

## Professional Self-presentation Tactics in Trial Discourse

*Elmira Shavkatovna Nikiforova*

Baitursynov Kostanai State University, Kostanai, Kazakhstan

**Submitted:** Oct 13, 2013; **Accepted:** Mar 4, 2014; **Published:** Mar 23, 2014

---

**Abstract:** The article deals with peculiarities of professional self-presentation tactics as one of the inalienable elements of the strategies of defense and accusation used by professional participants of trial discourse. The author compares the ways of its realization by the representatives of three linguistic cultures, common features being attributed to basic functions and characteristics of trial discourse and the aims of communicants, whereas differences-to ethnic and cultural specific features.

**Key words:** Self-presentation Tactics • Trial Discourse • Juridical Term • Juridical Linguistics • Verbal Behavior • Communicative Strategy • Linguistic Culture • Mentality

---

### INTRODUCTION

The main purpose of our research was to study tactics of professional self-presentation as a part of building up successful communicative strategies of accusation and defense, these strategies being considered an integral part of verbal aspect of trial discourse.

We deal with the problem in question within the frames of Juridical Linguistics treating the issues of changes in the sphere of law reflected in language, the very term of Juridical Linguistics being far from universal. One may also come across such terms to denote the same field of studies as Linguistic Jurisprudence, Linguistics of Law, Trial Linguistics, Linguistic Criminology, Grammar of Law, Trial Speech Interpretation, etc. The very science named Forensic Linguistics has been in active use in the USA for some decades. The subject-matter of the field embraces the system of law and order maintenance, conflict resolving by legal means and other issues pertaining to the sphere of law [1]. In the USA and UK the attention of linguists and lawyers is mainly focused on language and style of legal papers viewed on the part of non-experts in the field of law; issues of linguistic expertise in trial process; issues of communication during case investigation; the role of interpreters at trial sessions; issues of judges' speech comprehension [2]. Forensic Linguistics accumulates the achievements of

Cognitive Linguistics, Discourse Analysis, Theory of Grammar, Theory of Speech Acts and Theory of Communication.

In Russia linguistic research in the field of law is mainly focused on working-out linguistic standards of juridical language and the issues of linguistic expertise during criminal cases' trials. In Kazakhstan there also appeared some works devoted to the problems of interaction of law and language, among which we may single out the one written by R. D. Karymsakova "Communicative Hindrances and Word Play (on the problem of speech conflict)" treating the issues of the quality of the communication channel [3].

One of the most important notions dealt with by scientists studying the interrelations of language and law in that of discourse. It is noteworthy that though the term appeared in the late 60s of the 20<sup>th</sup> century, there is no universally accepted definition of the phenomenon. In our research we are to take into account those definitions which can give us sufficient base for pragmatic research in question. Thus, N.D. Arutyunova treats discourse as a coherent text in connection with extra linguistic, pragmatic, social and cultural, psychological and other factors; text in its event-aspect; speech treated as purposeful social act, as a component participating in people interaction cognitive processes. So discourse is "speech immersed in life" [4]. We also support the idea of social and evaluative orientation of discourse, so we

cannot but agree with V.I. Karasik, who believes evaluative characteristics of discourse as a cultural phenomenon to be among the most important ones [5]. G.N. Manaenko also thinks that discourse is not only verbal communication, but also verbal behavior of a person limited by actual life circumstances in a definite community [6].

The notion of discourse is also widely used in western linguistic science. Thus P. Goodrich defines juridical discourse as the methods of juridical texts' reading which treat communicative or rhetorical functions of law in their institutional and social linguistic contexts [7]. So trial discourse in our opinion is a definite type of verbal behavior of trial process participants, the aim of the process being to resolve a legal conflict and change a legal situation.

