

Some Linguistic Peculiarities of the Speeches for the Defense Made by Female Public Defense Lawyers in the Soviet Period

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Abstract. The article considers linguistic peculiarities of the speeches for the defense made by female public defense lawyers in the 50-60s of the XX century. This is a cross-disciplinary research of such sciences as rhetoric, law narratology and gender linguistics. The analysis of the texts of speeches takes into consideration the features of the “female language” elicited in gender linguistics, the article studies the cases of their presence and absence in the court narrative.

While working with the texts the extra linguistic factor is taken into account, namely the history of the problem concerning admission of women to the practice of defense as well as the peculiarities of the court trials of the studied period. On account of the linguistic peculiarities of the speeches revealed in the course of the research the authors come to the conclusion about the leveling of gender communicative special features in the frame of the soviet court rhetoric in the 50-60s of the XX century.

Key words: gender; court narrative; rhetoric; “female language”, text analysis

Introduction

The scientific research concerning gender in linguistics became more active at the end of the 60s- beginning of the 70s of the XX century, when scholars paid attention to the problem related to language and gender in the frame of «the feminist language criticism». It should be noted that contemporary science differentiates the notions «sex» and «gender», treating the former term as biological features and the latter as «the complex of social and cultural norms which are enacted by the society for people to follow depending on their sex» [18].

The social role of the woman in the society changes as well as there are changes in the set of speech means of «genderlect». It is predetermined by the communicative situation connected to the language “packing” of the thought and peculiarities of functional styles. Women’s verbal behavior can vary in accordance to the communicative situation that divides the set of speech means into «public» and «private» [25, p. 72]. Besides, nowadays we tend to consider that it is not the gender only that regulates the process of communication – gender speech peculiarities should be considered together with the social status and the level of education of a woman and so on. For example, though there are strict gender verbal differences in the Japanese language, now Japanese female workers refuse from applying the «female language» and use «the male language» [8].

Taking into consideration mentioned above, the court speech made by female public defense lawyers in the soviet period is of great interest for linguistic research.

Legal practice of female defense lawyers became possible only after adopting Decree № 1 «About the court» on November 22, 1917 by the Council of people's Commissars. However, in fact Article 3 of that Decree abolished the institution of advocacy as well as other judicial bodies of the bourgeois state; any person with civil rights could be admitted to the court as prosecutors and defenders. The institution of the court defender was restored in 1922, but beginning from 30s of the XX century the role of a defense lawyer was discredited because its independence from the state was treated as apostasy from the principles of the ruling ideology. Participation of the defense lawyer in the court trial turned into formality; this fact influenced the verbal part of the defense speech: it got a lot of clichés, many rhetoric traditions were forgotten. It was only due to the Legal Profession Regulation in the Russian Soviet Federative Socialist Republic (RSFSR) (1962) and the Act «About the Lawyers Law in the USSR» (1979) that the institution of the soviet advocacy was considered to some extent independent [2].

It should be noted that despite formal gender equality in Soviet legal proceedings, the number of female defense lawyers in chrestomathies of the Soviet governing is not big. For example, among 44 texts published in two chrestomathies containing speeches of soviet defense lawyers only three belong to female lawyers while texts of speeches by S. V. Kalistratova and D. I. Kaminskaya concerning political cases of 1960s can be found only in Samizdat editions.

Besides, there is not any linguistic research highlighting gender peculiarities of court speeches. All this predetermines **the scientific relevance** of our article.

In addition, background knowledge necessary for comprehending defense lawyers' speech endows it with such features as "the ability to be explained" and lead to the notion "narrative". We are going to use the definition by A.T. Khrolenko as a working definition of this notion: «Narrative is a text describing some sequence of events where cause and effect relationship of the episodes is systemized which in its turn make them comprehensible.<...> By means of the narrative a person organizes his/her memory, intentions, life stories, ideas of their "selfness" or "personal identity"» [21, p. 138-139]. Court narrative is related to the interpretation, it performs a restoration function concerning breach of law and order and excludes bringing the innocent to justice. The criminal event is treated as something that has happened in reality (reference event); something that was to happen (model event), and something as it was told about in the court room (narrative event) [15, p.155-156]. In other words, analysis of defense speech texts can show both general features inherent in the court discourse in general and particular ones applied to personality and gender peculiarities. Thus, we carry out the scientific cross-disciplinary research on court rhetoric, gender linguistics and narratology – all this constitutes the **novelty** of the research.

The **subject** of the research is verbal behavior of a female defense lawyer in the Soviet court sessions in the 1950-1960s. This transitional stage of court governance is characterized by relative democratization which changed the totalitarian regime in the country [1, p.178-188], «though up to 1960s a defense lawyer accomplished his function of a rights advocate as much as he/she was allowed to do by the existing political regime» [2, p.50]. Nevertheless, we can name some soviet female defense lawyers who took part in political proceedings against dissidents maintaining their rights and expressing the political position completely contrasting the demands to render obedience to the ruling ideology of that period. That's why, S. V. Kalistratova was called «conscience of civil rights movement» while D. I. Kaminskaya was accused of conducting «anti-soviet» defense line. S. V. Kalistratova and D. I. Kaminskaya are considered the very defense lawyers who revived the traditions of pre-revolutionary advocacy in political proceedings, and Y. Kim inscribed them the song «Lawyers' waltz » [23]. To make the research overall enough we analyzed not only texts of speeches of female defense lawyers in the course of political proceedings but also the speeches connected with crimes.

The object of the research are texts of speeches by S. V. Kalistratova and D. I. Kaminskaya at the trial concerning the demonstration in Pushkinskaya square on 22 January, 1967 case [5] as well as speeches by D. I. Kaminskaya at the trial concerning the criminal case against Ginzburg, Galanskov, Dobrovolsky and Lashkov on accusation in anti-soviet agitation and propaganda («The trial of the Fourth, 1968») [16], the speech by G.A. Boguslavskaya for the defense of Viktor Semenov, the speech by L.V. Sokolova for the defense of M.A. Mikhailova [6] and the speech by M.I. Otyagova in the case of Korzhanov [19].

