

Margaryta Zaitseva

Types of Discursive Personalities in American Court

Within the framework of linguopersonology, which has been actively developing in recent years, different aspects of linguistic personality are distinguished: psychological, sociological, cultural, linguistic, sociological, communicative. This article is also based on the integrated approach, but in the first place, the sphere of communication is examined, i.e. discourse. In this regard, it is appropriate to speak precisely about a discursive linguistic personality, by which we mean such a linguistic personality, whose specific individual characteristics and communicative competences are manifested in the discursive activity within a discourse of a certain type.

On the one hand, a discursive linguistic personality is a linguistic personality who generates a certain discourse and, on the other hand, a discursive linguistic personality belongs to the discourse and is as a creator of different varieties of discourse. Acting as a participant of professional communicative process, the discursive linguistic personality should possess certain communicative skills: to set adequate goals, to form an adequate communicative strategy; to be able to adequately use a variety of tactical communication techniques; to be able to present her position effectively. On this basis, types of discursive personalities in the American court have been identified: elitist discursive personalities and egalitarian discursive personalities.

The practical value of the paper is in providing the possibility of using its provisions and conclusions, the factual material in the study of communicative science, psycholinguistics, discourse analysis, in the practice of translation, linguistics and area studies, in the course of legal writing, oratory.

The theoretical value of the paper is in the fact that the article for the first time distinguishes different types of discursive personalities in the American court.

The research is promising, as it would be interesting to establish the linguistic means that are used by different linguistic personalities in American courts.

Key words: linguopersonology, discursive personality, professional communication, court discourse, communicative strategy, integral approach.

The paper considers the concept of personality as a unity of three components – linguistic, communicative and discursive. The linguistic component is already included in the concept of personality, the communicative component implies the process of language use, and the discursive component implies structuring the process of language use. Applying individual communicative strategies and tactics, discursive personalities act as participants of communicative events, possess cognitive, semiotic, motivational preferences, formed and acting in the processes of communication [7]. The change in the content of the concept of linguistic personality under the influence of the discursive factor can also be traced in such a field of research as linguopersonology.

Here, it is worth outlining the trends in the field of personology that have emerged in recent years. Firstly, the creation of an averaged speech portrait of a native speak-

er with common speech-behavioural and communicative attributes and competences: a collective speech portrait of a student, teacher, translator, law enforcement officer, official, blogger, etc. Secondly, the creation of a speech portrait of a real or fictional linguistic personality of a particular speaker. In creating such a speech portrait, both the communicant's characteristics as a member of a certain community and his or her own, individual characteristics are taken into account. Thirdly, the study of the linguistic behaviour of the linguistic individual in professional, social and cultural environments [2]. Fourthly, creating a discursive speech profile.

The highlighted trends emphasise the need to go beyond the linguistic system, «language in itself and for itself», which is realised by modern linguists and confirmed by research practice, largely due to the numerous works in the field of discourse. Therefore, many scholars claim that discourse gives an opportunity to analyze a linguistic personality including a wide range of factors: mental, psychological, pragmatic, etc.

Thus, considering the underdevelopment of the problem this article **aims** at identifying the types of discursive personalities on the basis of the different subtypes of court discourse: defence discourse, prosecutorial discourse, judge's discourse.

Achieving the goal involves implementing the following **objectives**: 1. to analyse the theoretical sources on the topic; 2. to establish the main characteristics of a discursive personality in a certain type of court discourse; 3. to name discursive personalities depending on their discursive roles. The preparatory phase is standardised and provides a justification for the terminological apparatus of the research. In the initial phase of the analysis, it is necessary to single out particular features of discursive behavior of personalities of different subtypes of court discourse. During the second phase, we will focus on the features of discursive personalities of different subtypes of court discourse.