We may also single out inner and outer context of verbal communication in trial discourse. The outer context includes the scene of action, i.e. the arrangement of a trial session. The use of the word "scene" presupposes some theatricality of a trial process. The very idea of comparison between trial and theatre is clearly observed in western cultures [8-11]. Dramatic effect is achieved by the interaction of verbal and non-verbal components. Non-verbal component includes the setting of court hearing, appearance and peculiarities of non-verbal behavior of the participants. We also refer to the outer context of trial discourse its participants, among whom we differentiate between professional (judges, attorneys for the defense, attorneys for the prosecution, forensic experts) and non-professional (the accused, witnesses, jurors, audience) ones. All of them express their intentions through the limited number of role characteristics peculiar of their status. It is needless to say that professionals should possess special knowledge necessary to solve institutional problems [12]. Special knowledge includes the expert use of juridical language, terminology included, the knowledge of trial psychology and some other professionally related issues. Non-professionals, as a rule do not possess this knowledge and should be assisted by the professionals. We emphasize that professional participants are prone to strategic planning of their behavior through the set of communicative tactics, one of them being professional self-presentation tactics.

In our opinion the reason of the use of self-presentation tactics lies in the desire of a person to identify himself in the society on the whole and within some limited group of people in particular.

As professional activities are one of major directions of a person's potential realization we may speak of professional self-presentation.

Self-presentation in the opinion of O.N. Bykova is "an emotional realization of a speaker, indirect display of his psychological personal qualities to form a definite impression concerning him and his aims" [13]. But if in politics self-presentation plays a key role [14-15], in trial communication it is considered one of supplementary tactics and it is treated not as an aim, but as a means in achieving the result wanted. There are two types of self-presentation tactics: direct and indirect. We presume that direct self-presentation consists in explicit characterizations given by the speaker to himself. This type of self-presentation is mainly resorted to when the accusations against the lawyer (for instance within the tactics of discrediting) require the improvement of self-image in the eyes of the audience. The following example may serve as an illustration of the statement above.

- "Having an advanced degree in Jurisprudence I could have chosen many fields of activities, I could have become an investigator, an attorney for the prosecution or a judge, but I became the attorney for the defense and take part in this criminal trial" [16].

This particular type of self-presentation, though, is extremely rare due to some ethical reasons. More often the idea of the listeners that only an impeccable from moral point of view person has the right to accuse and to justify is exploited. Thus the reference to one's high moral principles is regarded as a major means of self-presentation.

- "It's at the real heart of a case, every case, every criminal case, because it's the burden of proof that the people have. We don't guess anybody guilty; we prove it beyond a reasonable doubt, which is what we've done in this case" [17].

As it is seen from the example above the attorney for the prosecution emphasizes her impartiality, objectivity and professional efficiency.

Indirect self-presentation is also manifested by fluency in the use of professional juridical terminology, the ability to interpret law and implicit reference to one's professional efficiency and experience.

Within the frames of our work it is necessary to consider some practical aspects of the use of juridical terminology in a trial process. As well as S.S. Alekseev we will define juridical terms as generalized names of juridical concepts, having exact and definite meaning and being monosemantic and functionally stable [18]. Nevertheless, juridical terminology is not homogeneous; there exist various classifications of it. We will refer to one of them proposed by D.I. Miloslavskaya, who singles out the following terminological groups: terms of general use without restriction; terms of general use, having narrower specialized meaning in a normative act; purely juridical and technology-related terms [19].

The terms of general use without restriction are usual names of objects, qualities, actions, phenomena resorted to in every day communication, fiction and scientific works, business and legal documents (for example, crime scene, bodily harm, opening statement, eye witness). They are understood by the listeners without additional explanation, but their meaning is somewhat ambiguous, so they should be used only when the meaning can be clearly perceived from a definite context.

- “You know, you have the blood drops leading away from the crime scene that had to be left by the killer” [17].

The second group comprises juridical terms of general use, but with the narrower specialized meaning in comparison with the terms of the first group. They clearly denote the notions used in jurisprudence (for example, self-defense theory, defendant) on the one hand, but pose no difficulty for understanding on the other. This stratum of terminology is widely used by attorneys for the defense and attorneys for the prosecution.

