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## MAIN TACTICS OF THE EMOTIONAL IMPACT STRATEGY IN AMERICAN JUDICIAL DISCOURSE

**Summary.** Recently, there has been a tendency to study speech communication as a component of human activity, since communication has much in common with other activities. They are united by the presence of the object, goals, means, ways to achieve the result and the result itself. An integral part of the speech behavior of representatives of any sphere of professional communication is the methods of the speaker's communicative influence on the addressee.

The legal discourse is no exception in this regard. The emergence of interest in the functional and pragmatic aspects of the study of oral legal discourse led to the emergence in domestic and foreign science of a large number of studies devoted to the study of the practical side of oral judicial discourse, certain linguistic aspects of the language of law and jurisprudence, as well as the pragmatic component of legal discourse. Legal discourse is a kind of institutional discourse, which in the modern world is implemented in many areas of human activity.

This article is devoted to the study of the communicative and pragmatic aspect of oral legal discourse, the main area of implementation of which is speeches in court. In this regard, we can talk about judicial discourse as a kind of legal discourse in a situation of a court session.

Various tactics of addressing the participants in the trial are one of the ways of emotional impact not only on the jurors, but also on the rest of the persons present in the court. Appeals can contain a variety of speech elements of psychological impact on a person – compliments, words of gratitude and praise, manifestations of sympathy and respect, as well as humorous statements and jokes, the effect of which impresses those present in the hall and disposes to the lawyer and the defendant. Passages of addresses are most often saturated both stylistically and lexically, combining attention-grabbing turns of speech and constructions.

Having a communicative impact on the audience, the lawyer pursues the goals of the cognitive and communicative plan, implemented through the strategies of communicative impact.

This article analyzes the main tactics of the emotional impact strategy in American judicial discourse, and also highlights their most characteristic features, due to national and cultural specifics. Among the considered tactics, special attention is focused on such tactics as professional self-presentation, the creation of a “circle of friends”, the creation of a “circle of strangers”, a compliment, an analogy.

**Key words:** emotional impact strategy, tactics, linguistic culture, judicial discourse, “circle of friends”, “circle of strangers”, compliment, analogy.

Having a communicative impact on the audience, the lawyer pursues the goals of the cognitive and communicative plan, implemented through the strategies of communicative impact.

The speech behavior of lawyers during their opening and closing speeches in a trial with the participation of jurors determines the choice of certain strategies and tactics of communicative influence on addressees.

Let us note the fact that professional participants in judicial communication (prosecutors and lawyers) one way or another have an emotional impact through the basic strategies of defense and prosecution, but, in our opinion, it is legitimate to single out a separate universal strategy of emotional impact, since the degree of interpretation of the facts on which jurisprudence relies is determined precisely by this strategy.

In turn, the strategy of emotional impact is considered as a set of tactics of emotional impact. Let us dwell on the general characteristics of some of them.

We single out the tactics of professional self-presentation, the use of which is caused by the desire of participants in judicial communication to position themselves within the professional community, moreover, direct self-presentation consists in the fact that the speaker gives himself a complimentary description in an explicit form, while indirect self-presentation, which is much more often resorted to, consists in fluency in legal terminology, references to one's high qualifications and rich professional experience: “And in doing so, in the exhaustive examination and cross-examination of all of the witnesses in this case and the exhaustive investigation and work that's been done, one thing is clear: This defendant has received the ultimate in a fair trial” [3]. By repeatedly using the epithet “exhaustive” in combination with the collective generalizing pronoun “all” (exhaustive examination and cross-examination of all of the witnesses, exhaustive investigation and work), the prosecutor emphasizes the fact that he did a lot of work, implicitly pointing to his professionalism.

The tactics of creating a “circle of friends” and a “circle of strangers” are organically combined with each other and are based on the common values and norms adopted in this society. When implementing this tactic, the opposition “friend – stranger” is actively exploited, which is universal for any culture, since it is natural for a person to attribute himself to one or another social group, opposing this group to other groups that do not share the values of “friends”: “And he rejoiced in the death and destruction, because he knew he had done his part to kill Americans, and that the plot had succeeded. Now, he caused the deaths by lying to federal agents about what he was doing in the U.S., and his lies permitted his all Qaeda brothers to go forward, and that's what they did” [1]. Terrorism has become one of the most urgent problems faced by American society, so the idea of uniting society in the fight against terrorism is extremely popular today in the United States. In this passage, the defendant's belonging to one of the terrorist groups transfers him

to the category of "strangers", excluding him from the "friends". The idea of alienation is realized with the help of a number of techniques: words with the semantics of "destruction, death" (death, destruction, kill); oxymoron (rejoiced in the death and destruction); allusions (his all Qaeda brothers); euphemism (to go forward). The mention of terrorist plots against America and Americans (he had done his part to kill Americans, the plot) is quite often exploited in American linguistic culture, and in various spheres of society, such as politics, the media, and even in the field of law in order to attract representatives of civil society to their side.

