

Prosecutors' Forensic Speech in Implicit Pragmalinguistics

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By

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**CAMBRIDGE
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P U B L I S H I N G

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This book first published 2011

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

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ISBN (10): 1-4438-2961-7, ISBN (13): 978-1-4438-2961-8

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PART I

FORENSIC SPEECH OF A PROSECUTOR

1. Forensic speech of a prosecutor as a speech genre

The purpose of this opening section is to determine the features of stereotyped speech behaviour of public prosecutors in the speech genre of “speech for the prosecution.” To identify these peculiarities, it is first important to determine the status of this speech genre.

In modern linguistics, there is no generally accepted concept of a speech genre. There are many definitions of the term “genre” (Dementiev 1997, 109). In our study, we follow Bakhtin, who defines speech genres as relatively stable types of utterances, produced by the areas of language use. Three things—thematic content, style and compositional structure—are inextricably linked in a statement and are identified by the specifics of each sphere of communication (Bakhtin 1986, 428). From the point of view of linguapragmatics, a speech genre is a text produced in a typical situation of communication and reproduced in the communicative activity of native speakers. It is characterised by a certain set of elements of the situation, as well as by a set of speech tasks undertaken (Nazarov 1997, 22).

The main difference between one genre and another is not in linguistic features, although each of the genres is characterised by the predominance, or, conversely, the absence of certain linguistic elements, but in the content orientation of a text and its functional purpose (Bushev n.d.).

The concept of Bakhtin distinguishes primary (simple) and secondary (complex) speech genres. Secondary speech genres—novels, plays, research, great journalistic genres, etc.—appear in more complex and highly developed organised cultural communication (primarily written), i.e. fiction, scientific, socio-political, etc. In the course of their formation, they absorb and use various primary genres (for example, a phrase of everyday dialogue) appearing in conditions of spontaneous speech communication (Bakhtin 1986, 430).

The speech for the prosecution in court is a secondary speech genre. It can be referred to as a type of oral public speech which sharply differs

from everyday speech and which is characterised by the following set of features:

- (1) there is one speaker and many listeners
- (2) the change of roles between “speaker” and “listener” is not possible
- (3) the relationships between the speaker and listeners are official, and they are characterised by inequality of the roles in the act of communication
- (4) the theme is fixed (Golanova 1993, 137).

Originally, the prosecutor’s speech existed as an oral speech, and after this came to us in the form of printed text. Because of this fact, paralinguistic intensifiers such as voice timbre, character and strength of pronunciation (whisper, shout), facial expressions, gestures, body movements and extralinguistic sensitisers disappear (Kisseleva 1978, 113). In addition, the psychic ground of speech perception, environment, the social roles of the participants of the speech act, authoritativeness, and the speaker’s appearance, which are clearly present in oral speech and amplify the positive effect of the speaker’s influence, also disappear (Varnavskikh 2001, 179). The speech of a public prosecutor is represented as a text, and in an analysis of any text which is a part of a joint practice of people, of processes of interpersonal interaction, the pragmatic intention, or function, of the text is taken into account (Najer 1990, 5).

A forensic speech performs a number of interconnected functions: cognition, communication and psychological impact (Enikeev 1996, 561). A functional style stands in relation to a speech genre as its peculiar systemic manifestation. A functional style in a speech genre is manifested in the form of a purposeful selection of certain linguistic devices and techniques. A speech genre in relation to a style serves as its concrete application in various situations of communication in a definite sphere of activity. A genre is not considered to be the equivalent to the concept of “style,” but a separate concept concurrently parallel and relative to “style” (Drugaliyova 2003, 253).

At the present stage of scientific development, one of the major problems of stylistics is the classification of functional styles. Despite a large number of recent papers devoted to functional styles, there is still no consensus on the number existing. Different sources give contradictory numbers: three (Piotrovskiy 1960, 20–21), five (Matveeva 1997, 21–25), eight (Gvozdev 1965, 17–28) and as many as twelve (Cheremissin 1971, 95–96). Both the number and characteristics of functional styles are different in the classifications of different researchers. It is advisable to

select styles, not so much on theoretic but on pragmatic grounds (Puzyriov 1997, 7), and it is on pragmatic grounds that we distinguish five styles: an official style, a publicistic style, a scientific style, a colloquial style and a belles-lettres or fiction style.

A forensic speech as an oratory genre has its own stylistic originality (Mikhailov 1968; Pirinova 2001). This peculiarity is demonstrated by the following: firstly, a forensic speech refers to two styles of literary language, publicistic and official, and secondly reflects features of other styles of literary language, scientific and colloquial. Thus, the speech genre of speech for the prosecution is a complex functional-style formation which uses the signs of different functional styles. Let us study in more detail the manifestation of the features of listed styles (publicistic, official, scientific and colloquial) in the speech genre of speech for the prosecution.

First, we will analyse a speech of a public prosecutor from the point of view of the publicistic functional style and study the manifestation of the main feature of this style—the use of the open evaluation for best effect—in the speech for the prosecution. The main goal of the publicistic style is to influence a listener or a reader for agitation and propaganda. Thus, for example, a public prosecutor of the former Soviet Union had the task not only of creating around a crime and a defendant an atmosphere of condemnation, but also to be an advocate of communist ethics and morality (Baskov 1977, 161). Before each public prosecutor in any socio-political system, there is the goal of creating an atmosphere of conviction around a criminal, and is why each episode of a crime is reviewed and evaluated from this perspective. The speech of a public prosecutor has a bright negative character, both from the point of view of a negative component (the average speech-genre index of negative evaluation is 45 percent, whereas the positive is only 12 percent; see table 7) and from the point of view of the diversity of expression.

