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PRESENT DAY ENGLISH DISCOURSE OF ATTORNEYS' SPEECHES IN THE COURTROOM: STYLISTIC AND TRANSLATIONAL ASPECTS

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TABLE OF CONTENTS

INTRODUCTION

Interconnection of language and law is traditionally a sphere of a common interest of both linguists and legal scholars. It is no coincidence that one of the authoritative American researchers in the field of legal language B. Garner (Garner, 2008) describes jurisprudence as a “literary” profession. Today, it is difficult to overestimate the importance of comprehensive studies of legal discourse, since the processes of globalization and legal harmonization in the European Union and around the world, as well as expansion of international cooperation are acute questions of communication in the field of law. In particular, there is a growing attention to the research of courtroom speeches, namely those of attorneys’.

In present-day world, the importance of legal communication depends on the solution of a number of socio-political issues. Development of comparative law and the field of legal translation and interpreting is impossible without full and adequate description of the specifics of the American legal system, its terminology and discursive characteristics.

The relevance of the study of the linguistic and stylistic features of modern judicial discourse is also determined by didactic considerations, since it can provide the necessary theoretical justification for the training of translators in the field of law, based on the specifics of texts and units of special vocabulary that function in judicial discourse. In addition, the legal terms used in the litigation situation have not yet been systematically studied and lexicographically fixed, which is a serious omission that creates a barrier to intercultural communication. At the same time, researchers emphasize the need for a solid theoretical base that underlies the work on dictionaries and the unification and harmonization of terminology at the national and international levels.

It is generally recognized that such a multidimensional linguistic object, such as discourse, requires an interdisciplinary approach (Kubryakova, 2004; Makarov, 2003; Borbotko, 2006; Krasnykh, 1999; Alekseeva, Mishlanova, 2002; Sheigal 2004). The fundamentals of the study of discourse are laid by fundamental research

in the field of functional stylistics and languages for special purposes (V.V. Vinogradov, O.S. Akhmanova, N. B. Gvishiani, M. M. Glushko, M. N. Kozhina and others). The study of discourse is a relatively young, but actively developing area of modern linguistics. Studies are more and more regularly appearing devoted to the problems of discourse in active social spheres - politics, economics, journalism, etc. Judicial communication, among others, also attracts the attention of researchers who are representatives of various fields of scientific knowledge: jurisprudence and jurisprudence (Khabibulina, 1996; Shepelev , 2002), forensic science (Aleksandrov, 2003), cultural studies (Kuchumova, 2003), as well as various areas of linguistics. As an object of linguistic research, this area of speech activity was analyzed from the perspective of stylistics (P. Tiersma, V.K. Bhatia, V. Garner, A. S. Pigolkin, V. M. Savitsky, A. F. Cherdantsev, T. V. Gubaeva), translation (S. Sartsevich, J. Engberg, R. Arntz, J.-R. de Groot, P. Sandrini), terminology (S.P. Khizhnyak, N.P. Glinskaya, E.S. Maximenko), discourse theory (L.V. Pravikova) and others.

The aim of the study is a comprehensive study of such a multifactor systemic education as judicial discourse in sociolinguistic, pragmatic, functional-stylistic, linguistic and cognitive and translation aspects, aimed at describing the action of the linguistic-cognitive mechanism in judicial discourse and the formation of the language of judicial discourse as a special semiological system.

Achieving this aim involves solving the following tasks:

1) to establish and describe the specifics of judicial discourse as a special type of institutional communication,

2) to explore the genre space of judicial discourse,

3) to consider the pragmatic features of the genre of judicial speech, as well as its thematic, compositional and stylistic parameters,

4) to analyze the specifics of the concepts of judicial discourse as a way of legal understanding of reality,

5) to identify and study possible ways of translation in judicial discourse,

6) to describe the translation mechanisms operating within the framework of judicial discourse.

The object of the study is judicial discourse as a complex systemic education, and **the subject of research** is the totality of its system-forming features, pragmatic features, functions and genre characteristics, as well as the features of the translation of this discourse.

Judicial communication is of great value for study, since it is a type of communication of people who are no less competent and serious about the word than linguists. Nevertheless, judicial discourse, its genres and categories are still practically unexplored, which determines the scientific novelty of this study. In addition, the scientific novelty of the work lies in the previously not taken comprehensive approach to the study of judicial discourse, taking into account cognitive, discursive and pragmatic parameters.

The theoretical significance of the study is determined by its contribution to the study of issues of speech interaction, perception and understanding of discourse that are currently being actively developed.

During the study, the following methods were used:

a) linguistic-stylistic analysis,

b) a statistical method for determining the frequency of units and a computer text processing method,

c) terminology analysis methods: definition analysis, continuous sampling method, text terminological analysis,

d) cognitive linguistics methods: method interpretations, contextual and frame analysis.

The practical significance of the study lies in the possibility of using its materials and the results obtained in theoretical courses in lexicology and terminology, linguistic cognitive science and linguoculturology, country studies and translation, as well as in the development of practical English courses for law students.

The structure of the work, consisting of introduction, three chapters, conclusion and bibliography, is determined by the chosen subject of research and its purpose. In each of the three chapters, attention is focused on certain aspects of judicial discourse, which allows us to explore and describe it in a wide variety of characteristics, so each chapter contains both theoretical overview paragraphs and the research part itself.

CHAPTER ONE. ATTORNEYS' COURTROOM SPEECHES AS A DISCOURSE

1.1. The concept of discourse in linguistic research

The concept of the category goes back to Aristotle. A category in linguistics is traditionally understood as any group of language elements that are combined on the basis of some common properties. Known are conceptual categories, grammatical categories, lexical-semantic, word-formation, syntactic categories, communicative categories, etc. The subject of this study is the category of communicative space, which is studied in a number of sciences - philosophy, psychology, sociology, culturology, etc. In linguistics, interest in this phenomenon arose relatively recently.

Fundamental for all areas of the study is a philosophical understanding of space, which is assessed on the basis of understanding the types of activity: different types of human activity form their spaces (Бунова, 2010, p. 12). The totality of human activity is the living space, or the spatial picture of the world in which society exists.

In modern humanities, "space" is cultivated as a part of various terminological and conceptual word combinations: educational, cultural, interpersonal, informational, cognitive, mythological, language, etc. On the language space back in the 80-ies. of the last century Yu.S. Stepanov in the book "In the three-dimensional space of language": "*there is nothing more natural than to imagine a language in the form of space or volume, in which people form their ideas"* (Степанов, 2011).

Somewhat different from philosophy, the understanding of space in sociology, where it is based on N. Luhmann's communication theory (Луман, 1995) and the theory of communicative action of J. Habermas (Allen, 1983). It is understood as an environment in which social, cultural, and spiritual processes are taking place. Most sociological studies consider communicative space as a form of social reality. Dissemination in sociology also received a sociocultural approach in which the term "communicative space" is replaced by the concept of "sociocultural space" - a

specific spatio-temporal integrity that is "the result of the genesis and functioning of culture in interrelation with social parameters" (Дубровская, 2010, p. 14).

Without the concept of "communicative space," it is now difficult to do without both communicative linguistics and pragmalinguistics. It was in the theory of communication that this phenomenon began to be interpreted widely, understanding it as a territory, an environment "within which interaction takes place" (Шарков, 2005). In the opinion of B.M. Gasparov, communicative space is a holistic communicative environment (Гаспаров, 2013, p. 297). A similar opinion is shared by V.V. Makarov and G.G. Pocheptsov and others.

There is also a narrower understanding of the communicative space. Thus, G.B. Craydlin defines it as the proximal space (the actual communicative space) between the participants in communication (Крейдлин, 2000, p. 12).

Even such a cursory analysis of the concept indicates its complexity and multi-different approaches. We share the view of TA. Vorontsova, who believes, that the category of communicative space in the theory of linguopragmatics and communicative linguistics is defined as “a speech situation involving the roles of the speaker and the listener, the characteristics of time and place, the rules for coordinating these goals in the framework of the cooperative principle, the rules for transferring the role of the speaker from one communicant to another, etc.” (Воронцова, 2009, p. 13).

Communicative space in our understanding is close to its understanding in sociology, i.e. it is a sociocultural space: it functions in a society taking into account cultural parameters. Communicative space is a general concept, formed as a result of abstraction from some entities, it reflects the fundamental and most significant relationships in the real world and cognition. For us it is a class of texts that play the same role in culture and communication. At the same time, we understand the text as part of a communicative event, a communicative process.

Unlike, for example, from grammatical categories that form a closed system, the category of communicative space is open and incomplete, although it has

regular ways of expression. The categorizing sign in them is semantic-pragmatic and cultural. Let us consider this in more detail.

Since we are interested in the functioning of the category "communicative space" from the standpoint of linguoculturology, let us turn to the works of specialists that take into account the influence of culture on the subject of their study. So, according to Yu.M. Lotman, the phenomenon of the spatial picture of the world is multidimensional, since it unites in its structure the mythological scientific sense, everyday "common sense", etc. "In this case, in an ordinary person, these (and a number of others) form a heterogeneous mixture that functions as a single entity (...). As a result, a complex, semi-stationary mechanism is being created "(Лотман, 1992, p. 296). This approach is widely spread in the humanities of the second half of the XX - the beginning of the XXI centuries.

The communicative space can be divided into several extralinguistic features: 1) the place of communication is a given region within which communicative interaction occurs; 2) communication time - 2nd decade of the 21st century; 2) communication partners and their roles: the roles of the speaker and the listener, the rules for harmonizing their goals and strategies in communication; 4) the set of spheres of communication in which the regional language personality functions within the framework of a given discursive space; 5) consideration of cultural features of the region: material values, natural objects, precedent names of the region, spiritual culture - rituals, traditions, norms and values; 6) the most important value and component of the communicative space is the language of the region.

Entering into communication, each of the participants has its own vision of its process, its role in it, has its own value orientations and own ideas about the world; while the communicative space is a zone of mutual responsibility and interlocutors, and the speech behavior of communicants is a tool for the formation of a communicative space.

Communicative space has a cognitive sphere that includes in itself the most important concepts relevant to the society of the region. They reflect the

surrounding reality, represented by many unique phenomena, objects that function in the language consciousness in the form of images-concepts. Formation of concepts occurs in the process of social activity of a person and depends on human experience, which he acquires in various ways, primarily in communicative activities. Therefore, we attributed to the communicative space the most important concepts, the ideal image of which is formed in the linguistic consciousness of the regional linguistic personality.

It turns out that the regional linguistic personality, which has regional knowledge, representations, value orientations and means of their sign representation, realizes its speech intention in accordance with the rules and norms of communication adopted in this society. Regional knowledge and values are not only norms, traditions and cultural symbols, but also information about real artifacts (castles, fortresses, temples, etc.), natural objects (rivers, lakes, reserves), but also knowledge of outstanding personalities - creators of culture, science, civilization, etc.

Thus, the term "communicative space" has an interdisciplinary nature, which is therefore interpreted ambiguously. From the standpoint of linguoculturology, we understand the communicative space as a heterogeneous entity that functions in culture and society as a single entity.

Consequently, the communicative space of the region is the aggregate and result of aerially organic social communications, regional realities and knowledge about them, knowledge about the well-known personalities of the region, creators of material and spiritual culture. All of them are representative of the language. Communicative space can not be clearly structured due to its diffuseness and dynamism, but it can be modeled.

In his work "In the three-dimensional space of the language" Yu.S. Stepanov (1995) claims that awareness of the multidimensionality of any phenomenon associated with the realization of the needs of a person in speech communication in a modern multicultural space leads to a desire to comprehend both the "speaking person" and the "communicating person" both at the level of "a certain speaking

unit of a certain linguistic cultural community" and at the level of "certain communicating units of different linguocultural communities." At the same time, stating the similarity and dissimilarity of these "units", researchers are increasingly drawing attention to the fact that the real intercultural dialogue, although it relies on the coinciding elements (knowledge, skills, needs, etc.) of "communicating units" is directed to the ability to identify, understand and assimilate elements and structures that differ: "The value of a dialogue is not related to the overlapping part (the linguistic and cultural space of the dialogue participants), but to the transfer of information between disjoint parts.

We are interested in communicating precisely with the situation that makes communication difficult, and in the limit makes it impossible.

V.S. Bibler insists on the logical responsibility for the concept of "dialogue of cultures". The researcher says that dialogue is not a simple comparison, interaction, any correlation of one culture with another.The dialogue of cultures is the " logic of the dialogue of logic, " the dispute of the possibilities of culture" (Библер, 2013).

It is obvious that the peculiarity of this discrepancy, this distance of cultures should be manifested in communication, at communication at some global level, realizing itself in the particular elements of the form, content and organization of this communication (for with the global realization of the discrepancy itself there can be no talk of communication itself, communication itself). But, because in communication realizes a specific communicating personality, it must be correlated with its structure, find reflection of its "globality" in particular manifestations of the organization and realization of this personality. It is from the personality, from the revealing of these particular realizations, that the global, obviously, studies to construct reasoning, since, otherwise, there is a danger of "breaking away" from the subject and the object of communication (Библер, 2013).