The aim of our research is to reveal and analyze specific features of «female defense speeches» in the USSR in 1950-60s. It is evident that it is impossible to characterize all the speech peculiarities of the analyzed texts in the frame of one article, that is why we made up our minds to consider their lexical and partially grammar explication.

The following methods were used in the course of the research:

- the continuous sampling method, namely, revealing linguistic means related to the theme of the research in texts of speeches for defense;
- the comparative method consisting in comparison some peculiarities of «the female language» figured out by scholars in gender linguistics with peculiarities figured us by us in the course of work with texts of speeches for defense by female defense lawyers as well as collation of these features in analyzed texts by different speakers;
- elements of the narrative analysis related to revealing the specific usage of linguistic peculiarities of texts of speeches by female lawyers for defense in terms of requirements and structure of the court narrative.

Historical background

The explication of peculiar communication features connected to gender has been considered by scholars in different ways. «Female» and «male» languages were called opposite; often the «male» language was treated as a standard while the «female» language was thought to be a deviation from the standard. Sometimes they were considered correlating.

In the course of scientific observation and experiments carried out by different linguists there was found out several peculiarities inherent in the «female» language [8; 9, p.154-160; 11, p.784-798]. In general they are the following:

- 1) more accurate color naming (*a mallow pink wall*);
- 2) a higher expressiveness of the speech: use of «milder» interjections (*oh, dear, my God*); the group of special adjectives with positive connotation of approval, admiration (*wonderful, charming, lovely, pleasant, divine*); use of words denoting intensity of the attribute, action, state (*so, such, so much*) as well as constructions of the type adverb+adverb (*too ruthlessly, too well*);
- 3) «tag-questions» (*isn't?, don't you*); relying on the research, J. Coates says about the correlation of such questions in the gender sense: questions asked by women are supportive while men make use of modal questions implying inconfidence;
- 4) rising intonation expressing hesitation (*When will dinner be ready? – Oh, ... at about 6 pm...? = «6 o'clock, it it's convenient for you, if you agree»*);
- 5) use of «polite» words and constructions (*please, will you be kind, enough could you*); the same concerns loosening of the order;
- 6) a more seldom in comparison with men use of unprintable and unmentionable vocabulary and words with negative connotation, although in unisexual groups of men and women use of ununified vocabulary becomes more frequent whereas in mixed groups frequency goes down again; besides, use of obscene words by women is connected with its concrete meaning (for example, nomination of physiological processes and anatomic parts of the body) while in male speech such lexemes are more frequently used in their abstract meanings as parenthetical words; invectives-zoonyms are more typical for female speech;
- 7) change of the speech theme into the one connected to the social role of the woman (household duties, children), references to private experience; associative fields regarding «female» sphere (fashion, cooking, etc);
- 8) use of parenthetical words, interjections, particles underlying a low degree of confidence (*perhaps, maybe, to my mind*);

9) a tendency to use lexemes and clichés with high, bookish style connotation (*silhouettes of teenagers, the feeling of aversion and disgust*);

10) use of neutral lexemes and collocations, euphemisms (*spoke obscenely, in a drunken way*);

11) use of deictic lexemes and their collocations instead of nomination of a concrete person (these stinkers, this riffraff);

12) use of simple and compound sentences, constructions with double negation;

13) frequent use of punctuation marks in written speech.

It should be noted that the study of the «female» language resulting in formulating the above-mentioned peculiarities, first of all, concerned a speech not limited by the frame of the official situation. Studying the language of the court trial, O'Barr and B. Atkins [27] came to the conclusion that «negative politeness» is characteristic of those participants of the communication who have a lower social status. They studied 150 hours of recordstaken during the court trials in the state of Northern Caroline, and using the definition «female language» by R. Lakoff, they determined its ten peculiarities intersecting with others in some cases. Here are some not mentioned above:

1) limiters (*sort of, kind of, I guess*);

2) tag questions;

3) using the «italics» in speech (emphatic *so* and *very*; intonation stress which is equal to underlining words in written language)ж

4) semantically empty adjectives;

5) hypercorrect grammar and pronunciation;

6) lack of a sense of humor (the inability to tell anecdotes);

7) direct quoting;

O'Barr and B. Atkins make the description by R. Lakoff more precise. They add that characteristics of the «female language» depend not only on gender but also the social status of the communicator as well as their experience of participating in court trials. Following the research, the scholars have come to the conclusion that it would be sensible to employ the definition «the language of the weak» instead of «the female language». The use of above-mentioned speech means by women is determined by their social position but not their sex [op. cit. 9, p.164-166].

It was considered that features of the speech inherent in women result in her being perceived unseriously as she looks unconfident, however speech behavior do not always reveal the character – it is gender stereotypes imposition. In «the world of male influence and dominance» woman tends to more often use neutral verbal components, rarely she uses «the male language» as such verbal behavior can be condemned [11 p.798].

So, B. Baron considers that a lower communicative status is more typical for women in the media language. It is expressed «in excessive slowness while stating the arguments or readdressing the question instead of demonstrating their status of an expert as well as in rare statements of a preaching character implying dominance. By default, a high communicative status was ascribed to those women whose social status was rather high» [3, p.521].

In fact, academic environment has a high degree of communicative ritualism; the higher the degree of publicity and officiality, the more restrictions there are in sense-bearing, temporal, personal regulations [3, p.521-522]. If agreement is considered to be socially anticipated

communicative behavior in discussions [28], in academic communication it doesn't contribute to maintaining a higher status of a speaker while positive statements and demonstration of inconfidence are camouflage strategies: usually they are subjected to strict criticism [3, p.525-527]. Having studied women's speech behavior in the academic sphere, B. Baron comes to the conclusion that it can be correlated in different communicative situations: speech strategies in female groups do not imply verbal moderation, but in mixed groups an opposite opinion is expressed very cautiously, criticism lacks irony making it sharpless [3, p.531-532].