Designations of negative are also more differentiated than the positive in speeches of other kinds. This position is based on the studies of cognitive psychology, according to which the information associated with something unpleasant for a person, with negative emotions, is more differentiated than the information with positive connotations. According to psychologists, a person distinguishes in more detail what is causing their discomfort and differentiates unpleasant emotions better than pleasant ones (Volf 1986, 102).

An explicit expression of the negative attitude of an author may be made on the basis of invectives. An invective, through semantics, expressive colour and evaluative content, communicates the intention of

the speaker or writer to humiliate, insult, dishonour or disgrace an addressee or third person in a sharp and cynical form, as much as possible (Bazylev n.d.). In modern Russia and Britain, there is no invective vocabulary in the statements of prosecutors speaking in court, but such a vocabulary is very characteristic for the public prosecutors of the USSR working in the 1920s to 1940s, and to a lesser extent in the speeches for the prosecution working at the end of the nineteenth century in Russia.

Invective vocabulary in the speeches for the prosecution is so diverse that one can divide it into the following types according to the principle of direct/indirect nomination (category):

I. Direct nomination:

- (a) Invective vocabulary originally denoting a person engaged in anti-social, socially condemned activities (translations of the examples are in brackets following the examples):
 - (1) *Хохлов—преступник* [Khokhlov is **a criminal**] (Pokrovskiy 1965, 153)
 - (2) *Инглинк говорил, / что таких **рвачей** надо терпеть* [Inglink said / one should bear such **grabbers**] (Kondrushkin 1965, 467–468)
 - (3) *Троцкисты и правые – это **капитулянты*** [Trotskyists and right-wingers are **trucklers**] (Vyshinskiy 1955, 325)
 - (4) *Кровью пионера обгажены руки правых **изменников***. [The hands of the right-wing **traitors** became stained with blood of the pioneer] (Pokrovskiy 1965, 15)
- (b) These words have a bright negative connotation which is the main component of the meaning but in a specific time frame:
 - (5) *Они хотели вернуть **кулаков** и **помещиков**,/ действуя единым фронтом с **фашистами*** [They wanted to return the “**kulaks**” (**rich peasants**) and **landlords** / acting as a united front with the **fascists**] (Pokrovskiy 1965, 11–12)
 - (6) *Ни один сколько-нибудь серьезный заговор против Советской власти в СССР не обошелся без прямого и самого активного участия в нем **иностранных капиталистов***. [None of any serious plots against the Soviet regime in the Soviet Union was without the direct and very

active participation of **foreign capitalists**] (Vyshinskiy 1955, 250)

- (c) Invective words containing in their meanings a negative evaluation, and, what is more, a very expressive evaluation of someone's personality:
- (7) *Они вдохновляли силы кулачества и других **подонков** общества.* [They inspired the forces of the kulaks and other **dregs** of society] (Pokrovskiy 1965, 13)
- (8) *Русскому обществу нужно знать разоблаченную на суде правду об этой **заразе**.* [The Russian society should know the unmasked court truth about this **plague**] (Muraviov, 25)

II. Indirect nomination:

- (a) Metaphors referring to the names of animals, birds, insects, which cause unpleasant associations for the listeners:
- (9) *Партия эсеров превратилась в **змею**, / жалящую в пяту* [The Socialist Revolutionary Party has turned into a **snake**, / stinging the heel] (Pokrovskiy 1965, 200–201)
- (10) *Седков оставил такой сладкий кусок, / что в нем увязли все **слетевшиеся** им попользоваться.* [Sedkov had left such a sweet piece, / that all **those flying together** stuck in it] (Koni 1968, 407–408)

Here (in the 10th example) we can see a hint at a fly as a kind of insects

- (11) *В декабре Рыков **каркает** о непрочности Советской власти.* [In December Rykov **croaks** about the fragility of the Soviet power] (Vyshinskiy 1955, 484)

In this example we cannot but feel the attempt of the public prosecutor to show us Rykov as a bird, a crow.

- (12) *Эта **мышь**, / пойманная в мышеловку ...* [This **mouse**, / caught with a trap ...] (Vyshinskiy 1955, 843–844)
- (13) *Бухарин – это проклятая **помесь лисицы и свиньи*** [Bukharin is a damn **cross between a fox and a pig**] (Vyshinskiy 1955, 478)

- (b) Occasional (especially created) formations have the aim of humiliating or insulting an addressee:

(14) *После крушения учредилки* (то есть “Учредительное собрание”) эсеры могли заняться пропагандой своих идей в массах. [After the collapse of the “**uchredilka**” (“Constituent Assembly”) socialist revolutionaries could promote their ideas to the masses] (Pokrovskiy 1965, 42)

(15) *Оцените роль этого господинчика, / болтающего о том, / что **обер-бандит** и англо-германский шпион Троцкий уже в 1932 году сбросил свой “левацкий мундир.”* [Evaluate the role of this gentleman, / chatting / that the “**ober-bandit**” (“subaltern bandit”) and the Anglo-German spy Trotsky had already thrown off his “**levatskiy mundir**” (this is a new expression for a uniform of the left-wing party) in 1932.] (Vyshinskiy 1955, 70–72)

(16) *Бухарин—патентованный лицемер и иезуит.* [Bukharin is a **patented hypocrite and Jesuit**] (Vyshinskiy 1955, 765)

- (c) The names of literary characters and their forms which have a negative characterisation:

(17) *Тот самый Вандервельде—это **Чичиков** с его мертвыми душами.* [The very Vandervelde is **Chichikov** with his dead souls] (Lunacharskiy 1965, 423)

This literary character (Chichikov) is from the famous *Miortviye dushi* (*Dead Souls*) by Gogol

(18) *Меня мало интересует **хлестаковщина** Окладского.* [I am not so much interested in “**khlestakovshchina**” of Okladskiy] (Koni 1968, 221)

“Khlestakovshchina” is a word made of the name Ivan Alexandrovich Khlestakov, the main character of Gogol’s *The Government Inspector*.

