Particularities of Defense in Judicial Rhetoric

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Received: 28 November 2020 • Accepted: 22 December 2020 • Published Online: 25 December 2020

Abstract

The article examines the linguistic particularities of defense in judicial rhetoric that have not considerably changed since Antiquity. As at present the interest in judicial rhetoric has increased, it is necessary to carry out its comprehensive analysis with the consideration of its modern modifications. In the course of history, judicial rhetoric has preserved its main rules to be used in Modern Times by Western culture advocates for defense purposes. Special attention is paid to stylistic devices, phonetic means and linguistic features to discern that are most frequently used by the advocates in their defense speeches. As stylistic devices are the best means of persuasion of the jurors and public in court, they are indispensable in advocates’ defense speeches and are the focus of the given paper. As the advocates’ defense speeches concentrate mainly on persuasion and thus with emotions rather than reason the author focuses on the expressive language means.

Keywords: judicial rhetoric, defense speeches, persuasion, stylistic devices.

1. Introduction

At present judicial rhetoric is the focus of research interest of linguists and lawyers. Traditionally judicial rhetoric is classified into accusatory rhetoric and defending rhetoric. The aim of judicial rhetoric is to persuade the jurors and public of the innocence of the defendants. Court speeches of talented defense counsels are deeply psychological, as their purpose is persuasion. In this case, evidentiary material of defense counsels’ speeches is more important than psychological analysis.

The basis of any defense counsels’ speech is a literary language. However, the specificity of legal speech is that it combines elements of different functional styles: conversational, artistic, journalistic, and official. Judicial speech, being one of the most striking, is also the most responsible, since the life and fate of a person depends on it. The communicative qualities of judicial speech: clarity (accessibility, simplicity), precision, persuasiveness, logic, emotionality and expressiveness allow the court speaker to make the speech truly evidentiary. These qualities of judicial speech are closely interrelated and in dialectical unity.

Features of legal speech as a type of oral public statements are determined by the general goals and specific tasks of justice. A high professional level of judicial rhetoric can be achieved only if the speaker abides not only by legal, but stylistic and linguistic norms as well. The quality of legal speech delivery is influenced by the speaker’s erudition and professional skills, his
ability to speak publicly, and his preparation for speech. The speaker must take into account the time and place of the speech, the composition and mood of the target audience. Only real speakers know when to strictly follow the rules, and when they can be slightly violated.

- Rhetoric, which is now regarded as an art of effective communication, was studied in Ancient Greece and Rome from about the fifth century BCE until the early Middle Ages, primarily intended to help citizens assert their rights in court.
- Court speech can be accusatory or defense. The content of the defense speech usually consists of a brief social and political description of the case and a detailed analysis of factual data and analysis of evidence with conclusions about the event of the crime and the defendant’s guilt, the qualification of the crime and conclusions about the measure of punishment from the point of view of a defendant’s interests.
- A court speech is a monologue that forms a part of the dialogue that is conducted between the Prosecutor and the lawyers throughout the entire judicial investigation. The dialogue manifests itself in the investigation of the case materials from the point of view of the prosecution and defense, in the application of petitions. It ends in court debates, when opinions of the opponents are finally determined and argued.

2. Methods of investigation

To analyze judicial rhetoric in particular a speech for defense, such methods of investigation as rhetoric, stylistic, component, contextual and structural text analysis were used. When identifying interpretative axiological markers of judicial rhetoric, the method of content analysis was applied, with the basis on which conceptual maps of the texts for defense were compiled. The method of identifying words, i.e. the method of semantic prototype was also used to identify the levels of interpretative understanding of axiological markers of the judicial discourse.

3. Results and discussion

3.1 Rhetoric as theory and art of speech

Rhetoric is the theory and art of speech, a fundamental science that studies the objective laws and rules of speech, since speech is a tool for managing and organizing social and industrial processes. The word rhetoric originates from Greek "rhetorike", which came into use in Socrates’ circle in the fifth century BCE. It first appears in Plato’s dialogue Gorgias, created around 385 BCE. Rhetoric means the art of public speaking, which developed at different meetings, in courts, and other official cases under the constitutional government in the Greek Polis during the Athenian democracy.

