

INDIVIDUAL AND STEREOTYPED SPEECH BEHAVIOUR
OF PROSECUTORS FROM THE POINT OF VIEW
OF PRAGMALINGUISTICS

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Abstract

This article touches upon the theoretical basis of state prosecutors' individual and stereotyped speech behaviour. The analysis is made from the point of view of Pragmalinguistics.

Keywords: *individual and stereotyped speech behaviour, prosecutors, pragmalinguistics.*

Rezumat

În articol, sunt prezintate postulatele de bază cu referire la limbajul individual și stereotipul lingval, utilizate de procurorii de stat. Analiza se face din punct de vedere pragmalinguistic.

Rezumat: *comportament individual și stereotipat, judecători, pragmalinguistica.*

Speech behaviour is considered an automatic stereotyped speech manifestation without any conscious motivation due to typical repeated situation of speech¹, and individual speech manifestation. We must distinguish “speech behaviour” and “speech activity,” because speech activity is motivated and dependent on target speech manifestation.

Speech activity of public prosecutors in the speeches for the prosecution was thoroughly examined by scientists from the point of view of rhetoric and were given general recommendations for delivering speeches in a trial.

We are analysing speech behaviour of public prosecutors from the standpoint of the pragmalinguistic analysis which studies the impact of an author of a text on his listener. Any form of verbal communication, especially an oral one, presupposes influence upon an addressee. Moreover, even a neutral joint presence has an impact of one person to another.

For a successful impact on a listener, a public prosecutor should act according to the well-known Cooperative principle or the Conversational maxims, a principle put forward by H. P. Grice². The Cooperative means that any contribution to a speech exchange is engaged in as is required by the accepted purpose or direction of the speech. The Cooperative principle includes four maxims: *the maxim of Quality*: try to make your contribution one that is true, specifically: (1) do not say what you believe to be false; (2) do not say that for which you lack adequate evidence; *the maxim of Quantity*:

¹Формановская, 1989, с. 28.

²Grice, 1975.

(1) make your contribution as informative as is required for the current purpose of the exchange; (2) do not make your contribution more informative than is required; *the maxim of Relevance*: make your contributions relevant; *the maxim of Manner*: be perspicuous, and specifically: (1) avoid obscurity; (2) avoid ambiguity; (3) be brief; (4) be orderly³. Let us now analyse the four maxims.

1. The maxim of Quality

The statement must be true. Do not say what you think is false, or what you cannot prove. In accordance with the law, a public prosecutor must support the prosecution only if he is firmly convinced of the defendant's guilt, if the examined evidence is supportive enough for it. In modern Russia, if a prosecutor comes to the opposite conclusion, his duty is to repudiate the charges.

2. The maxim of Quantity

The statement is to contain no less and no more information than is required to meet current aims of the dialogue. Awareness of the speaker must exceed the awareness of the listeners. The speech will be effective only when there is some kind of "difference of potentials" between the speaker's knowledge and the audience's awareness. It is believed that the speaker is able to keep the audience in a tense state if they know that he has got information which is three or four times higher than that of the listeners'. However, it does not mean that a public prosecutor should be verbose. Do not talk too much. Verbiage can only weaken the attention to the incontrovertible evidence.

3. The maxim of Relevance

A public prosecutor should not deviate from the main subject of the message. The court in Russia cannot restrict the duration of the public prosecutor's speech at regular intervals, but the judge has a right to stop them if in the speech they deal with circumstances unrelated to the case.

Moreover, not only from the legal but also from the psychological point of view, a public prosecutor should not talk too much in his speech. The knowledge that an addresser is able to say useless things reduces the audience's attention, and a public prosecutor should give some rest for the attention of judges (especially the jury) not by giving pointless arguments, but by repeating the essential arguments of the prosecution. A public prosecutor always has something important to say and he should not waste valuable time.

4. The maxim of Manner

Speak clearly and avoid ambiguous phrases, in other words, be short and organised. A listener does not want to be involved in difficulty of word

³Grice, 1975.

choice. Smoothness, lightness and elegance of speech give pleasure precisely because it does not require much effort for the perception. At the trial, there should be not just a clear speech but extraordinary, super clarity. Listeners must understand without any effort. The addresser can rely on their imagination, but not on their mind and insight. Having understood him, they will go further but if it does not happen they will reach a deadlock. This is due to the fact that a public prosecutor clears up a picture of the world for listeners. Only in exchange for clarity a person can take someone's point of view concerning life. It is possible to convince only by showing that the addressee's clarity is deceptive, that they do not see one or the other, that the picture is much more complicated than it seems to a listener. In all cases, a speaker counts not on concealing the truth, but rather on clarifying the situation.

Thus, a public prosecutor, for a successful impact on the listener, must follow the Cooperative principle, including the maxims of Quality, Quantity, Relevance and Manner.