- (d) Proper names with deliberate changing of the number (singular into the plural), claiming to be a generalisation and reinforcing the negative assessment of the defendant and his crime:

- (19) *Бухарины и Рыковы, Ягоды и Булановы, Крестинские и Розенгольцы, Икрамовы, Шаранговичи, Ходжаевы под руководством Троцкого делают свое черное дело ...* [Bukharins and Rykovs, Yagodas and Bulanovs, Krestinskies and Rosengoltzes, Ikramovs, Sharangoviches, Khodjaevs under the leadership of Trotsky do their dirty work ...] (Vyshinskiy 1955, 114)
- (20) *Тогда вслед за Окладскими прошли Дегаевы.* [Then after Okladskies there were Degayevs.]. (Koni 1968, 690)
- (21) *А у эсеров полковники Галкины стояли во главе армии. / Колчаки, чаплины взяли в железные руки партию эсеров.* [And the Socialist Revolutionary Party had Generals Galkins standing at the head of the army./Kolchaks, Chaplins took into their iron hands the Socialist Revolutionary Party.] (Lunacharskiy 1965, 509 and 616)

The analysis of the expression of the negative evaluation with the help of invective vocabulary shows that this phenomenon is a characteristic of “totalitarian linguistic consciousness” (Vorozhbitova 2000, 10). However, at the present stage of the development of Russian and British societies in the era of democratic changes, this method of impact on a listener is not acceptable.

Use of a large number of high and solemn words by the public prosecutor also serves for the formation of evaluation as a way of influencing:

- (22) *... человек, / который сейчас не испытывает никаких угрызений совести / и боится только справедливого возмездия ...* [... a man,/who is not conscience-stricken now/and is afraid of only just retribution ...] (Trukhanov 1985, 716–718)
- (23) *Пора сорвать маску с этих непрошенных благодетелей человечества.* [It is time to tear the mask from these uninvited benefactors of mankind.] (Muraviov, 18)
- (24) *Троцкизм и правые превратились в оруженосцев буржуазной контрреволюции* [Trotskyism and the right-wing party became the sword-bearers of the bourgeois counter-revolution] (Vyshinskiy 1955, 352)

The publicistic style is also characterised by the use of the words on social, political and ethical themes:

- (25) *тайное сообщество, правительство, злодеяние* [secret society, government, evil deed] (Muraviov, 7, 13, 3)

In the speech for the prosecution one can see emotionally coloured words, typical for the publicistic functional style:

- (26) *отголоски того мирка, скромненький офицер с капиталцем* [echoes of that “microcosm,” a “modestish” officer with a “kapitalets” [that is a very small amount of money] (Koni 1968, 24 and 43)
- (27) *В этом вихре поднимается много и мутн.* [In this whirlwind a lot of turbidity rises] (Lunacharskiy 1965, 133)

As we can see, there is an abundance of high and solemn words, lexemes on social, political, moral and ethical themes and emotionally coloured words in prosecution speeches before the professional trial in the Soviet period, and before the jury in all periods.

Each court indictment in every state system or regime is a public political statement. A state prosecutor always acts not on their behalf, as the others members of the trial, but on behalf of the state and the law. The specific purpose of the prosecution speech is to convince the court and all other addressees in the courtroom of the defendant’s guilt, to make them agree with the conclusions offered by the prosecutor, and thereby to facilitate the proper formation of internal judicial opinions and legal consciousness of citizens. Through their speech, a public prosecutor helps to create an atmosphere of moral condemnation around the criminal and mobilises public opinion against crime. Pleading in court stimulates thought, and is therefore an important means of influence, and the formation of the listeners’ certain worldview, social and political consciousness is one more feature of the publicistic style. Therefore, the speech genre of prosecution speech can be considered the publicistic functional style of modern language.

The following functional style that the speech genre of prosecution speech should be described is the official style, characterised by accuracy and standardisation of expression. Let us analyse how these features are manifested in a court speech of a public prosecutor.

Speeches of the participants in the judicial debate are carried out in the legal field, serving the official relationship between justice and the defendant, and determine the position of the supervisory bodies of the state in a particular case. Therefore, an important social function of a judiciary speech allows us to speak about its correlation with the official style,

primarily characterised by extreme accuracy, not allowing for another point of view. A judicial speaker, analysing the facts of the case, has no right to make a mistake to avoid the wrong determination of the court. Every phrase, every word must completely convey the point of view of the speaker (Ivakina 1995, 41–42). It is typical of the official style to use the words in their literal sense, and the system of speech here is, to a large extent, codified, so it is associated with the standardisation of the expression (Matveeva 1997, 22). Socially fixed formulas expressing legal relations definitely convey relevant concepts and facts. Let us give some examples: “legal action,” “jurisdiction of a court,” “principal suspect,” “direct/material evidence,” “attendant circumstances,” and so on. Such expressions are found in any speech of a public prosecutor. The meaning of a legal cliché is fixed in legal documents and does not allow ambiguities. The terms of communication in an official sphere determine the appearance of standards. As everything in all legal relations is regulated, and communication is carried out according to certain standards which make this interaction easier, so speech standards turn out to be necessary and even desirable and justified. That is why there is an abundance of stable combinations of terminology (without emotion and expressivity) (Antonenko 1999, 152).

From the point of view of syntax, we can see that complex sentences with various types of causal relations, homogeneous parts of the sentence and participle constructions are used in official language of the speech for the prosecution. Subordinate conjunctions (“as,” “because of,” etc.), as well as parenthetical words are also commonly used (“first of all,” “therefore,” etc.) (Matveeva 1997, 22).

More often, the official style is used for naming the elements of the *corpus delicti*, the legal procedure, procedural documents and for drawing conclusions about the factual circumstances of the case and the punishment (Ivakina 1995, 44).

