

*As the manuscript*

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**Linguistic features of judicial speeches of the famous russian lawyers**

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## General characteristics

The thesis is devoted to the analysis of cohesive means of a text-formation in defensive speeches of the Russian lawyers of three historical periods - pre-revolutionary (XIX century), Soviet (1-3 quarters of the XX century) and modern (the end of XX - the beginning of XXI centuries). The cohesion is one of basic parameters of a textual assessment of speech work as defines its integrity, genre, stylistic affiliation and degree of the internal organization. Studying of cohesive means within one genre allows to assess the informative and interpreting activity of the person in a genre, to expand or, on the contrary, to narrow genre borders. A problem which this research directly mentions and tries to solve is the text linguistics and rhetoric opposition problem.

According to the existing view of the description of the language fact that description cannot be considered exhaustive, while "the word in a genre" is not described yet, in the words of V. V. Kolesov, that is while not considered acquired within a genre and the text features of functioning of one or the other system unit.

**Relevance** of the chosen subject is determined by the following positions: 1) consideration of a contradiction between private subsections of the science of language from the point of view of dynamism of their theoretical postulates and mechanisms of interpretation of the same language fact, taking into account the accumulated theoretical and practical material; 2) usefulness of specification of relationship of linguistics and rhetoric if the linguistic interest in the texts of rhetorically caused genres; 3) need of streamlining and the detailed description of those historical changes which are undergone by genre language under the influence of temporary, including extralinguistic factors; 4) insufficient knowledge of the texts representing material of this research - Russian-language judicial lawyer speeches for

a certain historical period.

In the last decades interest of researchers-linguists in a problem of reflection of human thinking in language activity, and in peculiarities of perception of the world in the language facts increased. The solution of questions of the impact of language on behavior and thinking of the person, on relationship of language and society, on development of spiritual culture of the people, mentality of the nation, etc. is in the course of the anthropological linguistics which became the important direction of modern linguistics.

At the same time modern linguistics since the end of the XX century represents complex agglomerate of cognitive mechanisms, that in the set are still consistent with traditional overview of informative and interpreting functions of linguistics as a science, however in private, specialized studies these views are already fully or partially lost. The certain areas and sections of linguistics, such as sociolinguistics, textual criticism, cognitive linguistics and so on, can be comparable with sections of the higher mathematics: often not having the specific, practical application to the constructions, they, nevertheless, develop wide toolkit of informative mechanisms, build multiple and difficult theoretical constructions.

On the contrary, the traditional areas of linguistics, such as synchronic morphology, syntax, phonetics and lexicon, take purely mundane character in modern times. They operate with descriptive and recommendatory and didactic designs, without claiming the novelty of theoretical constructions. Attachment to changing, but after all inert language fact, unlike extralinguistic "consciousnesses", "psychotype", "concept", "idea", need of its classification and taxonomical qualification within the prevailing views force the scientists adhering to the traditional areas of linguistic research to be careful in the choice and change of the tools, the accepted postulates and general-theoretical provisions.

So there is a contradiction problem between private subsections of linguistics from the point of view of their theoretical postulates' dynamism and interpretation mechanisms of the same language fact. The number of works "reconciling" two emerged interpretative systems described above is still small, their smaller quantity is executed taking into account genre specifics of the studied text.

If by the nature the described genre is rhetorical, it is necessary to take this into account, meaning the linguistic description of unit.

However scientific instruments and independent significance of linguistics and rhetoric are different though both disciplines are a part of the sciences studying semiotic systems and are directly related to the literature as the common phenomenon coded in language and realized in the speech. Therefore the method compatible both with realities of the rhetorical description of the text, and with its linguistic analysis tradition is necessary for the researcher for combining two different scientific principles - linguistic and rhetorical descriptions.

As that tradition in work the historical description of a genre is chosen. The synchronic description of any phenomenon including language, in its any aspect of functioning does not give a complete idea of its nature, at best offering its taxonomical classification or the description of certain acquired properties. Only the historical linguistics has the explanatory power. The pan-chronic and diachronic approaches to material presented in this work, attempt to trace the dynamics of changes and its mechanisms allow not only to receive the most complete picture of a phenomenon existence, but also to partially predict its further development.

