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COMMUNICATIVE STRATEGIES AND TACTICS OF SUGGESTION IN CLOSING ARGUMENTS (CASE STUDY OF AMERICAN LEGAL THRILLERS)

Summary. The article deals with the problem of verbal influence of the attorneys' closing arguments on the jury. The research proves that in their closing arguments attorneys use such communicative strategies and tactics of suggestion that help them impose their personal point of view on the jury, change their emotions, feelings, reactions, outlook. It in its turn drives the jury to change their attitude to the plaintiff/defendant, attorneys themselves and plays a crucial role in the jury's deliberation process. Based on American legal thrillers the author offers two main groups of communicative strategies of suggestion that help the attorneys exert due influence on the jury.

Key words: communicative strategy, communicative tactic, verbal suggestion, closing argument, American legal thriller, the jury, attorney's speech.

Research Problem. Legal discourse is more frequently becoming the centre of linguists' attention due to the claims that the jury members are '*sentimentalists with bleeding hearts*' [19, p. 4] that '*decide cases according to emotion and sympathy more than according to law and evidence*' [15, p. 4]. Here we are indisputably talking about verbal influence of the attorneys' speeches that allows them to implement changes into cognitive sphere of the jury members. This problem urges linguists from all over the world to discover and study those communicative strategies and tactics of the attorneys' speeches that help them exert due influence on the jury.

Analysis of recent research and publications. Such linguists as [10; 11] and many others prove that during legal proceedings attorneys use such communicative strategies and tactics that help them achieve their goals. On the grounds of this idea, they have worked out their own classifications of communicative strategies and tactics that involve manipulative aspect of attorneys' speeches, though the aspect of such psychological phenomenon as suggestion in attorneys' speeches has not received due scientific attention, which calls for linguists to take immediate actions. Among the scientists who contributed to the problem of suggestion in attorneys' speeches, we can name a few: T.S Safronova [9], V.V. Katermina [7], E.Sh. Nikiforova [8], who prove that the attorneys' speeches are full of communicative strategies and tactics of suggestion and are aimed at exerting due influence on the jury.

Overall Objective. The overall objective of the paper is to provide and analyze the most effective communicative strategies and tactics of suggestion that attorneys use in their closing arguments in order to influence jury members' emotions, feelings, ideas, personal outlook that will eventually drive the jurors to change their mind and reach the attorney's desirable verdict.

Material. The selection of communicative strategies and tactics of suggestion is carried out on the case study of modern American legal thrillers (ALT) [16; 17; 18; 20]. ALT is defined as a genre

of literature that describes legal proceedings by two main protagonists (prosecutor and defense attorney) whose main characteristic feature is thrilling and dynamic narration. We investigate communicative strategies and tactics of suggestion in attorneys' closing arguments of ALTs. Closing arguments play a vital role in the legal proceedings as they serve climax of the whole legal process and they are the last chance for attorneys to directly address the jury. That is why we assume that closing arguments of ALT will be full of such communicative strategies and tactics of suggestion whose main aim will be to have a great influence on the jury's thoughts and feelings.

Main research material presentation. One of the key aims of courtroom speech is to have psychological and emotional influence on the jury as well as implement changes into their outlook so that in the future they could give back a desirable verdict. Consequently, attorneys' aim is to influence and subject jury's mind so that they could go hand in hand with their set goals. According to our hypothesis, one of the most effective ways to do this is by means of *verbal suggestion*. Verbal suggestion is defined as 'latent verbal influence [4, p. 90] on the subconscious mind of the recipient which is characterized by the intrusive character that is barely comprehended by the recipient [13, p. 53]. It can be implemented verbally and non-verbally [1, p. 25], with the help of which the speaker can evoke feelings, emotions and inflame the recipient's imagination [4, p. 90] which will urge him to take certain actions' [3, p. 13–29].