The official style is characterised by the “dryness” of presentation and by the lack of expressive means (Vvedenskaya 1994, 35), and more frequently exactness and laconism are observed in the prosecution speeches before professional judges at the present moment.

We have discussed how the official style is manifested in texts of the speech genre of prosecution speeches. Now let us turn to the scientific functional style.

With regard to the scientific functional style, all researchers identify such features as clearness of expression of thought, and a strong following of the norms and terms (Senkevich 1976, 36). For example:

(28) *Прошу квалифицировать данное деяние по статье 213.3 УК РФ как хулиганство, / т.е. грубое нарушение общественного порядка, / выражающее явное неуважение к обществу, / с применением насилия к гражданам, / совершенное с применением предметов, / используемых в качестве оружия.* [I ask you to qualify this act according to Article 213.3 of the Criminal Code of the Russian Federation as hooliganism, / that is a gross violation of public order / expressing a clear disrespect for society / with the use of violence to citizens, / committed with the use of objects / used as a weapon] (Glyuzitskiy, 23–27).

Scientific speech has inherent logical accuracy, objectivity and consistency (Razinkina 1972, 28), these traits helping it to be methodologically convincing (Volodina, n.d.). This consistency is seen in the composition of prosecution speech in court, consisting of the following parts (Enikeev 1996, 571–572):

- (1) Opening statement
- (2) Exposition of the factual circumstances of the act, the course of events of the case
- (3) Analysis and evaluation of collected evidence of the case
- (4) Argumentation of determination the nature of the crime
- (5) Characteristics of the defendant and the victim
- (6) Proposals for the sentence or the verdict
- (7) Issues of compensation for the offense caused
- (8) Analysis of the causes and conditions that contributed to the offence. Proposals to eliminate them
- (9) Conclusion

The features and language means of the scientific style are most often seen in such parts as “Analysis and evaluation of collected evidence of the case” and “Argumentation of determination the nature of the crime.” The main goal of the scientific style is proof, and the main features arising from the abstraction and accuracy of thought are generalisation and emphasised logical consistency of presentation, when the dynamics of thinking develop from the statement of the criminal acts to disprove the opposing point of view. Judgments and conclusions follow one after the other in strict logical sequence (Ivakina 1995, 44), especially if there is an absence of direct evidence of defendant’s guilt and the prosecution is

based on circumstantial evidence. Then the speech is characterised by strong logic and appropriate means of argumentation.

The scientific style usually demonstrates a great number of references to sources of procedural legislation to the facts:

- (29) *Факт хищения Щербининым из квартиры Алимпиевой Л.Н. полностью подтверждается следующими доказательствами: / показаниями потерпевшего Струкова, / оглашенными показаниями потерпевшей Алимпиевой, / протоколом опознания Струковым Щербинина, / протоколом изъятия вещей у Щербинина, / протоколом опознания вещей Струковым, / протоколом осмотра места происшествия.* [The fact of the theft from L. N. Alimpieva's apartment by Sherbinin is fully supported by the following **evidence: / the testimony of the victim Strukov, / the disclosure of evidence of the injured Alimpieva, / the protocol of Shcherbinin's identification made by Strukov, / the protocol of seizure of the objects from Shcherbinin, / the protocol of identification of the things made by Strukov, / the protocol of inspection of the place of the incident**] (Makhno, 9–15)

In the speeches for the prosecution there are a large number of citations, usual for the scientific style:

- (30) *Обязанность соблюдать законодательство о государственной тайне вытекает из общеправовой обязанности органов государственной власти, местного самоуправления, должностных лиц, граждан и их объединений соблюдать Конституцию Российской Федерации и законы (статья 15, часть 2 Конституции РФ).* [The obligation to comply with the state secrecy laws is derived from the common law duty of public authorities, local self-government, officials, citizens and their associations to observe the Constitution and the laws of the Russian Federation (Article 15, Part 2 of the Constitution of the Russian Federation)] (Kondakov, 21)
- (31) *Согласно заключению судебно-медицинского эксперта, "Козыревой были причинены: три ушибленные раны правой лобной области и правой теменной области головы; переломы костей свода и основания черепа;*

ушиб вещества головного мозга; одиннадцать проникающих колото-резаных ранений груди с повреждением левого легкого.” [According to the medical examiner, “**Kozyreva suffered: three contused wounds of the right frontal region of the head and of the right parietal region of the head, fractures of the calvarium and the skull base; contusion of the brain substance; eleven penetrating stab wounds to the chest with the injury of the left lung**”] (Abramov 2002, 212)

- (32) As the judgment emphasised | “**this passage gives too little weight to the dangers of convicting on uncorroborated evidence of identity**” (Andrade, 62–63)
- (33) He said | “**Give me all the money...**” (Whyllie, 34–35)

A trial speech is a purposeful volitional act in which a prosecutor proves the existence of a crime (Antonenko 1999, 136), so the frequent use of links to sources for specific facts and to opinions of competent people are characteristics of the scientific style.