- “And then she's going to tell you that this defendant came up to her and got as close as almost face to face” [20].

The third group of terms are special juridical terms used in legal documents and unambiguously understood only by the experts in the field of jurisprudence (for example, active capacity, artificial person), for this reason they should be used in the speech of trial opponents in the process of court hearing only if it is really necessary and cannot be avoided.

- “Regardless of the verdict, the *Bowoto v. Chevron* case represented a watershed in terms of corporate accountability” [21].

In legal documents we also may find a number of terms borrowed from different fields of science, technology, arts. The terms of this group are called technical or technically-related terms (for example, Asperger's Syndrome, *Yersinia pestis*, sepsis).

- “The DNA, the amplicons, those little things, they don't know where to go. Contamination is a random thing, happens willy-nilly. And what you have here is they're trying to get you to believe that only the killer's blood was contaminated and it was consistently contaminated with only the defendant's blood type” [22].

Special juridical and technical terms are very convenient in use, since they unambiguously denote the required concept, facilitating its correct comprehension [23]. But they should not be abused, because the speech of lawyers is directed not so much at their trial opponents or judges, but mainly at the jurors and the audience lacking special training.

Besides the adequate use of juridical terminology attorneys for the defense and attorneys for the prosecution also present themselves through implicit mentioning of their professionally-relevant qualities and efficiency.

- “And in doing so, in the exhaustive examination and cross-examination of all of the witnesses in this case and the exhaustive investigation and work that's been done, one thing is clear: This defendant has received the ultimate in a fair trial” [17].

In the example above we see that by the repeated use of the epithet “exhaustive” in combination with collective pronoun “all” the attorney for the prosecution emphasizes that she has done a good job and, consequently, is an efficient lawyer.

- “Attorney Reznik: Your Honor, in my opinion the representative of the defendant may consult someone about what is written in the law out of court...”

Attorney Krasnenkov: I know law well enough ... and can consult you better than you can do it yourself" [24].

In the given extract we may perceive the use of self-presentation tactics with the elements of tactics of discrediting. Professional conflict tends to become a personal one what is quite peculiar of the mentality of Russian people who tend to evaluate moral qualities of people not less than professional knowledge and skills.

- "The investigation of the case was thorough, all the legal documents are gathered and prepared, which gives us an opportunity to consider the case objectively" [25].

In this example the Kazakhstani attorney emphasizes that due to efficient work of his office the objective impartial consideration of the case became possible. In his speech we see deliberate understatement typical of eastern cultures, in which modesty in reference to personal and professional achievements is considered to be quite important.

To sum up we have to emphasize that representatives of Russian, Kazakh and American linguistic cultures within trial discourse use a number of tactics to influence the audience on emotional level, tactics of self-presentation, mainly its indirect type being one of them. Nevertheless, there may be observed some basic peculiarities in the use. Thus, American lawyers resort to a number of tactics in different combinations to win the trust of the audience. Their Russian-and Kazakh-speaking colleagues are more conservative in this respect. For instance, unlike the attorneys for the defense, attorneys for the prosecution in the majority of cases avoid using tactics of professional self-presentation (except the use of juridical terminology), which may be accounted for by the fact that the attorney of the prosecution supervises the investigation, speaks on behalf of the state, so his position is more secure and does not need any additional support and reinforcement.