When dealing with the verbal aspect of suggestion, linguists have to put a deep insight into communicative competence of the speaker that includes their communicative strategies and tactics, figures of speech, emotional and inflammatory rhetoric that they use in their speeches "as it creates metaphoricity of the context and powerful influential field on the recipient" [6, p. 151–152]. So, the effectiveness of attorneys' verbal communication has much to do with the set goal (illocutionary aim) which finds its reflection in communicative strategies and tactics. *Communicative strategy* is viewed as: 'the speaker's focus on the effectiveness of the communication process that sets goal to influence the recipient's worldview' [2, p. 272]. Consequently, communicative strategy is some kind of the cognitive process whose final goal is 'to change the recipient's world model' [ibid, p. 116]. *Communicative tactic* is viewed as the resulted by the strategy speech moves that give an opportunity for the speaker to reach their main communicative goal [14, p. 156]. Therefore, tactics play a vital role in the implementation of the speaker's intended strategy.

In our paper, communicative strategy of suggestion is viewed as an integrative notion that combines such aspects of strategic action – cognitive, communicative and pragmatic. Cognitive aspect deals with the utterance of the verbal message based on the speaker's existing knowledge, goals and presupposition. Communicative

aspect deals with the selection process of communicative strategies and tactics to exert due influence on the jury with the help of suggestion. Pragmatic aspect deals with the effect that attorneys' speeches have on the jury.

The main aim of suggestion is to suppress the recipient's critical thinking. It can be done due to the influence on the recipient's feelings, emotions and weak points (parental feelings for instance). The result will be the following one: having influenced the recipient's weak points, they will always be driven not by critical thinking but by their emotions and feelings in the decision-making process. Considering this information, we provide two groups of communicative strategies of suggestion based on the emotional aspect that suggestion has on the jury: a positive and a negative one. Every group of strategies consists of communicative tactics that help the attorneys reach their goals.

1. Communicative strategy of suggestion that creates a positive emotional background

The aim of this strategy is to make a good impression on the jury, establish a more intimate contact with them, create the atmosphere of frankness and sincerity, tempt the jury over to the side of the prosecutor/defense attorney. This strategy prepares a strong positive emotional background that will help the prosecutor/defense attorney have due influence on the subconscious mind, emotions and thoughts of the jury. It is implemented with the help of the following tactics:

– gratitude tactic

'Ladies and gentlemen... This is my last opportunity to address you,' I say, 'so I will thank you for the generous time you have given us, for your patience, and most of all for your honesty, integrity, and wisdom, which I am certain you will bring to your deliberations.' [20, p. 287] – the defense attorney starts his closing argument by thanking the jury for the done job. Enumeration of the nouns 'time', 'patience', 'honesty', 'integrity', 'wisdom' creates a special rhythm (which is so important for suggestion) which seems to be drumming these notions into the jury's heads suggesting at the same time the idea of bringing these notions into their deliberations. The overall aim of the gratitude tactic is to become closer to the jury, establish contact with the jury, win their sympathy. On doing so, they will follow the attorney's wishes, they will run the attorney's command to bring to their deliberations their wisdom and honesty.

– appreciation of the jury's job tactic

'Ladies and gentlemen of the jury,' I began, "I've got good news. We should all be out of here and back to our normal lives by the end of the day. I appreciate your patience and your attentiveness during this trial. I appreciate your consideration of the evidence. I am not going to take a lot of time up here because I want to get you home as soon as possible. Today should be easy. This is a quick one. This case comes down to what I call a five-minute verdict. A case where reasonable doubt is so pervasive that a unanimous verdict will undoubtedly be reached on your very first ballot.' [17, p. 250] – the overall aim of this tactic is to establish a close contact with the jury, make the attorney's personality more appealing to the jury, and create positive thoughts and attitudes towards the attorney. This tactic prepares perfect ground for suggestion, which is offered by the attorney in the following short sentences: 'today should be easy', 'this is a quick one'. These sentences have strong imperative meaning which lies in the modal verb 'should' and the verb 'to be'. It suggests the jury the idea that it will be very easy for them to reach a unanimous verdict in attorney's cli-

ent's favor. The idea of these sentences is intensified by evaluative adjective 'a five-minute' (verdict) and a strong evaluative adverb 'undoubtedly'. It suggests the jury the idea that the verdict is already crystal clear, and that there is no other option than to vote in attorney's client's favour.