In recent works, the construct of the language personality is being developed by Yu.N. Karaulov, who represents the structure of the linguistic personality by three levels:

1) verbal-semantic, assuming for the bearer a normal knowledge of the natural language, and

2) cognitive, whose units are concepts, ideas, concepts that form each more or less ordered, more or less systematic "picture of the world," reflecting the hierarchy of values ...

3) pragmatic, including goals, motives, interests, attitudes and intentionality. This level provides in the analysis of linguistic the logical and conditional transition from assessments of its speech activity to the comprehension of real activity in the world " (Зарецкая, 2002).

The author rightly points out also that the concept of the three-level device of the language personality in a certain way correlates with three types of communicative needs.

The linguistic personality from the standpoint of linguodidactics is treated as a multilayered and multicomponent paradigm of speech personalities (Карасик, 2002). Fully recognizing the fruitfulness of this idea, it seems necessary to clarify this concept in the direction of identifying precisely those characteristics that, on the one hand, will enable the speech personality to be included in the linguistic personality, and on the other, to determine the speech personality itself as entering into communication in a given language is a phenomenon.

Proposed by L.P. Klobukova three criteria for the differentiation of the linguistic personality. The first two levels in its definition refer to the normal possession of a natural language, which implies both linguistic knowledge and types of speech activity. The third criterion covers the second and third levels, since it is associated with cognitive and pragmatic communication parameters, although the specific character of the verbal personality must obviously be sought in these parameters. If the linguistic personality is a paradigm of speech

personalities, then, on the contrary, the speech personality is a linguistic personality in the paradigm of real communication, in activities.

In this case, the speech personality is a set of elements of the language personality, the realization of which is associated with all extralinguistic and linguistic characteristics of the given communication situation: its communicative goals and objectives, its theme, norm and use, its ethno-cultural, social and psychological parameters. Knowledge of these parameters and the principles of their implementation in a specific communication situation is laid on the cognitive and pragmatic levels of the language personality, and the choice of specific ones for this speech communication is determined by the content of communication itself: the main integral unit of language communication is a verbal communicative act that is part of some act of joint activity (Гойхман, Надеина, 1997, p.92).

Naturally, all three components of the linguistic personality are manifested in it and as in the personality of the speech (moreover, it can be noted that it is in it that they are generally manifested, since the linguistic personality - in its relation to the speech is some "thing in itself" , a certain concept, and not a real "speaker"). Their consideration will make it possible to distinguish that specificity, the "distance" of the speech personality of one linguistic culture from the personality of another linguoculture (in another terminology, the national linguistic cultural community), which manifests itself in their communication.

1. Verbal-semantic level of personality.

Defined by Yu.N. Karaulov as a level of normal possession of natural language, this level is also, in our opinion, not one-dimensional. The normal level of language proficiency can be considered, firstly, as a purely linguistic phenomenon, understood in at least three directions: 1) the regulating and regulating function of the norm in relation to specific linguistic units and verbal facts from the sphere of the literary language; 2) the functional-style aspect of the norm, which presumes the consideration and establishment of well-known regulations in the use of language units within a particular style, as well as the principles of organizing the composition and speech structure of the corresponding

texts; 3) norm as a general principle of constructing literary texts and the organization of linguistic material in them (Бельчиков, 1998, p. 9).

If we take into account that "spheres of communication are historically designated areas, communication zones, which differ significantly in motives, goals, content, forms and language means realization of speech activity" (Жельвис,1997), then already it can be noted that speech in reality can go about the normal possession of the language precisely at the level of the speech personality realizing itself in a certain set of spheres of communication necessary for its existence in a given socio-cultural environment. This understanding is largely correlated with a broader consideration of the norm as a communicative-pragmatic phenomenon: "By the communicative-pragmatic norm we mean the rules for selecting linguistic means and constructing utterances (texts) in various typical situations of communication with different communicative intentions in a particular society in a given historical period of its development".

In our opinion, the multidimensionality of this component of the linguistic / verbal personality is sufficient for our level of consideration in the structure that is realized in the linguodidactic model of the linguistic personality of G.I.Bogina, and in which a person is viewed from the standpoint of his "readiness to perform verbal acts, create and accept works of speech"(Жельвис,1997) : this model is a three-dimensional formation at the intersection of three axes - levels of language structure, language proficiency levels and levels of species speech activity. At the same time, this model does not consider the very structure of communication, the features of its organization and manifestation in a certain cultural and linguistic community; does not go beyond the framework of the first, actually linguistic / verbal component of the personality.

It can also be noted that in the works of recent times, the idea that both the levels of the language structure and the levels of language proficiency are multidimensional, which, objectively, it is necessary to take into account the realization of the "language in speech" is increasingly being traced. It is about the "normative character of linguistic consciousness" - the normative level of linguistic

reflection of the individual (Виноградов, 1995, p. 95). The idea that the grammar is lexicalized and the vocabulary is grammaticalized allows one to speak of a nationally specific "grammar of meanings", the consideration of which is realized purely by linguistic methods (Воротников, 2014).

If, however, the proposed scheme for the organization of a language / verbal personality is legitimate, then its three-dimensionality allows us to say that this personality is realized in the linguistic / speech space, by which a structured set of linguistic knowledge and skills for their realization, in the process of its speech activity in a given linguistic and cultural community.

2. Cognitive level of language / verbal identity.

To this level, there is a specific, national-specific set of concepts, ideas, concepts that evolves into a certain picture of the world, appropriated by a person in a given socio-cultural environment and realized by her in speech communication. It is this level of language / speech personality that has recently been most closely and consistently considered by specialists. It seems extremely productive for us to consider these issues the introduction into the scientific use of the concept of "cognitive space", which "is in a certain way a structured set of all knowledge and ideas inherent in either (1) a particular linguistic personality, or (2) a particular society.

Accordingly, attention is paid to identifying the units that organize it, cognitive structures that ensure the realization of the communicative needs of the individual in a particular socio-cultural community.

Cognitive structures are understood as a form of coding and storage of information; this definition represents a kind of "content" (having a certain content-value) form of encoding and storing information. At the same time, linguistic and phenomenological cognitive structures realized in the organization of the language personality are distinguished. First, they form the basis of linguistic and speech competence, they form a set of knowledge and ideas about the laws of language, its syntactic structure, lexical stock, phonetic and phonological structure,

the laws of the functioning of its units and the construction of speech in a given language " (Красных, 2012).

Concepts, ideas, concepts, etc. are not linguistic / linguistic phenomena in themselves: they are "reified" with the help of linguistic means, "linguistic structures", being phenomena that undoubtedly relate to the cognitive level of organization and realization of the personality in communication. And, in our opinion, they can be attributed to phenomenological cognitive structures that "form a set of knowledge and ideas about the phenomena of extralinguistic ... nature" (Красных, 2012). These phenomena are included in the mental-linguistic complex of the language personality, which is understood as "a self-organizing information system functioning on the basis of the human brain, which provides perception, understanding, evaluation, storage, transformation, generation and transmission (transmission) of information"; "the quality of each component of the mental-lingual complex and the entire mental-lingual complex as a whole is determined by the individual abilities and conditions in which socialization takes place " (Мельник, 2001).

In our opinion, the second structural component of cognitive space may be mental cognitive structures. These questions can be considered within the framework of O.G. Pocheptsov theory of language and speech mentality (Почепцов, 1990). In the concept of language mentality, language is seen as the unity of the language-system and language-activity, or speech; it includes the language mentality (where the language is a system) and the speech mentality (where language is like speech); linguistic-mental acts consist of linguistic acts - an act of conceptual and / or focal representation of the world, and recitative acts - acts of situational representation of the world (Почепцов, 1990). The linguistic mentality, according to the author, is formed in relation to the individual: 1) the characteristics of this individual as a representative of a certain sociocultural group (educational level, profession, age, gender, etc.); 2) features that are determined by its socio-cultural environment (especially the country as a socio-cultural environment - its cultural traditions, history, political structure, etc.), thus,

sociocultural stereotypes of the perception of the world form a linguistic mentality " (Почепцов, 1990). The author rightly believes that the types of mentality should be distinguished not by language, but by socio-cultural trait: "the differences between linguistic mentality of representatives of different sociocultural groups that are members of one language community, Gut prove to be more significant than the differences between the linguistic mentalities representatives of a socio-cultural group, belonging to different linguistic communities".

This conclusion seems to be important for the process of learning communication in a new language, as it reveals the fundamental differences in the choice of how the teaching methodology is proper (for example, for the preparation of a specific speech personality of the non-philologist, the language mentality of which enters into a single "scientific-planetary consciousness" (Тарасов , 2010), and a philologist who has his own), and in his approaches to describing the mentality for the process of teaching the language, based on the mentality of the learner, for example, a European referring to the "pan-European consciousness" (Тарасов , 2010), a representative of the "Asian consciousness", "North American consciousness").

It is interesting, in the plan of this study, and the differences distinguished by the author, which can be found at the level of speech mentality (recitative acts): they are related to the volume (for example, the sentence of the original language requires more than one sentence of the target language); a conceptual set (for example, the phrase "time is money", actively living in Russian speech, is always perceived as an expression of "American mentality"); the importance of conceptual variables (in the British mentality, Andrei Sakharov was described as the "father of the hydrogen bomb", "human rights activist", in the Russian - as an "academician", "people's deputy").

3. Pragmatic level of language / verbal identity.

The pragmatic level includes, firstly, nationally-determined (for all their intercultural relevance) principles, conventions, strategies and rules of communication. Secondly, these rules are implemented on the basis of pragmatic

presuppositions, which include a nationally defined set of general background knowledge, including contextual notions. The third vector of the pragmatic level can be considered national-determined value characteristics of the pragmatic context. The multi-vector nature of the pragmatic component of verbal communication naturally leads researchers to consider it in spatial parameters: "As we know, in the process of communication with the help of language, the subject of speech acts, defining and delineating a certain pragmatic communicative space, is called the pragmatic space of language, where the language fixes the multiple relations of the speaker to reality, and uses language in the process of communicative activity a) calls, b) indicates, c) expresses these relations, and the addressee perceives and interprets these meanings" (Формановская , 1998).

Speaking about the general fund of knowledge necessary for communication to produce and recreate the information space of a text (in its broad sense), one should also note the theory of spatial distribution of this knowledge, which also refers to the pragmatic component of communication (in some works - to cognitive-pragmatic). This knowledge is distributed in the following types of mental spaces: individual, social and universal (Формановская , 1998). The presence of spatial parameters of realization in the communication of any and every language / verbal personality allows, in our opinion, to speak of yet another level of understanding of this communication the level of the communicative space in which this personality can realize itself. By communicative space we mean a set of spheres of speech communication in which a certain linguistic personality can realize the necessary needs of one's being in accordance with the linguistic, cognitive and pragmatic rules adopted in the given society.

The concept of "communicative space" uses in his works and B.M. Gasparov, realizing under it "a mentally presented environment in which the speaking subject feels himself every time in the process of linguistic activity and in which the product of this activity is rooted" ... "The notion of communicative space seems to me broader than the genre, it includes in themselves, along with and along with the genre characteristic proper, such properties of the language message as its "tone",

the subject content and that general intellectual sphere to which this content belongs, it also includes communication. The most important aspect of the communicative space is the author's presentation of the message about the real or potential partner to which he addresses, his interests and intentions, the nature of his or her own personal and linguistic relations with him.Finally, the self-consciousness and self-esteem of the speaker, his idea of what impression he and his message ave to produce on others" (Гаспаров, 2013, p. 295-296). In our opinion, all these "building blocks" of cultural space are reflected in our definition, but, so to speak, "larger constructions": all of them can be separated by language, cognitive and pragmatic blocs. However, the very fact of addressing this concept, although the author and comes to him in a different way, through the analysis of genre parameters, primarily the artistic text, indicates the need for a deeper and more careful consideration of this, the most general level of speech communication.

From the point of view of the arguments presented above, is also interesting the development of I.E. Klyukanov concept of the "communicative universe", which he associates with the problem of intercultural interaction. At the same time, culture itself is understood as a "communicative personality", realized by three vectors of tradition, modernity and postmodernity (Клюканов, 2013, p. 56). The communicative universe of intercultural interaction is also characterized by vector characteristics: it can be represented as the intersection of the three axes of coordinates - reality, language and consciousness (Клюканов, 2013, p. 89); it can be represented as a kind of field formed by the intersection of the global coordinates of epistemology, sociality, temporality and affectivity.

