale Law School, Avalon Project. https://avalon.law.yale.edu/20th_century/mlk01.asp.
7. Lăpădat, Laviniu Costinel, and Maria-Magdalena Lăpădat. 2022. "Instruments of Political and Social Transcendence in John F. Kennedy's Inaugural Address." *Revista de Științe Politice*, no. 74: 9-18.
8. Lăpădat, Laviniu Costinel. 2022. "Modern Tools in the Assembly of Political Platforms and Perception." *Revista de Științe Politice*, no. 76: 80-87.
9. Lăpădat, Laviniu Costinel. 2023. "Interlacing Resources, Methodologies, and Challenges: A Triadic Analysis of EFL Pedagogy." *Seria Științe Filologice. Limbi Străine Aplicate* 1: 252–264. https://doi.org/10.52744/AUCSFLSA.2023.01.24.
10. Lăpădat, Laviniu Costinel. 2023. "Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act." *Revista de Științe Politice*, no. 77: 9-19.
11. Lincoln, Abraham. 1863. "The Emancipation Proclamation," January 1, 1863. U.S. National Archives. https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation.
12. Lincoln, Abraham. 1863. "Gettysburg Address," November 19, 1863. Library of Congress. https://www.loc.gov/resource/rbpe.24404500/?st=text
13. Murphy, John M. 1997. "Inventing Authority: Bill Clinton, Martin Luther King Jr., and the Orchestration of Rhetorical Tradition." *Quarterly Journal of Speech* 83, no. 1: 71–89.
14. Obama, Barack. 2009. "Inaugural Address," January 20, 2009. The American Presidency Project. https://www.presidency.ucsb.edu/documents/inaugural-address-5
15. Obama, Barack. 2010. "On Behalf of My Mother", March 23, 2010. The White House. https://obamawhitehouse.archives.gov/blog/2010/03/23/behalf-my-mother
16. Posner, Richard A. 1990. *The Problems of Jurisprudence*. Cambridge, MA: Harvard University Press.
17. Reagan, Ronald. 1981. "First Inaugural Address," January 20, 1981. Ronald Reagan Presidential

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Library&Museum. https://www.reaganlibrary.gov/archives/speech/inaugural-address-1981
18. Roosevelt, Franklin D. 1933. "First Inaugural Address," March 4, 1933. The American Presidency Project. https://www.presidency.ucsb.edu/documents/inaugural-address-8
19. Roosevelt, Franklin D. 1933. "First Fireside Chat," March 12, 1933. The American Presidency Project. https://www.presidency.ucsb.edu/documents/fireside-chat-banking
20. Roosevelt, Franklin D. 1941. "Four Freedoms Speech," January 6, 1941. Voices of Democracy. https://voicesofdemocracy.umd.edu/fdr-the-four-freedoms-speech-text/.
21. Scalia, Antonin. 1997. *A Matter of Interpretation: Federal Courts and the Law*. Princeton: Princeton University Press.
22. Tamanaha, Brian Z. 2004. *On the Rule of Law: History, Politics, Theory*. Cambridge: Cambridge University Press.
23. Toulmin, Stephen. 1958. *The Uses of Argument*. Cambridge: Cambridge University Press.
24. Trump, Donald J. 2017. "Remarks on Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States," January 27, 2017. The White House. https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/
25. Trump, Donald J. 2018. " Remarks at a "Make America Great Again" Rally in Houston, Texas," October 22, 2018. The American Presidency Project. https://www.presidency.ucsb.edu/documents/remarks-make-america-great-again-rally-houston-texas
26. Tsai, Robert. 2004. "Fire, Metaphor, and Constitutional Myth-Making." *Georgetown Law Journal* 93: 181–239.
27. Zarefsky, David. 2004. "Presidential Rhetoric and the Power of Definition." *Presidential Studies Quarterly* 34, no. 3: 607–619.

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