Rhetoric, which is now regarded as an art of effective communication, was studied in Ancient Greece and Rome from about the fifth century BCE until the early Middle Ages, primarily intended to help citizens assert their rights in court. Although the first teachers of rhetoric, known as sophists, were criticized by Plato and other philosophers, the study of rhetoric soon became the cornerstone of classical education. Modern theories of oral and written communication are still strongly influenced by the basic rhetorical principles introduced in Ancient Greece by Plato, Isocrates, and Aristotle, and in Rome by Cicero and Quintilian. Here we will briefly introduce these key figures and identify some of their Central ideas.

Plato (428-348 BCE), a disciple (or at least like-minded person) of the great Athenian philosopher Socrates, expressed his disdain for false rhetoric in his early work Gorgias. In a later work, Phaedrus, he developed a philosophical rhetoric that called for studying the souls of people in order to discover the truth.
“[Rhetoric] it seems to me then ... to be a pursuit that is not a matter of art, but shows a shrewd, gallant spirit that has a natural tendency to treat humanity intelligently, and I sum up its essence in the name of flattery. Well, you’ve heard what I call rhetoric – the equivalent of cooking in the soul, acting here as it does to the body” (Plato, 1987).

Even in antiquity, philosophers clearly realized that speech is perceived differently by each person. Thus, Plato in his work Phaedrus writes about the need to know the speaker, to know what types of soul exist, since the function of oratory is to influence the souls of people so that they can be easily persuaded (Plato, 1997).

Aristotle (384-322 BCE), Plato’s best disciple, was the first to work out the first systematic and comprehensive treatise of rhetoric. In his lectures known as Rhetoric Aristotle developed the principles of argumentation that are still valid at present. In the preface to Aristotle’s treatise Rhetoric it is written that rhetoric may seem a curious medley of literary criticism with second-rate logic, ethics, politics, and jurisprudence, mixed with the cunning of one who knows well how to play on the weaknesses of the human heart. The treatise was written only for practical purpose to be a guideline for an orator. Although Aristotle’s work intended for Greek society, it is used at present as well. Aristotle defined rhetoric as the ability to see what is possibly persuasive in every given case (Aristotle, 1978).

Cicero (106-43 BCE), a Roman politician, was the greatest orator and theoretician of ancient rhetoric of all times. In his treatise De Oratore Cicero established the qualities indispensable for an ideal orator (Cicero, 2001).

“There is a scientific system of policy that includes many important departments. One of these departments – large and important – is eloquence based on the rules of the art, which they call rhetoric. For I do not agree with those who think that political science does not need eloquence, and I strongly disagree with those who think that it is fully comprehended by the power and skill of the rhetorician. Therefore, we will classify oratorical ability as a part of political science. The function of eloquence seems to be to speak in a manner suitable for persuading the audience, and the goal is to persuade by speech.” (Cicero, 2002)

“The man of eloquence whom we seek, following the advice of Antony, will be one who is able to speak in court or in deliberative bodies to prove, please or persuade. To prove is the first necessity, to please is the charm, to incline is the victory, for this is the only thing that helps most in the verdicts of the winners. For these three functions of the speaker, there are three styles: the simple style for proof, the medium style for pleasure, and the vigorous style for persuasion; and in the latter the whole virtue of the speaker is summed up. Now the man who controls and combines these three different styles needs rare judgment and great endowment; for he will decide what is necessary at any moment, and will be able to speak in any way that the case requires. For, after all, the foundation of eloquence, like everything else, is wisdom. In speech, as in life, nothing is more difficult than to determine what is appropriate.” (Cicero, 2001)

The fame of Marcus Fabius Quintilianus (35-100 CE), a Roman rhetorician, is based on his work Institutio Oratoria, a collection of the best examples of ancient rhetorical theory. “For my part, I have taken it upon myself to form an ideal speaker, and since my first wish is for him to be a good person, I will return to those who have more sound opinions on the subject... The definition that best matches its real character is what makes rhetoric the science of good speaking. For this definition includes all the virtues of oratory, as well as the character of the speaker, since no one can speak well if he is not a good person” (Quintilian, 2016).

Saint Augustine of Hippo (lat. Aurelius Augustinus Hipponensis) (354-430) had studied law and had been teaching rhetoric in North Africa for ten years before he began his
studies with Ambrose, Bishop of Milan and an eloquent orator. In the fourth book of *De Doctrina Christiana*, Augustine justifies the use of rhetoric to spread Christianity. “After all, the universal task of eloquence, in any of these three styles, is to speak in a way that is persuasive. The goal... is to convince by speaking. In any of these three styles, it is true that an eloquent person speaks in a way that is oriented towards persuasion, but if he does not actually convince, he does not achieve the goal of eloquence” (Augustine, 1995).