Thus, the speech personality is a linguistic personality in communication. And at the level of the speech personality, both the national and cultural specifics of the linguistic personality and the national and cultural specifics of communication itself are manifested. From the position of teaching language as a means of communication, a two-pronged approach to the national and cultural component of the learning process is necessary: on the one hand, it is about the totality of the

national-specific knowledge and skills of the linguistic personality that the foreign language person must master; on the other hand, on the totality of skills that a linguistic personality must communicate in communication, i.e. (ideally) about mastering the totality of national-specific practical skills of the speech personality in all forms of communication in the necessary for its being a non-cultural and other-language communicative space.

1.2. Attorneys' speeches in the courtroom: functions, aims, context of use

Legal discourse successfully captures various interrelations between language and law (Sanderson, 1995; Gatitu, 2008). Moreover, language is an important tool in the courtroom context. According to Gibbons, "the justice system is arguably the most directly powerful institution in societies subject to the 'rule of law" (Gibbons, 2003, p. 75). At that, language behavior is a significant manifestation of power relations.

Legal discourse is realized in communicative societies of an institutional type that carry out legal activities (parliament, court, police, prosecutors, advocates, notaries). Legal discourse is not a collective phenomenon, but a holistic one and cannot be reduced to its varieties, in particular, to judicial discourse; denotes a single, logically built system, parts of which absorb the characteristics of the whole (Губаева, 2003).

The aggregate subjects of judicial discourse, acting as the managing centers of communicative practices, are judicial institutions, which differ in their subjective competence and the volume of the judiciary. The traditionally distinguished types of judicial communication (discourse of criminal, civil, administrative, arbitration proceedings) are characterized by a commonality of basic principles of construction. This is due, firstly, to a single value framework that determines the intentional dominant of discourse, its focus on legal situations characterized by an imbalance in public relations and requiring a court decision by law; separation of the functions of its participants (state and personality) and the modality of the

relationship between them. Secondly, by the universal cognitive laws of discursive practices (primarily, evidence-based activities and decision-making).

As invariant functions of judicial discourse, it is proposed to distinguish:

1) regulatory, consisting in the establishment and maintenance of norms and values that condition mutual actions between the institute and society, between agents within the institute and other institutions;

2) performative, expressed in the communicative practices of the institutional community. The distinguished two functions are constitutive, their interrelation reflects the norm-fact dichotomy, basic for legal discourse.

As derivative functions of judicial discourse are considered:

1) informative, consisting in the generation, translation and retransmission of meanings included in the subject area of regulatory processes of institutional activity;

2) interpretative, consisting in the interpretation of the meanings of communicative actions and the corresponding legal texts, documents - “traces” of communicative actions in institutional reality;

3) cumulative, consisting in the formation of "institutional memory";

4) representative (symbolic and ritual), consisting in creating the image (attractiveness for society) of the institution and its agents, as well as the authority of law;

5) strategic, expressed in the selection of legally relevant communicative actions in achieving institutional goals;

6) code, consisting in creating a special language effective for fulfilling the goals of institutional activities, as well as in establishing a boundary between agents and clients of discourse (remote) (Климович, 2013).

The regulatory function of various types of legal communication is connected with the addressee of the incentive statement, capable of carrying out behavior and in a situation of choice (situation of legal regulation) between the possible action prescribed to it and the prohibited action. This function is implemented through legal imperatives contained in value-normative statements - discursive forms that

reinforce the standards of behavior of legal entities logically interconnected according to the formula SC - Q - A, R.

Imperatives of law characterize the relationship between a legal entity (S) in certain legal circumstances (C) and legal conduct (A) constituted by a legal norm. This relationship is determined by the type of legal modality (Q). If these or those situations are not desired by the legislator, then the legal norms are formulated in such a way that the appropriate forms of behavior leading to the creation of such situations are assessed as “unlawful” and cause legal norms of a protective nature that, in an unrealized form, fulfill the function of warnings (preventive measures) when choosing behaviors. The authoritarianism of the imperative, thus, is supported by a possible reaction (sanction) - R, implying a violation of the above elements and, therefore, the formation of a new norm aimed at preventing the violation of the original.

Based on the difference in illocutionary force, three basic types of legal imperatives are traditionally distinguished, suggesting appropriate forms of appeal to the addressee. The first two form jointly oriented categorical statements, reducible to formulas:

a) subject S in situation C is prohibited from carrying out the behavior of A; or

b) the subject S in the situation C must implement the behavior of A. Sentences constructed according to the formula are softer in the regulatory power of the expressed intentions of the legislator:

c) subject S in situation C has the right to carry out behavior A. If the first two types reflect the expectations of others regarding the behavior of the subject, the third reflects the expectations of the subject, addressed to others, and also protects him from their influences. Despite the variety of language forms expressing legal modality, the formalization of the meaning they represent and even a superficial study of semantic relationships show that they are all interdependent, can be reinterpreted without distorting the legal meaning (Иссерс, 2002).

In the texts of modern laws, preference is given to structures in which imperatives are presented as statements (the court directs the case, the accused is interrogated, a supervisory appeal or presentation is attached, a pecuniary sanction is imposed; murder is punishable). The modus of legal judgment is determined from the supposed modal context of the normative legal act, due to which the need for appropriate indicators to judge which illocutionary act is performed by the speaker with this statement is eliminated.

By the degree of generalization, generalized structures are distinguished that manage activities without relying on the differentiation of the functions of its participants and the situational contexts of their implementation. The axioms of law, which are recognized as self-evident truths that have emerged as a result of centuries of experience in institutional relations, serve as such guiding principles.

The axioms of law express certain communicative intentions, reducible to the well-known formula for semantic explication of imperatives of this kind - “Follow this rule”, which realizes both prescriptive and deontic statements. These units have universal semantics, the scope of their reference is not limited in time, space and event plans. Due to the universality of their experience and their expression in concise, stylistically designed, aphoristically concise sentences, the axioms of law function in the form of ready-made formula-symbols of institutional culture.

The main properties of the axioms of law are proposed to be considered precedence, prescriptiveness, utmost generalization, priority over other normative establishments. Possessing these properties, the units in question perform cumulative, regulatory, and symbolic functions. When formulating axioms of law, generalized statements, logical definitions, and allegories are used (Дадян, 2009).

Axioms can take the form of recommendations (it’s better to forgive ten guilty than punish one innocent), operating with different types of conflicts between classes of situations. Moreover, the generalized comparatives here are not so much a sign of a possible choice between mutually exclusive alternatives, as a generalized motive for action, bringing into focus what should be done. The

axioms of law can be expressed in the form of evaluative identifying definitions, in which the necessary attribute is introduced to identify the desired course of action.

The modal way of fixing the upper limit of achieving the required quality can be built on the principle of antithesis: That law is the best, which is least left to the permission of the judge. Evaluative intensifiers contain modal meanings of necessity and causation of behavior that make up the imperative aspect of axiomatic utterances.

Axioms of law contain modes of prohibition; impropriations, preferences; warnings. Taking the form of rules of conduct, they allow schematization of the type "If ..., then ...".

According to the functional criterion in the axiomatic space of legal discourse stand out

1) units affirming the value of law and its institutions;

2) the axioms of lawmaking;

3) axioms of interpretation and implementation of the law;

4) rules for participation in discourse and interaction with other participants (Климович, 2013).

The axioms of law that streamline relations between participants in judicial discourse can be divided into units with a moral and utilitarian content. The former focuses on duty, professional reputation, and dignity (principles of reciprocity, proper notice, equality, etc.). The second, representing the generalized rules of external expediency (in order to achieve such a result, you need to do so), focus on ideas about rationality, common sense, and considerations of efficiency. Neglecting these principles, the participant in the discourse demonstrates its failure: it does not adequately assess the situation, does not realize its capabilities, and lags behind in its prognostic activity regarding the thoughts of the procedural adversary.

There are no insurmountable boundaries between the value-regulatory principles, value can turn into its opposite, for example, in a situation of conflict of lawyer's duties to protect the interests of the client and “the duty of honesty to the court” to the maximum. The presence of the axiological component in the type of

communication under consideration indicates that not only expediency is essential here, but also the correspondence of the means, as well as the chosen goals, to the value system. A combination of means - goals - values requires a participant in a discourse that defends his interests in court to be able to respond to changing circumstances and to be flexible in choosing means that are “justified by the goal” and legitimized by values (Климович, 2013).

The role of axioms as precedent phenomena in legal discourse is twofold. On the one hand, they refer to their sources - the texts of ancient statutes, the statements of the priests of justice. On the other hand, acquiring an autonomous textual status, they get rid of associative connections with the textual and value space of laws of the past, specific incidents and their authors and already belong to the level of legal abstraction - symbolic verbal formulas of institutional culture. While retaining their relevance, they are fixed in one form or another as principles of law and serve as an argument for various institutional actions for their practical implementation.

Constitutive and regulatory principles create institutional reality, set a program of activity in it, determine socially significant aspects of actions, their semantic coherence and structural integrity in interpersonal contacts, performative - implement this program. Such a difference is extremely important for legal discourse, in which the signs of typical situations, formalized by the rules of law, are realized in an institutional dialogue, in the relations of specific subjects.

The function of performative statements is fact-forming: their utterance is aimed at achieving a legal result (conclusion of an agreement, institution of criminal proceedings, indictment, etc.). Through them, the speaker purposefully creates (changes or terminates) legal relations (for himself or for other entities) in which he realizes his communicative capabilities and obligations associated with his institutional position.

Along with verbal performances, non-verbal ones are also encountered in legal discourse (the unmotivated jury trial procedure). Along with explicit (not always possessing signs of an ideal form), there are implicit accompanying them;

performing some actions, the discourse participant simultaneously performs others, which reveal themselves only when they are abandoned.

CONCLUSIONS TO CHAPTER ONE

The concept of discourse in linguistics is closely related to the concept of communicative space, which is defined as space between participants of communicative act. In this speech situation all participants aim their goals following the rules for transferring the role of the speaker from one communicant to another. The communicative space is open and incomplete, it is divided into several extralinguistic features. They express the surrounding environment, represented by many unique phenomena that operate in the language consciousness in the form of images-concepts. In this space each participant of the communicative act reveals its own linguistic personality on verbal and cognitive level and the achievement of the communication goal, the finding of understanding between the interlocutors depends on many factors (linguistic and extralinguistic).

Speaking about legal discourse we must say that it is narrowed communicative space, which realizes in institutional communication. There are various distinguished types of legal discourse that are characterized by common principles of construction. Legal texts demand careful use of vocabulary and well organized structure. The axioms of law contain modes of prohibition; impropriations, preferences; warnings. However, not only verbal, but also non-verbal performances (gestures, mimics and body movements) are important for legal discourse.

CHAPTER TWO. STRUCTURE OF ATTORNEYS' COURTROOM SPEECHES

2.1. Linguistic basis for structuring attorneys' courtroom speeches

Generally, trials focus on the story of the case, and only to a limited extent on a few key details (Bradford & Martin, 2010). Attorney's presentation of the case has a significant influence on the opinion of the hearing participants. Attorneys as storytellers have a comprehensive task. They have to tell a story that reflects true circumstances of the case, resonates with the common sense for judges and juries. Besides, the way a story is told has to persuade a decision maker in the case. Influential storytelling, as well as speech presentation are closely related to stylistics, which deals with choice and arrangement of linguistic units in different types of discourse to achieve a certain pragmatic aim.

Among others, attorneys' skillful ability to use stylistic means in their courtroom speeches facilitates their chances to achieve the intended goal and 'impose' their will on others. As a rule, attorneys commonly aim at finding various ways in which they can gain domination upon powerless participants in a courtroom discourse to reach the desired outcomes (Sullivan, 1998).

Situations of legal discourse can be not only ritualized, but also problematic, taking a "game" form. In the second case, the meaning of the discourse is to achieve certainty about the possible relationship between its participants (for example, between the defendant and the state, between the defendant and the victim). The solution of this issue has various consequences for those involved in the discourse (Климович, 2013).

In the game discourse, knowledge of the current state and the connection features of the elements is not enough to predict the future development of the discourse with all certainty, due to the presence of the unprogrammable part of the referential aspect of communication, an attempt to eliminate which turns the game discourse into a ritual. An important characteristic of game interaction scenarios is the openness of the structure, the assumption of alternative moves that replace each

other in various circumstances and lead to different outcomes - options for solving a problem-containing situation.

The alternative to the development of discourse is due to the fact that the interaction structure contains a certain freedom of choice of behavior depending on the interests of the participants, the possibilities of interpreting a problem-containing situation, as well as external circumstances. Moreover, the very procedure for the implementation of each scenario alternative is subject to screen, ceremonial formalities.

National legal discourses have different attitudes to the preservation of screen formalities. Thus, in England great importance is attached to the continuity of traditions, symbols and ceremonies of legal discourse in general, which were once declared unbreakable.