Some researchers also mention the bright conversational traits of modern judicial speeches (Makarova 1985, 9), but, in my opinion, more likely one can speak only about the elements of the colloquial style in public prosecutor speech, as the goal of the colloquial style is to exchange thoughts, impressions and communication. This goal does not match the purpose of persuasion characteristic for a public speech at the court. Normative judicial speech is devoid of vulgar and everyday words and unnecessary neologisms. A lawyer’s speech must be ethically restrained, and the difficulties and misfortunes of people must not get worse due to vulgar public mockery (Enikeev 1996, 274). However, in prosecution speech we can observe lexemes which are characteristic of the colloquial style: emotionally coloured words, words with a figurative sense, parenthetical words, and repetition of words. For example:

Emotionally coloured words:

- (34) *гнусные преступления, великий советский народ, злейшие враги* [**filthy** crimes, the **great** Soviet people, the **bitter** enemies] (Pokrovskiy 2, 6, 12)

Words with a figurative meaning:

- (35) *Первую скрипку играли белоэмигранты ... / Факты оживают / и начинают говорить* [The first violin was played by the White-Guard émigrés (the ones who left Russia with the White Guard in early Soviet period) ... / The facts are coming to life / and are starting to speak] (Vyshinskiy, 257, 518–519)

Parenthetical words:

- (36) *Конечно...* [Sure ...] (Melnikov, 215)
 (37) *...наверное...* [... maybe ...] (Salnikov, 62)
 (38) *Apparently...* (Whylie, 196)
 (39) *Perhaps ...* (Tepleman, 53)

Repetition of words:

- (40) *Скоро исполнится три года..., три года ...* [Soon it will be three years ..., three years ...] (Krylenko, 2–3)
 (41) *Религиозность русского крестьянина, русского рабочего, русского обывателя ... с целью классовой, с целью ниспровержения ...* [The religiosity of the Russian peasant, the Russian worker, the Russian man in the street ... with the aim of the class, with the aim of overthrowing the ...] (Krassikov, 38)

Thus, some elements of the colloquial style penetrate into the genre of the speech for the prosecution.

Having examined the functioning of the speech genre of prosecution speech, we can conclude that it contains features of the publicistic, official, scientific and colloquial styles. However, the peculiarities of these styles are unevenly distributed in the speeches of public prosecutors: the signs of the publicistic style dominate in prosecution speeches before a trial by jury in the nineteenth and twenty-first centuries in Russia, in English-speaking prosecutors before a trial by jury at the beginning of the twenty-first century, and in Russian-speaking prosecutors before a professional trial in the 1920s to 1940s. Signs of the official style dominate in speeches of Russian-speaking prosecutors before a professional trial at the beginning of the twenty-first century.

We have studied the characteristics of prosecution speeches as a special speech genre. Now let us turn to the issues related to research

methods of studying the speech behaviour of public prosecutors in this speech genre from the point of view of pragmalinguistics.

2. Individual speech behaviour of prosecutors from the point of view of pragmalinguistics

Speech behaviour is considered an automatic stereotypical speech manifestation, without conscious motivation, due to typical repeated situations of speech (Formanovskaya 1989, 28), and individual speech manifestation. We must distinguish “speech behaviour” and “speech activity,” because speech activity is motivated and dependent on target speech manifestation (Matveeva 1998, 14).

Speech activity of public prosecutors in the speeches for the prosecution was thoroughly examined by scientists from the point of view of rhetoric (Alexandrov 1993; Apresyan 1969; Arotser 1999; Baev 2000; Baskov 1968, 1986; Danilevich 1991; Ekzemplierov 1976; Golev 1999; Ivakina 2000; Ivin 2002; Kokhtev 1994; Kravchenko, n.d.; Likas 1971, 1990; Melnik 2000; Mikhailovskaya 1981; Panicheva, n.d.; Podgolin 1981; Porubov 2001; Rokhlin, Dvorianskiy 1994; Savitskiy 1971; Tornaev 1999; Tsariov 1983; Volkodaev 1980; Volkov 2001; Vvedenskaya 1994; Zagorskiy 1998; Zaychik 1970; Zubarev 1996) and were given general recommendations for delivering speeches in a trial.

We are analysing speech behaviour of public prosecutors from the standpoint of pragmalinguistic analysis, which studies the impact of an author of a text on their listener. Any form of verbal communication, especially oral, presupposes influence upon an addressee. Moreover, even a neutral joint presence has an impact of one person on another. Problems of communication and impact have been studied by many scholars: Adcock 1964; Ageeva 1989; Bach, n.d.; Belyaeva 1985; Boyko 1989; Butussova 2003; Charleston 1960; Chernoivanova 1998; Chigridova 2001; Chigridova, Kholodkova 2001; Egorshina 1997; Faydysh 1989; Foss, Hakes 1978; Gamble 1990; Gofman 1971; Gorlo 2004; Khanin 1989; Kochkin, n.d.; Kovaliov 1989; Leech 1985; Lenets 1999, 2001; Leontiev 1969, 1999; Lye, n.d.; Mac Cann 1988; Mackenzie 1979; Matveeva 1984, 1985, 1986, 1990, 1993; Mkrtchyan 2004; Moiseenko 2000; Sheinov 2001; Tannen, n.d.; Tarassov 1990; Vassilyeva 1985; Vinokur 1993.

For a successful impact on a listener, a public prosecutor should act according to the well-known Cooperative principle or the Conversational maxims, put forward by Grice (1975). The Cooperative principle means that any contribution to a speech exchange is engaged in as required by the

accepted purpose or direction of the speech. The Cooperative principle includes four maxims:

The maxim of Quality

Try to make your contribution one that is true, specifically:

- (1) do not say what you believe to be false,
- (2) do not say that for which you lack adequate evidence.

The maxim of Quantity

- (1) make your contribution as informative as is required for the current purpose of the exchange,
- (2) do not make your contribution more informative than is required.

The maxim of Relevance

Make your contributions relevant.

The maxim of Manner

Be perspicuous, and specifically:

- (1) avoid obscurity,
- (2) avoid ambiguity,
- (3) be brief,
- (4) be orderly (Grice, 1975).

Let us now analyse the four maxims.

The maxim of Quality

The statement must be true. Do not say what you think is false, or what you cannot prove. In accordance with the law, a public prosecutor must support the prosecution only if they are firmly convinced of the defendant's guilt, if the examined evidence is supportive enough for it. In modern Russia, if a prosecutor comes to the opposite conclusion, their duty is to repudiate the charges.

