© VLADIMIR I. LYSOV
ivlad5@mail.ru

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LINGUISTIC EXAMINATION AS AN OBJECT OF STUDY IN SPEECH ANTONYMY OF A STATE PROSECUTOR AND A DEFENSE ATTORNEY

SUMMARY. The article deals with judicial speech as one of the legal speeches. Antonymy as a linguistic phenomenon is pronounced in the the speeches of the prosecutor and attorney in the trial. Lack of special studies in contemporary linguistics in the field of judicial dialogue reguiles of the necessity of interpretation of this phenomenon. So the issues discussed in the article are timely. Observations on the area of judicial dialogue give the opportunity to reflect on the principles and rules of judicial dialogue, not only to linguists, but also to lawyers, experts in law and journalists. The findings and patterns in this article can be used for training specialists in judicial dialogue and dialogic speech in general.

KEY WORDS. Judicial speech arguments, arguments, antonymy, linguistic phenomenon.

Antonymy is known as a type of semantic relations between lexical units that express opposite meanings. It is an opposition within a single speech area. The most basic antonyms are those with "a negative particle". Ex.: "comfortable" — "uncomfortable". Antonyms are words with opposite meanings, at least in one of the contexts [1; 26].

Naturally not every word can be an antonym: only the words belonging to the same grammatical or stylistic categories can be opposed.

Antonymy is primarily a lexical phenomenon. It is closely connected with other lexical-semantic categories, mainly with synonymy. One and the same lexical unit can have both antonymous and synonymous relations with another one simultaneously. This phenomenon is known as antonymy of synonymic series. Antonymy as a linguistic phenomenon manifests itself vividly in court. Judicial speeches are considered as the content of judicial pleadings — a special part of trials in which the participants of criminal or civil proceedings summarize not only the trial, but also the results of the preliminary investigation; they formulate to the court their proposals on questions, subject to resolution in the verdict or the court's decision.

The debate is the most important and a necessary part of the trial which helps the litigators to actively influence its outcome by persuading the court.

Judicial speech is one of the legal speeches, as somebody's life stands behind the performance of a participant of a dialogue or polylogue in court. The absence of special studies in contemporary communicative linguistics in the field of judicial dialogue is a "white spot" in the typology of dialogues, that is why the necessity of interpreting this process or situation allow us to consider the topic of the article timely and relevant.

A prosecutor, on the one hand, and a defense attorney, the representative of the defendant, on the other hand, are the main representatives of the debating

parties in court. The prosecutor and the defense attorney defending or challenging the rights of the plaintiff and defendant in civil proceedings, supporting public prosecution or protecting the rights of the accused in criminal proceedings, fulfill their functions in accordance with the procedural position in trial. The role of each of them comes down to implementation of actions envisaged by procedural law: to present, to argue a legal assessment of the situation.

The prosecutor's closing arguments usually start with a description of the content of the case, the crimes, the defendant is charged with. Until recently it was necessary to give «the socio-political» assessment of the crime. It was considered that it «should be word order an essential element of each accusatory speech».

General characteristics of the case, its specific features should not contain exaggerations; it should be objective, proportionate, precise and based on facts.

In fact, in the recent past in similar cases prosecutors used the standard socio-political characteristics that have received the professional jargon name of «caps» apply to that one could «try on» without much difficulty to cases on charges of all sorts of people. This part of speech, which was called "the political part", generally preceded the presentation of evidence. That gave rise to situations where the prosecutor «stigmatized» the defendant for a serious crime, and then it turned out that the state's evidence he operated were either of poor quality or insufficient for conviction.

In his speech, the public prosecutor outlines the facts of the case in the form they were established as a result of the judicial investigation.

He claims that the defendant committed the announced incriminated acts, or makes adjustments taking into account the results of the trial and, if there are grounds, disclaims all charges. The legal and moral duty of the public prosecutor is to maximize the objectivity in the formulation to the court of proposed findings of the fact, that in his opinion the defendant is guilty.

In the accusatory speech the central part is the analysis of the evidence offered by the participants of the trial and grounds for the conclusion, concerning proof or lack of proof in prosecution. Moral aspects of using certain types of evidence and their assessment were described previously. Here it is necessary to emphasize that the prosecutor can not be confined in a speech to asserting that the prosecution «was found confirmed during the trial», «fully confirmed», «certainly proved,» etc.

It is his moral and legal duty to prove the charges that were put forward by the prosecution. He must fulfill this obligation during the judicial pleadings as well.

It is realized in the form of substantiated evidence and arguments on the merits of their content, accuracy, sufficiency, rather than by general allegations and statements. «The prosecutor should be strong in the arguments, rather than epithets» [2; 70].

Legal assessment of an act is the next element of the prosecutor's speech.

It should be argumentative, based on understanding of the nature of the applicable substantive law, and given without the «request» when the prosecutor seeks to orient the court to a possible alternative of a more strict law, althought he is not internally convinced of the validity of this assessment [2; 75].