The tactics of agreement cannot be called dominating in the frame «court» [26], however, firstly it concerns the defensive speech but not all the participants of the communicative situation in general.

There is a similar situation in the domestic communicative practice related to the participation of women in the official legal sphere. It is conditioned by history, first of all. It is well-known that the system of judicial defense appeared in Russia as a result of the 1864 reform. The profession of a defense lawyer implied relative freedom and use of communicative strategies which could influence the juries. It goes without saying that there was not any female name in the galaxy of outstanding forensic orators-defense lawyers: the question of admitting women to the advocacy rose only at the beginning of the XX century. It had a remarkable social character touching upon the problems of equality and independence of women, changes in their social role, destruction of the patriarchal system. V.D. Nabokov, a lawyer and politician, discoursed in the newspaper «Pravo» in 1909 whether a woman could hold a brief in the criminal trial; he came to the conclusion that «it is necessary to have a great courage to accept the fact that the problem of a woman's right to work as a defense lawyer in the criminal trial is decided in the negative. But it is not enough to have pure intrepidity to prove such a statement» as there must be concrete legal grounds [12]. The chronicle of that newspaper contained the information about a miscarriage of justice which admitted Gidley Fleischitz to defend the interests of the accused; she had just accomplished the course of law [22]. Ekaterina Abramovna Fleischitz, the first female defense lawyer in our country, asserted this right referring to other countries' history and experience [20]. The speech «About the admission of women to the advocacy» by A.F. Koni is essential in discussing the issue. In this speech he explained why he had been against «female advocates» before and why he supported the innovations at that moment. The well-known lawyer consistently disproved his opponents' reasons among which there were such notions as female emotionality (in fact «the state of hysteria»), prudency, weakness, physiological characteristics, and probable impact on the judge and the juries. A.F. Koni noted «..when the public <...> speaks about female advocacy, the audience imagines a courtroom, a dock, a pretty lady wearing a rose in the buttonhole who flames with indignation, saying beautiful words, sometimes choking with tears, sometimes delivering a sulphurous speech against the judges. It won't happen in reality. This lady will be dressed in a casual costume, which is compulsory for everyone, it is something like a uniform for post office employees or something like a tailcoat. As for her extremes or some personal tricks, there is the chairman's authority who can always take a defendant lawyer a peg or two» [10, p.438]. This statement is of great interest as we can find aspiration for gender neutrality in the court room – not only in the speech behavior of the woman but also in her appearance, this statement is about her being equalized to the man that is gender equality with a «male» bias.

In contemporary research related to the image of a businesswoman the variety of colors and the style of clothes are acceptable, though the conservative style (a business costume or a dress with a coat) accompanied by few decorations is preferable. It is also noted that wearing a wedding ring regardless of the marital status is desirable as that implies her reliability, life experience and upgrades the status. From the psychologists' point of view, female attractiveness «is dangerous» both for men and women [17, p.46-48].

However, gender particularity related to tolerance is one of the most urgent in contemporary business communication. It is considered so important that on the United Nations official site there is a section with instructions and guidelines concerning gender inclusive language in six official United Nations languages, the Russian language is one of them. In the recommended techniques and strategies of communication they say «Given the key role of language in shaping cultural and social attitudes, using gender-inclusive language is a powerful way to promote gender equality and eradicate gender bias» [14]. The presence of such section highlights that gender equality issue is still urgent, though there is a recommendation to be careful in using some feminines in the Russian language if a woman is involved in the communicative situation because they can be stylistically colloquial and , as a result, inappropriate. In general, there is a tendency towards gender neutralization in the UN policy but in the frames of the Russian language this tendency also seems to have a «male» character, in particular when using nouns belonging to male gender and denoting people having professions, positions, ranks, etc.

In fact, a true attitude to gender issues in business communication seems contradictory. For example, it is considered in the legal sphere that gender still produces an influence on the court decision: following the analysis of 5000 court decisions in the years of 2012-2014 made by V. Novikov, the RANEPa senior researcher, it was concluded that a performance made by a female defendant lawyer before a female judge gives more chances to win the case whereas a performance made by a female defendant lawyer before a male judge reduces chances of winning the case. The author of the research claims «In fact, blind Themis must not differentiate men and women, but it is impossible. The message is inseparably associated with a messenger, the content of the speech is associated with style and representation» [13].

Thus, notwithstanding a hundred-year difference one can find a strict tendency towards gender mail-neutralization, that is, neutralization of «female» speech characteristics in guidelines for women working in business communicative sphere including a legal one.

Discussion

The above-mentioned results of the research of the court language concern all the participants. If we turn to the speeches of defense lawyers, we can notice that it is characterized by a special particularity, especially in the Soviet period of the analyzed period: unlike pre-revolutionary speeches in which the psychological analysis played an important role, defensive speeches of the Soviet period are built on the logical explication to a more extent but not on the emotional impact; speech becomes saturated with language standards, legal clichés and acquires a special ethical-legal direction [24]. These established features contribute to the situation when means typical for the «female language» or «the language of the weak» become inadmissible in the court narrative including standard constituent connected with communicative scripts. «The adversary nature» of the court trial does not allow speech inconfidence and weakness: these features can result in a defeat of one party.

As our observation shows, defensive speech of female defense lawyers has contradictory features in many aspects in comparison to the above-mentioned researches related to the «female language» («the language of the weak»).

Let us consider some linguistic features of the speech texts analyzed above.