In the first half of the 20th century, a German scholar Johann Leo Weisgerber in his book «Muttersprache und Geistesbildung» makes the following observation, «... a common language conveys a uniform worldview to all members of a single linguistic community», and introduces the concept of «linguistic personality» as a person «shaped by language» [11]. Edward Sapir studied the aspects of the impact of culture on the personality, as well as the relationship between language and thinking [6]. M. Bakhtin, who studied the peculiarities of the dialogue of cultures, considered the personality as a «speaking consciousness», which is a participant of communication [1]. Mention should be made of a famous Ukrainian scholar A. Potebnya who also paid attention to the synthesis of individual and social in the language of personality [5].

The problems of linguistic personality are nowadays dealt with by many domestic and foreign scholars, who treat linguistic personality as a set of linguistic (speech) abilities, as well as cultural, linguistic and communicative features of a certain social group. Although the term «linguistic personality» is firmly established in linguistics, there is still no generally accepted definition of this phenomenon. Some researchers even consider it to be not entirely successful. Ukrainian linguists, e.g. I. Sinitsa, claim that the term «linguistic personality» is vague and does not correspond to the modern realities [8]. L. Pelepeychenko distinguishes between the concepts of linguistic and communicative personality, highlighting communicative personality as a broader concept, as it covers both linguistic characteristics (language ability, use of language tools) and communicative characteristics (value priorities, use of communicative strategies and tactics, language reactions in different types of discourse) [4]. It follows from the above that the concepts of «linguistic personality» and «communicative personality» are dynamic categories, the signifying component of which has not yet been defined.

At the end of the 20th century, V. Neroznak raised the question of the status of the new discipline studying personality in language: linguistic personology as an independent branch of language science.

As sketched above, the theoretical and methodological apparatus of the discipline is still under development, since linguopersonology is a relatively new field and is still in its formative stages.

The analysis that was carried out is both based on text-centred principle because in the texts any discursive personality verbalises their discursive behavior; and on discourse-centred principle, taking into account the social, psychological, ideological, cultural factors that influence communication in courtroom.

From our point of view, the most significant is the discourse that represents the linguistic personality under the conditions of its main communicative role – professional activity, the discursive characteristics of which are considered as an essential property of the linguistic personality. Considering the discourse as a scenario of communication process, and discursive practices as the implementation of this scenario, we can talk about the behavioral pattern of personality or elitist personality because under conditions of professional activity a personality integrates a set of competencies that allow a person to realise himself in a complex socio-cultural context, including verbal and non-verbal characteristics.

The elitist discursive persona is interpreted in different ways at this point in the development of scientific knowledge. However, we tend to adhere to the acmeological

point of view on the elitist discursive personality as a personality whose norm of speech behaviour is a high level of speech culture, i.e. observance of ethical, communicative, literary norms of language, as well as professional, striving for continuous improvement. On the one hand, the language personality, possessing elitist speech culture, generates elitist professional discourse in the sphere of professional activity; on the other hand, the professional sphere of activity «transforms» the language personality, encouraging her to constant communicative improvement, communicative responsibility, thus, her professional discourse acquires the features of elitism. In addition to the elitist communicative personality, non-elitist communicative personalities are also involved in judicial discourse. However, the characterisation of other personality types is not presented in the works of linguists. Therefore, this study attempts to establish the types of discursive personalities in judicial discourse, the ways of their self-presentation and the features of speech behaviour.

The comprehensive study of discursive communicative personality from the position of cognitive-communicative approach has given rise to the term «elitist linguistic personality» or, as we suggest, «elitist discursive personality». Elitism is a value-moral notion, as it implies a high level of culture, observance of ethical, communicative, literary norms of language and conscious exercise of one's professional activity. We consider the linguistic personality of a lawyer as an elite discursive personality, which is defined in this paper as a communicative-activity personality with its professional picture of the world, possessing a set of professional linguistic features, having a special language and the necessary professional stock of discursive abilities. The discursive personality of a lawyer implies possession of the intellectual and thinking component; communicative component (ability to conduct conversations, dialogues, public speaking); world outlook component (generally accepted social values); legal consciousness (attitude to the law, the state, knowledge of ethical and moral standards); language consciousness as a special worldview reflected in language and speech. The complex system of human cognition of the world around us implies the interaction of language with thinking, memory, consciousness, which forms a holistic picture of the world (which includes a professional world model) that determines one's lifestyle, worldview, and communicative behaviour.

