

ISCKMC 2020**International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»****LANGUAGE FEATURES OF THE CATEGORY OF PERSUASION
IN THE ENGLISH LEGAL DISCOURSE**

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Abstract

This article studies linguistic features of the implementation of the category of belief in the English-language legal discourse, considered as a special type of institutional discourse, the specificity of which lies in its connection with all spheres of society's life and in the implementation of legal regulation through it. The purpose of this work is to study and describe the main means of the category of persuasion in judicial discourse, which plays a dominant role in judicial pleadings, due to rational argumentation in the studied type of discourse. The article notes the communicative orientation of judicial discourse, institutionality of which is determined by status-role relations, emotiveness, terminology, persuasiveness, and emphasizes the need to analyze linguistic implementation of these characteristics in the speech of representatives of the English-speaking legal sphere. Particular attention is focused on the use of lexical repetitions, metaphors, rhetorical questions, acting as means of emotional impact on the consciousness of participants in the trial. As a result of the study, it was found that a characteristic linguistic feature of the realization of the category of persuasion is the use of lexical repetitions, confirming opinions of the speakers, imparting expressiveness to the meanings of statements and affecting consciousness of the addressee. It was revealed that the use of the studied linguistic means in judicial discourse resulted from the linguistic features of expressiveness, imagery, stimulating the audience reaction in public court sessions.

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1. Introduction

Over the past decades, an increasing number of scientists have turned to the study of discourse and its individual types. According to researchers, the concept of “discourse” is interdisciplinary, which is caused by a variety of approaches to its study, as well as a large number of definitions, each of which is justified by the specifics of the studied problem within a particular discipline (Nazarov, 2017).

Legal discourse as a special kind of institutional discourse is an instrument for the implementation of legal regulation in society. It is the realization of this goal that this type of professional language differs from political, scientific, medical and any other institutionally limited language. On the one hand, legal discourse is associated with the main body of the language, like other varieties of institutional types of discourse. On the other hand, its distinctive features are specialization, certain rules of implementation, as well as norms of behavior of subjects within the framework of this type of discourse. Legal discourse performs normalizing, influencing, regulating, social and pragmatic functions. It can be traced back to wherever there are legal issues. With the help of legal discourse, communicants create and maintain social order, express their interests, defend their rights, and legislate their social positions (Cheng & Danesi, 2019; Kozhemyakin, 2012).

The study and analysis of the linguistic specifics of legal discourse within the framework of a court session allows expanding knowledge on using language in a particular social establishment, on the communicative approach of the language of law.

2. Problem Statement

Research on the English-language legal discourse in general, and judicial discourse in particular, is relevant due to development of the modern legal system in Russia, which is based on the principle of borrowing the achievements of the European judicial system. Achievement of effective development of legal communication requires a thorough analysis of discursive practices of other cultures. In this regard, the speech of representatives of the English-speaking legal sphere within the framework of judicial discourse is an important object of linguistic research.

An analysis of modern sources on the topic of research devoted to the study and description of the linguistic means of realizing the category of belief in legal discourse allows us to highlight the communicative nature of “law” as a modern social reality. At the same time, important communication tasks are solved in legal discourse (Litvishko & Miletova, 2019). Therefore, in addition to knowledge of laws, lawyers need to have effective communication skills in order to convince opponents, to arouse public interest in circumstances that have a certain legal significance. The communicative orientation of the discourse is especially vividly manifested in modern judicial discourse, a variety of legal discourse within the framework of a court session. As researchers note, judicial discourse is characterized by institutionalization, which is determined by status-role relations, emotiveness, agonism, logical completeness, terminology, persuasiveness (Zaitseva, 2016). In addition to a clear structure, verbosity, persuasiveness, the main properties of legal formulations also include clarity and ease of understanding statements (Mattila, 2006). Modern society is focused on the implementation of the principle of fair settlement of judicial conflicts. As a result, all high requirements are imposed on the means and

mechanisms for constructing and presenting the speech of lawyers in court sessions. It is necessary to take into account an access to knowledge on the existing value orientations of society that predetermine the language (Shiryayeva et al., 2018).

3. Research Questions

The study of linguistic means of persuasion within the framework of legal discourse allows expanding knowledge about the communicative approach of the language of law. According to scientists, a belief, which is an impact on the consciousness of a person by referring to his own critical judgment, is selection, logical ordering of facts and conclusions in accordance with the purpose of the statement, as well as logical proof. At the same time, effectiveness of the communicative impact on the addressee happens due to the strategic result, at which the communicative act is directed (Nikolaeva & Shishkina, 2016).

The implementation of the category of persuasion in the English-language legal discourse, which plays a dominant role in judicial debate and is conditioned by rational argumentation in the studied form of discourse, contributes to the emotional impact on consciousness of participants in the trial, an achievement of the communicative goal, facilitation of the process of statements' interpretation, correctness and effectiveness of theses in the opening speech speakers (Supardi, 2016).