The last statement especially is actual when the narrow specialized genre which still does not have the adequate linguistic description despite its importance as a cultural and social phenomenon as what material in this work lawyer speeches are,

becomes material of research. Actually the source of the supervision done in this work did not remain out of attention of linguists, however the researches of this material which are available at the moment usually have got highly specialized nature - the description of separate lexical units or categories, means of expressiveness and the private principles of creation expression (G. I. Bayazitova, A. V. Bogatyryov, E.K.Vikulov, E.S.Gavrilova, R.T.Zaynagutdinov, D.V.Zotov, G. M. Lezhnina, N. V. Malanina, O.E.Nasedkina, T. A. Turusinova, G.Kh.Shamseeva and others) - or the obobshchayushche-training character (L. V. Aydinova, A. A. Vlasov, E. N. Gorbachev, S.Yu.Kurilova, M.V.Laskova, M. S. Medvedev, R.G.Melnichenko, A. M. Rezelkin, V. A. Romanova, Z.V.Solovyyova, A.Yu.Khvorostov and others).

As for the historical description of language of lawyer speeches on any significant period of time, there are practically no those works in domestic linguistics.

**The research objective** consists in consideration of actually speech conditions of implementation of language units in texts of a rhetorical genre of the judicial lawyer speech for a certain period of history.

To achieve the goal the following **tasks were set:**

- 1) to offer own method of the linguistic analysis of the rhetorical text on the basis of the existing textual methodologies;
- 2) to correlate different functions of language units within the same text space, separating actually textual implementation of unit from rhetorically caused;
- 3) to analyse the allocated implementations of language units;
- 4) to consider the influence of the extralinguistic factors defined by the belonging of the text to a particular historical stage within the set period and also - in some cases - the identity of the author of the text, on the analyzed phenomena;
- 5) to formulate regularity of transformation of a genre of the judicial lawyer

speech from the point of view of its lingvo-rhetorical nature for a certain period.

**The object** of research is the syntagmatic implementation of the language facts in by genre and pragmatically limited circle of texts of the set historical period caused by the specific lingvo-rhetorical nature of these texts, **the subject** is the functioning of separate language units in texts of a genre caused in different cases by different semantic and stylistic parameters.

Works, first of all, R.I.Avanesova, E.A.Balalykinoy, V. A. Bogoroditsky, V. V. Vinogradov, A. A. Zaliznyak, P.A.Lekanta, V. M. Markova, G. A. Nikolaeva, M. V. Panova, A. A. Potebni, N. M. Shansky, A. A. Shakhmatov - on the one hand, and S. S. Averintsev, V. I. Annushkin, R. Bart, R. - A.debogranda, I.R.Galperina, V. Dresslera, V. V. Kolesova, N. N. Kokhteva and others - with another formed **theoretical base** of research.

In works of the first researchers' group the linguistic scientific tools, necessary for our research, are built and systematized, theories and methods of the treatment of language material in the text and a genre in actually linguistic aspect are developed. In Avanesov, Balalykina, Bogoroditsky, Vinogradov, Zaliznyak, Panov, Potebnya, Shakhmatov's works phenomena of Russian morphological and partly are considered - as it is necessary connected with morphology - a syntactic system of Russian of the period interesting us. Respectively, Balalykina, Lekant, Markov, Nikolaev, Potebnya, Shansky's works are devoted to Russian lexicology questions, its derivational aspect – word-formation - and to the relations of a morphological and lexical derivation, interaction of the formation of grammatical forms and words. In general works of the authors represent actually linguistic part of theoretical bases of our research.

Works of the scientists listed in the second group we are interested in respect ideas of the rhetorical nature of the text (Averintsev, Annushkin, Kokhtev) and his

semiotics nature (Averintsev, Bart, Galperin), and also ideas of the relation in the text meaning and meant, bases of the textual analysis (Bogrand, Galperin, Dressler, Kolesov). We scoop the bases for the new method of the textual analysis of language units offered in this research from them, and also the bases for combination of linguistics and rhetoric tools in one research.