By connecting with the past, with centuries of experience, legal discourse performs a cumulative function, expressing in speech forms its continuity in the dialectical development of law from one historical type to another. Many linguistic traditions perform an exclusively aesthetic function inherent in the “festive” form of communication. Such signs of tradition include, for example, solemn forms of declarations “*Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows”*; ceremonial revolutions - emphases “*and every clause, matter and thing in the said articles and act contained, shall be, and the said articles and acts are hereby forever ratified, approved and confirmed”*; professional jargon ‘*aforesaid’, ‘henceforward’, ‘hereinafter’, ‘heretofore’, ‘hereunto’, ‘whatsoever’, ‘wheresoever’, whosoever’*, adverbial adverbs and adjectives ‘*unreservedly bestowed’, ‘abundantly clear’, ‘competent court’, ‘full power’, ‘utterly void’*, the tendency to rhythmize the legal proposal by identifying the carriers the main semantic load of words as a stylistic feature of English legal acts (Климович, 2013).

The linguistic forms verified over the centuries, in which modern normative material is clothed, the opacity of archaic terms, long sentences, overloaded with the repetition of the same stable formulas, more likely playing the role of an ornament, turn the participation of a layman in the discourse into a very difficult task.

The following are significant units of judicial discourse:

1) a communicative act as a complex embodiment of an institutionally determined intention and part of an intentional program of subject participation in discourse;

2) interaction - the dialogical correlation of the minimum pair of communicative acts (or their individual structural components - speech acts);

3) discursive scene - a set of circumstances that determine the relationship of incoming actors;

4) discursive cycle - a sequence of communicative actions, united by a common goal (Солдатова,2011).

The intentional aspect comes to the fore here, allowing you to structure the activity and combine its units in a sequence of different levels, revealing the syntax of legally relevant intentions. In a judicial dispute, intentions are of particular importance, realizing which the party threatens with another achievement of its goal, which is incompatible with the goal of the procedural adversary. The communicative actions of the parties in the case form the story of their participation in the discourse. The parties turn to fragments of this “history” when substantiating their positions, and the court - when substantiating their decision (Потапова, 2003).

The dispute develops as an argumentation of statements incompatible in the semantics of the text of one situation requiring a court decision. Moreover, the activity of the parties in criminal proceedings is due to the fact that the burden of substantiation of the alleged person lies with the approver. The prosecution party is obliged to present evidence supporting the accusation made against the person and to justify their position. The accused (the defense) is not obliged to prove his

innocence and refute the arguments that are not in his defense. At the same time, the possibility of an ambiguous interpretation of the controversial fact forces the defense side to strive to substantiate its position and search for contradictions in the enemy's position. The actions of the participants in the discourse are aimed at the perlocative aspect of communication, based on a convincing effect on the judge. However, confirmation of the correctness of the dispute in the form of an enforcement decision as an active response position of a judge is impossible without understanding. Because of this, the intentional interaction program combines pragmatic intentions - the desire to be supported, i.e. achieving the desired interactive effect, on the one hand, and the desire to be understood - achieving a communicative effect, on the other. The presence of pragmatic intentions determines the interpretation of the litigation in terms of "war" (especially in Western culture), in which "defensive" actions aim at preserving the meanings recognized by the judicial audience, while "offensive" actions are the promotion of unrecognized but necessary to make the desired decision by the party. Accordingly, the unit of analysis of the judicial dispute is a manipulative device - a combination of actions aimed at weakening the opponent's position and strengthening his own. Capturing - receiving - checking - fixing the result - a typical structure of such a manipulative discourse. In a skilful dispute between the opposing sides, the "struggle to capture" the enemy is transferred to the "struggle to capture the capture". The unfolding sequence of such clutches is a success technology. The scheme of development of a discourse from these positions can be represented as follows: the plot - the first turning point - the second turning point, etc. - the tipping point - the denouement. Having exhausted the possible development options in the procedural instance, the dispute of the opposing parties ends with the issuance of an act of enforcement (Мельник, 2001).

The formula for the interaction of discourse participants can be represented as a sequence of structural elements in which communicative actions act as a link between situational and normative-value elements in the direction of the goal of communication. The interconnection of situational, normative-value and

intentional elements is revealed by typical generalizations that form genre formats of interaction. The genre format connects groups of features characterizing the actual participant in the discourse and the actual situation of the discourse (consultation, negotiation, contract, interrogation, confrontation, court session, etc.), and forms a single concept of the participant in legal discourse (legal entity) in a situation of legal discourse . This relationship is due to the existence of role prescriptions and opportunities for the commission of a particular action, which in the institutional world are valid specifically with respect to a certain subject in a certain situation.

2.2. Lexico-semantic and grammatical features of attorneys' courtroom speeches

Public judicial speech is one of the oldest forms of oratory, and each era, each country makes its own changes in it, motivated by the needs of public life. Possession of oratory plays a huge role in the professional activities of a defense attorney. This is one of the most difficult, responsible and even creative moments of his participation in criminal proceedings. The skill of oratory lawyers is sometimes called eloquence. Eloquence is the ability to speak beautifully and convincingly, it is a combination of the speaker's talent and specific knowledge and skills acquired in the process of studying.

A compulsory part of criminal proceedings is the judicial debate, where the public prosecutor and defense counsel present their findings, that is, make court speeches. Judicial speech is a public speech, it is a statement of the speaker's conclusions in this case and his objection to the opponent.

It is aimed at a specific audience of listeners: the court, other participants in the process and all those present in the courtroom, and also creates an internal opinion of the judges, helps them to better understand all the circumstances of the case, fully and impartially investigate these circumstances, establish the truth of the case and accept the only right decision. In addition, court speech increases the level of legal literacy of citizens and forms a respectful attitude to the law. Judicial debate is the completion of the activities of a lawyer in court (Солдатова, 2011).

The result of all the laborious work during the investigation, both preliminary and judicial. The main objective of the lawyer in the debate is to contribute to the formation of a conviction in the court that is favorable for the client. Therefore, the judicial speech must meet all the rules developed by the lawyer practice, needs careful and in-depth preparation, although in each individual case the content of the protective speech is determined by the specific tasks determined by the content of the case.

Judicial debates of the parties are often polemical, acute. Therefore, speaking in court, the lawyer must sufficiently convincingly argue his statement of facts, refute the wrong, from his point of view, considerations and arguments of the opposing side, point out the invalidity of the arguments presented.

Highlighting the principles of judicial speech, tactfulness, moral impeccability, legality, objectivity and moderation should be attributed to them. You cannot shout or whisper in a speech, look away, do not get carried away with gestures. This makes an unpleasant impression.

It is imperative to use all the methods of speech: pace, pauses, to convince the judges or jury of their correctness. So that you are not interrupted by phrases like: "*Speak to the point.*" Do not take your speech to the side, filling it with excessive details. You should not try to copy someone’s speech delivery techniques in any case. Need to look for your style. From all this it follows that for a lawyer it is extremely incorrect and undesirable to use judicial debate for offensive attacks against someone else.

Usually attorney’s speech is usually divided into introductory, main and final parts. A significant share of the success of a lawyer is determined by a successful introduction, it introduces the topic of the speech and prepares for the perception of facts, sometimes dry and of little interest, but, in most cases, very important. And the perception of these facts by the court will depend on entry. Be sure, after evaluating all the evidence collected, the defender in his speech should refer to the identity of his client. This should be data about his past and present life, family, psychology, health, etc (Мельник, 2001).

The lawyer must penetrate the psychology of the client, reveal his inner world, experiences, explain actions. The speech will sound convincing and bright when the defender is sincere in his desire to help his client. It is imperative to find and show the court the positive aspects of a given person, and, if he admits to committing an act, draw the court's attention to his repentance.

A lawyer participating in the research process does not set itself the task of fully revealing the truth. It is enough to prove the veracity of individual circumstances, those that either remove responsibility or mitigate it. In any business, even if it is very unattractive for defense, it is necessary to find explanations why it was committed that is being blamed on your client. The explanation must be clear, simple and, most importantly, convincing, otherwise the effect may be completely opposite to the desired.

Formulating the final conclusions, the lawyer appeals to the court with a request to acquit the defendant or to appoint him a suspended sentence. It depends on the position of the defense counsel in a particular case.

In conclusion, it is necessary once again, literally in a nutshell, to emphasize the most significant, key points of speech. The last phrases should be bright and expressive, then they are sure to be remembered and will make a proper impression. It is not recommended to express a personal opinion, first of all, one must refer to the expert opinion, assessment of material evidence, testimonies of witnesses.

It is necessary to pay attention to the strong positions of the defense, and not to emphasize the weaknesses of the prosecution. Weaknesses need to be mentioned very carefully without going into details (Потапова, 2003).

During his speech, one should not forget to repeat his position on the case many times, but in different positions. Speech should be clear and consistent.

A lawyer needs a certain amount of time to state all that he carefully weighed, wanted to say. Do not forget about this and be sure to observe this condition. A lawyer's mission is considered fulfilled if he manages to reveal the weaknesses of the prosecution, and to show in whole or in part its groundlessness.

The composition of defensive speech is a complex and multifaceted phenomenon in which the criminal procedural features of its creation and the logical foundations to which it must correspond are closely related.

Exploring scientific approaches to the problem of developing elements of the compositional structure of defensive speech, we should dwell on the allocation of its three parts:

1) intro;

2) the main part;

3) conclusions (Солдатова, 2011).

The purpose of the introduction is to focus the attention of the court and the audience. For this, first of all, it is necessary to logically organize thought in order to gradually move from the old to the new, from the known to the unknown, from weak arguments to stronger ones.

In the main part of the defensive speech, proceeding from the requirements of the criminal procedure legislation and the laws of logic, it is necessary: to investigate the actual circumstances of the committed act (the plot of the case); to analyze and evaluate the evidence examined in court and their sources; substantiate the qualification of a crime; to characterize the personality of the defendant; give an explanation of the reasons contributing to the commission of this crime; express thoughts on the measure of punishment.

The conclusion should be a debriefing of the whole speech and a final determination of the attitude of the defense to issues to be resolved in a criminal case. We believe that it is in this way that the composition constructed will contribute to having a convincing effect on the opinion of the court (Потапова, 2003).

Analyzing the norms of the criminal procedural legislation governing the issues of evidence and evidence, it should be noted that for more effective evidence in a defensive speech, a lawyer needs to draw the court's attention to the determination of the source of evidence, as information on the basis of which the presence or absence of circumstances to be proved in the course of proceedings is

established in a criminal case, to determine the substantive side of this information, as well as its procedural consolidation. Since there is an inextricable link between the evidence, its source and the procedure for extracting information from their physical (material) carrier.

Determining the ways of influencing the formation of a certain position among judges, it should be noted that there is both a conscious perception of arguments and an unconscious. A lawyer-defender can use a variety of methods and techniques of linguistic, speech and sound effects, producing the effect of unconscious suggestion and contributing to the evidence of speech with their competent use and observing the ethics of speech behavior.

The use of only logical and rational methods of persuasion, without the use of effective methods of suggestion, is possible, but this seems an unforgivable oratory error, since this does not remove the psychological barrier in those people who do not want to be convinced. The use of means of suggestion, without a logically structured system of arguments in the composition of speech, will lead to the formalism of defensive speech in the criminal process. The only right decision will be to consider the methods of persuasion and suggestion as components of each other, allowing you to act in an adversarial criminal process with chances of success.

It should be noted that the measure of influence of the lawyer's protective speech on the outcome of the case depends on the combined effect of two parties: subjective and objective.

The subjective side is determined, first of all, by the attorney’s moral and psychological attitude that the result of the case depends on the persuasiveness of his speech, which is achieved as a result of deep, comprehensive and thorough preparation of a defensive speech. The objective side is determined by the external environment, procedural reality, directly affecting the significance of the argumentation of the defender.

The influence of the lawyer's speech on the outcome of the case is determined by the level of knowledge of public speaking skills, the degree of preparation for

speaking and the court’s obligation to resolve all the arguments of the lawyer in its final decision (Мельник, 2001).

The rhetoric of judicial protection is a doctrine of the methodology and style of the procedural activity of a lawyer. This doctrine assumes that the basis for the construction of criminal defense and defensive speech is the target setting that defines the logical and “combat scheme” of the procedural conviction.

The integrity of the lawyer's speech is connected with the logical construction of its material, which is achieved by accentuation of the main ideas, the construction of individual semantic fragments, and the sequence of transition from one thought to another (Солдатова, 2011).

The composition of the advocate’s speech is a sequence of methods of influencing the conviction of the court, determined by the speech system and the defense system in this case, completely subordinated to the requirement of persuasiveness, which is basic in the hierarchy of requirements for the professional activity of a lawyer.

The logical-speech basis of defensive speech is determined by its composition, plan and system of argumentation. The latter is closely interconnected with the means of speech exposure, the choice of which determines the totality of the methods of presentation of the procedural evidence.

The system of argumentation and means of verbal expressiveness is largely determined by the ethics of verbal behavior and the ethics of the professional activity of a lawyer. Only a conditional distinction between these concepts is possible, but it is important for the scientific understanding of not only advocate ethics, but also its place in the system of knowledge about criminal defense.