– sincerity tactic

'Ladies and gentlemen, before Judge Buford appointed me to represent the defendant, I thought I was a winner in the game of law-and that's how I viewed the law, as just a game. When I tried a case, I wanted to win. I wanted to beat the other lawyer. It wasn't about truth or justice; it was just about winning... and money. But I was wrong. The law isn't a game. It's not about winning or money. It's about truth and justice...and life. Today, it's about the defendant's life.' [18, p. 164] – in his closing argument the defense attorney decides to take drastic measures and unveil the jury the truth about himself, about his lucrative motive to take this case for winning and making money only. We believe this is a risky step for any attorney to unveil such information, but on second thoughts, it creates a strong positive emotional attitude to his personality due to his being frank and his desire to confess in front of the whole public. This tactic also creates a desire to believe every word he says. In doing so, the defense attorney then sets out to influence the jury's subconscious mind by means of the conceptual metaphor: 'law is a game'. If law is assimilated with the game then it conjures up an image where anything goes but the truth. Then with the help of the opposition 'but I was wrong' and the repeating negation 'the law isn't a game. It's not about winning or money,' he dispels the image of 'law as a game', suggesting the jury one crucial thought that the defense attorney is aiming to deliver: 'It's about truth and justice...and life. Today, it's about the defendant's life.' Effectiveness of two last sentences on the jury lies in pausation and repetition of the word 'life'. Pausation creates some kind of strain and by making a pause, the attorney stresses the jury's attention on the word 'life', which he purposefully repeats in the second sentence for the jury to understand the significance of this very case. Metaphoricity of the context as well as a great concentration of expressive means and stylistic devices have a powerful influence on the jury's train of thoughts and help the attorney reach his illocutionary aim – suggest the jury the idea that this case is not a game, that his defendant's life is at stake, that's why they should be very careful about their decisions not to reach the wrong verdict.

2. Communicative strategy of suggestion that creates a negative attitude background

The aim of the strategy is to make the jury engender hatred, experience negative emotions and feelings towards the plaintiff/defendant, prosecution/defense attorney, discredit the investigation and the attorney's versions of the case. This strategy can serve a fatal blow when the jury are deliberating on the verdict. This strategy is implemented with the help of the following tactics:

– tactic of defendant's negative characteristic features

'We know for a fact that Donald Vick is a member of a hate group called ASP, that he is the sworn enemy of the Vietnamese members of our community, and that he is a hothead who continually agitated for violent attacks against the Vietnamese. We know that on the afternoon of July twenty-fifth he sought out Tommy Vuong and found him at the Bluebell Bar. He has admitted this to you.' [16, p. 127] – verbal suggestion is more effective when it has evaluative and emotional abundance [5]. It can be expressed by evaluative adjectives and emotionally-coloured nouns as in the example. With the help of this tactic the prosecutor is trying to

trigger negative emotions and feelings towards the defendant. In his speech he uses evaluative adjectives 'sworn' (enemy), 'violent' (attacks) and such noun with pejorative connotation as 'hothead'. Taken together, these emotionally-coloured words create a negative attitude to the defendant on the morphological level. This negative attitude can become the reason for the jury's hasty conclusions towards the defendant and can result in the jury's shaping negative opinion about the defendant without changing it in the future.