The tactics of compliment and imitated dialogue are contact-establishing and contact-supporting tactics. So, the compliment tactic usually helps to start a conversation, in other words to "break the ice". According to the definition of L. S. Cherneiko, it controls interpersonal distance and is a signal of proximity, and the main function of a compliment is to establish contact and maintain friendly relations, when the speaker's task is to locate the interlocutor [2]. Stereotypical situations predetermine both the choice of compliments and the reaction to them: rejection of a compliment, gratitude, return compliment, which is dictated, first of all, by the cultural model [3. p. 34].

The compliment tactic, in addition, contributes to the creation of a positive emotional background of the communication situation, reduces confrontation: "We're a nation that's governed by laws and the Constitution. We try to provide equal justice to everyone. Our Constitution guarantees to all defendants the right to a jury trial. And that is why you are here, as a check against the abuse of government power, with roots in the law as far back as the Magna Carta. And for serving we all thank you and appreciate your time" [1]. The lawyer resorts to a detailed multifaceted compliment in combination with the tactics of creating a "circle of friends".

The first plan is a global compliment - a compliment to the entire nation, to the entire people, implemented with the help of a number of arguments:

1) nation that's governed by laws and the Constitution (reliance on the law, supported by a reference to the Constitution, as well as an appeal to patriotism);

2) equal justice to everyone (exploitation of the popular idea of a "country of equal opportunities");

3) Constitution guarantees ... the right to a jury trial (a reference to the Constitution, backed up by personification, in which the Constitution is likened to a human being capable of guaranteeing certain rights and freedoms).

The second plan is a local compliment directed specifically at the actual addressee - the jury, which also has a complex structure and is implemented through a set of implicatures:

1) as a check against the abuse of government power (an appeal to the traditional idea of checks and balances in American society, the balance of power, which ensures a fair consideration of all important issues);

2) roots in the law as far back as the Magna Carta (an appeal to traditional values in Western culture, the introduction of the precedent name "Magna Carta", which is a synonym for law in Western culture);

3) we all thank you and appreciate your time (emphasized attention to the personality of each, respect for the individual's personal contribution to the implementation of the general idea of justice). In addition, the prosecutor makes it clear to the jury that he values their

personal time, which is extremely important in Western culture, in which time is considered as one of the main values.

So, the lawyer combines an appeal to the core values of Western society (individualism, punctuality, justice under the law, patriotism) with an appeal to the tradition that prevails in society very competently.

The tactic of a compliment, as a rule, is combined with the tactic of imitated dialogue. Since the dialogic form of communication is the most natural for a person, the tactics of imitated dialogue is doomed to success: it allows you to largely influence the situation of communication, guiding it in the right direction using a number of techniques, such as rhetorical questions or question-answer complexes: "Now, just crazy mistakes are made, really bizarre activities are done after that. Does it change the fact that the act was in self-defense? No. It's after the event. Does it change the fact that accident played a part in it? No. It's after the event. Is it bizarre? Is it grotesque? Yes. Is it explainable? Yes. And we will explain it to you" [4]. The lawyer resorts to the traditional technique that implements the tactics of imitated dialogue - the introduction of a question-answer complex, and the structure of the questions is very remarkable: they all belong to the category of general questions, that is, those that provide for short affirmative or negative answers. A short answer "Yes" or "No" is a milestone, a landmark that attracts and focuses attention on the most important points of speech.

Questions and answers are a sequence of interrelated, logically following one from the other verbal cues. Thus, a logical chain is created, with the help of which the lawyer builds a rational argument, appealing to the interlocutor's common sense. The absence of special questions in the above chain is also not accidental: the author does not introduce additional information so that it does not interfere with the perception and comprehension of the above argumentation, does not lead to the side.

A large number of epithets creates an appropriate image of a strange and largely random incident (crazy mistakes, bizarre, grotesque activities). But, for all the strangeness of what is happening, the lawyer appeals to the popular belief in Western society in common sense, rationality, logic (Is it explainable? Yes. And we will explain it to you).

The tactic of an imitated dialogue echoes the tactic of appealing to the life experience and common sense of the judge and jury. This tactic allows you to shift the emphasis in communication, making the recipients of information the center of communication (their interests, tastes, expectations, value orientations), thereby contributing to the effectiveness of communication: "Logic, common sense, it ought to be there. The DNA, the amplicons, those little things, they don't know where to go. Contamination is a random thing, happens willy-nilly. And what you have here is they're trying to get you to believe that only the killer's blood was contaminated, and it was consistently contaminated with only the defendant's blood type. Does this make any sense to you?" [4]. In his speech, the lawyer directly appeals to the jury's common sense, implementing his communicative intention through a set of techniques. At the very beginning of the paragraph, we find a direct reference to logic and common sense (Logic, common sense, it ought to be there). The following is a detailed substantiation of the conclusions of the investigation so that the jury can trace the entire logical chain, analyze each stage of the argument and draw the only possible, logically justified conclusion. At the same time, the lawyer expresses his thoughts in an extremely understandable language, focusing on

the listener – the average American who is far from medicine or forensic science.

In this case, there is a tendency for government officials to focus on the common man, which is characteristic of American linguistic culture: everything should be simple, understandable, accessible. The desired effect is reinforced by a rhetorical question at the end of the paragraph (Does this make any sense to you?).