The criterion of ethics that is significant for building a defense is closely interconnected with the criterion of persuasiveness. The moral character of the professional and speech behavior of the defense attorney determines the credibility of the composition of the court, and the effectiveness of the participation of the lawyer in the process directly depends on it. The very requirement of convincing defense is an ethical requirement, from which the notion of the moral impossibility

of an ineffective procedural action, unconvincing defense, poorly prepared and inept speech is implied.

Careful preparation of the defender for the process seems to be one of the most important ethical requirements. It is directly included in the criminal defense system and is inseparable from the process of preparing a defensive speech. Preparing a defense or developing a defensive position is a preparation for the defense counsel to communicate with the composition of the court. It aims to create conditions for constructive communication between the lawyer and the court, the result of which will be the presentation to the judges of a scientifically sound and convincing draft resolution of the case (Потапова, 2003).

Preparation for the process is included in the criminal defense system, since it is based not only on a preliminary study of the case file and its own lawyer's investigation of its circumstances, but also on the work of the defense attorney during the judicial investigation, where each of his actions simultaneously pursues the goals of cognition and conviction. The lawyer participates in the trial by the court and at the same time seeks to prepare the conviction of the judges for a favorable perception of his speech in the debate. Participating in the process, the defender examines not only the circumstances of the case, but also the communicative features of the process itself, which allows finding the right approaches to convincing judges.

Composition, as a sequence of methods of demonstrating thoughts, and a plan, as a thematic sequence of procedural evidence, reflect the most general principles of constructing defensive speech. The ability to initially formulate a thought in a convincing and representative form greatly facilitates the defender's task. The higher this skill, the rhetorical art.

The logic of defense is not only the logic of evidence, but also a certain procedure for constructing speech means of argumentation. A contradiction in words and evaluations is more dangerous than a contradiction in arguments.

Artistic means of speech are not an independent argument. Methodologically more accurate will be the idea of an expressive demonstration of an argument,

which consists in an expressively evaluative presentation of actual thought. The degree of imagery, emotionality of speech, the nature of value judgments is important to balance with the specifics of the case, individual style and the prevailing idea of the nature of the perception of information by judges (Мельник, 2001).

To exemplify the above stated, the paper analyzes an excerpt from the Annalise's Speech to the Supreme Court Scene taken from the series *'How to Get Away with Murder'*, season 4 episode 13 '*Lahey v. Commonwealth of Pennsylvania'*. Annalise Keating (Viola Davis) addresses the Supreme Court to defend the impoverished black people suffering from unacceptable behavior of the community caused by a new judicial reform (Hamilton, 2018).

In her opening statement, Annalise presents race-based evidence, however it is not supported by the justices. She asks a colleague from her crew to search for more testimony and prepares for a refutation. It all finishes with the attorney's speech. The latter is well thought out and organized. Annalise's first sentence is to some extent provocative. She attracts the jury's attention by the thought-provoking quote: *"racism must always be considered a variable"*. Such a beginning helps Annalise to further develop her speech. The developmental stage starts with a powerful metaphor – *"Racism is built into the DNA of America"*, which emphasizes the fact that the current case has been the problem of many generations. This motivates people to fight against racism and struggle to guarantee equal rights to everyone. Annalise's allusion on *'Jim Crow'*, a theatre comic character, who is *"alive and kicking"* points to the current state of African Americans, who do not have rights at all. To make her speech more persuasive Annalise mentions that people even today are categorized into *"quadroon and octaroons"*. These terms are sometimes incorporated in law to define rights and restrictions. The use of these terms in this very speech points out at the problem of people of different races having unequal rights.

At the resolution stage, Annalise tries to persuade everyone that the state has to guarantee equal rights to all people. In doing so, she resorts to the use of

rhetorical questions. The latter are posed more to make an effect, rather than to gain information. The main character in her speech asks two rhetorical questions: *"And is that the America that this Court really wants to live in? Where money is more important than humanity? Where criminality is confused with mental health?"*. Annalise steps out of her speech to include the audience and embrace the decision-maker with the rhetorical question.

The effective use of stylistic means and elements of a good story, in particular in attorneys' opening statements, has a potential to elevate the attorney's case in the minds of jurors, hold their attention, enabling them to remember the key facts and arguments, thus influencing upon their decision.

The defender's goal is to establish communicative contact with the judges, to involve them in the process of their research, to make them emotionally and intellectually involved in the content of the speech.

The solicitor's monologue is dialogical. The court is not a passive listener. In a defensive speech, the court is not only offered the attorney's view of the case, but also demonstrates a way of knowing the materials of the judicial investigation. An important characteristic of the debate is its methodological credibility. Defense in court is based not only on a certain key idea, but also on a reliable system of understanding and presentation of the essence of the matter.

Such a system is focused on the laws of spoken language and exists within the framework of the tradition of judicial conviction. The requirement of conciseness (information richness) is combined with the requirements of systematization, objectivity, naturalness of compositional-stylistic and logical development of judicial speech. The defender, as it were, thinks out loud and each new thought not only follows from the previous one, but also is the result of a certain approach to understanding the problem under study. The argumentative and methodological usefulness of good speech gives it a scientific, that is, rationally convincing character.

The situations of communication and preparation for communication are closely intertwined in the rhetoric of criminal defense and represent a single whole,

the most important, the final part of which is defensive speech. The criminal defense system can be represented only from the standpoint of understanding the communicative nature of this phenomenon, combining the unity of knowledge and conviction, thought and word, rational and emotional perception of reality. Outside of rhetorical knowledge, a general theoretical understanding and holistic understanding of criminal defense is impossible, the practice of which was originally based on rhetoric as the most important and most universal of methodological disciplines.

2.3. Effect of the attorneys' speeches presentation and speech behavior

The development of modern scientific thought is characterized not only by processes of differentiation, but also by the integration of sciences, when new sciences emerge at the junction of individual industries, such as mathematical logic, chemical physics, economic geology, military geography, and many others. At the intersection of jurisprudence and psychology arose legal psychology, jurisprudence and philosophy - the philosophy of law, jurisprudence and sociology - legal sociology, jurisprudence and philology - legal linguistics.

If legal sociology and philosophy of law have already received universal recognition, then legal sociology and legal linguistics are still on the path of recognition. Thus, legal linguistics (judicial linguistics, legal linguistics, juris-linguistics) is the direction of applied linguistics, the subject field of which includes, in particular, the study of the professional speech behavior of lawyers.

In addition to knowledge of the law, lawyers also need certain communication skills in order to convince an opponent, given his individual psychological characteristics, to stimulate public interest in connection with certain legal circumstances. Thus, the possession of communicative skills in the professional activities of a lawyer is so great that in some cases it can play a major, leading role.

Professional communication is always aimed at achieving a certain result, at solving a problem, that is, it is targeted communication. In addition, professional

communication involves a high level of responsibility for failure to achieve professionally significant goals.

It should be noted that modern directions in the study of juris linguistics encompass the study of the conflicting functioning of a language; principles of legal regulation of language conflicts; development of a legal language capable of serving special legal communication; development of uniform rules for forensic examination of various types; linguistic education of specialists in the field of law. The list alone reflects a wide range of the problems studied and indicates the relevance of the chosen research topic.

Regarding judicial discourse, it can be added that it still does not have a clear classification. Obviously because it is not homogeneous. So, in the judicial discourse there are such types as deliberative and adversarial, represented by accusatory, publicly-accusatory, socially-protective and self-defensive speeches. Some linguists view legal discourse as strictly argumentative (Воротников, 2014). There is also such a point of view: judicial discourse is not an independent type of discourse, but is included in the discourse of conflict (Губаева, 2003). It should be noted that mainly under the judicial discourse most often mean advocate discourse (Дадян, 2009).

Modern judicial discourse is characterized by institutionalism, caused by status-role relations (term of V.I. Karasik), emotiveness (manifestation of strong emotions and spontaneous feelings), agonism (disagreement in opinions and the opposite of interests), logical completeness, terminology, persuasiveness. In the process of professional communication between the parties in the court session, information is transmitted, therefore, first of all, the explicative function of the discourse can be distinguished. The lawyer and the prosecutor give an assessment of the information, therefore, we can distinguish the axiological function, which consists of such evaluative components as emotional, emotional-intellectual and intellectual-logical.

According to E.N. Zaretskaya, one of the goals of advocate discourse is to provoke emotions, attract attention and prompt decision-making. In this respect,

advocacy discourse is different from prosecution discourse, which is less emotional. The lawyer defends the interests of the defendant, proving the accused ones innocence or a lesser degree of guilt on the basis of objectivity and the validity of his findings, using all means, including influencing the judge through emotions. In court, the parties do not just exchange opinions - this is an adversarial or agonal process.

A.A.Soldatova singles out the argument as a fundamental agonal means in the advocate discourse as a judgment (or a set of interrelated judgments), through which the advocate's position is substantiated. She considers the argument as a toolkit that allows you to model communication on an intentional level and identifies such types of arguments as “descriptive argument, argument emotion, argument stimulus, each of which is complementary and“ appeals ”to a certain aspect of the judge’s evidence evaluation system”.

However, judicial discourse, in our opinion, is not only argumentative, but also conflicting. Conflict is evidenced, in particular, by the use of invective vocabulary that lowers the social status of the addressee (“stressful invective” as defined by V. I. Zhelvis).

The study of legal discourse as a whole made it possible to note the existence of an emotive aspect, although emotiveness until recently has been an attribute of artistic and political discourse. However, some linguists believe that the emotional meaning in judicial discourse is implicit (Дадян , 2009). We adhere to the point of view of the explicit nature of emotionality in judicial discourse based on the presence of language markers of emotionality in the texts of judicial speeches.

Finally, the discourse of defense and the discourse of accusation is logical and persuasive. The interpretation of law is a thought process that includes an understanding of the meaning of the rule of law, as well as an explanation of this meaning to those present in court.

When interpreting the rule of law, two aspects are distinguished - internal, that is, clarification, and external clarification. When clarifying these norms in the courtroom, the defense counsel and the prosecutor appeal to logic, state that the

charge or defense is incorrect, evidence is insufficient, draw a parallel with other similar cases.

When the lawyer and the prosecutor seek to have a psychological effect, they operate with information related to abstract, emotional images, referring to a spatially-shaped context, simultaneous perception and evaluation, simultaneously using provocative invectives, coercion to an unambiguous answer, irritation of the interlocutor, imaginary misunderstanding, etc. It is interesting to note that, since the parties pursue opposite goals (to defend or blame), the same rules, evidence, images can be used both to create a positive and negative context.

At the hearing, the speech behavior of the defense and prosecution representatives is the opposite program, which determines the choice of speech strategies and corresponding speech tactics, which are characterized by communicative tension, expressed in the desire of one side to change the behavior of the other. This determines the conflict of communication and, as a result, finds expression in the selection of certain speech tactics and, accordingly, in the selection of appropriate language means.

In our opinion, judicial discourse is controversial, since the parties pursue opposite goals. Let us dwell on the concepts of strategy and tactics.

A speech strategy is considered as a set of speech actions aimed at solving the speaker's general communicative task, and speech tactics means one or more actions that contribute to the implementation of the strategy. O. L. Goikhman defines tactics as the implementation of a strategy through methods that allow achieving goals in a specific situation. (Гойхман & Надеина, 1997, p. 208), that is, each tactic is aimed at expressing a specific communicative intention of one or the other side.

According to O.S. Issers, a strategy is not so much made up of a set of tactics as it sets their general direction. A speech strategy is a speaker's decision on the sequence of speech actions that determine his speech behavior in terms of choosing the best means and means to achieve - communicative goals (Иссерс, 2002). Usually the speaker's strategic task is not solved using one tactic, but implies the

presence of several tactics. Let us put forward the following hypothesis: given that the representative of the defense and the representative of the prosecution have different communicative goals, their set of tactics will be different.

Judicial discourse (the speech of the defense attorney, the prosecutor) is a confrontation between participants in a conflict situation, that is, a speech conflict, as a result of which each side consciously and actively acts to the detriment of the opposite side, manifesting its actions with verbal (verbal) and pragmatic means (Воротников,2014). Speech conflict has its own time frame and development.

The trigger mechanism of the conflict form of response to reality is the installation of the conflict. The attitude is manifested in various actions, but primarily in speech, when the speaker selects conflict tactics expressed using language markers.

Modern researchers distinguish such strategies used in advocacy discourse: defense strategy, attack strategy and psychological impact strategy. The defense strategy is implemented through the tactics of partial admission of guilt, the tactics of proving actions in a state of affect and the tactics of a positive characteristic.

A lawyer in a court session seeks to seize the initiative in the trial and accordingly resorts to an attack strategy when he tries to convict the prosecutor of a mistake or injustice. Among the tactics implementing this strategy, the tactics of discrediting, criticizing the prosecutor and sarcasm stand out.