1. The use of parenthetical words.

Contrary to the statement that parenthetical words and modal constructions expressing inconfidence prevail in female speech, we can underline the highest frequency of parenthetical words expressing the logics of the thought that is typical for narrative arrangement of the court discourse: *So, the family were unhappy* (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov); *As a matter of fact, the only fact of evidence was «conviction» of the accused on the basis of preliminary investigation of this case* (I.M. Otlyagova. The speech for the defense of Korzhanov); *On the one hand, the prosecutor says that the defendants are a small group of inappropriately thinking people who are drowned by the unanimity of the whole nation. So, their activity is not so dangerous, is it? But, on the other hand, the prosecutor demands to admeasure the strictest penalty – three years of imprisonment, that is, it is obvious that he results from the admission of some actions of greater danger though the case file does not imply it* (S.V. Kallistratova. The speech for the defense of Delone).

This group of parenthetical words is connected to the source of the thought: *According to Galanskov's words, this performance in its content and form urged him to answer Sholokhov; As it is known from the witnesses' evidence, Dobrovolsky wanted to create an anti-Stalin works on his own* (D.I. Kaminskaya. The court speech for the defense of Galanskov).

Only in some cases court female orators use parenthetical words denoting inconfidence, what is more, the «semantic shift» towards the logics of consideration takes place in the framework of the court plot of the narrative arrangement of the court discourse: *Or, maybe, they don't know the method and the style of the contemporary Soviet pedagogics that were defined by A.S. Makarenko accurately and brightly: «The combination of great credit and great demands»* (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov); *Vague, indefinite, unsteady, they dissipate easily, maybe, with the help of Zhuravlyov* (I.M. Otlyagova. The speech for the defense of Korzhanov); *I don't know if he got it from NTS or it is a inheritance that his wife wrote about in the claim. Maybe, these are labour savings, or maybe it is help from Dobrovolsky's religious friends. I can't insist on neither variant categorically. But the prosecution doesn't have any evidence except voice statements by Dobrovolsky that this money belongs to Galanskov and was received from NTS* (D.I. Kaminskaya. The court speech for the defense of Galanskov).

It is worth mentioning that parenthetical words denoting confidence are few in number, they are connected firstly with the logics of narration in contrast to the system of argumentation: *Of course, there is no use considering samples of petty lies and contradictions in the evidence. More importantly, Mikhailov starts understanding step by step that the conviction of his wife will be useful for him* (L.V. Sokolova. The court speech for defense of Mikhailova); *Giving reasons for my statement, naturally, I will tell the court where I see the failure to prove the accusations of Litvinov, which case file, which witnesses' and defendants' evidence let me come to the conclusion about his innocence* (D.I. Kaminskaya. The court speech for the defense of Pavel Litvinov).

The use of parenthetical words expressing emotions (1) and contributing to attracting the interlocutor's attention (2) are sporadic: (1) *Unfortunately, the prosecutor confined himself to the statement: «testimony by Korzhakov and other defendants during the preliminary investigation is sufficient for convicting all the defendants on the charge of armed assault»* (I.M. Otlyagova. The speech for the defense of Korzhanov); (2) *Agree that this protocol would be of great importance for the case though there are insufficient records in the clinical chart* (L.V.Sokolova. The court speech for defense of Mikhailova).

2. Lexical explication of confidence, categoricalness

It should be noted that the mentioned feature characteristic for all the analyzed texts is mostly implied in defensive speeches during political proceedings. Here we can point out the following lexemes-explicators that perform the function of the impact together and that are constituents of the court:

- contextual antonyms: *mitigation – remission (of the sentence)* (1);
- modal verbs and verbal collocations denoting confidence: *I consider* (1;2); *I have the right* (1);
- negative and intensifying adverbs, particles, pronouns, adjectives: *no longer* (2), *fails (to make me believe)* (2); *complete (groundlessness of the conviction)* (2); *no (courts)* (2); *absolute (absence)*; *complete (lack)*; *absolutely (different)* (3);
- connotative vocabulary with pejorative evaluation: *incorrect* (1); *groundlessness (of the conviction)* (2); *insufficient (evidence)* (2);
- imperative: *can't afford* (2);

(1) *I don't ask for the **mitigation** of the sentence, I ask for the **cancellation** of the sentence. I consider it **incorrect** in fact; That's why, I **consider** that in this part of the sentence concerning the estimation of the motives, I **have the right** to claim about the violation of articles 254 and 301 of the code of Criminal Procedure* (S.V. Kallistratova. The speech for the defense of Delone).

(2) *Consequently, the article is **no longer** libeling the soviet reality but it is just the description of real events; This questioning not only **fails to make me believe** but on the contrary, it speaks about the complete **groundlessness of the conviction** against Galanskov; I **consider** that neither testimony by Dobrovolsky nor the ones by Galanskov can become the basis of the conviction. This testimony is not the fact of evidence, **no court can afford** to pronounce a sentence using **insufficient evidence*** (D.I. Kaminskaya. The court speech for the defense of Galanskov).

(3) ***Absolute** lack of the concrete definition of the conviction, its individualization, **complete** lack of differences in legal treatment resulted in the situation when the prosecution set forth the factual details of the case six times starting from the descriptive part and finishing with the conviction formula that is repeated in **absolutely** the same words in relation to each defendant* (D.I. Kaminskaya. The court speech for the defense of Pavel Litvinov).

Such high degree of categoricalness lacks in speeches concerning «domestic» crimes, though the language representation of confidence still remains, it is expressed in lexemes-explicators – modal words with the intensifying adverb (1) and connotative vocabulary (2): *I **am deeply concerned** that it is not good breaking Semenov's life by real imprisonment, it is necessary to help him to head his life in a proper direction* (A.G. Boguslavskaya. The speech for

the defense of Viktor Semenov); (2) *In this case the prosecutor acts in a true and just way relying on the Act requirements and the case evidence* (I.M. Otlyagova. The speech for the defense of Korzhanov).

Only in some cases we can come across etiquette clichés with «extra» politeness: *Let me try to describe all the collected materials consistently and easily, to estimate it objectively and only on the basis to come to the conclusion* (I.M. Otlyagova. The speech for the defense of Korzhanov); the assumption through a comparative degree of the adverb which is accompanied by an adverb: *More probably here is some other weapon* ((L.V.Sokolova. The court speech for defense of Mikhailova), as well as euphemistic phrases: *He is accused of using four-letter words* (S.V. Kallistratova. The speech for the defense of Khaustov).