It should be noted that the speech of lawyers in court should attract attention and promote persuasion. Prosecutors and lawyers on purpose use that language in court that is optimal for the situation and speech content. Speaking in court proceedings requires a verbose vocabulary and artistic expression from a lawyer (Zemlyakova & Garbovskaya, 2017). The most effective linguistic means of the category of persuasion are metaphor, lexical repetitions, rhetorical questions. Thus, a metaphor, considered as understanding and experiencing an entity of one kind in terms of an entity of another kind (Lakoff & Johnson, 2004), contributes to the implementation of the strategic goals of a judicial orator in the process of persuading the addressee.

Lexical repetitions contribute to the emotional impact on the addressee, through multiple repetitions of individual words, phrases, ideas, confirming the speaker's opinions and arguments, consolidating statements in the addressee's mind, appealing to his emotions, feelings, moods (Radchenko, 2013). Let us emphasize that the technique of repetition of lexical elements determines the semantic coherence of a referential nature, which is implicit in the compatibility of the referential properties of linguistic units and forms (Nazaruk, 2006).

Judicial speakers often use the question-answer method, which is an effective tool for finding the truth. This method, according to researchers, creates an atmosphere of ease, promotes logical reasoning, provides a targeted impact on listeners, attracts the audience's attention, and makes them think (Nikiforova, 2014). Rhetorical questions as a linguistic means of expressing the category of persuasion also contribute to implementation of an implicit persuasion strategy, a hidden communicative influence on the addressee, namely, communicative tactics of "attracting attention" (Nikolaeva & Shishkina, 2016).

4. Purpose of the Study

The purpose of this article is to identify and describe linguistic features of the implementation of the category of persuasion, which makes a significant contribution to the achievement of the communicative goal in the English-language legal discourse using the example of the opening speech of defense representatives and prosecution in court sessions.

5. Research Methods

The conducted research was based on the descriptive method with an aim of generalizing and interpreting the research material; on a method of continuous sampling for collection and analysis of factual material; on a communicative-pragmatic method aimed at identifying the communicative intentions of speakers; a method of semantic analysis, which consists in identifying the meanings of linguistic units of the factual material being studied; and a context analysis method.

As a source of factual material, 437 pages of English-language transcripts of the opening speeches of the defense and prosecution in court hearings were analyzed in order to identify and describe the linguistic means of the category of persuasion in the English-language legal discourse.

6. Findings

The study of the implementation of the category of persuasion in the English-language legal discourse describes the use of lexical repetitions (67.8 % of cases the total number of the studied language means), metaphors (23.4 %), rhetorical questions (8.8 %) as means of implementation. categories of persuasion in English-language judicial discourse.

As the factual material shows, lexical repetitions, considered as identical repetition of lexical units consistent with each other, are one of the most characteristic means of implementing the persuasion process. Let us consider examples of using lexical repetitions in the English-language judicial discourse. Thus, example (1) illustrates the repetition of such lexical units of discourse as *together*, *the 20th hijacker* and other synonymous phrases such as *in teams*, *on the team*, *teamwork*, *the evidence will show*, *the evidence in this case will be*, *there will be no evidence that*.

(1) MR. MAC MAHON: Now, in addition to living together, the real hijackers shared bank accounts and phone cards and went to gyms together. The evidence in this case will be that they traveled and trained together and flew together, and they prepared to get here in teams for what was to come; their death, in teams, as part of a scripted hijacking that required precise and precision teamwork. Moussaoui did not train with them because he wasn't on the team. And, ladies and gentlemen, there will be no evidence that Moussaoui was the 20th hijacker, as he became popularly known. The evidence will show that there was a real 20th hijacker, who was sent to the United States on August 4th, 2001, by Khalid Sheikh Mohammed. The evidence will show that the 20th hijacker was Mohamed al-Kahtani, and he was turned away at the Orlando Airport by an alert customs agent while Mohamed Atta, the real ring leader of the 9/11 plot, waited outside the terminal for his final accomplice to arrive (Moussaoui (9/11). Trial, 2006b).

In this example, the use of distant repetition is traced. This type of repetition of lexical units, realized by at least two repetitions of separated lexical units, contributes to the transfer of the expressive meaning of statements (Radchenko, 2013). In the presented discursive segment, there is a clarification of the information previously expressed on the non-involvement of the accused in the actions of the terrorist group (The evidence will show that the 20th hijacker was Mohamedal-Kahtani); and an addition of separate facts on the content of the statement regarding group actions of terrorists-hijackers (... together they traveled and trained together and trained and they prepared together in teams for what was to come; their death, in teams ...), which contributes to the emphasized emotional impact on the addressee.