A characteristic feature of the discursive personality of a lawyer is the use of special vocabulary that makes it difficult for non-specialists to understand the judicial process and needs to be explained. In addition, the distinctive feature of the discursive

personality of a lawyer is the ability to interpret legal texts, which is also a feature of the professional legal field.

The legal discourse corresponds to the special language, which has a professionally oriented nature, as its task is to implement the communicative and cognitive needs of specialists of the relevant profile. The specifics of communication of a lawyer as a professional discursive person consists in the fact that the sphere of his activity requires a special language – the language of professional communication, different from the language of ordinary communication, which determines the existence of the sign of elitism.

In addition to the elitist discursive personality in judicial discourse, we identify the egalitarian discursive personality. Note that this is the first time such a classification has been proposed, although there are works that distinguish, for example, professional and non-professional participants in legal events – «lay and law participants in legal events» [9]. By elitist discursive person in court discourse, we mean participants in the trial process, lawyers who act predominantly in narrative mode. The egalitarian discursive person in this paper refers to a discursive person who participates in the trial process but has no function of controlling court decision-making, speaking predominantly in a dialogical mode. Egalitarian discursive persons in judicial discourse have to a certain extent equal rights, which makes it impossible to represent such a person as exercising control over the course of events in court: plaintiff, defendant, witness, expert, and jury.

The role of the jury in court should be mentioned separately. For example, the court has the right not to accept the verdict of the jury if the foreman of the jury in open court does not declare the number of jurors who agree and disagree with the verdict, and also if the court concludes that the jury used too little time to discuss and vote on its decision, based on all the circumstances of the case. Thus, having reviewed the English system of jury trial, its historical characteristic as well as its direct function, we may notice that the attitude to the jury trial has been changing during the whole period of its existence: first, it became the most important court system, then it was pushed aside and its role became less important, and, finally, it became one of the most important structures of English justice again. The debate about the significance and role of the English jury system continues to this day [10].

The elitist discursive personality is represented by the dominant discursive personality, the inflictive discursive personality and the provocative personality.

The dominant discursive person, the judge, manifests power and control over the judicial process, generating the coercive content of the discourse. Decides and takes responsibility for the outcome of the judicial process, which is expressed in the choice of communicative strategies, at the verbal and non-verbal level. Speaks predominantly in narrative mode, which is also indicative of dominance. While the dominant personality in political discourse has been rather extensively researched, we have not come across any such studies regarding judicial discourse.

The inflictive person (from the verb to inflict), the prosecutor, is a person who persuades, exposes, accuses through a persuasive strategy in the process of argumentation, generating persuasive discourse content, which is expressed in the choice of communicative strategies, on the verbal and non-verbal level. It emerges both in the narrative mode, which is also indicative of dominance, and in the dialogic mode.

In addition, the elitist discursive persona includes the provocative persona, the advocate (suggestive discourse). Provocative in our understanding is a hyponym for the term «manipulative», so a provocative discursive person is a manipulative person with a suggestive strategy. The term «provocative» refers primarily to the actor's conscious desire to perform actions that will provoke the recipient into a particular response that the actor expects in advance.

The egalitarian discursive person, the plaintiff, the defendant, in our classification is represented as a submissive discursive person, which can be an aversive and a non-aversive discursive person. The subversive discursive personality is subordinate, slave and dependent. It can be negative and even, as we noted above, aversive, repulsive (aggressive image) as well as positive, non-aversive, sympathetic (conformal image) [3]. The subversive discursive persona only acts in a strictly regulated dialogical mode.