We suppose that differences in using such language means representing confidence and categoricalness do depend on the particularity of the court trial: a legal aspect and the court plot of the narration of the «political» defensive speech requires more strictness in the communicative behavior of the defense lawyer as the final in the Soviet court was often already predestinated whereas consideration of «domestic» cases was not predetermined, there could be variants of the court decision.

3. Use of «prestigious», stylistically marked formed, clichés, bookish vocabulary.

The above-mentioned language means are widely represented in the texts of defensive speeches of female defense lawyers, though we should mention at once that their use was predestinated categoricalness by the genre, stylistic specificity of speech the main function of which is the impact as well as the communicative situation of the court trial.

In building up a model event of the narrative high-flown vocabulary, bookish words and legal clichés are used in close interconnection forming the court discourse that can be seen in the following examples:

- legal clichés and official style clichés in general as well as legal terms: *to have criminal liability; full-scale; by previous concert; the money raised* (1); *criminal actions; imputed a fault* (2); *certain measures of punishment; aggravating and extenuating circumstances* (4); *incriminated* (5); *comrade prosecutor; disorderly behavior; the defendant; the established order; the indictment; legal demands; representatives of the authorities; group actions; the liability is provided by the article; criminal law* (6); *the actions are applied according to the article; prosecutor; actions disturbing the public peace; spreading of libelous ideas* (7); *court investigation; conviction* (8);

- bookish and/or high-flown vocabulary (or set expression of lexemes): *act* (1); *to commit* (2); *is punished; policy of the party and government (publicistic clichés)* (3); *I consider it my duty; take part* (5); *consisted in; bypassing; opposition; is established* (6); *in the course of; flaw; action* (8).

(1) *He had a full-scale criminal liability for the committed act; Two pupils from different schools Semenov and Kartsev decided by previous concert to rob somebody for a watch, sell it and organize a New Year party for the money raised* (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov).

(2) *Can we suppose that he could commit those criminal actions that he is imputed as a fault?* (I.M. Otlyagova. The speech for the defense of Korzhanov).

(3) *Under the Act, oral spreading of false libelous evidence is punished criminally only if it has a systematic character; But if disagreement with the policy of the party and*

government on the concrete question was called a motive in the indictment, it (disagreement with the policy of the party and government) on a general basis was mentioned in the judgement (S.V. Kallistratova. The speech for the defense of Delone).

(4) *Under Article 37 of RSFSR Criminal Code was to take into account not only the character of the actions and the personality of the defendant but also **aggravating and extenuating circumstances** while **fixing a punishment** (S.V. Kallistratova. The speech for the defense of Khaustov).*

(5) *First of all, **I consider it my duty** to note that the prosecution has no proof that Galanskov **took part** in making up the book of materials about Sinyavsky and Daniel case; The task of defense lawyer Galanskov consists in careful analysis of the **incriminated crimes** (D.I. Kaminskaya. The court speech for the defense of Galanskov).*

(6) ***Comrade Prosecutor** said that **disorderly behavior** consisted in their having arranged the demonstration **bypassing the established order**. That was his only reason in this point of **the indictment** – but **the indictment** mentions nothing about **the opposition to legal demands of the authorities** or about other **group actions**, the **liability** for which is **entailed in Article 1903**. But **the established order** mentioned by the prosecutor is **not established** by the **criminal laws** and it is not defended by them (D.I. Kaminskaya. The court speech for the defense of Bukovsky).*

(7) *Moreover, those **actions** that **were qualified** in the indictment **under Article 1901** of RSFSR Criminal Code were treated **by the prosecutor** as the **actions heavily disturbing the public peace** and, consequently, **qualified under Article 1903** of RSFSR Criminal Code. On the contrary, in those actions which the investigation found **a disorderly offence**, the prosecutor sees **spread of libelous ideas** and these very actions are asked to be qualified under Article 1901 of RSFSR Criminal Code (D.I. Kaminskaya. The court speech for the defense of Pavel Litvinov).*

(8) ***In the course of the trial** they **reveal** all those errors, **flaws**, incorrect actions and even break of law that made the conviction possible (L.V. Sokolova. The court speech for defense of Mikhailova).*

Thus, legal clichés and bookish vocabulary are style-forming constituents of the legal substyle of the official style, besides, stylistically marked vocabulary with high connotation often becomes a part of legal terminology.

4. The imagery of the speech

Use of language expressive means is possible in the situational part of the court narrative and in the compositional part of the court discourse which is connected with the treatment of the fact file or with the characteristics of the defendant or other actors of the court trial.

The expressiveness of speech finds its representation in using various expressive means, for example:

- the use of stylistic synonyms: *In his letter to the family which was intercepted during the forensic psychiatric examination, he writes about his **despair, horror and confusion** and about being held in prison for nothing and that he has committed anything (S.V. Kallistratova. The speech for the defense of Khaustov).*

- extended metaphor: *In this article there is everything Delone values, all his creation **was crossed out even not with black paint but with oil tar**. Even Vadim himself **was crossed out as a human being, a personality, a poet** (S.V. Kallistratova. The speech for the defense of Delone);*

- epithets: *With **inconceivable** agility, with **cooked-up** craftiness Irina Smurova arranged in advance that mother and brother would not testify the truth of hers – they would take compassion to Maria* (L.V.Sokolova. The court speech for defense of Mikhailova);

- phraseological units: *Today as we have seen Viktor entered with his head down, he was afraid of the **eye contact** with his fellows who **sealed off** the dock* (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov);

- lexical repetition: *I always say «for your **freedom**» and «for our **freedom**» because I consider that the biggest **happiness** for a person is **happiness** of living in a free state* (D.I. Kaminskaya. The court speech for the defense of Pavel Litvinov);