The issues of speech influence and the relationships of linguistic signs and people, who create, accept and understand these signs are in the field of vision of pragmalinguistics. Pragmalinguistics as an aspect of semiotics involves a complex of issues associated with a speaking subject, an addressee, and their interaction in communication, with a communication situation⁴.

A peculiar feature of a judicial speech is the presence of some addressees: the judges, the adversary, the defendant and the public. Prosecutors' speeches are primarily addressed to the judges. Without any doubt, this is the main addressee. Each speech begins with an appeal to the judges or, of course, to the jury. Another addressee of a judicial speech is the speaker's adversary whose argument, evidence or conclusion must be disputed. Due to the criminal procedure in modern Russia, a state prosecutor cannot address directly to those present in the courtroom, but nevertheless they implicitly address both to the defendant to correct them and to the audience to prevent a crime. In pre-revolutionary Russia a prosecutor could directly address to the defendant.

Therefore, a judicial speech is characterised by the presence of not one but four addressees: the judges, the adversary, the defendant and the public. To the last two addressees, a state prosecutor addresses implicitly. Successful cooperation between an addresser and an addressee is associated with what is considered to be the subject of pragmalinguistics.

The subject of pragmalinguistics is the issue connected to the choice of language means from available repertoire for the best impact. That is the problem of choice of those units from a number of synonyms with the help

⁴Арутюнова, 2000, с. 390.

of which the speaker has the maximum impact on the addressee. In addition, this choice has the least conscious character of the least deliberate action.

Implicit pragmalinguistics studies the selection of signals of grammatical categories made by communicants automatically. As this choice is familiar, it was made a lot of times, and such a choice is called "speech behaviour." We also study stereotyped speech behaviour of the public prosecutors in a court statement. Therefore, now we will consider the peculiarities of the stereotyped speech behaviour in the speech genre of the speech for the prosecution.

Homo sapiens is the only kind on earth to not have a strictly determined, genetic program of life activity. Unlike a human being, other animals have a model of fixed actions which can include a complex sequence of their performance (rituals of "courtship," coupling, etc.). The fundamental feature which is characteristic for these models is a consistent repetition of reactions while being presented some certain stimuli. With regard to a human being, scientists have come to the conclusion that the genetic background determines about 50% of personal characteristics, and 50% of these characteristics are influenced by the external environment⁵.

Not having a program of life, the only way for a human being to survive is to rely on the social reality, which is a specific natural area, created by people themselves. With the help of the process of socialisation, as well as with the help of a permanent process of getting and using information, a human being is acting according to certain patterns of behaviour. Thus, a person acquires a program of life, which is, by its nature, an externally determined one.

It causes, on the one hand, freedom of choice and a wide field for human creativity and self-realisation, while on the other it causes flexibility and mobility of the program of activity. Psyche and perception of a person are also mobile systems. However, the extreme mobility of the human world would threaten his existence. Therefore, they try their best to maintain stable behaviour, follow the rules and norms accepted in society through the repetition of certain stereotypical reactions to socially important stimuli. The stability of behaviour is maintained by social reflexes developed in the course of the evolution of ready-made models of behaviour.

The cause of stereotyping and simplification of thoughts and behaviour of a person is the inability to analyse every aspect of a diverse, multi-dimensional social reality. Sometimes life questions are too complex, there is too limited time to spare, or the emotional excitement is too strong and so a person has to respond stereotypically and immediately, without any prior analysis of the information, or, we can say, at the unconscious level. The

⁵Rowe, 1989.

expression of this level is in the typical individual's unconsciousness of those structural features, boundaries, and significant elements of behaviour which are always used by a person implicitly⁶.

The implicit following of some definite stereotypes of behaviour depends on the belonging of an addresser to a particular social group, to some significant terms and circumstances of communication. These circumstances may include: (1) communicative intentions of an author; (2) relationships between an addresser and addressees; (3) all sorts of "facts" that are meaningful and random; (4) common ideological features and stylistic climate of the era in general, and of particular environment and specific individuals to whom the information is directly or indirectly addressed, in particular; (5) genre and stylistic features of both the message and the communicative situation in which it is included; and (6) the set of associations with the previous experience⁷.

That is why not every person is able to explain why they act in particular situations in different ways. It is due to the human psyche. Psyche is a function of the brain, and is a function of one part of the organism, the side through which all the variety of effects on the body of the external world, and especially social reality, is carried out. The influence of the outside world—individual social experience—creates complex dynamic system functional formations of the brain that humans, from the social and psychological point of view, consider to be the concept of personality⁸.

The formation of individual culture of a member of society is determined by social consciousness. Consciousness has three main levels—existential, reflexive and spiritual⁹. It is the existential level of consciousness which is manifested in human communication and behaviour, and this level can be observed. According to the recent data, unconsciousness determines to 92–98% of human behaviour. The existential level of consciousness is the base, absorbed in childhood and then followed unconsciously. Reflexive consciousness is formed during life through learning, teaching, knowledge transferring, meditations on reality, on behaviour of others and one's own behaviour. The spiritual level of consciousness is achieved in the society by only a few persons.