The prosecutor's speech presents characterization of the defendant based on established facts. This characterization must be objective. The prosecutor has no right to dissemble the positive moral character of the defendant, his former merits, behavior, which may cause the reduction of sentence. Information from the biography of the defendant may only be used in that part which relates to the crime and possible

punishment. Personal life of the defendant may appear in the speech of the prosecutor, if the facts are relevant to the subject of proof [3, 90]. The prosecutor is not entitled to «incriminate» the accused that he has not repented or has pleaded not guilty, or did not give evidence due to his reluctance to answer questions or bad memory.

In the speech of the prosecutor, naturally, mockery of the defendant, rude, abusive characteristics, as well as statements regarding the appearance of the defendant, his nationality, religion, and physical disability are unacceptable. The prosecutor can use irony in his speech, but the humor has no place in a courtroom, where very serious business is discussed, dealing with the grief caused by the crime [3, 93].

Speech for the defense should be characterized by unity of content and form and have a coherent integral composition, providing the subsequent deployment of the defender's arguments. It should not contain tongue twisters, any kinds of repetitions, unclear provisions, or digressions. Each question should be given a place it deserves in a complex investigation of the case circumstances. Secondary circumstances should not obscure, or displace the main points, and important defensive arguments [3; 95]. Basically standart rules of construction of defenders' speech do not exist. Attempts to give some sort of unified system of speech are doomed to failure. Speech in court is alive, creative. For the speech for the defense to a greater extent than for the prosecution, is contraindicated in pattern uniformity, a predetermined pattern.

The content and structure of the speech for the defense, as a rule, are individual and depend on the outcome of the trial, the selected position, the nature of the offense charged, the characteristics of the material evidence and other circumstances of the case. Defender acts in court after the prosecutor and therefore can not ignore the arguments that are presented by the prosecution. He must submit to the court his reasons and ideas and offer his arguments. A lawyer, who builds his speech ignoring the results of the trial and the arguments of the prosecutor, obstinately following the previously adopted scheme is unlikely to help correct resolution of the criminal case and his client. The speech for the defense, as a rule, carries a polemical nature, organically linked to the judicial debates. Objecting to the allegations of the prosecutor, subjecting the given evidence to critical analysis, a lawyer defends his point of view, adduces counterproof in support of objectivity of his judgments.

However, this does not mean that the defender's speech is reduced to only answering the accusation, that the content of the former determines the content of the latter. This speech is independent. The lawyer must analyze in details all the circumstances of the case from the perspective of the defense, to bring all the data, and speak in his favor. In those cases where the defender acts in the group case, he must conform his speech with the speeches of his colleagues, in order to prevent recurrence, delineate responsibilities, etc.

However, the thesis that in the construction of a speech for the defense any standard is unacceptable does not mean that there are no general requirements to be met by a defensive speech. Its content and structure can not be arbitrary.

They are dependent on the tasks entrusted to the lawyer in the process and the specific features of the case in which he appears. Therefore it is difficult to agree with such judgments as "no rules have been established concerning the content of defense speeches, their purpose, and their structural patterns". The defender can deliver speeches that he/she finds necessary to deliver regardless of their form and meaning. Here the

authors seem to go to extremes and recommended complete freedom in choosing the form and content of speech. It is understood as an opportunity to speak during the court debate about anything and as you want without worrying about the accuser as an alternative voice or about meeting the requirements of the law.

Judging from the particular circumstances of the case, the defender can: 1) challenge the indictment on the whole, proving the innocence of the defendant because of the absence of crime in his/her actions, absence of the event of a crime, or because he/she was not involved in the crime; 2) challenge some particular parts of the charge; 3) challenge classification of the nature of the offense, proving the need to change the offense charged to another article of the Criminal Code of the Russian Federation, that entails a more lenient sentence; 4) justify a lesser degree of defendant's culpability and responsibility in the crime, appealing to extenuating circumstances; 5) prove the defendant's insanity, that excludes criminal responsibility [5; 90].

The defender in this regard should not only state facts, put forward theses, prove that the evidence is doubtful, supporting them with concrete arguments, citing particular circumstances of the case. A defender's speech can achieve its goal only if it is completely and correctly interpreted by the judges and if its content can persuade judges in the truthfulness of the given statements. The defender's speech should be specific, because vague, ambiguous, irrelevant arguments overload the speech and cannot bring benefit for the persuasion of judges in their truthfulness, thus depriving it of convincing force [5, 94].

It is important to emphasize the importance of the structure of defender's speech, which should consist the introduction, the main part and the conclusion.

In the procedural literature considerable attention is given to this issue in terms of what should be included in the introductory part of a speech for the defense, and what should be said in conclusion, etc. [6, 45].

Thus, our observations about the nature of judicial dialogue make it possible to understand the principles and rules of judicial dialogue, not only to linguists, but also lawyers, experts in law, media, because, as rightly emphasized in legal literature [2, 53], the linguistic basis of judicial dialogue is still very poorly understood. In addition, results and patterns can be successfully used for training judicial dialogue and dialogic speech in general for humanities students.

For an expert in this regard it is important to pay attention to the implementation of the initial terms, concepts, correct use and the level of understanding among the participants in the dialogue.

Therefore, legal action may become the regulatory mechanism, which could satisfy the participants in the judicial process.

Linguistic expertise has all grounds to fulfill the corresponding functions, targeted at the legal culture of judicial proceedings.

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