R.-A.de Bogrand and V. Dressler's works formed **methodological base** of research (1981, 1987). To solve the objectives in this work the following **methods were used:**

- 1) *descriptive* – to describe semantic and grammatical features of separate language units;
- 2) *structural-semantic* – to observe the language units in the text of the lawyer speech, to identify the structural and semantic characteristics, differentiate obligatory and optional properties;
- 3) *the transformational analysis* – to identify functional changes in textual semantics of language unit;
- 4) *method of synonymous replacements* – to verify status of the concrete text usage of language unit by substitution of a synonym with possible complete set of differential signs;
- 5) *the quantitative analysis* – to make a quantitative characteristic of the research material.

The material of research are the texts selected with search engines of the National case of Russian (<http://implementation.ruscorpora.ru/>), Scientific electronic library (<http://implementation.lib.ru>), an electronic search engine "by Libru classics" (<http://implementation.lib.ru>). Search was carried out proceeding from the following criteria: 1) belonging of texts to one specialized genre - the lawyer judicial speech; 2) correlative volume of texts; 3) the text belonging to one of the three stages of the historical period of interest to us; 4) the presence of expressed rhetorical

features of a genre of the corresponding historical period stage in texts; 5) the presence of the variety of a subject of the speech (political and criminal trials) to receive a genre picture in general, but not a narrow sub-genre; 6) popularity of the author of the text as a setting of text exemplary and credibility.

**Scientific novelty** of research is defined by the following: 1) so far the texts selected for research or were poorly studied in the linguistic relation (the speech of Alexandrov, Andreevsky, Arsenyev, Zhukovsky, Karabchevsky, Kalistratova and others), or were not a subject of such studying at all (Spasovich, Urusov, Hartulari, Holev, Braude's speeches, Cana, Derviza, Kiselyov and so on), or were described repeatedly, but not as the complex phenomenon of the linguistic and rhetorical nature (the speech Horses, Plevako); 2) since the end of the 19th century the contradiction between the interfaced and interdepending scientific disciplines - linguistics and rhetoric – has been accumulating. It demands the methodological solution from modern view on philology as holistic discipline; 3) Bogrand-Dressler's theory about criteria of textualism taken as a methodological basis demands expansion and specification in relation to russian language.

**The theoretical importance** consists of, firstly, connection the facts of linguistic and rhetorical character within a uniform complex method of the analysis in this work, and secondly, correction of the existing method of the textual analysis in relation to conditions and requirements of russian language becomes.

**The practical importance** of research is defined by the fact that the conclusions can be used in studying textology and rhetoric of russian language, they can be basis for special courses on various aspects of the linguistic analysis of the text for institutions of higher education, and also for special discipline of linguistic and rhetorical character for legal specialties of higher education institutions. Thesis materials show and characterize any intra text interactions of the studied units caused their text-formation and rhetorical functions, fill up the database of modern legal

office-work as traditionally demanded rhetorical and linguistic methods of discourse creation, and potentially significant, perspective similar means and units, will allow to create new templates of reproduction of the lawyer judicial speech according to the best examples of this text tradition.

**The following provisions are submitted for protection:**

1. The principles, methods and receptions of the text description in linguistics and rhetoric as independent scientific disciplines can be integrated and applied as a uniform complex method of the linguistic and rhetorical description to the rhetorical nature text.
2. The interpretative technology of a text-formation which can be based on Bogrand-Dressler's concept about criteria of textualism (in particular, at the level of means of cohesion) has to serve as the basis for combination of linguistic and rhetorical mechanisms of the text description.
3. Being applied, the specified technology of the text analysis allows to comprehensively describe any text material of the rhetorical nature, allocating actually text-formation and rhetorical functions of units of separate levels of language in their interaction.
4. In relation to texts of one rhetorical genre (in our case - the judicial lawyer speech) this technology will allow to define their efficiency as the convincing (persuasive) means of communication and to reveal the criteria affecting persuasively. Being considered taking into account a concrete historical period of their creation, these criteria will form the basis of the theoretical description of dynamics of a judicial lawyer speech genre.
5. The results will allow to formulate the general principles of reproduction of texts of the given genre to strengthen their convincing force in historical perspective.