There were textbooks on oratory in Ancient Greece and teaching rhetoric was the crown of ancient education. In the book *Rhetoric* written in the 4th century BCE, Aristotle summarized and developed the theoretical aspects of oratory. According to the classification adopted by Aristotle, all public speeches were divided into three types: deliberative, judicial, and ceremonial (Aristotle, 1978). The task of deliberative speeches is to incline or reject, judicial speeches – to accuse or justify, ceremonial speeches – to praise or blame. A particularly common type of oratory was judicial speech.

### 3.2 The essence of judicial rhetoric

Judicial speech is determined by the specifics of its content (Minyar-Beloroucheva et al., 2010). Law is nothing more than a set of rules and norms of behavior established and protected by the state that regulate public relations between people and express the will of the state (Marchenko, 2017: 76; Nersesyants, 2005: 48). The formation and formulation of such rules requires a comprehensive knowledge of various aspects of language culture. For a lawyer, perfect language proficiency is one of the primary professional needs. This was well understood in Ancient Greece, where the art of public speaking was highly valued and opened the way to power. Political figures had to influence the People’s Assembly, which consisted of free citizens, who, in their turn, periodically had to appear in court.

The court speaker analyzes and evaluates the circumstances of the case and formulates certain conclusions that may be ambiguous. One and the same fact can be presented differently by participants in court debates, without being distorted. The content of a court speech should be understood primarily as the information contained in this public speech (Gorsky et al., 1973). Informative public speaking, in its turn, is determined by a number of characteristics, among which are: the relevance (social value) of the subject statements, informativeness, credibility, coherence and language precision. Elements of colloquial, artistic, official and journalistic speech are synthesized in court speech. The latter is addressed to specific individuals in order to inform the audience of certain information, to convince them of something, to encourage them to commit certain actions. In the court speech, the speaker’s attitude to a committed crime is necessarily expressed. Thus, in judicial speech, the function of communication and the function of influence are in dialectical unity and maintain a certain balance.

### 3.3 Types of court speeches

Court speech can be accusatory or defense. After a few introductory remarks, the speaker proceeds to examine the facts of the case directly. The content of the accusatory speech usually consists of a brief social and political description of the case, a detailed analysis of factual data and analysis of evidence with conclusions about the event of the crime and the defendant’s guilt, the qualification of the crime and conclusions about the measure of punishment. The same elements should be present in the content of the defense speech, with the only difference that all the facts in the defense speech are considered from the point of view of a defendant’s interests. Judicial speech is the most important means of argumentation, so it is unacceptable to violate the basic laws of logic.
The most important characteristics of the form of judicial speech are compositional and logical construction, expressiveness, purity, precision, emotionality, elocution, speech technique, audience management technique. Three main parts are distinguished in the compositional and logical construction of judicial speech. They are the introduction, the main part, and the conclusion (Gubaeva, 1990).

The purpose of the speech, which determines its introductory part, contains initial provisions for further study of the circumstances of the case and a problem for which it is necessary to find a solution. A conflict which the court speech is based on must necessarily be reproduced in the introduction and connected with the main part, and at the same time be concise. However, the speaker needs to keep it throughout the speech by focusing the court’s attention on the introduction. This is facilitated by the logic of the statement, when the speaker’s thought should move from the old to the new, from the familiar to the unknown, from weaker arguments to stronger ones. The presence of a conflict situation, the presentation of facts in opposition also contribute to maintaining attention.

Judicial speech is a combination of logical units that manifest some of its microthemes, meaningfully and syntactically combined with one another. These parts consist of: (1) a Statement of the actual circumstances of the case; (2) Analysis of the evidence collected in the case; (3) Justification of the crime qualification; (4) Characteristics of the defendant’s personality; (5) Reasons for committing the crime; and (6) Considerations on the punishment (Kokhtev, 1992).

The main part of the court speech is based on the rules determined by its purpose. The logic of reasoning goes from statement to refutation and proof, with the strongest arguments and proofs given at the end of the speech. Since the audience listens most attentively in the middle of the time allotted for the speech, all the most important and complex things that the speaker has to present fall on the main part, which consists of analyzing and evaluating the evidence. The conclusion is usually concise, summarizing what has been said, and ending with an appeal to the jury for a fair verdict. The introduction and conclusion are designed to have a psychological effect on the jurors.