In addition, the lawyer needs to exert due influence on the court, since it is after his speech and the last word of the defendant that the court leaves for the meeting. Among the tactics that implement the strategy of psychological impact, researchers distinguish an appeal to the principle of justice, logical concentration of attention, contrastive analysis and suggestion of a certain point of view (Дадян, 2009). It should be noted that we do not completely agree with this classification, since everything in the lawyer discourse is subordinate to the defense strategy, and it is realized through attack tactics, represented by methods of undermining, mocking, taunting, irony, sarcasm, slander, hint, defamation; and the tactics of psychological impact, represented by methods of inducing doubt, the search for

compassion, expression of remorse, manifestation of humility, ignoring, creating a positive portrait of the accused.

Let us turn to the analysis of factual material - the texts of the statements of the lawyer and the prosecutor in the Oscar Pistorius case, in which he was accused in murder of his girlfriend Reeva Steenkamp. This lawsuit has gained widespread publicity in the world, and not just in South Africa.

Pistorius's lawyers immediately resort to tactics of psychological influence. At the fourth meeting, attorney Barry Roux drew attention to a very minor detail in the testimony of witnesses, referring to her discrepancies between his first and second accounts of the events on the night of the shooting. The lawyer immediately concludes on the basis of this discrepancy that Pistorius, anxious and distressed, could have produced the screams that Stipp, Pistorius's neighbour, identified as female (Климович, 2013).

It may be noted that even unfavorable evidence is turned by the lawyer to his advantage, causing doubt in the judge. When an expert pathologist explains the nature of the girl’s injuries Pistorius had used an expanding bullet designed to cause maximum tissue damage when he opened fire through a locked toilet door, the lawyer does not refute this (Pistorius did not dispute this when he gave his evidence) (Климович, 2013) and retreats, acting farsighted, choosing more significant episodes for defense.

The defense discourse used attack tactics through a reservation, for example, when a lawyer hints that the police, firstly, may be involved in the disappearance of the watch: two luxury wristwatches worth thousands of pounds went missing from the athlete's bedroom on the day he was arrested (Климович, 2013); and secondly, the police misrepresent the facts without providing all material evidence: Roux says “*the court should order the state to make the cord available to the defense. It's not good enough to say 'we don't have it. What happened to it?*” (Климович, 2013).

All this happens against the background, firstly, of creating a positive image of the accused: Pistorius was asked about a Valentine’s card that Steenkamp had

intended to give him on February 14, 2013, the day she died. He told the court: *“The envelope says‘ Ozzie ’, with some hearts and a squiggle, and then it says on the front of the card:‘ Roses are red, violets are blue ’. Then on the inside she wrote the date on the left, then on the right she said: ‘I think today is a good day to tell you that ... I love you.”* (Климович, 2013). And secondly, appeals to compassion: Pistorius informed his doctor that he falls often, once or twice a week; He falls down when getting out of bed, when going to bathroom without prostheses, but never walks around the house without them; His back hurts from using his artificial legs and cannot stand long without them; He is easily pushed over from front or back; Versfeld, his surgeon, says the soft tissue around Pistorius' stumps is *"very, very mobile"* - the heel pad slips backwards when he puts weight on it, causing pain and instability; He is pointing to the vulnerability of Pistorius without his prostheses (Климович, 2013).

These examples can be cited endlessly. Lawyers constantly emphasize the defendant’s sincere repentance: Stander, manager of Pistorius's house, revealed details of the call Pistorius made to him immediately after the shooting: *“Johan, please, please, come to my house, please. I shot Reeva. I thought she was an intruder. Please, please come quick. ”*; He began with a tearful, broken-voiced apology to the family and friends of Reeva Steenkamp, saying there is *“not a moment*” when he does not think about her family, and prays for them daily. He added: “*I’ve tried to put my words on paper many times to write to you but no words would ever suffice”* (Климович, 2013).

The accusatory discourse is also subject to defense strategies, using tactics of attack and psychological impact. The material under study allowed us to identify other techniques that implement the tactics of the prosecution. For attack tactics, these are techniques for classifying the actions of the accused, reproach, invective, irony, sarcasm, defamation, incrimination of lies; for tactics of psychological influence, this is an appeal to the principle of justice, a logical concentration of attention, the creation of a negative portrait of the accused, the instilling of compassion for the injured party.

Let us illustrate these tricks. Gerrie Nel, the prosecutor, on the first day of the trial clearly classified the actions of the defendant "*The accused intended to kill a human being. He knew there was a human being in that toilet. That's his evidence ... He is guilty of murder. There must be consequences for it"* (Климович, 2013).

The prosecutor constantly wants to convict the defendant and witnesses of a lie: *"He lied because he thought it was better to hide behind the untruth,"* Nel said; *"Why would you make such a mistake? Do you want to assist Mr Pistorius with his defense?"* Nel continued; *You have to create time. You have to, on your version, build in a time gap for Reeva to go into the bathroom,"*prosecutor Gerrie Nel said while cross-examining the athlete; *We'll deal with why he would lie,"* said Nel. Reprimand: "*Listen to the question and stop thinking about the implications for you.*" - Nel (Климович, 2013).

In the discourse of the prosecution, the method of creating a negative portrait of the defendant was actively used: *The roommate apparently complained Pistorius spent hours shouting at people on his phone; He is also charged with three contraventions of the Firearms Control Act - one of illegal possession of ammunition and two of discharging a firearm in public. He has pleaded not guilty to these charges as well* (Климович, 2013).

Reception of compassion for the injured party: On Thursday, Nel asked Pistorius under cross examination why he did not meet the family in private after shooting dead his girlfriend, Reeva Steenkamp, instead of making a public apology while in the dock (Климович, 2013).

Reception of sarcasm in relation to the accused: Earlier, Nel questioned Pistorius on who should take the blame for killing Steenkamp. Nel: "*You said we should blame you for taking Reeva's life. Who should we blame for shooting her?"* Pistorius: *"I believed there was a threat on my life"* Nel: *"So, once again we shouldn't blame you for the fact that you shot her?"* Pistorius: *"I agree with Mr. Nel."* Nel: "*Can we blame Reeva? She didn't tell you she is going to the toilet."* Pistorius: "*No."* Nel: "*We have to blame someone. Can we blame the*

government?" Pistorius: "*I don't know who one should blame."* Nel: "*We can't blame you for having shot and killed Reeva?"* Pistorius: "*I believed there was someone coming out to attack me."* Nel: "*Who should we blame for the Black Talon rounds ripping through her body? Who shot her with Black Talon ammunition?"* Pistorius: "*I did."* Nel: "*Why did you have that ammunition?"* Pistorius: "*It's ammunition used for my type of firearm."* "*You are constantly thinking of your version,"* Nel said (Климович, 2013).

Let us dwell on some language units that form the content and structure of conflict communication and serve as bright signals of a speech conflict. The most marked properties are possessed by: invective and negative assessment vocabulary. So, we relate, for example, the lexical unit '*liar'* to invective vocabulary. There was even a discussion about the word '*liar'* and a request was made to the Human Rights Commission about the appropriateness of applying this characteristic to the accused: The complainant, Jan Landman, a former commissioner of the Commission for the Promotion and Protection of the Rights of Cultural, Religious , and Linguistic Communities has requested the investigation. In the complaint Landman sent to the SAHRC, he said it was his opinion that in calling Pistorius a liar, Nel infringed on his right to a fair trial (Климович, 2013). Negative assessment vocabulary - deceitful and dishonest person, appalling witness, who had tailored his evidence to avoid prosecution, blood-curdling screams, hide behind untruth; devoid of truth, vague, argumentative and mendacious; a '*slow burn'* of vulnerabilities (Климович, 2013).

The selection of linguistic means implies the choice by the speaker of such means that would implement his strategy and tactics, regulate the actions of the opponent in the direction necessary for the speaker. The prosecutor and lawyer even use metaphors in their remarks: *'snowball of lies ";* a '*baker's dozen'* of inconsistencies (Климович, 2013).

Communication in court has special characteristics that distinguish this type of discourse from other types of legal discourse. Judicial discourse is argumentative and conflicting at the same time.

The parties in the court pursue different communicative goals, therefore, tactics and techniques that implement tactics will be different. The advocate's defense strategy is implemented through attack tactics, represented by methods of undermining, mocking, taunting, irony, sarcasm, slander, hint, defamation; and the tactics of psychological impact, represented by methods of inducing doubt, the search for compassion, expression of remorse, manifestation of humility, ignoring, creating a positive portrait of the accused.

The accusatory discourse is also subject to defense strategies, but uses tactics of attack and psychological impact. The material under study allowed us to identify other techniques that implement the tactics of the prosecution. For attack tactics, these are techniques for classifying the actions of the accused, reproach, invective, irony, sarcasm, defamation, incrimination of lies; for tactics of psychological influence, this is an appeal to the principle of justice, a logical concentration of attention, the creation of a negative portrait of the accused, the instilling of compassion for the injured party.

CONCLUSIONS TO CHAPTER TWO

Attorneys are the storytellers who aim at communication their message to the trial and achieving the favorable result. Lawyers presentation in court can be described through main features of the game discourse, where awareness of the current status and conditions of the case is not enough to predict the future development. Attorneys in their speeches use manipulative device - a set actions created for weakening the opponent's position and strengthening their own. Therefore, their success technology lays in the scheme of development of a discourse in the court represented in following way : the plot - the first turning point - the second turning point, etc. - the tipping point - the denouement. Attorneys are adept at presenting the facts of the case to the court, in the order and in the form that will help them obtain the desired result.

Attorneys opponents, the prosecutors, from their side also use specific tactics in order to prove that accused one is guilty in crime. For instance attack tactics,

where they classify the actions of the accused to show the court that the person is sinful, and tactics of psychological influence, in which the negative portrait of accused one is created.

We must underline that the vocabulary and rhetoric devices both sides use in their speeches play an important role in the court process and make a great influence on the outcome of the case.

CHAPTER THREE. ROLE AND FUNCTIONS OF A COURT INTERPRETER

3.1. Basic rules of conduct for a court interpreter

The problem of the participation of an interpreter in criminal proceedings is one of the most common in practice. If in the theory of criminal procedure law the principle of the language of criminal proceedings does not cause any special theoretical discussions, then its implementation in law enforcement encounters a number of problems of both procedural and organizational nature.

After checking the appearance of the persons who should participate in the hearing, the presiding judge should explain to the participants in the process the peculiarities of its conduct with the participation of an interpreter. It is necessary to explain, in order to realize whose language rights the court appointed an interpreter, how the participation of the translator will influence the course of the judicial investigation (Солдатова,2011).

Since translation is a complex type of professional activity requiring a large amount of psycho-emotional costs, the presiding judge should appeal to the participants in the lawsuit with a request to treat the work of the translator with respect and understanding. The presiding judge should recommend that participants in the process avoid complex vocabulary of speech, if possible not use jargon, professionalism or slang expressions, if the use of such turns by the participants in the trial is not essential to resolve the merits.

In addition, participants in criminal proceedings should pay attention to the speed of their speech, its volume and diction, and also to ensure that participants in the proceedings do not speak at the same time. Of course, these recommendations of the presiding judge are not imperative, however, their observance by the participants in the process will help to conduct a judicial investigation at an organized level, without any extra time (Мельникб 2001).

The presiding judge must explain to the attendees the procedural status of an interpreter as a person ensuring the right of participants in criminal proceedings

who do not speak or have insufficient knowledge of the language in which the criminal proceedings are conducted, make statements, give explanations and testimonies, submit petitions, bring complaints, get acquainted with the materials of the criminal case , speak in court in their native language. The procedural status of the translator does not imply the possibility of the participants in legal proceedings contacting the translator with a request for clarification, explanation or interpretation of legal or any other terms.

Participants in a trial should ask translator only if they have questions. In direct verbal contact with each other, participants in criminal proceedings should contact each other directly, as if there were no translator in the courtroom. For example, during the interrogation of a witness, the appeal of the defendant's lawyer to the translator in the form: *"Ask the witness ..."* is unacceptable.

It is difficult enough to resolve the situation when one of the participants in the court proceedings who know the language of the translation believes that a certain word or phrase is translated by the translator incorrectly, i.e. It is not the competence of the translator as a whole that is being questioned, but the correctness of the translation of a particular language unit.

In order to avoid such a conflict between court participants who speak the language of translation and the translator, we consider it appropriate, if necessary, to involve an interpreter in criminal proceedings, at the same time involve another person who speaks the language, knowledge of which is necessary for the translation. However, this person must have the procedural status of a specialist (Потапова,2003).

A wide range of issues related to the direct translation procedure remains unresolved due to the fact that the current criminal procedural law does not endow the translator with the rights necessary to carry out his procedural activities. For example, it is not clear what the translator and the court should do if the translator needs to clarify the meaning of the word in the dictionary. It is not clear what to do in a situation where the translator, when translating the statements of one of the participants in the proceedings, made an inaccuracy or made a mistake, but

realized this (or chose the more correct equivalent of the translation) only after some time and wants to correct this mistake or inaccuracy. To solve these and other issues, the translator must be vested with the corresponding additional rights.