The maxim of Quantity

The statement is to contain no less and no more information than is required to meet current aims of the dialogue. Awareness of the speaker must exceed the awareness of the listeners. The speech will be effective only when there is some kind of “difference of potentials” between the speaker’s knowledge and the audience’s awareness (Nozhin 1973, 46). It is believed that the speaker is able to keep the audience in a state of tension if they know that they have information which is three or four times more than that of the listeners (Andreev 1993, 133). However, it does not mean that a public prosecutor should be verbose. Do not talk too much. Verbiage can only weaken the attention to the incontrovertible evidence.

The maxim of Relevance

A public prosecutor should not deviate from the main subject of the message. The court in Russia cannot restrict the duration of the public prosecutor’s speech at regular intervals, but the judge has a right to stop them if they deal with circumstances unrelated to the case.

Moreover, not only from the legal but also from the psychological point of view, a public prosecutor should not talk too much in their speech. The knowledge that an addresser is given to say useless things reduces the audience’s attention, and a public prosecutor should give some rest for the attention of judges (especially the jury) not by giving pointless arguments, but by repeating the essential arguments of the prosecution (Sergeich 1988, 30). A public prosecutor always has something important to say and he should not waste valuable time.

The maxim of Manner

Speak clearly and avoid ambiguous phrases, or in other words be short and organised. A listener does not want to be involved in difficulty of word choice. Smoothness, lightness and elegance of speech give pleasure precisely because it does not require a great deal of effort for perception (Massarskiy 1979, 38–39). At the trial, there should not just be clear speech but extraordinary clarity. Listeners must understand without effort. The speaker can rely on their imagination, but not on their mind and insight. Having understood, they will go further but if it does not happen they will reach a deadlock (Sergeich 1988, 18). This is due to the fact that a public prosecutor creates a simple picture of the world for listeners. Only

in exchange for clarity can a person take another's point of view concerning life. It is possible to convince only by showing that the addressee's clarity is deceptive, that they do not see one or the other, that the picture is much more complicated than it seems to a listener. In all cases, a speaker counts not on concealing the truth, but rather on clarifying the situation (Khazagerov, n.d.).

Thus, a public prosecutor, for a successful impact on the listener, must follow the Cooperative principle, including the maxims of Quality, Quantity, Relevance and Manner.

The issues of speech influence and the relationships of linguistic signs and people who create, accept and understand these signs are in the field of pragmalinguistics. Pragmalinguistics, as an aspect of semiotics, involves a complex of issues associated with a speaking subject, an addressee, and their interaction in communication, in a communication situation (Arutyunova 2000, 390).

A peculiar feature of judicial speech is the presence of some speakers: the judges, the adversary, the defendant and the public. Prosecutor speeches are primarily addressed to the judges, without doubt the main addressee. Each speech begins with an appeal to the judges or, of course, to the jury. Another addressee of a judicial speech is the speaker's adversary whose argument, evidence or conclusion must be disputed. Due to the criminal procedure in modern Russia, a state prosecutor cannot directly address those present in the courtroom, but nevertheless they implicitly address both the defendant to correct them and the audience to prevent a crime. In pre-revolutionary Russia a prosecutor could directly address the defendant:

Что еще говорили вы? Что капитал был вам подарен двумя лицами?
[What else did you say? That the capital had been given to you by two men?] (Kazarinov, 152–153).

Therefore, a judicial speech is characterised by the presence of not one but four addressees: the judges, the adversary, the defendant and the public. To the last two addressees, a state prosecutor addresses implicitly. Successful cooperation between an addresser and an addressee is associated with what is considered to be the subject of pragmalinguistics.

The subject of pragmalinguistics is the issue connected to the choice of language means from an available repertoire for the best impact (Stepanov 1981, 325), the problem being one of choice of those units from a number of synonyms with the help of which the speaker has the maximum impact on the addressee. In addition, this choice has the least conscious character of the least deliberate action (Saussure 1990, 41).

Implicit pragmalinguistics studies the selection of signals of grammatical categories made by communicants automatically. As this choice is familiar, it was made a lot of times, and such a choice is called “speech behaviour.” We also study stereotyped speech behaviour of public prosecutors in a court statement, and in the next section will consider the peculiarities of stereotyped speech behaviour in the speech genre of prosecution speech.

3. Stereotyped speech behaviour of prosecutors from the point of view of pragmalinguistics

Homo sapiens is the only kind on earth to not have a strictly determined, genetic program of life activity. Unlike a human being, other animals have a model of fixed actions which can include a complex sequence of performance (rituals of courtship, coupling, etc.). The fundamental feature characteristic for these models is a consistent repetition of reactions while being presented certain stimuli. With regard to a human being, scientists have come to the conclusion that the genetic background determines about 50 percent of personal characteristics, and 50 percent of these characteristics are influenced by the external environment (Rowe 1989).

Not having a program of life, the only way for a human being to survive is to rely on the social reality, which is a specific natural area, created by people themselves. With the help of the process of socialisation, as well as with the help of a permanent process of getting and using information, a human being acts according to certain patterns of behaviour. Thus, a person acquires a program of life, which is, by its nature, externally determined (Chuldini, n.d.).

It causes, on the one hand, freedom of choice and a wide field for human creativity and self-realisation, while on the other it causes flexibility and mobility of the program of activity. Psyche and perception of a person are also mobile systems. However, the extreme mobility of the human world would threaten his existence. Therefore, they try their best to maintain stable behaviour, follow the rules and norms accepted in society through the repetition of certain stereotypical reactions to socially important stimuli. The stability of behaviour is maintained by social reflexes developed in the course of the evolution through ready-made models of behaviour.

The cause of stereotyping and simplification of thought and behaviour of a person is the inability to analyse every aspect of a diverse, multi-dimensional social reality. Sometimes life questions are too complex, there is limited time to spare, or emotional excitement is too strong and so a

person has to respond stereotypically and immediately, without any prior analysis of the information, or, we can say, at the unconscious level. The expression of this level is in the typical individual's unconsciousness of those structural features, boundaries, and significant elements of behaviour which are always used by a person implicitly (Sapir 1993, 598).