**Approbation of results of research** was carried out at the following

international conferences: 1) VIII International correspondence scientific and practical conference "Scientific discussion: questions of philology, art criticism and cultural science" 2) International scientific and practical conference "Modern philology: the theory and practice", and also at the final conferences of the Kazan (Volga) federal university.

Five articles related to the dissertation topic (including 3 articles in the leading scientific publications recommended by Higher attestation Commission) are published and reveal basic provisions of work.

**Structure of research.** The thesis includes introduction, two chapters, the conclusion and the list of the used literature and the application.

In Introduction relevance of a subject of research reveals, the purposes and problems of work are defined, the choice of the main sources and methods of research is proved, scientific novelty, the theoretical and practical importance of the thesis is noted, the information on approbation of its results is supplied, the provisions submitted for protection are formulated.

In chapter 1 - "Theoretical bases of research" - are formulated theoretical provisions of research, the information about authors of the analyzed texts is provided, the new terms entered into scientific use by the author of dissertation work receive definitions.

When analyzing texts of judicial lawyers' speeches from different historical periods in terms of the textual concept of Bogrand-Dressler it is proved that rhetorical characteristics of the text in the field of a subject description such as rhetorical argument, are implemented at different ways at different times and it is possible to determine consistent pattern in their historical change.

Consideration of the chains of cohesion in texts of the studied genre shows that if

on a certain space of the text the number of units forming the basis for a cohesion chain exceeds the average volume typical for a cohesion step on the main space of the text, then it is possible to speak about creation of "a focal point" of the chain of cohesion and to assume in addition to main text forming function of cohesion the additional, demanding separate interpretation function - for example, rhetorical function for texts of the studied genre.

In chapter 2 - "The linguo-textological analysis of lawyer speeches taking into account their rhetorical features" - the analysis of means of cohesion in texts of lawyer speeches from three historical periods interesting us, is performed. This chapter is divided into the paragraphs related to syntactic, morphological (a verbal forming), lexical and grammatical (a personal pronoun + an antecedent, nominal word-formation), cohesive sequences performing text-formation and rhetorical functions.

Ideas of external and internal cohesion are applicable to syntax of the lawyer speech, first of which covers all text and creates its integrity. This main cohesion can be presented by several sequences of stereotypic units, but, as a rule, is based on the only one sequence. Not all considered texts include the phenomenon of internal cohesion at the syntactic level. These are the separate cohesive sequences of small volume covering separate fragments of the text and opposed on the means involved in them to chains of external cohesion. Both external, and internal cohesive chains can, in addition to the main text-forming function, carry out rhetorical function. Focal points - text fragments in which use of cohesive units is superfluous from the point of view of homogeneity of the developed speech work serve as the evidence of this ability. At the level of one external cohesive chain the focal point is formed by excess of units making a chain.

The genre of the judicial lawyer speech assumes severe conditions of external cohesion formation at the level of a verbal predication forms - it is continuous

interaction of forms of the present and past tenses. The text space is formed by these two temporary forms, allowing in some cases inclusion of other verbal forms. At the same time neutral in relation to above-stated forms, the special form capable to get into any fragment of the text, first of all in dependent (attributive, explaining or adverbial) situation, is the infinitive. Forms of irreal moods, being integrated in the text, will be distributed on two compared plans: forms of a subjunctive mood support the plan of the premarital uses, and imperative (and future time) forms distribute the plan of the presence uses. It is the genre characteristic that has to be considered at reproduction and a producing similar texts. Units of verbal cohesion can be used as the fixed or additional resources of rhetorical pathetic creation. The lacuna in verbal formulation of a predication occurs only in texts of performances by contemporary to us authors and can be defined as a new tool for rhetorical pathetic from the point of view of verbal cohesion of the text.

The modern period of development of a genre of the lawyer speech continues traditions of the previous periods concerning cohesive sequences like "personal pronoun - antecedent", in particular - it uses technology of creation of a cohesion focal point reflecting rhetorical pathetic due to combination of several cohesion chains in the context of sets of forms. On the other hand, we may notice that presently it is possible to abandon use of the discussed cohesive sequences as text-forming means (G. Reznik) and to replace this technology of cohesion creation with other means.