– discrediting tactic of the defense attorney

'Well, Mr. Kincaid was very dramatic, wasn't he?' Now that, Ben thought, was the pot calling the kettle black. 'But he left a few details out. Like, for instance, the fact that Donald Vick had access to the crossbow and personally picked up the bolts the day before the murder... Has Mr. Kincaid forgotten that Vick's own hair and blood was found on this crossbow?' he shouted. 'I think not. But he's hoping you will.' [16, p. 128] – in this piece of speech suggestion works on lexical and syntactical levels. The usage of the evaluative adjective 'dramatic', the usage of the tag question 'Well, Mr. Kincaid was very dramatic, wasn't he?' and rhetorical question 'has Mr. Kincaid forgotten that Vick's own hair and blood was found on this crossbow?' implicitly expresses the prosecution attorney's negative attitude to his opponent and creates ironical effect. The prosecutor characterizes his opponent's speech as being very 'dramatic' which creates ironical and mockery effect in order to ridicule his opponent's activity. Moreover, the effect of irony is intensified by the tag question 'well, Mr. Kincaid was very dramatic, wasn't he?' where it 'expresses skeptical attitude of the speaker towards a certain situation, irony, sarcasm' [12]. In this context tag question acquires additional meaning of emotional character, mainly reproach and accusation [ibid.]. With the help of this tactic the prosecutor shows the jury the defense attorney's drawbacks and flaws arousing negative attitude and feelings to him. On arousing negative feelings to his opponent, the prosecutor takes another step to plant the thought that the defense attorney intentionally conceals the most important evidence that proves his client's guilt and wants the jury to forget about it. This effect is done with the help of the rhetorical question 'has Mr. Kincaid forgotten that Vick's own hair and blood was found on this crossbow?' which the prosecutor doesn't leave unanswered and he implants the desired answer to it: 'I think not. But he's hoping you will.' Perlocutionary effect is reached: the defense attorney's reputation is tarnished, in the jury's mind the attorney seems to be the one who wants to mislead them, their attitude to him is changed.

Conclusion. Our findings suggest that in their closing arguments the attorneys use such communicative strategies and tactics of suggestion that set out to create either positive or negative attitude to their opponents and clients. This is done with the help of such verbal rhetoric whose main aim is to suppress the jury's critical thinking by means of influencing their emotions and feelings, i.e. by means of verbal suggestion. Having influenced their psychological state, the jury will always be driven not by critical thinking but by their emotions and feelings in the deliberation process. The findings of the paper serve grounds for further linguistic research of communicative strategies and tactics of suggestion not only in attorneys' closing arguments but also in their opening statements.

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Гарбар І. О. Мовленнєві стратегії і тактики сугестивного впливу в заключних промовах адвокатів сторін (на матеріалі американських юридичних трилерів)

Анотація. У статті розглядається проблема вербального впливу заключних промов адвокатів сторін на колегію присяжних. У дослідженні доводимо, що у своїх заключних промовах адвокати сторін застосовують такі комунікативні стратегії і тактики сугестивного впливу, які допомагають їм досягти поставленої мети, а саме вплинути на емоції, почуття, світогляд колегії присяжних, що зрештою призведе до того, що присяжні змінять своє ставлення до позивача/відповідача, самого адвоката, що зіграє провідну роль під час винесення вироку присяжними.

Ключові слова: комунікативна стратегія, комунікативна тактика, вербальна сугестія, заключна промова, американський юридичний трилер, колегія присяжних.

Гарбар И. А. Коммуникативные стратегии и тактики сугестивного воздействия в заключительных речах адвокатов сторон (на материале американских юридических триллеров)

Аннотация. В статье рассматривается проблема коммуникативного воздействия заключительных речей адвокатов сторон на присяжных. Исследование доказывает, что в своих заключительных речах адвокаты сторон используют такие коммуникативные стратегии и тактики сугестивного воздействия, которые помогают им достичь поставленных целей, а именно повлиять на эмоции, чувства, мировоззрение коллегии присяжных, что в конечном счете приведет к тому, что присяжные изменят свое отношение к истцу/ответчику, самому адвокату, что сыграет ключевую роль при вынесении приговора присяжными.

Ключевые слова: коммуникативная стратегия, коммуникативная тактика, вербальная сугестия, заключительная речь, американский юридический триллер, коллегия присяжных.