The implicit following of some definite stereotypes of behaviour depends on the belonging of an addresser to a particular social group, to some significant terms and circumstances of communication (Makarov 1998, 68–75; Karassik 2000, 37–64). These circumstances may include: (a) communicative intentions of an author; (b) relationships between an addresser and addressees; (c) all sorts of “facts” that are meaningful and random; (d) common ideological features and the stylistic climate of the era in general, and of particular environment and specific individuals to whom the information is directly or indirectly addressed, in particular; (e) genre and stylistic features of both the message and the communicative situation in which it is included; and (f) the set of associations with the previous experience (Gasparov 1996, 10)

That is why not every person is able to explain why they act in particular situations in different ways. It is due to the human psyche. Psyche is a function of the brain, and is a function of one part of the organism, the side through which all the variety of effects on the body of the external world, and especially social reality, is carried out. The influence of the outside world—individual social experience—creates complex dynamic system functional formations of the brain, that humans, from the social and psychological point of view, consider to be the concept of personality (Myasishchev 1960, 10).

The formation of individual culture of a member of society is determined by social consciousness. Consciousness has three main levels—existential, reflexive and spiritual (Zinchenko 1997). It is the existential level of consciousness which is manifested in human communication and behaviour, and this level can be observed. According to the recent data, unconsciousness determines 92–98 percent of human behaviour. The existential level of consciousness is the base, absorbed in childhood and then followed unconsciously. Reflexive consciousness is formed during life through learning, teaching, knowledge transferring, meditations on reality, on behaviour of others and one's own behaviour. The spiritual level of consciousness is achieved in society by only a few persons (Sternin, n.d.).

The point is that an individual and society as a whole can have a certain level of reflexive consciousness, learn some of the values at the level of reflection, debate them, declare and welcome them, but also keep

old existential consciousness and previous behaviour, including, of course, former speech behaviour.

From an early age, a child copies the behaviour of the adults around them. However, a simple copy is not yet a stereotype. A certain fact of behaviour becomes a stereotype of behaviour only when it is observed often, repeated, and as a consequence of this multiple repetition is carried to automatism.

Stereotyped speech behaviour can be due to the constant social characteristics of a person: their social position, profession, age, sex and marital status; and due to variable characteristics determined by the situation: the role of a buyer, a passenger, a client (Kryssin 1976, 43). Therefore, a person's belonging to a particular professional type requires them to have an idea of the typical stereotypes of professional conduct (Petrenko 1988, 102).

The profession of communicants affects people's perception of each other. Especially after being in long-term professional activity, humans form stereotyped behaviour, usually called a "professional habit." This habit is most pronounced in the professional activity of doctors, actors, writers, law enforcement officials—all of those in whose daily work another person is the central figure (Bodaliov 1995, 168). Undoubtedly, this fact also applies to public prosecutors, and it is not by accident that there is such an expression in the Russian language as a "prosecutor's tone."

In the nature of the reactions of every person, in the peculiarities of behaviour and speech, there are variants. When these variants of reaction transfer from casual to permanent, but are still not formed into pathology, one can tell identify accentuations of personal traits. Approximately one half of the population is considered to be accentuated personalities, and the other half is not as conspicuous (Leongard 1981, 271). Accentuations of a character are extreme variants of a norm where certain traits of character are greatly predominant (Pushkina 1996, 34).

A character trait is a significant attitude to the facts of life and to one's own actions. Adherence to principles, cheerfulness, honesty, exactingness, rigor, sensitivity, sociability and other traits of character are definite, rooted in relationships to reality, society, labour, and to others and oneself (Lichko 1983, 22).

Speaking of accentuated personalities, it would also be reasonable to talk about professional accentuations, that is, typical features which are crucial for a person of any profession. A professional accentuation is a combination of mental and psycho-physiological traits of human personality, expressed in peculiarities of appearance, habits of dressing,

behaviour, and specific features of mind and speech which exist in the form of inclinations or which are formed under the influence of a profession (Lomova 2004, 43).

The professional activity of a public prosecutor has a significant impact on their personality, affecting their psychological characteristics, as well as manner of communication. The public nature of their activity, the powers of authority and a high level of responsibility often lead a public prosecutor to professional “deformation.”

The term “deformation” is used to refer to various changes in the shape of objects and phenomena of the external world, including personality changes which happen under the influence of a profession, and the activity of a public prosecutor is not an exception in this respect.

Deformations of the individuality of a public prosecutor do not happen spontaneously, because of aging, but as a result of the activities they carry out. For example, it was found that professionally important characteristics of cognitive processes tend to be improved or stabilised, depending on the length of working, and the parameters that do not participate in professional activities deteriorate. At the same time, there is a reduction and stereotyping of ranges, of kinds of professional activities, of which the most effective behavioural reactions remain. Among personal features, the changes are reflected in the growth of self-esteem. According to received information, the degree of extra-high self-esteem is in direct proportion to the length of service, and at the same time there is also the rise of professional identity (Rogov 1994, 208).

The legal profession of a public prosecutor promotes both positive qualities (high moral principles, endurance, calmness, discipline, open-mindedness and the ability to communicate to people and to establish contact with them) and negative ones (indifference to people, their lives, feelings and interests, excessive suspicion, rudeness, careerism, etc.).