3.4 Types of rhetorical persuasion

The court speech must be convincing. Persuasion is achieved in two ways – rational and emotional (Odintsovo, 1973). The analysis of indirect evidence is believed to use logical methods of influence with a clear plot of the case – emotional and expressive means of influence. Undoubtedly, **rational influence** is the main thing in judicial speech, it is achieved by organizing the material on the basis of reliable facts, logical evidence. At the same time, the court speaker must take into account the age, emotional state, level of attention, degree of fatigue, readiness to interact and interest of his listeners (Alekseev et al., 1989).

**Expressive and emotional impact** in judicial speech is achieved by using visual and expressive means of language, such as metaphor, antithesis, parallelism, hyperbole, comparison, irony, etc. (Odintsovo, 1973).

Methods of expressive and emotional influence also include **addressing** to the judge and jury: “Your Honor, Mr. Foreman and Gentlemen!”, using pronouns: You, Your, imperative and motivational verbs: “…bring your hearts and your homes and your intellects here”, “…let us talk to you as men…”, expressing a personal attitude to the analyzed material: I say, I think, intimization, etc. The lawyer always seeks to involve the members of the court in the course of their arguments, and this is why he uses intimization. Using the “inclusive” pronoun “we”, the lawyer thus unconsciously unites himself with the jury, puts himself and them on the same side, and simultaneously opposes himself to the Prosecutor and his supporters with the pronoun “they”.

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It should be noted that the accusatory speech is characterized by a more categorical judgment than the defense one. In defense speech, categorical language is not always present. *Modal verbs* make advocates’ statements less categorical: “He might have done it for pure deviltry, without a motive” or: “He may have done it in insanity”.

The speaker resorts to the use of *rhetorical questions* that convey affirmative or negative information in an expressive form in order to maintain interest in speech, activate the attention of listeners, and promote a lively perception of the message (Shustova, 1990). When discussing with his opponent, a judicial speaker often turns to rhetorical questions that allow the listeners to convincingly deny the opposite point of view in an expressive and emotional form.

> “Who could have done such an act?”

> “In the quiet of the home, in the broad day light of an August day, on the street of a popular city, with houses within a stone’s throw, nay, almost within touch, who could have done it?”

> “Who are you twelve men, and how come you here? Selected out of 150 that were drawn from the body of this county, passing the gauntlet of criticisms, questions, and objections put upon you by the Court or the attorneys, you are sworn here in this cause. Who are you?” (Lizzie Andrew, URL).

It is noteworthy that in the last example, the defender uses the old English form of constructing the question “*how come you here*” – there is no auxiliary verb. If we take into account the following metaphor “*the gauntlet of criticisms*” (“gauntlet” – a knight’s glove), we can assume that the speaker thereby seeks to evoke associations with the old English traditions of chivalry and justice.

### 3.4.1 Linguistic features of court speeches

The *personification* of inanimate objects is quite common technique in English: *blood speaks out; murders did not tell any tales*.

In order to influence the court audience, lawyers use *irony*. By means of ridiculing they can achieve an objective assessment of the actions of the defendants by the jury. In this example, an American lawyer is ironic about the Prosecutor and the police of the small city where the crime occurred, and about their evidence concerning guilt of the accused:

> “In the first place, they say she was in the house in the forenoon. Well, that may look to you like a very wrong place for her to be in. But it is her own home. I suspect you have a kind of an impression that it would be a little better for her than it would be to be out traveling the streets. I don’t know where I would want my daughter to be, at home ordinarily, or where it would speak more for her honor and care, and reflect somewhat of credit upon me and her mother, (who is my wife, I want to say), than to say that she was at home, attending to the ordinary vocations of life, as a dutiful member of the household, as belonging there. So, I do not think there is any criminal look about that. She was at home?” (Lizzie Andrew, URL).

Arguing about one of the theories put forward by the police, the lawyer openly mocks the prosecution:

> “Well, we thought the handle was in there. We thought that was the plan, that the Government possessed itself with the idea that that handle was rolled up by the defendant in a piece of paper and put down in there to burn, and it had all burned up except the envelope of paper. Did you ever see such a funny fire in the world? What a funny fire that was! A hardwood stick inside the newspaper, and the hard wood stick would go out beyond recall, and the newspaper that lives forever would stay there! What a funny idea! What a theory that is!” (Lizzie Andrew, URL).