- question-and-answerforms of narration and rhetoric questions: *Well, what do you, comrades judges, happen that Viktor Semenov could not overcome? This is the main question in all that quite difficult case. And here is the answer to perplexed sorrowful questions of both the neighbors and the Komsomol member Goryachev, Viktor's senior fellow who knew him as an honest, hardworking and noble young man. There is only one answer to all these questions: Viktor Semenov failed to cope with baneful influence of his bad fellow-workers* (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov); *But can we really pass over a human in this argument, and making use of some heartless notions, ask for three-years imprisonment for Delone* (S.V. Kallistratova. The speech for the defense of Delone);

- contradistinction: *It is **upbringing and education but not imprisonment** that must be applied to treat Khaustov from this illness* (S.V. Kallistratova. The speech for the defense of Khaustov);

- inversion: *A **strange case it is**, though its circumstances are not difficult, the evidence of guilt in the majority of cases is doubtless, but legal qualification of the actions of most defendants is beyond any reasonable doubt* (I.M. Otyagova. The speech for the defense of Korzhanov);

- anaphora: ***When you look** at Vadim Delone, **when you know** the case file, **when you see** him in the court and compare him to the others, - though such a comparison is inevitable – **there appears an onerous impression** that the prosecutor asks the punishment for Delone for something he is formally accused of* (S.V. Kallistratova. The speech for the defense of Delone).

In other words, the imagery of the defensive speech depends not on the orator's gender peculiarities - it is predetermined by the requirement of the publicistic style, the genre and is a characteristic feature of court rhetoric still kept in the Soviet court.

5. The use of evaluative expressions

Evaluative vocabulary with obvious negative connotation is used by female defense lawyers for characterizing actors of the trial quite rarely: *Who are the mother and father of this **well-off lounge**?* (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov); ***Brother-alcoholic, husband-drunkard*** (L.V.Sokolova. The court speech for defense of Mikhailova).

They can also give a characteristic to the case itself: *Considering this unusual case, the court could not refuse the people whose fortune is being discussed now in accepting their unconditional sincerity and assurance* (D.I. Kaminskaya. The court speech for the defense of Pavel Litvinov).

It is mostly the rational evaluation rather than the emotional evaluation that is made in the analyzed texts. Intertwining with the logics of the court plot of a defensive speech, it

characterizes the personality of the defendant or the case circumstances in the way contributing to the defense arguments: *Unfortunately, Korzhanov could not understand it, he was not morally mature for it; He took an active part in the public life of the community, he is politically literate, he is a good and loyal fellow* (I.M. Otlyagova. The speech for the defense of Korzhanov); *Undoubtedly, we can consider this letter sharp, rude and wrong; Shaffhouser's evidence make the charge against Galanskov illogical and unreasonable as it is clear to everyone that it is necessary to find out the person's beliefs at first and only after it he is given a manifold and the money, not the visa versa. I claim that these charges against galanskov seem rather inconsistent and illogical to me; All these things make me think that this literary work is very difficult but it is in no way anti-Soviet* (D.I. Kaminskaya. The court speech for the defense of Galanskov).

The category of evaluation covers not only the personality and their actions but also the so-called evaluative structures in the texts of laws [7, p.233-234]. It is represented in lexemes denoting measure of responsibility for the crime committed and being a part of the law terminology: *As it can be seen in the description of this Article, a wrongful intent must have the aim of a gross disorderly offence, disobedience to the authorities, malfunctioning of public transport, offices and enterprises* (S.V. Kallistratova. The speech for the defense of Khaustov); *There have been found definite and clear proofs of Mikhailova's not being guilty of that grave crimeshe had been accused of* (L.V.Sokolova. The court speech for defense of Mikhailova).

So, evaluative statements in defensive speeches of female defense lawyers of the Soviet period are connected with general requirements of legal practice and particularity of the communicative situation.

We didn't set the task of analyzing morphological means in the texts of the speeches by female defense lawyers. However, we assume that it is necessary to mention the use of the category of female gender. Verbs and participles of female gender produced by the orator herself are used too rarely: *I have already said that everything that connected Korzhanov with Zhuravlev remained in the past, it didn't cause Korzhanov to suspect* (I.M. Otlyagova. The speech for the defense of Korzhanov); *I have to attract your attention, comrades judges, to the fact that this explanatory note for Article 2 of RSFSR Criminal code contains an exhaustive list of offences that can be treated as crimes under the law* (S.V. Kallistratova. The speech for the defense of Delone); *At first, I would like to consider the circumstances and facts related to the first episode of the charge* (D.I. Kaminskaya. The court speech for the defense of Galanskov). Lexemes denoting an occupation are mostly emphasized because in the court discourse they become key notions having a special content meaning: *We, lawyers, deeply respect the law and we know that one must not justify offences against law by any even best intentions. We, lawyers, are obliged to use legal terms strictly under the law* (S.V. Kallistratova. The speech for the defense of Delone); *We, lawyers know pretty well that under the law no one can convict a person for their worldview, thoughts, ideas even if they are wrong, harmful* (S.V. Kallistratova. The speech for the defense of Khaustov); *I, being a lawyer, can't bring a charge relying iin the testimony of the defendant, furthermore, Galanskov was in deep mental condition at that time, besides, he suffers from a serious disease – stomach ulcer* (D.I. Kaminskaya. The court speech for the defense of Galanskov).

In some cases there is a would-be complete removal from the personal and a shift to the social, legal when the orator starts telling speaking about themselves in the third person: *The task*

of Galanskov's defense lawyer consists in a concrete analysis of incriminated cases (D.I. Kaminskaya. The court speech for the defense of Galanskov). It is possible to combine of grammar realization of gender and lexical generalization in a lexeme denoting the profession metonymically: *Even if I didn't have that argument, if **the defense** didn't have any argument with the prosecution, I **couldn't agree** with that measure of punishment that is demanded by the prosecutor* (S.V. Kallistratova. The speech for the defense of Khaustov).