The point is that an individual and society as a whole can have a certain level of reflexive consciousness, learn some of the values at the level of reflection, debate them, declare and welcome them, but also keep old existential consciousness, previous behaviour, including, of course, former speech behaviour.

⁶Сепир, 1993, с. 598.

⁷Гаспаров, 1996, с. 10.

⁸Мясищев, 1960, с. 10.

⁹Зинченко, 1997.

From an early age, a child copies the behaviour of the adults around them. However, a simple copy is not yet a stereotype. A certain fact of behaviour becomes a stereotype of behaviour only when it is observed often, repeated, and as a consequence of this multiple repetition is carried to automatism.

Stereotyped speech behaviour can be due to the constant social characteristics of a person: their social position, profession, age, sex and marital status. Due to the variable characteristics, which are determined by the situation: the role of a buyer, a passenger, a client. Therefore, a person's belonging to a particular professional type requires them to have an idea of the typical stereotypes of professional conduct.

A profession of communicants affects people's perception of each other. Especially being in long-term professional activity, humans form stereotyped behaviour, usually called a "professional habit." This habit is most pronounced in the professional activity of doctors, actors, writers, law enforcement officials—all of those in whose daily work another person is the central figure¹⁰. Undoubtedly, this fact also applies to public prosecutors. Not without purpose is there even such a folk expression in the Russian language as a "prosecutor's tone."

In the nature of the reactions of every person, in the peculiarities of the behaviour and speech, there are variants. When these variants of reaction transfer from casual to permanent, but are still not formed into pathology, one can tell about the accentuations of personal traits. Approximately one half of the population is considered to be accentuated personalities, and the other half does not conspicuous. Accentuations of a character are extreme variants of a norm where some certain traits of character are greatly predominant¹¹.

A trait of character is a significant attitude to the facts of life and to someone's own actions. Adherence to one's principles, cheerfulness, honesty, exactingness, rigor, sensitivity, sociability and other traits of character are definite, rooted in a person relationship to reality, society, labour, others and oneself¹².

Speaking of accentuated personalities, it would also be reasonable to talk about professional accentuations, that is, typical features, which are crucial for a person of any profession. A professional accentuation is a combination of mental and psycho-physiological traits of human personality, expressed in peculiarities of appearance, habits of dressing, behaviour, specific features of mind and speech which exist in the form of inclinations or which are formed under the influence of profession.

¹⁰Бодалев, 1995, с. 68.

¹¹Пушкина, 1996, с. 4.

¹²Личко, 1983, с. 2.

A professional activity of a public prosecutor has a significant impact on their personality, affecting their psychological characteristics, as well as the speaker's manner of communication. The public nature of their activity, powers of authority and a high level of responsibility often lead a public prosecutor to the professional deformation.

The term "deformation" is used to refer to various changes in the shape of objects and phenomena of the external world, including personality changes which happen under the influence of the profession. The activity of a public prosecutor is not an exception in this respect.

Deformations of the individuality of a public prosecutor do not happen spontaneously, because of aging, but as a result of the activities they carry out. For example, it was found that professionally important characteristics of cognitive processes tend to be improved or stabilised, depending on the length of working, and the parameters that do not participate in professional activities deteriorate. At the same time, there is a reduction and stereotyping of ranges, of kinds of professional activities, of which the most effective behavioural reactions remain. Among personal features, the changes are reflected in the growth of self-esteem. According to received information, the degree of extra-high self-esteem is in direct proportion to the length of service, and at the same time there is also the rise of professional identity.

The legal profession of a public prosecutor promotes both positive qualities (high moral principles, endurance, calmness, discipline, open-mindedness and the ability to communicate to people and to establish contact with them) and negative ones (indifference to people, their lives, feelings and interests, excessive suspicion, rudeness, careerism, etc.).

One of the most dangerous types of professional deformation of a public prosecutor is being too suspicious. They often lose faith in people, willing to suspect everyone. In any omission they see an evil intent, in each suspect a criminal. Gradually, such an attitude leads to the formation of a pronounced pessimism and intolerance with respect to people. From the psychological point of view, evaluation expresses the qualities of not only those who are the subjects of the estimation, but also the personality of the judging. In these evaluations and experiences it is seen the level of development of a person as a representative of a certain class or group as a member of a particular team. These evaluations show civil and psychological maturity, some features of a profession, and moral and aesthetic requirements for people. Nevertheless, they always have the unique stamp of a person who was formed as a very specific personality, and it is confirmed in the speech. The specificity of communication, unlike any other type of interaction, is in the fact that it reveals psychological qualities of people.

All things considered one must say that speech behaviour and personal characteristics of communicators represent the inseparable unity of individual, social and national-cultural peculiarities of behaviour.

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