The typological characteristics of discursive language personalities are determined by a set of discursive characteristics: above all, the communicative specificity of the discourse. Studying the types of discursive linguistic personalities of the participants of judicial discourse in the communicative-discursive paradigm, we came to conclusions about the stylistic and communicative specificity of this model of discourse.

Between the provocative (lawyer) and inflictive (prosecutor) discursive personalities towards each other in judicial discourse the ritual of deference and avoidance is observed. This is a symmetrical relationship.

Between the inflictive and provocative discursive linguistic personalities on the one hand and the submissive discursive linguistic personality on the other hand, an al-

ready asymmetrical ceremonial relationship is observed. They manifest themselves in the fact that the submissive person, as a participant in the process, may be asked any question that may be rejected or approved by the judge as the guarantor of the maintenance of ceremonial relations in the court, who establishes order in the process of the court session.

Let us note this as confirmation of our conclusions that the judge is the dominant discursive linguistic personality, since the code of conduct of the participants first specifies the rules regarding the judge and only then the rules regarding the other participants in the process.

Following this analysis, types of discursive personalities in judicial discourse have been distinguished: elitist discursive personalities and egalitarian discursive personalities. This classification has been proposed for the first time in linguistics. The elitist discursive personality is represented by the dominant discursive personality, the infictive discursive personality and the provocative personality. The egalitarian discursive personality, – the plaintiff, the defendant, – is represented in our classification as a submissive discursive personality that can be an aversive and non-aversive discursive personality.

Література

1. Бахтин М.М. Тетралогия. Москва: Лабиринт, 1998. 607 с.
2. Менделевич В.Д. Психология девиантного поведения: учебное пособие. Санкт-Петербург: Речь, 2005. 445 с.
3. Пеллепейченко Л. М. Комунікативна особистість військовослужбовця Національної гвардії України в сучасному соціальному контексті. Харків: Національна академія НГУ, 2014. 221 с.
4. Потемня Мысль и язык. Москва: Директ-Медиа, 2012. 395 с.
5. Синельникова Л. Н. Концепт «дискурсивная личность»: междисциплинарная параметризация. *Электронный научно-образовательный журнал ВГСПУ «Грани познания»*. 2013, №1(21). С. 42-44. Режим доступа: URL: <http://grani.vspu.ru/files/publics/1368528198.pdf> (дата звернення: 25.04.2021)
6. Саница И. А. Языковая личность ученого-гуманитария XIX в. Киев: Изд. дом Д. Бураго, 2006. 350 с.
7. Caplan J., Adams K. Personality and Language. *The Wiley encyclopedia of personality and individual differences: Models and theories*. 2020, pp. 311-316. URL: <https://doi.org/10.1002/9781118970843.ch52> (дата звернення: 25.02.2021)
8. Sapir E., Irvine J. *The psychology of culture: A course of lectures*. Berlin: Mouton de Gruyter; 2nd edition, 2002.
9. Stygall G. *Trial Language: Differential Discourse Processing and Discursive Formation*. John Benjamins Publishing, 1994. 226 p.
10. The Jury System Criminal Law. 2020. URL: <http://www.lawteacher.net/free-law-essays/criminal-law/the-jury-system.php> (дата звернення: 25.02.2021)
11. Weisgerber J. *Muttersprache und Geistesbildung*. Moscow: Editorial URSS. 2004.