Analysis of opening speeches in court shows that metaphor is often used as a means of expressing the category of belief in the correctness of the theses put forward, while it is characteristic to strengthen a positive or negative assessment through the use of this linguistic means.

Thus, in the process of communicating with the audience, in order to achieve a quick general response, lawyers use metaphors, which include not only the term, but also the word of the general literary language, chosen for the imagery of the statement to stimulate the audience's reaction. Some examples of these are *the ultimate test to our legal system*, *cold-blooded killers*, *entire heart of the case*, *sworn enemy*. Metaphors of this kind not only more understandable, but can also be more effective means of persuasion, evoking the “necessary” emotions in the addressee.

Example (2) considers the use of expanded verb metaphors by a representative of the prosecution.

(2) MR. SPENCER: What is important for this part of this trial is the role Moussaoui played after he was arrested, whether he disclosed the unfolding plot, the ticking bomb, or whether he lied to cover it up. And he chose the latter, and the murders flowed from that (Moussaoui (9/11). Trial, 2006a).

In this example, the speaker uses a verbal metaphor that develops from the verb *to cover up*, and the context is created using the related noun *bomb*. The prosecutor compares the 9/11 attack to an hour-long bomb that could be defused. The prosecutor emotionally affects the jury, emphasizing that the withholding of information by the accused contributed to the inevitability of the tragedy. The verb metaphor *murders flowed*, based on a figurative comparison of the number of victims with the flow of the river, illustrates scale of the disaster and exacerbates the guilt of the defendant.

In the following example (3), the defender uses the expanded metaphor *government power, with roots in the law*.

(3) MR. MAC MAHON: ... Our Constitution guarantees to all defendants the right to a jury trial. And that is why you are here, as a check against the abuse of government power, with roots in the law as far back as the Magna Carta. And for serving we all thank you and appreciate your time (Moussaoui (9/11). Trial, 2006b).

In this example, the phrase *government power* is metaphorically understood as a tree with deep roots, and the noun *law* as the soil in which this tree grows. Thus, the lawyer emphasizes the indisputability of the state power, which is subordinated to the norms of law, according to which every citizen has the right to a fair trial, thereby calling on the jury not to be guided by emotions, but to consider only the available facts that do not prove the defendant's involvement in the 9/11 attacks.

Analysis of the factual material identifies rhetorical questions, considered as a special method of communication, implying such an organization of the statement in which the question posed does not

require an answer due to its obviousness (Areni, 2003). So, example (4) presents repeated use of rhetorical questions in the speech of the defense representative. The speaker thinks together with the listeners.

(4) MR. MAC MAHON: Khallad, our government says in e-mails that you will see in this case, was a major league killer. Did alarm bells go off? Did the government launch a massive manhunt for Khallad's lieutenants in the United States? You know the answer. I already told you where these two men were finally found. But according to the government's case, it was the information found in Moussaoui's notebook or in the Statement of Facts that would have led them to these two men before September 11th (Moussaoui (9/11). Trial, 2006b).

In this example, the speaker asks two questions in a row, focusing on the fact that despite the authorities' knowledge of the identity of one of the key terrorists long before the defendant was caught, they did not take the necessary steps to arrest him.

In the following example (5), the representative of the defense ends the opening speech with a rhetorical question:

(5) MR. MAC MAHON: Remember, the government didn't even look for two of the hijackers. Can the government really prove beyond a reasonable doubt that it could have unraveled the 9/11 plot in 25 days in late August or early September of 2001 had Moussaoui not lied (Moussaoui (9/11). Trial, 2006b)?

In the concluding part of the opening speech, the court speaker summarizes with a rhetorical question, focusing on weak, vulnerable aspects of the opponent's speech.

7. Conclusion

The language of legal discourse is one of the unique communication codes used in the institutional environment, which is characterized by wide use of terms, clichés, clericalisms, complexity of syntactic structures, sustainable use of a certain range of stylistic means, and low contextuality.

As a result of the analysis of the factual material in order to identify, study and describe the linguistic means of the category of persuasion in legal discourse, it was found that the characteristic linguistic means of influencing the audience in judicial discourse are lexical repetitions, metaphor and rhetorical questions. Lexical repetitions are used in judicial speeches in order to confirm speakers' opinions and influence the consciousness of the addressee, giving expressiveness to meanings of statements. Metaphors contribute to accuracy, clarity of opinions, facts, estimates put forward, and are used to strengthen arguments and an emphasized emotional impact on the addressee in legal discourse. Rhetorical questions in the opening speech of the lawyers contribute to consistency of reasoning, while adding an emotional tone to the entire speech, illustrating the point of view of the speaker.

Thus, identified language means, undoubtedly, contribute to the implementation of the communicative strategy of persuasion, and are the means of achieving the speakers' communicative goals. Further studies of the linguistic means of implementing the category of obligation in legal discourse are seen as promising, which will contribute to expansion of knowledge about the communicative orientation of the language of law.

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