The court plot of the defensive speech can still include both the evaluation (*extremely difficult, difficult, serious*), grammar gender of the orator (*have to, must*) and a personal attitude to the case circumstances (*my advocate conscience, solidarity*): *My task is **extremely difficult**. I could speak for a long time about **difficult** life circumstances extenuating the liability of my client. But I have to refuse from it. I can't take it as **my advocate conscience** makes me ask the court to dismiss the charge against Bukovsky. I must hardly explain that it does not imply my solidarity with the actions of my client. I cannot and **mustn't** consider his actions as **serious** ones at all. It isn't the case* (D.I. Kaminskaya. The court speech for the defense of Bukovsky).

It should be noted that the orator's personal attitude to everything connected with the trial is described only in the frames of the situational constituents of the narrative (*in our circumstances, at the court trial, in this courtroom, didn't make the investigators interested, of our work, the court works, in this case*): It was painful, unpleasant and completely unusual in our circumstances to hear that girl's answers to your questions, comrades judges (A.G. Boguslavskaya. The speech for the defense of Viktor Semenov); *I ask you, comrades judges, treat with indulgence some slips of tongue that can appear in my speech **because I start this speech after having worked continuously for twelve hours**. Comrade chairman, **I am a very disciplined person and I follow the instructions of those in power without controversy** – but you are in power – **to give me instructions in the course of the court trial*** (S.V. Kallistratova. The speech for the defense of Delone); *Finally the last thing is that it is necessary to think about people as well. **I can't understand** why somebody started laughing in the courtroom when we it was said that Galanskov made good and unselfish deeds. **I don't understand** why you were laughing at the fact that he is kind, that he had visited an elderly woman to clean the floor, to bring medicines, that he had helped his acquaintance to bring up her children; **I don't understand** why his words about being able to give the prosecution the missing copies of «Phoenix» **didn't draw any attention, didn't make the investigators interested*** (D.I. Kaminskaya. The court speech for the defense of Galanskov); *The task that I have **seems extremely difficult to me**. It is difficult not only because we are too tired because of extreme intensity of our work. Not because we didn't have enough time to prepare for this speech. The task of the defense lawyer **always seems difficult to me** regardless of the conditions the court works in. **Making a speech before the court I always feel deep professional and personal responsibility for how I can perform my duty. In this case I feel this responsibility with special concern** because the fact files make me think that the guilt of the person I defend is not proved and, consequently, he must be acquitted of the charge under our law* (D.I. Kaminskaya. The court speech for the defense of Pavel Litvinov).

In other words, personal feelings of the orator are inseparable from their profession, their task, mission.

It should be noted that in this personal sphere we have never come across any content emphasis related to the gender of the orator, for example: «I, being a woman, claim that..» or «I,

being a mother, understand pretty well». Gender identification in the verbal arrangement of the speech is removed much as possible, it retains only in some grammar forms.

Conclusion

Thus, women got the right to perform as a defense lawyer in the court after long debates of men in which such opportunity was considered possible only on condition of gender neutrality. Jurisprudence was initially a male occupation, that's why, such neutrality has a strict male-vector which covers both the appearance and the process of communication. The «female language» («the language of the weak») does not contribute to acquiring a high status in the professional legal sphere. As the results of our research show, some features typical of the «female language» are replaced in the defensive speech of female orators by the contrary ones or are not used at all. Among the highlighted linguistic features of speech texts there are the following:

- 1) collocations related to the logics of narration of the court plot are used instead of parenthetical words and modal constructions denoting different degree of inconfidence, assumption, uncertainty;
- 2) lexemes and set-expressions giving categoricalness to the statement are widely used;
- 3) the case facts and the personalities of actors are given rational rather than emotional evaluation;
- 4) the use of «prestigious», stylistically marked forms, clichés, bookish vocabulary is connected with the particularity of the official style, legal substyle (legal clichés and terminology)
- 5) the imagery of the speech is predestinated by the peculiarity of the publicistic style, rhetoric questions and competitive character of the court trial;
- 6) grammar category of gender related to an orator is rarely used, it is replaced with the profession nomination; personal attitude to the case and its participants is limited by the occupation.

As the court competition implies the victory of one of the parties, it completely excludes «the language of the weak». Thus, we can claim that the features of the «female language» are not typical of speeches of female defense lawyers in the court in the USSR in the 1950-60s, belonging to a gender is leveled in the court narrative, and the process of communication acquires strict «male» particularity.

References

1. Abdulin R. S. Formirovanie i razvitie sudebnogo upravleniya v Rossii s 1917 do serediny 1990 godov: monografiya. Kurgan: Izd-vo Kurganskogo gos. un-ta, 2013. 282 s.
2. Advokatura v Rossii: ucheb. posobie dlya studentov vuzov, obuchayushchihsya po special'nosti 030501 «Yurisprudentsiya» / Pod red. G.B. Mirzoeva, A.A. Vlasova, N.D. Eriashvili. M.: YUNITIDANA: Zakon i pravo, 2010. 367 s.
3. Baron B. «Zakrytoe obshchestvo». Sushchestvuyut li gendernye razlichia v akademicheskoy professional'noj kommunikacii? // Gender i yazyk /Moskovskij gos. lingvisticheskij un-t.; Laboratoriya gendernyh issledovanij. M.: YAzyki slavyanskoj kul'tury, 2005. S. 511-538.