The scheme of using suffixally issued units of different steps of a derivation as means of cohesion in our and pre-revolutionary eras, allows the author of the lawyer speech to create the focal points of cohesion having, in addiction to text-forming, the rhetorical nature.

All deviations and the facts of the use of cohesive means contradicting the

statements formulated above (in texts of the Soviet period and in modern ones) can be explained with conscious editing of the text by the author, "adjustment" under any canon known to him or the text sample according to ritual and traditional requirements to the syntactic or substantial (ideologized) formation of the text.

In the Conclusion the research results are summarized, the general conclusions are drawn.

For combination of two various scientific principles - linguistic and rhetorical descriptions – a single narrow material, which is the set of texts of one genre (the judicial lawyer speech) is not enough. The method compatible both with realities of the rhetorical description of the text, and with tradition of its linguistic analysis is necessary. In the analysis of texts of judicial lawyer speeches from different historical periods from positions of the textual concept of Bogrand-Dressler it is proved that rhetorical characteristics of the text in the area of a subject description, such as rhetorical argument, are implemented differently at different times and at the same time it is possible to determine consistent pattern in their historical change.

The analysis of cohesive means of different language levels in texts of the studied genre allowed to reveal on the text space the "focal points" of cohesion possessing besides the main, text-forming function additional, rhetorical function.

Identification of focal points of cohesion of the text allowed to define specifics of the lawyer speech genre as the work relating to official style, on the one hand, and as the work designed for an oral statement and possessing owing to this fact the rhetorical nature – on the other. Thus, it became possible to qualify the texts that became a research material, as "over-genre" tending to two various stylistic elements.

In this work the own method of linguistic analysis of the rhetorical text based on the existing textual methodologies is offered. At the same time during research different functions of language units within the same text space – actually textual and

rhetorically caused implementations of unit were correlated.

The allocated implementations of language units were analyzed from positions of genre and stylistic specifics of texts, at the same time influence on the analyzed phenomena of the extralinguistic factors, determined by belonging of the text to this or that historical stage within the set period and also - in some cases – by the text author's identity, was considered.

For each historical stage allocated in the history of the lawyer speech as a genre rules of genre transformation from the point of view of its linguo-rhetorical nature were formulated.

The table uniting statistical data of the discussed cohesive chains in all texts considered in the course of work is given in the Appendix.

Basic provisions of the thesis are reflected in the following publications:

*Articles published in the reviewed scientific magazines recommended by Higher Attestation Commission of the Russian Federation:*

1. Philological sciences. Questions of the theory and practice, No. 5 (47) 2015, part 2. “Gramota” publishing house, Tambov: Gramota, 2015. No. 5(47): in 2 ch. Ch.II. ISBN 1997-2911. Yakshimbetova N. Ya. About an author's originality of rhetorical style of the lawyer speech. pgs. 215 - 217.

2. Humanitarian, social-economic and social sciences, 2014 No. 8. ISBN 2220-2404. Krasnodar. Founder LLC “Nauka i obrazovaniye”. pgs. 330 - 332. Yakshimbetova N. Ya. The use of verb moods in judicial speeches of lawyers from the Soviet period.

3. Humanitarian, social-economic and social sciences, 2015. No. 3 Part 2. ISBN 2220-2404. pgs. 262-264. Yakshimbetova N. Ya. Some means of cohesion as rhetorical device in the lawyer speech.

*Articles published in other scientific publications:*

4. Modern philology: theory and practice, 2012. Materials of the X international scientific and practical conference, Moscow on December 25-26, 2012, Moscow,

"Spetskniga" publishing house, 2012, pgs. 260-264. Yakshimbetova N. Ya. Composite features of the legal text (on the example of an accusatory speech of A. F. Koni "On the case of the staff-captain Kolemin's gambling house")

5. Scientific discussion: questions of philology, art criticism and cultural science. Materials of the VIII international correspondence scientific and practical conference. Part II. (on February 05, 2013), Moscow, "International Center of Science and Education" publishing house, 2013, pgs. 97-101, Yakshimbetova N. Ya. Stylistic features of the legal text (on the example of an accusatory speech of A. F. Koni "On the case of the staff-captain Kolemin's gambling house")