In this way the defense lawyer discredits the prosecution in the eyes of the jury:
“Well, they will go another step yet in their theory, I think likely. I would not wonder if they are going to claim that this woman denuded herself and did not have any dress on at all when she committed either murder. The heart waits to learn what theories they will get up about this woman without evidence. First, create your monster, and then put into him the devil’s instincts and purposes, and you have created a character. But start with a woman, with woman’s impulses and a daughter’s love, and your imaginings are foreign and base” (Lizzie Andrew, URL).

Judicial speech addressed primarily to the court is focused on establishing the truth. The response to this truth is the verdict brought by the court, in which qualification of the crime and penalty are largely determined by the speech of the lawyer. A court speech is a monologue that forms a part of the dialogue that is conducted between the Prosecutor and the lawyers throughout the entire judicial investigation. The dialogue manifests itself in the investigation of the case materials from the point of view of the prosecution and defense, in the application of petitions. It ends in court debates, when opinions of the opponents are finally determined and argued (Roman, 1990).

3.4.2 Stylistic devices of judicial rhetoric

As a rule, attention of the audience is drawn to what the speaker emphasizes. This can be achieved through the use of anaphora, which increases not only the expression, but also the persuasiveness of speech:

“You come here in obedience to the law that we prescribe for the orderly administration of our courts. You come here because, in answer to the demand, you feel that you must render this great service, unpleasant and trying as it may be, exhaustive as are its labors; you come here because you are loyal men to the State” (Lizzie Andrew, URL).

Along with anaphora, this example clearly shows gradation.

A quotation is often used in court speech. Since it comes from an authoritative person it confirms the speaker’s point of view, convinces the audience. The speakers should not only include quotes in their speech, but also comment on them and express their attitude to them. Thus, it becomes easier to convey a certain message to the audience. But quotes are not always appropriate and not everywhere. A speech exaggerated with quotes reduces its expressiveness and perception. The listener can’t understand where the thoughts of the speaker are, and, of course, begins to feel distrust of him. Besides, the listener can associate the case with the cited work and its heroes, find an additional meaning, which is not a matter of law but is connected with the source of the quotation, and transfer this meaning into the spoken speech.

When using various speaking techniques, the court speaker should remember that they are determined by the content of speech. They are not prior but additional ones and are completely subordinate to the speaker’s intention. Court speech that evokes emotions in the audience is perceived as emotionally expressive.

The language of law reflects the specifics of the subject. The formal nature of the language of law makes it less dependent on the context and situation of communication. At the same time, a widespread use of legal terms in the spoken language creates great opportunities for subjective assessment of their interpretation in the context of non-professional communication. The lawyer applies the means of legal technique in such a way that his reasoning is clearly constructed and connected with what has been mentioned before. It is built up in accordance with certain principles, the sequence of which will lead to conclusions and decisions. Legal inferences are not identical in legislative or judicial law, in abstract or casuistic law. The reasoning technique of a judge and that of a lawyer are not identical and differ from each other, just as the reasoning technique of a lawyer differs from that of a legal adviser or a legal scholar. But in any case, lawyers...
will rely primarily on legal logic, which includes two main elements: the technique of interpretation and the logic of argumentation, when they use various means and methods of constructing their reasoning (Vlasenko et al., 2001: 183-191).

In legal speech, clichés are often used. They have an imprint of the legal sphere of communication. Cliche is a mandatory item of a piece of legislation and procedural act and it promotes unambiguous compact expression of thought.

In his speech, the lawyer must select words carefully in order to reflect the rules of law correctly, when describing the actions of the accused or the defendant, when justifying the qualification of a crime. A lack of precision in the choice of words can lead to distorted conclusions.

Functional motivation is a general principle of using rhetorical figures in judicial speech. The speaker should use only appropriate rhetorical figures, which can be explained from emotional or semantic point of view, and are not used as a decoration of speech. Judicial rhetoric uses the technique of including “pictures” in speech to create the necessary emotional atmosphere. They are small artistically expressive sketches of individual episodes of the case. A court speaker must be a skilled storyteller when using this technique. If the objective facts of the process are expressive enough, they should be conveyed to the listener with the utmost directness, i.e. as simply as possible. If the event lacks emotional expressiveness, the speaker creates it with fictional, assumed sketches of circumstances. The best court speakers in such moments of the process avoid accurate descriptions, detailing, i.e. everything that deprives the “picture” of emotional and artistic expressiveness, which makes the “picture” a “scheme”.