## REFERENCES

1. Olsson, J., 2004. Forensic Linguistics. London, pp: 269.
2. Grishenkova, Yu. A., 2006. Juridical Term as Linguistic and Socio-cultural Phenomenon, Ph.D thesis self-abstract, Yaroslavl.
3. Karymsakova, R.D., 2008. Communicative Hindrances and Word Play. *Juridical Linguistics*, 9: 174-181.
4. Arutyunova, N.D., 1992. Text Communication. Text Formation. Moscow "Science", pp: 79-108.
5. Karasik, V.I., 2002. Linguistic circle: Personality, Concepts, Discourse. Moscow "Gnozis", pp: 447.
6. Manaenko, G.N., 2003. Compound sentence in Language and Speech: Sketches on Theory and Methods of Research. Stavropol "Stavropol State University Publishers", pp: 255.
7. Goodrich, P., 1987. Legal Discourse. Macmillan Press, pp: 226.
8. Mc. Kenna, J.A., 1982. The Judge as Dramatist. *ALSA Forum*, 5(2): 39-47.
9. Kadri, R.F., Why Evidence Schools should Study Conversation? Date Views 01.11.2013 [www.bepress.com/ice/vol1/iss2/art7](http://www.bepress.com/ice/vol1/iss2/art7).
10. Aleksandrov, A.S., 2003. Introduction to Trial Linguistics. Nizhny Novgorod. Nizhnenovgorod Law Academy, pp: 420.
11. Dubrovskaya, T.V., 2010. Trial Discourse: Verbal Behavior of Judge, Ph.D. thesis, Saratov.
12. Weigand, E., 2005. Conflict resolution in Court. *Studies in Communication Sciences, Special issue: Argumentation in Dialogic Interaction*: pp: 193-202.
13. Bykova, O.N., 2000. Experience of Verbal Manipulation Techniques in Mass Media Texts. *Herald of Russian Rhetoric Association*, 1(9): 50.
14. Issers, O.S., 1996. What Politicians Say to be Liked by the People. *Herald of Omsk University*, 1: 71-74.
15. Parshina, O.N., 2004. Communicative Strategies Types in Political Discourse of the 2004 Russian Language: Historical Fate and Modern Time Second International Congress, pp: 22-26.
16. Trial Records of attorney for the defense Murtazaly Barakaev Opening Statement in Z. Dapaev Case. Date Views 3.11.2013 [www.ansar.ru/rightway/2011/05/31/16324](http://www.ansar.ru/rightway/2011/05/31/16324).
17. Excerpts from prosecutor Marcia Clark's closing arguments Sept. 26, 1995, in the O.J. Simpson murder case. Date Views 3.11.2013 [www.usatoday.com/news/index/nns28.htm](http://www.usatoday.com/news/index/nns28.htm).
18. Alekseev, S.S., 1993. State and Law: Introductory Course. Moscow, pp:126
19. Miloslavskaya, D.I., 2000. Typical Difficulties of a Legal Text Semantic Interpretation. *Juridical Linguistics*, 2: 103-116.
20. The Wig Shop Murder. The Prosecution Opening Statement. Date Views 3.11.2013 [www.criminaldefense.homestead.com/Dror.html](http://www.criminaldefense.homestead.com/Dror.html).

21. Larry Bowoto V. Chevron Corporation. Date Views 3.11.2013 [www.ca9.uscourts.gov/.../09-156411.pdf](http://www.ca9.uscourts.gov/.../09-156411.pdf).
22. Statement for the defense delivered by defense attorney Dick DeGuerin at the Galveston County murder Case. Date Views 3.11.2013 [www.criminaldefense.homestead.com/Durst.html](http://www.criminaldefense.homestead.com/Durst.html).
23. Kryukova, E.A., 2013. On the Ways to Achieve Exact Expression of Legal Norms. Date Views 3.11.2013 [www.pvlast.ru/archive/index.31.php](http://www.pvlast.ru/archive/index.31.php).
24. Trial Records of Court Hearing of Libel Case Against Oleg Orlov, the Chair of “Memorial” Human Rights Protection Organization Date Views 5.11.2013 [www.memo.ru/2011/02/02/0202111.html](http://www.memo.ru/2011/02/02/0202111.html).
25. Protocol of Court Hearing of Kostanai Municipal Court at N.A. Zhokeshbai Case of 19.07.2011.