Another important issue that needs to be regulated when translating in court is the question of the possibility of preliminary communication between the translator and the person for whom the translator is appointed to exercise the language rights. Of course, such communication should take place in the presence of the court in order to clarify and clarify the language features of the translator of the person to whom he was appointed. This is, first of all, the clarification of the features of the language that the corresponding person speaks: dialect, style, the presence of colloquial expressions used, emphasis, features of articulation skills, geographical area of residence, educational level, etc. Such “testing” will help the translator more fully and efficiently carry out their procedural duties (Солдатова, 2011).

Also, the criminal law does not resolve the question of what type of translation should be used by a translator involved in rendering language assistance in court proceedings (as you know, in the framework of interpretation, they distinguish between sequential, paragraph-phrasal (as a kind of sequential) and simultaneous translation).

Apparently, the decision on what type of transfer will be used during criminal proceedings should be taken by the judge and the translator together based on the circumstances of the consideration of the case and the material and technical capabilities available to the court. A decision on this issue should be taken at the stage of preparation for the court session, since the organization of simultaneous interpretation requires the preparation of the courtroom, about which the judge should instruct the court (Мищенко, 2013). Of course, each type of translation has its own advantages and disadvantages.

In relation to the court session, consecutive translation is as follows. The translator is located (sits) in the courtroom next to the participant in the criminal proceedings who does not speak or does not speak enough of the language in which the criminal trial is conducted. The remaining participants in the criminal

proceedings are located in different parts of the courtroom, and therefore the volume of their speech is different for the translator. In addition, since not all participants in the proceedings make sufficient pauses in their speech so that the translator can completely translate the previous statement, often enough the translator has to perceive the next statement, continuing to speak, translating the previous statement. The translator does not use technical means (a microphone), which is why he must speak quietly so as not to interfere with himself perceiving the speech of the participants in the process.

A person who receives language assistance perceives a translation in the form of a “live” voice of a translator sitting next to him, without the possibility of adjusting his volume (gain). In addition, the disadvantages of consecutive translation include the fact that due to pauses in the speaker’s speech to ensure translation, the total time of the court session is significantly increased; As a rule, consecutive translation is carried out only in one language for a limited circle of people. The interpreter, who carries out consecutive interpretation, is in the courtroom in full view of all participants in the trial, which leads to an additional psychological burden on the translator (Мищенко, 2013).

This type of transfer is the most common in judicial practice, since it does not require material costs for the organization of its conduct. The only question that the court needs to solve is the question of choosing the location of the translator in the courtroom.

The position of the translator in a sequential translation is of great importance, primarily because it must emphasize the procedural status of the translator as a person contributing to the provision of justice. In addition, the interpreter in the courtroom should be placed so that he can hear well the speech of all participants in the proceedings. If, after the start of the transfer, it turns out that the location designated by the court does not provide sufficient audibility, the translator should be able to apply for a change of place.

The nature of the placement of the translator in the courtroom also depends on which of the participants in the proceedings, the translator provides language

assistance. If the translator provides translation for people who are not in the courtroom constantly (for example, for a witness) and who appear before the court from a specially designated place, then it is most rational to place the translator next to this participant in the proceedings.

If the translator is appointed to provide language assistance to the defendant, it is most rational to place the translator between the defendant and the court. Such placement of the translator will allow him to perceive the speech picture of the trial to the maximum extent possible (Мищенко, 2013).

Conducting simultaneous interpretation at the hearing is characterized by the following. The translator is located in a special booth for simultaneous translation, located at the end of the room. The sound comes to the translator through the headphones, and the translator can adjust its volume. The interpreter is isolated from extraneous sounds in the courtroom and only very muffledly hears his voice. The translator speaks into a stationary microphone mounted on the control panel.

The listener's voice comes to listeners through headphones on portable receivers. Participants do not see the translator, therefore, the translator is in a psychologically more free atmosphere than with the consecutive translation.

Compared to consecutive interpretation, simultaneous interpretation has the following advantage: the speech of the participants in the trial sounds without interruptions, as a result of which the participation of the translator in the process does not affect the length of the court proceedings as a whole; a transfer can be carried out simultaneously for an unlimited number of persons, and not for two or three, as in a sequential transfer; the translator, by his presence or actions, does not distract the attention of other participants in the criminal process (Мищенко, 2013).

As you can see, simultaneous translation is more preferable for the implementation of the purposes of legal proceedings. In fairness, it should be noted that simultaneous translation as a type of translation activity arose precisely as an answer to the needs of criminal proceedings. Truly, as a professional activity, simultaneous translation made itself known at the Nuremberg trials during the trial

of Nazi war criminals. It was there that a modern American installation was proposed, which for the first time showed the advantages of simultaneous translation in a multilingual audience, and it was there that two professional teams of simultaneous interpreters were represented for the first time: one - Soviet, the other - American.

Despite the advantages of simultaneous interpretation at a court hearing over sequential translation, simultaneous translation requires preliminary equipment of the courtroom with special equipment. This technique includes the following modules:

1) soundproofed cabin;

2) translation console with headsets or headphones and microphones for translators;

3) the central unit of the system;

4) modulator-transmitter;

5) simultaneous translation receivers complete with headphones (Бунова, 2010).

However, taking into account the recommendations made by us earlier, regarding the regulation of translation in a court session, the specified list of technical devices for simultaneous translation should be supplemented with the following items:

1) the panel of the chairman of the court session;

2) microphones (for the prosecution, for the defense and for other participants in the trial);

3) external sound system;

4) sound recording unit (Бунова, 2010).

These additions will allow the translator not only to perceive and translate the speech of participants in criminal proceedings, but also to exercise their right: to ask questions to participants in the process in order to clarify the translation.

At the same time, simultaneous translation has its drawbacks. The main one is the need to attract at least two translators for the translation. As practice shows, an

effective simultaneous translation is possible within 20-30 minutes, after which the psychoemotional fatigue of the translator begins to affect. Therefore, simultaneous translation is usually carried out by a team of translators of two to three people who replace each other at certain intervals or as necessary (Мищенко, 2013).

In this regard, the question arises of the need to attract not one but several translators to participate in criminal proceedings. This is possible because the current criminal procedure legislation does not directly prohibit the involvement of several translators. The complexity is caused by the organization of the work of the team of translators from a procedural point of view. Indeed, if there is no doubt about the competence of the involved translators for a person who does not speak or have insufficient knowledge of the language of legal proceedings, then it does not matter which of the translators personally translates. The difficulty lies elsewhere, the translator is criminally liable for the knowingly incorrect translation, so it must be known exactly which part of the trial was translated by a particular translator.

The world practice of attracting translators for the needs of the trial has developed a norm according to which, if it is necessary to perform a translation in a court session for more than two hours, the court must involve two translators, or provide the interpreter with a break of 15 minutes after two hours of continuous work.

Thus, the organization of the transfer at the hearing involves the following issues:

- attracting a specific person to participate in the trial as an interpreter;
- certificate of competence of the translator;
- explanation to the translator of his rights and responsibilities;
- solving the issue of the type of translation to be applied - sequential or synchronous;
- in the case of simultaneous interpretation by several translators, the procedure for changing translators should be determined;
- resolving the issue of the use of technical means to facilitate the transfer;

- explanation of the participants in the criminal process features of its conduct with the participation of an interpreter;

- solving the question of the possibility of preliminary communication between the translator and the person for whom the translator is assigned to exercise the language rights, in order to clarify the language features of this person;

- solving the issue of the location of the translator;

- resolving the issue of using sound recordings to control the ongoing translation;

- resolving the issue of interruptions in court work at regular intervals in order to reduce the psychophysiological load on the translator;

- solving the question of the procedure for transferring a sentence (simultaneously with its announcement or after its announcement).

3.2. Difficulties of court interpreting

When one of the participants in the criminal proceedings does not speak or is insufficiently fluent in the language of the court hearing, an interpreter is appointed. In this regard, a number of scholars raise the question of such types of translation as police, pretrial, judicial, sworn, accredited and notarized.

1. Police translation. In our opinion, a police transfer in a criminal proceeding takes place when the investigator investigates the criminal case. However, if it is a question of conducting a preliminary investigation in the form of an investigation, it is more correct to speak of an investigative translation. It is the investigator who makes the decision on appointing a person as a translator and takes a person's subscription confirming an explanation to a translator of his rights, duties and responsibilities in case of violation of criminal and criminal procedure legislation.

2. Judicial translation. After the approval of the indictment or indictment, the prosecutor sends the criminal case to court. It is from this moment that it is appropriate to talk about judicial transfer. The translator is explained his rights and responsibilities. The translator gives a subscription, which is attached to the minutes of the hearing. On the basis of who receives the assistance of an interpreter

(for example, a defendant or a witness), the volume of services provided will depend.

3. Sworn translation. The duties of the sworn translators included translating, as well as checking and making copies of documents and papers, both at the request of judicial and governmental institutions, and at the request of private individuals, for a certain fee.

4. An accredited translation is a translation made by an accredited translator at the embassy who has an appropriate education document confirming his qualifications, and who has confirmed his knowledge in the established manner, and has passed the accreditation procedure at the embassy.

5. Notary translation. It is necessary to distinguish between notarized translation and notarization of a translation (i.e. certification by a notary of a translator's signature). Notarization includes the following sequence of actions: 1) translation by a professional translator. The translator confirms the correctness of the translation with his signature (the signature is placed in the presence of a notary). The original must be attached to the translation. 2) The notary certifies the authenticity of the translator's signature, and also indicates his installation data. The notary puts his stamp and signature (Мищенко, 2013).

Despite the requirements of international law, in most countries of the world the right to have an interpreter in criminal proceedings is not a principle, but it is included as a right of participants in criminal proceedings, as well as prescriptions of procedural legislation on such a participant in a criminal process as a translator. For example, Japanese criminal procedure legislation provides for the participation of an interpreter in criminal proceedings if the person participating in the process does not speak the state language in which the criminal proceedings are conducted. Moreover, the participation of both an interpreter and a translator is supposed.

How to protect justice from unqualified and incorrect translation, which in the end leads not to saving procedural funds, but to certain costs of legal proceedings in the form of canceling court decisions, has been proposed by many researchers based on the experience of foreign countries. However, a solution to this issue has

not yet been found. We believe that it requires a deeper scientific justification and the creation of conditions for practical implementation.

Qualified translation, fluency in the language are categories that determine the competence of the translator as a specialist in the field of linguistics. This competence is based on the fact that the translator must have a good command of both the mother tongue of the person who needs to be translation and the language of legal proceedings. This is especially important in the context of considering the exercise of the right to defense. Understanding by the accused of the essence of the prosecution carried out with his participation procedural actions allows him to sufficiently prepare for the defense of his interests in criminal proceedings.

In particular, among the discussion issues in this area should include:

- lack of definition of competence of the translator;

- there is no established procedure for attracting an interpreter from rare languages, from languages that do not have written or unwritten languages, into the criminal proceedings;

- the possibility of attracting two translators for interpretation and translation has not been established (Бунова, 2010).

Determining the competence of a translator is a rather difficult task for persons conducting criminal proceedings. According to N. Chomsky, language proficiency should be considered as the linguistic competence of the speaker. In turn, some authors define linguistic competence as “a combination of linguistic and non-linguistic knowledge, skills reflecting a high degree of proficiency in the original language and the target language, as well as terminology in the subject area ...” (Налчаджян, 2003).

We share this point of view. We believe that the legislator should proceed not from fluency in the language, knowledge of which is necessary for translation, but from the linguistic competence of the translator. This concept allows you to specify the skills of a translator that he needs for a qualified and competent translation.

Evidence of the translator's competence may be documents confirming the availability of an appropriate education, certificate or certificate of internship or advanced training.

The procedural legislation does not provide for the procedure for attracting a translator from rare languages, as well as from languages that do not have their own written language or those that are not very written (for example, gypsy). Currently, there are no highly qualified specialists in the field of such translation.

It is very difficult for persons conducting criminal proceedings to find a specialist who speaks rare, non-written, and unwritten languages. In this case, languages that are not as common as English, German, French, etc., as well as languages that are found and used by some people but are not common in this area, will be rare. In particular, these languages include Tajik, Uzbek, and other languages that are used by migrants living in a particular area.

As a rule, acquaintances, students, and sometimes relatives of one of the participants in criminal proceedings who do not know the legal terminology are involved as translators from such languages and it is very difficult for them to make a special translation. The solution to this problem lies in the organizational plane.

At the moment, there is a need for the creation of judicial translation organizations specializing in the translation of legal documentation, which will be responsible for the competence of persons engaged in labor activities in this organization. The United States has taken roughly the same path, where most of the interpreters involved in criminal proceedings are certified. The legislator significantly limits the participation of non certified translators in criminal proceedings.