The art of conducting a dispute during the hearing of arguments is a special area of judicial rhetoric. Any judicial speech is essentially a dispute, so the ability to conduct a dispute is one of the essential advantages of a judicial speaker. A judicial dispute has its own specifics and particularities, the impossibility of postponement, it must be completed by discovering the truth. The main elements of a legal dispute are evidence and refutations. In the practice of prominent lawyers, the manner of presentation of the material (the predominance of logical or expressive ways of presentation), the choice of means of expression are largely determined by the speaker’s personality and his inclination to a certain manner of speech construction.

Knowledge of the laws of language implies the observance of purity, precision and simplicity of the speech, since the main and final goal of any judicial speech is to be understood by those to whom it is addressed. The court speaker seems to lead the audience in his search for the truth, the only correct conclusion in the case. Undoubtedly, the need for proof and persuasion is the basis of judicial eloquence (Alekseev et al., 1989).

3.4.3 Phonetic expressive means of judicial rhetoric

The general tone of speech, its tempo, and the necessity of pauses in the semantic division of speech are also mandatory (Semikova, 1998: 123-127). There are techniques that are means of judicial speech expressiveness and enhance its emotional impact. These are: a direct demand for attention; a pause that allows the speaker to highlight the main thing that follows it; voice techniques (the speaker raises or lowers his voice, changes the tempo); addressing the audience with a question related to the content of speech, which sharpens and attracts the audience’s attention; pre-notification of what is to be said later; unexpected interruption of the idea; means of language expressiveness (Proverbs, sayings, humor); body language – gestures and movements (Alekseev et al., 1989).

The nature and scope of the case, the speaker’s personality, and the court audience influence the content and form of judicial speech. Each of them also determines construction and presentation of the one.
Knowledge of the most complex linguistic skills is required to convince judges and maximize the influence on the minds and feelings of citizens present in the courtroom. These skills would contribute to a clear semantic coherence of speech and express the logic of presentation. Special means of communication that indicate the sequence of thought development can be called important means of expressing logical connections between compositional parts and individual utterances (at first, in the beginning above all, first of all; primarily, chiefly, mainly, so, then, well, consequently, therefore, hence, now etc.), contradictory attitude (as has been said above; as it has been pointed out, therefore, and so, owing to the fact that, due to the fact that, in conformity (with), in accordance (with), etc.), result (thus, so; so then; well, then, now, in that way, so, in such a way; consequently, accordingly, hence; In conclusion it should be said that; In closing I want to say that; Summing up it should be underlined that; In the end / finally / in the long run / in the final analysis it should be pointed out that). Pronouns, adjectives, participles as well as logical questions can be used as communication tools. The role of interrogative constructions is determined both by the position in the text of judicial speech and by the communicative task. They pose problems and get new information in the form of a question. A problematic question used in the introduction of the court speech formulates the speaker's goal in a particular process, defines the task. Interrogative intonation allows the speaker to define the problem of the entire court session more expressively and helps to establish psychological contact between the communicator and the addressee.

4. Conclusion

So, oral public speech in court presupposes a situation of direct group communication. Informing, persuasion, and suggestion are the most significant means of speech influence on the audience. Therefore, we can say that any judicial speech should be aimed not only at transmitting objective information, but also at assessing events or phenomena. An inaccurate choice of words can lead to erroneous conclusions and wrong verdict.

An advocate’s speech in court is addressed not only to the mind, but also to the feelings of the audience: participants of the trial and public in the courtroom. It uses persuasion and suggestion, which are closely interrelated and complement each other. The persuasion is addressed to the consciousness of each person, it is always supported by arguments, facts and evidence.

Logical reasons, arguments, and evidence are widely used in judicial speech. In order to convince the audience, it is necessary to make them agree with the defendant's opinions, views, and conclusions and make them accept the ones as their own. The speaker must compose his speech and arrange the evidence in such a way that the persuasiveness of the speech could grow as it is delivered. In defense speeches in court stylistic figures are widely used, in which imagery is achieved by the general composition of the utterance.

Defense speech is built not only on the basis of the interaction of rational and emotional layer, logical elements are developed taking into account the expressive capabilities of the language. The use of rhetorical figures in defense speech can be functionally justified if they are used by the speaker to achieve the goal, but not for the sake of embellishing the utterance.

Acknowledgements

This research did not receive any specific grant from funding agencies in the public commercial, or not-for-profit sectors.

The author declares no competing interests.
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