References

1. Bahtin M. *Tetralogiya [Tetralogy]*. Moscow, 1998 (in Russian)

2. Mendelevic V. *Psihologiya deviantnogo povedeniya: uchebnoe posobie* [The psychology of deviant behavior: textbook]. St Petersburg, 2005 (in Russian)
3. Pelepeychenko, L. (2014) *Komunikatyvna osobystist viiskovosluzhbovtisia Natsionalnoi hvardii Ukrainy v suchasnomu sotsialnomu konteksti* [Communicative personality of the National Guard of Ukraine in the current social context]. Kharkiv, 2014 (in Ukrainian).
4. Potebnya, A. (2012) *Myisl i yazyik* [Thought and language]. Moscow, 2012 (in Russian)
5. Sinelnikova L. Kontsept «diskursivnaya lichnost»: mezhdistsiplinarnaya parametrizatsiya [The concept of «discursive personality»: an interdisciplinary parametrization]. *Electronic scientific and educational journal "Grani Poznania"*. 2013, №1(21) pp. 42-44 (in Russian)
6. Sinitsa I. *Yazykovaya lichnost uchenogo-gumanitariya XIX v.* [The linguistic personality of the 19th century humanities scholar]. Kyiv, 2006 (in Russian)
7. Caplan, J. and Adams, K. Personality and Language. *The Wiley encyclopedia of personality and individual differences: Models and theories*. 2020, pp. 311-316. URL: <https://doi.org/10.1002/9781118970843.ch52> (25.02.2021)
8. Sapir E., Irvine J. *The psychology of culture: A course of lectures*. Berlin, 2002.
9. Stygall G. *Trial Language: Differential Discourse Processing and Discursive Formation*. John Benjamins Publishing, 1994. 226 p.
10. *The Jury System Criminal Law*. 2020. URL: <http://www.lawteacher.net/free-law-essays/criminal-law/the-jury-system.php> (25.02.2021)
11. Weisgerber J. *Muttersprache und Geistesbildung*. Moscow, 2004. (in German)

Маргарита Зайцева. Типи дискурсивних особистостей в американському суді. У рамках лінгвоперсонології, яка активно розвивається останніми роками, виділяються різні аспекти мовної особистості: психологічний, соціологічний, культурологічний, лінгвістичний, соціологічний, комунікативний. Ця стаття також ґрунтується на інтегральному підході, але в першу чергу розглядається сфера комунікації, тобто дискурс. У зв'язку з цим доречно говорити саме про дискурсивну мовну особистість, під якою ми розуміємо таку мовну особистість, чії специфічні індивідуальні особливості і комунікативні компетенції проявляються в дискурсивній діяльності, тобто у рамках дискурсу певного типу. З одного боку, дискурсивна мовна особистість породжує певний дискурс, а з іншого боку, дискурсивна мовна особистість знаходиться в рамках певного дискурсу і піддається впливу цього дискурсу. Виступаючи учасником професійного комунікативного процесу, дискурсивна мовна особистість повинна мати визначені комунікативні навички: ставити адекватні цілі, формувати адекватну комунікативну стратегію; уміти адекватно використати різні тактичні прийоми комунікації; уміти ефективно викладати свою позицію. З оглядом на це, були визначені типи дискурсивних особистостей в американському суді: елітарна дискурсивна особистість та егалітарна дискурсивна особистість.

Практична цінність статті полягає в можливості використання її положень і висновків, фактичного матеріалу в процесі викладання комунікативістики, психолінгвістики, дискурс-аналізу, в практиці перекладу, лінгвістики і країнознавства, в курсі юридичного письма, ораторського мистецтва. Теоретична цінність роботи полягає в тому, що в статті уперше виокремлені різні типи дискурсивних особистостей в американському суді.

Дослідження є перспективним, оскільки в подальшому було б цікаво встановити мовні засоби, які використовуються різними дискурсивними особистостями в американському суді.

Ключові слова: дискурсологія, дискурсивна особистість, професійна комунікація, судовий дискурс, комунікативна стратегія, інтегральний підхід.

Зайцева Маргарита Олексіївна – кандидат філологічних наук, доцент кафедри іноземних мов № 2 Національного юридичного університету імені Ярослава Мудрого, <https://orcid.org/0000-0003-4304-3644>; m.o.zaitseva@nlu.edu.ua