One of the most dangerous types of professional deformation of a public prosecutor is being too suspicious. They often lose faith in people, willing to suspect everyone. In any omission they see an evil intent, in each suspect a criminal. Gradually, such an attitude leads to the formation of a pronounced pessimism and intolerance with respect to people. From the psychological point of view, evaluation expresses the qualities of not only those who are the subjects of the estimation, but also the personality of the judging. In these evaluations and experiences it is seen the level of development of a person as a representative of a certain class or group as a member of a particular team. These evaluations show civil and psychological maturity, some features of a profession, and moral and aesthetic requirements for people. Nevertheless, they always have the

unique stamp of a person who was formed as a very specific personality (Myasishchev 1970, 115), and this is confirmed in speech. The specificity of communication, unlike any other type of interaction, is in the fact that it reveals the psychological qualities of people.

All things considered, one must say that speech behaviour and personal characteristics of communicators represent the inseparable unity of individual, social and national-cultural peculiarities of behaviour. However, we believe that the specificity of expression and combination of these features varies depending on the specific situations of communication, including speech genres. It is reasonable now to turn to the methods of studying speech behaviour of public prosecutors in Implicit Pragmalinguistics.

4. Methods of studying the speech behaviour of public prosecutors in Implicit Pragmalinguistics

Within the bounds of Implicit Pragmalinguistics there are such methods of investigation as:

- synchronous personal (when we study the texts of different genres created by the same author in the same period of time),
- diachronic personal (when we study the texts of one author, of one genre, but created in different age periods),
- synchronous interpersonal (when we study the texts of the same speech genre created by different authors in the same period time) (Matveeva 2001, 51–52).

The present study uses the “synchronous personal” method when analysing the speech behaviour of one public prosecutor, Truhanov Gennadiy Vladimirovich, in different speech genres (in a speech before a trial by jury, in a speech before a professional trial and in his article from the newspaper *Vecherniy Rostov* [*Evening Rostov*]), and the “synchronous interpersonal” method in studying the speeches for the prosecution of different prosecutors in the same period of time (the end of the nineteenth century in Russia, the 1920s to 1940s in the USSR, and the beginning of the twenty-first century in Russia and Great Britain).

The kinds of speech behaviour are called “implicit strategies of the addresser’s speech influence on the addressee.” These strategies can be divided into two groups: emotion-oriented and connotative-oriented (Matveeva 1993, 96–262).

Emotion-oriented strategies, as well as the emotive function of speech, are focused on the addresser of the text (in our case, on a public prosecutor), who express their subjective, psychological attitude to what they is saying. The emotive function is associated with the subjective world of the addresser, with the expression of their feelings, their attitude to what is said, and this function reflects the speaker's self-esteem, and their need to be heard and understood (Kunitsyna 2002, 61). There are different kinds of emotion-oriented strategies:

- “Participation/Nonparticipation of members of communication in a speech event”
- “Sure/Unsure speech behaviour of an author”
- “The author's probabilistic evaluation of a speech event as real / unreal.”

Connotative-oriented strategies reflect a speech behaviour of a prosecutor directed at the receiver. The title of this strategy contains a reference to another function of speech—connotative (regulatory or directive). The connotative function reflects certain needs of a person, for example, to achieve goals or to influence other people (Kunitsyna 2002, 61), and here follows a list of connotative-oriented strategies:

- “The sender's formation of addressee's attitude to a speech event by evaluation”
- “The author's accentuating of the elements of an utterance”
- “Satisfaction / dissatisfaction of addressee's pragmatic expectations by an addresser” (Matveeva 1998, 44–45).

In our study, within the bounds of the pragmalinguistic experiment, we analyse the speech behaviour of the public prosecutors in accordance with the emotion-oriented strategies “Participation/nonparticipation of members of communication in a speech event” and “Sure/Unsure speech behaviour of an author,” and according to the connotative-oriented strategy “The sender's formation of addressee's attitude to a speech event by evaluation.”

To begin, we will give an example of analysis of the public prosecutor's speech behaviour with the help of a synchronous personal approach to the texts of various genres created in one period (January to June 2003), by the author Trukhanov, who is also a public prosecutor of the Regional Prosecutor's Office (Rostov-on-Don, Russia). We will try to answer the following questions:

- Are the speech behaviours of the prosecutor in speeches before a professional trial, before the jury and in the article on criminal law for the newspaper the same or different?
- If these speech behaviours are different, what is the reason for these discrepancies?

We analysed 1,214 minor syntactic groups (MSG) according to the enumerated strategies as recorded in table 1 (see appendix). Let us study the actualisation of the implicit speech strategies in more detail.

I. “Participation/Nonparticipation of members of communication in a speech event”

This strategy is actualised in one of the three following speech planes: the plane of personal participation, the plane of social participation, and the plane of objective participation (Matveeva 1993, 98–101). Using the “personal plane,” the author actualises the participation either of an addresser or an addressee in a speech event. “Social plane” shows us that both an addresser and an addressee act in communication. Finally, in the plane of objective participation the addressee’s attention focuses on the objectivity of a speech event, regardless of participation/nonparticipation of the members of communication.

According to the results of the studied texts, the average speech-genre index of the plane of objective participation is the highest at 76.2 percent. It is interesting to note that the index of the plane of objective participation in the speech before a professional court (92.6 percent) is nearly equal to the same index of the newspaper article (92.5 percent). The predominance of the plane of objective participation in comparison with the other planes of this implicit speech strategy is due to the fact that, on the one hand, the public prosecutor in court must charge the defendant on behalf of the state, to be based only on the factual circumstances of the crime committed by the defendant. A prosecutor has no right to evaluate the evidence publicly, or to give any comments. For this purpose, a public prosecutor has no appropriate procedural forms. On the other hand, the high index of the plane of objective participation in the newspaper article relates to the fact that the main task of the author is to inform readers about the situation in the Regional Court of Rostov-on-Don as impartially as it is possible. In both cases, the focus on the objective sides of reality arouses the readers’ trust in the given facts.

The average speech-genre index of the plane of personal participation is 16.2 percent. The highest index of this plane (22.7 percent) can be seen