The participation of an interpreter is to provide justice not with a technical tool, but with a legal one. In criminal proceedings, an interpreter allows participants in criminal proceedings to realize two fundamental rights: the right to use their native language and ensuring the right to defense. The participation of an interpreter in pre-trial and trial procedures in a particular criminal case is not

related to the appointment of criminal justice, but to the exercise of the subjective right to freely choose the language of communication provided by law to a participant in the proceedings who does not speak or has little command of the language in which it is carried out. In other words, the legal basis for involving an interpreter in criminal proceedings is a universally recognized human right, and not the need for justice.

The participation of an interpreter in criminal proceedings is an important condition for the administration of justice. However, this is one of the elements of respect for individual rights. Therefore, his (translator's) participation in the conduct of investigative and judicial actions is primarily a way of ensuring an optional national-language identity of an individual and its linguistic self-identification, individualized with respect to the application of humanitarian law, and only then - a mechanism for implementing the norms industry procedural law.

To show the significance of the translator function in criminal proceedings, we give an example from judicial practice.

During the hearing of a car accident involving a Haitian Creole man, a translator was summoned to court.The man spoke solely in Creole, so the help of an interpreter was necessary so that the accused could explain what had happened and why the accident was not his fault because of heavy rain. However, when the interpreter formulated the message it sounded confusing : *"The crash is not my fault, you see, there were dogs in my nose that's why I hit the car in front of me!"*

In fact, there was used the idiom *"Chyen ap bwe nan nen"* in Haitian Creole, similar to English idiom *"raining cats and dogs."* The interpreter translated the saying directly as *"dogs in the nose"*, or *"dogs drinking in their noses"* which caused confusion (Fisher, 2001).

Quite often, in practice, there are errors when fixing certain facts in the records of investigative actions, which most often include interrogations and confrontations. This happens not only through the fault of unscrupulous investigators who are ready to achieve the desired result by any means, but also as

a result of other errors (descriptions, typos, etc.). Therefore, the right of a translator and other participants in legal proceedings to familiarize themselves with the protocols of investigative actions is a necessary right granted by law.

The example cited in the scientific literature on the participation of an interpreter in criminal case No. 1-88 / 09 in relation to M.B. Khodorkovsky. In the materials of the criminal case the translator Zueva A.N. made the following mistake: "*three hundred sixty eight million Russian rubles (" RUR 368,000,000.00 ") after the transfer made to her turned into three hundred sixty eight million US dollars (" $ 368,000,000.00 ")*" (Абшилава, 2005). Obviously, such a mistake of the translator not only distorts the objective reality, but also affects the volume of the charge.

At the present stage of development of scientific and technological progress, the question of the possibility of using electronic (automatic) translation in criminal proceedings is more than relevant. As noted in the scientific literature, "a review of the practice of the US police shows that suspects sometimes have to be released because they cannot understand the English-read rights of the arrested person, because they speak only Spanish or Japanese. To overcome the language barrier, various interpreting technologies are being developed for law enforcement and correctional bodies, which are successfully tested by local police agencies and are as follows: voice information in a specific language is entered into the computer using a microphone. The computer, in turn, translates the entered speech into another language and then "delivers" it "(Абшилава, 2005).

Currently, scientific and technological progress has gone even further, and the electronic transfer function has become available to all smartphone users. For example, for users of smartphones based on the Android operating system, Google developed the "Translator" program, which is capable of instantly translating into Russian from 90 languages of the world, including the automatic voice translation function "from speech to speech "without access to the Internet (language packs are installed in the smartphone's memory). Among these languages, besides most European, there are many Asian and rare languages: Albanian, Arabic, Afrikaans,

Chinese, Creole (Haiti), Khmer, Lao , Latin, Finnish, Hindi, Hmong, Esperanto, Javanese, Japanese etc. For 26 languages, the function of instant translation of the text photographed on the camera of the mobile is available. The main advantage of this program is that it is absolutely free.

For users of iPhone smartphones, Apalon has developed an application called “Speak and translate”, which is able to recognize and translate into Russian from 100 languages, including 42 languages that support automatic voice-to-speech translation. However, so far this program can carry out such a transfer only with the condition of constant access to the Internet.

Of course, it is difficult to argue with the assertion that “to date, no online translator, no special program that provides both interpretation and translation can replace a translator acting as an information and communication intermediary of various cultures, social and legal system” (Абшилава,2005). Indeed, artificial intelligence has not yet been invented, but highly qualified translators, whose professional competence is not in doubt, are much less than criminal cases in which the help of this participant is required. That’s why it seems possible to “choose the lesser of two evils”: electronic (automatic) translation can and should be used in those exceptional situations when the investigator or interrogator is not able to ensure the participation of a “live” translator who is fluent in the relevant language within a reasonable time (procedural an analogue of an urgent situation).

A prerequisite for the use of electronic (automatic) translation should be the use of an audio or video recording during the relevant investigative or other procedural action, which allows recording both the content of the speech in the language from which the electronic (automatic) translation is carried out and the content of the translation itself. In any case, electronic (automatic) translation should be considered as a minimum guarantee, ensuring the exercise of the right to use the assistance of an interpreter.

In case of a well-founded objection of the criminal proceedings participant to the use of electronic (automatic) translation in an investigative or other procedural action, related to the fact that such participant does not understand the speech

generated by the electronic (automatic) translator, its further use must be terminated and should be invited for further translation human translator.

The idea of the competence of a translator from the perspective of the procedural interests of participants in criminal proceedings who do not speak or do not have sufficient knowledge of the language of criminal proceedings, as well as from the perspective of entities involved in criminal proceedings, may vary. The public interest in the implementation of the principle of the language of criminal proceedings is to ensure at the level of the symbolic system the presentation of information about circumstances to be proved or relevant in the criminal case, its uniform understanding by all participants in criminal proceedings.

It seems that the implementation of this interest by the state does not fully depend on the competence of the translator. Errors made by translators when participating in criminal proceedings are often due to their carelessness, fatigue, negligence, rush, and other human factors. In this regard, the use of electronic (automatic) translation eliminates such errors by performing a “literal” translation of speech or text (what is its advantage and disadvantage at the same time).

The prospects for the development of electronic (automatic) translation in criminal proceedings entirely depend solely on the semantic and contextual accuracy of the translation carried out by the program on the basis of artificial intelligence algorithms. It is possible that in the near future, such a participant as a translator will be excluded from criminal proceedings, and his personal computer or smartphone will begin to fulfill his procedural function.

CONCLUSIONS TO CHAPTER THREE

Nowadays, the participation of the translator in the court is a very common problem. It covers problems of both procedural and organizational nature as it defines the way in which interpreter’s presence in the court can influence the course of investigation. The interpreter in the court is not a participant of the trial, he/she is a mediator who helps a person with insufficient knowledge of language to testify. The participants of the trial should follow certain rules and

recommendations of the presiding judge for the interpreter to be able to make quality translation without missing important details.

During the hearing the interpreter faces various problems, such as the speech peculiarities of the participants (dialect, accent, speech pace etc.), technical difficulties, auditory hindrances and psychological pressure.

The court should provide interpreter with all the necessary means and conditions for him/her not to make any mistakes as they have a great cost and may lead to mistrial.

GENERAL CONCLUSIONS

Human activities take place in different areas, and for each of these areas a linguistic person finds his own system of conceptual and linguistic coordinates, worked out over the centuries, due to the common origin, cultural values and traditions, language, emotional and symbolic connections, complemented by a common mental mentality and those conditions in which the transfer of experience from generation to generation takes place. Therefore, the study of the national conceptosphere is one of the ways to find out the uniqueness and universality of this culture. In modern conceptology, the concept is considered as a starting point from which further analysis can go in two directions: towards the study of the conceptual sphere of the people and the identification of its national features by analyzing culturally significant concepts or towards the analysis of the internal structure of the concept, its layers, which allows us to conclude about cornerstones in the minds of carriers of a particular mentality.

The legal system of the state is a part of culture specific to each nation. And legal concepts, as shown in the study, are associated not only with certain languages, but also with the culture of their speakers. This means that in law there are categories that can belong to only one particular legal system and have a verbal designation only in the language of this legal system. Due to the differences between legal systems, working with multilingual legal terminology and in the field of legal translation is not only a linguistic, but also legal activity, often similar to comparative law. Therefore, a linguist must take into account when translating both differences in linguistic structures and differences in legal systems, and if there is no equivalent concept in the language of translation, he must not only choose an adequate verbal designation for him, but also make the concept of the original legal system accessible and understandable to the addressee, familiar with a legal system other than the source language system.

The description of legal concepts as concepts of the humanitarian branch of knowledge and the methodology proposed and tested in the study for modeling the

mental-cognitive space of judicial discourse and the concepts and structures functioning in it can also be used in the study of other humanitarian fields, which will allow a deeper understanding of the mechanisms of thinking and cognition.

The influence of the lawyer's speech on the outcome of the case is determined by the level of knowledge of public speaking skills, the degree of preparation for speaking and the court’s obligation to resolve all the arguments of the lawyer in its final decision.

The rhetoric of judicial protection is a doctrine of the methodology and style of the procedural activity of a lawyer.

This doctrine assumes that the basis for the construction of criminal defense and defensive speech is the target setting that defines the logical and “combat scheme” of the procedural conviction.

The specifics of the goal-setting of the criminal defense makes the lawyer's speech a very special kind of public word, where eloquence is interconnected with the methodological aspects of cognition, and the speaker’s art is associated with the solution of a research problem and is aimed at an immediate practical result. The traditional concepts of oratory have a methodological content in the rhetoric of criminal defense and reflect the general idea of the system of defensive speech and the system of criminal defense.

The integrity of the lawyer's speech is connected with the logical construction of its material, which is achieved by accentuation of the main ideas, the construction of individual semantic fragments, and the sequence of transition from one thought to another.

The ancient canon of composition suggests the presence in court speech of such parts as the introduction, narration, proof, rebuttal and conclusion. Each of the compositional parts is subordinate to the general purpose of speech, but also has independent tasks. Sometimes compositional parts are considered in rhetoric as independent rhetorical arguments.

Each of the main parts of the ancient canon of composition reflects a certain method of expedient presentation of arguments. Narration, proof (confirmation)

and rebuttal (proof from the contrary) can be considered as methods of constructing speech and its individual fragments.

The composition of the advocate's speech is a sequence of methods of influencing the conviction of the court, determined by the speech system and the defense system in this case, completely subordinated to the requirement of persuasiveness, which is basic in the hierarchy of requirements for the professional activity of a lawyer.

The logical-speech basis of defensive speech is determined by its composition, plan and system of argumentation. The latter is closely interconnected with the means of speech exposure, the choice of which determines the totality of the methods of presentation of the procedural evidence.

The system of argumentation and means of verbal expressiveness is largely determined by the ethics of verbal behavior and the ethics of the professional activity of a lawyer. Only a conditional distinction between these concepts is possible, but it is important for the scientific understanding of not only advocate ethics, but also its place in the system of knowledge about criminal defense.

The problem of the participation of an interpreter in criminal proceedings is one of the most common in practice. If in the theory of criminal procedure law the principle of the language of criminal proceedings does not cause any special theoretical discussions, then its implementation in law enforcement encounters a number of problems of both procedural and organizational nature.

After checking the appearance of the persons who should participate in the hearing, the presiding judge should explain to the participants in the process the peculiarities of its conduct with the participation of an interpreter. It is necessary to explain, in order to realize whose language rights the court appointed an interpreter, how the participation of the translator will influence the course of the judicial investigation.

RESUME

Темою даної магістерської роботи є “Сучасний англомовний дискурс виступів адвокатів у суді: стилістичний та перекладацький аспекти”.

Мова та закон є тісно повязаними між собою поняттями, які доволі давно були об’єктами дослідження багатьох вчених. Навіть сьогодні це залишається актуальною темою для вивчення.

Судовий дискурс вдало фіксує всі взаємозвязки між мовою та законом. Мова є важливим інструментом в залі суду, за допомогою якого кожна зі сторін судового процесу намагається досягти своєї мети. Адвокати у своїх промовах часто вдаються до використання різноманітних стилістичних прийомів, що сприяють ефективності виступу.

Проблема участі перекладача в судовому процесі є досить актуальна сьогодні. Кожна людина, яка погано чи зовсім не володіє мовою судового процесу має право на послуги кваліфікованого перекладача. На жаль, в сучасному світі все ще не вирішені усі труднощі з якими стикається перекладач в залі суду.

Магістерська робота складається зі вступу, трьох розділів, висновків та списку літератури. Обсяг роботи складає 78 сторінок. У списку використаної літератури нараховується 79 джерел.

У першому розділі цієї роботи розкрито проблему визначення поняття «дискурс», а також розглянуто основні функції, структури та цілі промов адвокатів в суді.

У другому розділі практично досліджено концепт композиції виступів адвокатів в залі суду та подано приклади промов з використанням різних стилістичних прийомів.

У третьому розділі висвітлено роль та проблеми практики перекладача в суді.

Ключові слова: discourse, communicative space, linguistic personality, attorney speech, court interpreter.

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