The tactics of analogy is based on the mechanism of assimilation of any new phenomenon, situation to familiar, habitual phenomena or situations, thereby facilitating the perception and understanding of unusual images and situations: “So why were these issues raised? Why were these questions raised? Well, they are all questions and issues that were raised as a distraction. There were roads raised, roads created by the defense to lead you away from the core truth and the issue that we are searching for the question – for the answer to – which is, who murdered Ron and Nicole? But these roads, ladies and gentlemen, these are false roads. They’re false roads because they lead to a dead end” [5]. The lawyer resorts to analogy tactics, considering the court session as a network of roads, from which it is vitally important to choose one correct one.

The defense side creates these "roads" leading away from the main road – from the truth (roads raised, roads created by the defense to lead you away from the core truth). The image of a road that leads to a goal or leads away from it is typical for American linguistic culture, which has developed due to the movement and interaction of ethnic groups (for comparison, we will cite a number of English-language idioms actively used by Americans: There are more ways to the wood than one.; the road less travelled; get the show on the road; hit the road; one for the road).

In addition, Americans value mobility, freedom of movement, for them freedom is associated with the road. Therefore, in our opinion, the applied analogy evokes multiple associations and contributes to a better understanding and perception of the communicative situation.

Lawyers resort to using the strategy of appealing to emotions in their opening and closing speeches. This is due to the fact that representatives of the law seek to exert a psychological influence on the jurors, arousing in them feelings of justice or sympathy towards the defendants.

The strategy of appeal to reason is less commonly used, however its use also has a certain place in correctly constructed and reasoned speech. The implementation of mixed tactics depends on many factors; however, they are always used to some extent by lawyers for various purposes.

A wide range of language and linguistic tools help barristers and prosecutors to achieve their goals. Some of them help to give the performance a certain degree of expression and emotionality, while others help to build a clear and reasoned individual line of defense or accusation.

Thus, various tactics of addressing the participants in the trial are one of the ways of emotional impact not only on the jurors, but also on the rest of the people present in the courtroom. Appeals can contain a variety of speech elements of a psychological impact on a person – compliments, words of gratitude and praise, manifestations of sympathy and respect, as well as humorous statements and jokes, the effect of which impresses those present in the hall and disposes to a lawyer or prosecutor. Passages of addresses are most often saturated both stylistically and lexically, combining attention-grabbing turns of speech and constructions.

In conclusion, we note the fact that, according to our observations, the American linguoculture is characterized by the use of all the identified tactics by both prosecutors and lawyers who resort to a combination of several tactics to create the effect of rapprochement with the audience.

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#### Гусейнова К. С. Основні тактики стратегії емоційного впливу в американському судовому дискурсі

**Анотація.** Останнім часом спостерігається тенденція вивчення мовної комунікації як компонента людської діяльності, оскільки спілкування має багато спільного з іншими видами діяльності. Їх поєднує наявність об'єкта, цілей, засобів, способів досягнення результату та самого результату. Невід'ємною складовою мовної поведінки представників будь-якої сфери професійної комунікації є методи комунікативного впливу на адресата.

Юридичний дискурс не є у цьому відношенні винятком. Виникнення інтересу до функціональних та прагматичних сторін вивчення усного юридичного дискурсу зумовило появу у вітчизняній та зарубіжній науці великої кількості досліджень, присвячених вивченню практичної сторони усного судового дискурсу, окремих лінгвістичних аспектів мови права та юриспруденції, а також прагматичної складової. Юридичний дискурс є різновидом інституційного дискурсу, який у сучасному світі реалізується в багатьох сферах людської діяльності.

Ця стаття присвячена дослідженню комунікативно-прагматичного аспекту усного юридичного дискурсу, основною сферою реалізації якого є виступи у суді. У зв'язку з цим ми можемо говорити про судовий дискурс як різновид юридичного дискурсу в ситуації судового засідання.

Різному роду тактики звернення до учасників судового процесу є одним із способів емоційного впливу не тільки на присяжних, а й на інших осіб, присутніх у залі судового засідання. Звернення можуть містити різноманітні мовні елементи психологічного впливу на людину - компліменти, слова вдячності та похвали, прояви співчуття та поваги, а також гумористичні висловлювання та жарти, ефект яких вражає присутніх у залі та сприяє адвокатам або прокурорам. Пасажи звернень найчастіше насичені як стилістично, так і лексично, поєднуючи у собі привертаючі увагу мовні звороти та конструкції.

Здійснюючи комунікативний вплив на аудиторію, юрист має на меті когнітивний та комунікативний план,

що реалізуються за допомогою стратегій комунікативного впливу.

У цій статті аналізуються основні тактики стратегії емоційного впливу в американському судовому дискурсі, а також виділяються їх найбільш характерні риси, зумовлені національною та культурною специфікою. Серед тактик,

що розглядаються, особлива увага акцентується на таких тактиках, як професійна самопрезентація, створення «кола своїх», створення «кола чужих», комплімент, аналогія.

**Ключові слова:** стратегія емоційної дії, тактика, лінгвокультура, судовий дискурс, «коло своїх», «коло чужих», комплімент, аналогія.