4. Gorbanevskaya N. Delo o demonstracii 25 avgusta 1968 goda na Krasnoj ploschadi. URL: <https://history.wikireading.ru/256836> Data obrashcheniya 19.07.2020.
5. Delo o demonstracii na Pushkinskoj ploschadi 22 yanvarya 1967 goda. Sbornik dokumentov // Pod red. P. Litvinova. Overseas Publications Interchange, Ltd. London, 1968. 159 s.
6. Zashchitel'nye rechi sovetskih advokatov. V 2-h chch. CH. 2. M.: Izd-vo SGU, 2009. 272 s.
7. Ivakina N. N. Professional'naya rech' yurista: uchebnoe posobie. M.: Norma: INFRA-M, 2017, 448 s.
8. Kirillina A., Tomskaya M. Lingvisticheskie gendernye issledovaniya // Otechestvennye zapiski. Vypusk zhurnala № 2 (23). 2005. URL: <https://strana-oz.ru/2005/2/lingvisticheskie-gendernye-issledovaniya> Data obrashcheniya 06.07.2020.
9. Koats Dzh. ZHenshchiny, muzhchiny i yazyk // Gender i yazyk /Moskovskij gos. lingvisticheskij un-t.; Laboratoriya gendernyh issledovanij. M.: YAzyki slavyanskoj kul'tury, 2005. S. 33-234.
10. Koni A. F. O dopushchenii zhenshchin v advokaturu // A.F. Koni. Sobranie sochinenij v vos'mi tomah. T. 4 / Pod red. V.G. Bazanova i dr. M.: YUridicheskaya literatura, 1967. S. 426-442.
11. Lakoff R. YAzyk i mesto zhenshchiny // Vvedenie v gendernye issledovaniya. CH. II: Hrestomatiya/ Pod red. S. V. ZHerebkina. Har'kov: HCGI, 2001; SPb.: Aleteja, 2001. 991 s.
12. Nabokov V. D. Mozhet li zhenshchina vesti zashchitu pred ugolovnym sudom? //Pravo. Ezhenedel'naya yuridicheskaya gazeta. № 46. 15 noyabrya. 1909. st. 2640-2642. St. 2473-2481. URL: https://viewer.rusneb.ru/ru/000200_000018_RU_NLR_DIGIT_118071?page=3&rotate=0&theme=white Data obrashcheniya 21.07.2020.
13. Novikov V. Kakogo pola vashe yurlico: vliyaet li gendernyj vopros na resheniya sudov. FORBES WOMAN. 08.09.2015. URL: <https://www.forbes.ru/forbes-woman-column/karera/298941-kakogo-pola-vashe-yurlitso-vliyaet-li-gendernyi-vopros-na-resheniy> Data obrashcheniya 22.07.2020.
14. Organizaciya Ob"edinennyh Nacij. Uchet gendernoj specifiky v ustnoj i pis'mennoj rechi. URL: <https://www.un.org/ru/gender-inclusive-language/index.shtml> Data obrashcheniya 21.07.2020.
15. Palashevskaya I.V. Narrativnaya organizaciya sudebnogo diskursa. Iniciativy XXI veka. M., 2012. №3. S. 155-159.
16. Process chetyrekh. Sbornik materialov po delu Galanskova, Ginzburga, Dobrovol'skogo i Lashkovoij // Sost. Pavel Litvinov. Seriya «Biblioteka samizdata». № 1. Amsterdam: Fond im. Gercena, 1971. 635 s.
17. Skabelina L. A. Psihologicheskie aspekty advokatskoj deyatel'nosti: monografiya. M.: Federal'naya palata advokatov, 2012. 229 s.
18. Slovar' gendernyh terminov / Pod red. A. A. Denisovoj / Regional'naya obshchestvennaya organizaciya «Vostok-Zapad: ZHenskie Innovacionnye Proekty». M.: Informaciya XXI vek, 2002. 256 s. URL: <http://www.owl.ru/gender/010.htm#4> Data obrashcheniya 19.07.2020.
19. Sudebnye rechi sovetskih advokatov. M.: Izd-vo SGU, 2010. 225 s.

20. Flejshic E. O zhenskoj advokature // Pravo. Ezhenedel'naya yuridicheskaya gazeta. № 2. 10 yanvarya. 1910. St. 65-73. URL: https://viewer.rusneb.ru/ru/000200_000018_RU_NLR_DIGIT_118079?page=3&rotate=0&theme=white Data obrashcheniya 21.07.2020.
21. Hrolenko A. T. Kul'tura filologicheskogo truda [Elektronnyj resurs]: ucheb. posobie. M.: Flinta, 2014. 268 s. URL: https://viewer.rusneb.ru/ru/000201_000010_BJVVV1390934?page=139&rotate=0&theme=white Data obrashcheniya 06.07.2020.
22. Hronika // Pravo. Ezhenedel'naya yuridicheskaya gazeta. № 48. 29 noyabrya. 1909. St. 2640-2642. URL: https://viewer.rusneb.ru/ru/000200_000018_RU_NLR_DIGIT_118073?page=22&rotate=0&theme=white Data obrashcheniya 21.07.2020.
23. Cikel vystavok «Advokaty Rossii». Znamenitye advokaty XX veka. URL: <http://law.spbu.ru/testexlib/testexlibra/3cff0bc8-c17b-4761-838a-eb227c0c8279.aspx> Data obrashcheniya 19.07.2020.
24. Shkalikova S. M., Nagornaya O. S. Specifika advokatskoj ritoriki v Rossijskoj imperii i SSSR: strasti v zale suda // Vestnik soveta molodyh uchyonyh i specialistov CHelyabinskoy oblasti. №1 (20). T. 1. 2018. S. 72-76.
25. Elshtajn Dzh. B. Imperativy privatnogo i publichnogo // Hrestomatiya feministских текстов. Perevody. Pod red. E. Zdravomyslovoj, A. Temkinoy. SPb.: izdatel'stvo «Dmitrij Bulanin», 2000. 304 s.
26. Atkinson J. M., Drew P. Order in court: the organisation of verbal interaction in judicial settings. New Jersey: Humanities Press, 1979. URL: https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=4759&context=penn_law_review Data obrashcheniya 21.07.2020.
27. O'Barr W., Atkins B. «Women's language» or «powerless language»? // Women and Language in Literature and Society / Eds. McConnell-Ginet et al. N. Y., 1980. Pr. 93-110.
28. Pomerantz A. Agreeing and Disagreeing with Assessments /M. Atkinson, I. Heritage (Eds.): Structures of Social Action. Cambridge, 1984. Rr. 57-101.