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EVOLUTION OF MYTHOLOGEMS IN AMERICAN COURTROOM DISCOURSE

The paper is devoted to the study of mythologems in English courtroom discourse. The phenomenon of mythologems was analyzed on the authentic documents of the American trials of 1894, 1921, and 1969-1970. The conceptual understanding of the changes taking place is impossible without knowledge and understanding of the nature, essence, properties and purpose of myths in general. The role of myth is twofold. First, it is possible to identify the consolidating function of myth, as it performs a kind of defensive function in society. Second, manipulative, when it is myth that becomes a means of regulating the consciousness of social groups.

In this context, it is appropriate to refer to the concept of verbal mythologization. Defense lawyers both of the past and of the present resort to the verbal mythologizing of defendants, creating the myth of the innocently convicted person who has become a victim of circumstances, or even acting as a fighter for justice. This verbal mythologizing is largely unchanged, although modern lawyers interpret the components that make up this scheme quite differently. The more obvious distinction between nineteenth-century mythologems and modern ones is the abandonment of the singularity of the perception of the defendant to the plurality of such perception. Finally, the most obvious distinguishing characteristic of contemporary judicial mythologems is their sharply expressed axiological character. One of the reasons for the axiologization of modern mythologems is the fact that the media often cover trial. So, the more emotional and evaluative the lawyers' narrative is, the more interesting it is for listeners to perceive it. The further study of the phenomenon is considered to be perspective, as a number of questions were left beyond the scope of this research.

Keywords: mythologems, courtroom discourse, defense lawyer`s speech, evolution, axiologization, verbal mythologization

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ЕВОЛЮЦІЯ МІФОЛОГЕМ В АМЕРИКАНСЬКОМУ СУДОВОМУ ДИСКУРСІ

У статті розглянуто поняття «міфологема». Звернено увагу на еволюцію міфологем в англомовному судовому дискурсі (*на приклади судових процесів США*). *Аналіз проведено на автентичному матеріалі американських судових процесів, які відбувалися в 1894, 1921 та 1969-1970 роках. Виявлено спільні та відмінні ознаки міфологем в американському судовому дискурсі минулого та сучасного. Схожість полягає в використанні майже тотожних схем вербальної міфологізації підсудних в промовах адвокатів, хоча «ланки» цієї схеми потрактовано по-іншому в сучасному судовому дискурсі. Очевидними ознаками, яка відрізняють міфологеми минулого від сучасних, є їхня аксіологізація та уникнення одностороннього підходу до оцінювання особистості підсудного, його вчинку.*

Ключові слова: міфологема, судовий дискурс, промова адвоката, еволюція, аксіологізація, вербальна міфологізація.

Formulation of the problem

In recent years, there have been numerous studies of myth in general and especially on the myth in the political sphere, since the new information reality significantly changes the ways and technologies of obtaining, maintaining and strengthening power, and information management (“soft power”) becomes the basis of the impact of authorities. The formation of the modern computer civilization shows that the driving force behind society's development is shifting to the sphere of information influence on people's consciousness [6].

Media influence effectively standardizes the mass consciousness, orienting it toward a specific set of values. This strengthening of the role of informational influence, expanding the opportunities to use mass media leads to both positive (the use of information resources to gain knowledge and the state of awareness of the processes taking place in the world) and negative consequences. Processes of total control over public consciousness through its politicization ("the era of the politics of images and images of politics") occur [2]. It is with the growing need for conceptual explanation of characteristics of development and effective mechanisms of regulation of social behavior in an informational society (processes of virtualization, manipulation of public and individual consciousness, the spread of various forms of intolerance in society), with the need for social construction of communicative space to optimize public administration in the challenges of the information age that not only scientific but also praxiological interest to the problems of the effectiveness of social interaction in the information and communication and socio-cultural coordinates. Accordingly, we will allow ourselves to note that praxiology is a theory of effective organization of activity (the term implemented by L. Bourdieu in 1982). The conceptual understanding of the changes taking place is impossible without knowledge and understanding of the nature, essence, properties and purpose of myths and stereotypes in the system of social interaction.

Generally, researchers focus their attention on mythological consciousness, studying the role of myths in a changing world, including in public administration. The role of myth is twofold. First, it is possible to identify the consolidating function of myth, as it performs a kind of defensive function in society. Second, manipulative, when it is myth that becomes a means of regulating the consciousness of social groups. The peculiarity of the modern stage is the wide use of mythologems and ideologems not only in the political sphere, but also in the judicial one.

Resent researches analysis

The fabricated current mythological reality is actively transmitted in modern society. Myth keeps social

experience in the collective memory as well as the imperatives of the socio-cultural dimension of both social and political processes. In the structure of myth archetypes, the content of specific empirically received experience in certain situations, the system of images, allowing to correlate "desirable" with "proper" in the context of the established archetype are distinguished [4, p. 3].

Myth is formed by the collective imagination, combinatory mechanisms of which are based on a certain set of formulas [5]. Numerous mythologemes, which largely predetermine the character of political communication, also belong to this set of formulas. The mythologem as a specific gnoseological image based on the unity of the objective and symbolic pervades the modern public consciousness. Mythologems as image-symbols can act not only in the role of maintaining legitimacy, but under certain conditions play a destructive, damaging role as well.

At present, both mythologemes generated thousands of years ago ("hero – villain", "our own – strangers") and mythologems formed in the process of theatricalization and symbolization of political processes and hyperbolization of the phenomena of political reality are used in the communicative space. Mythologems, being essentially symbolic clots of political communicative acts, form a specific mythological world.

With the strengthening of communicative gaps between society and authorities, the space of their interaction is filled with various kinds of political myths: some can help to restore the unity of the country and to achieve identity, others – perform clearly destructive functions, contributing to anomie and decoherence of information and communication processes. In the study of myth, it is important to consider it as a complex socio-cultural phenomenon that plays an essential role in the system of social interaction in modern society. It should be emphasized that any attempts to demythologize the relevant concepts in management practices are usually accompanied by a new remythologization.

So, why do people need myths? For example, Philip Ball writes that "As classical myths did for the cultures that conceived them, modern myths help us to frame and come to terms with the conditions of our existence" [1].

Consequently, we can talk about the **relevance** of the topic of our research. Moreover, we have encountered very few studies devoted to mythologems in the courtroomdiscourse.

Thus, the **aim** of this study is to investigate mythologems in American courtroom discourse and to establish their evolution.

In order to achieve the goal, the following tasks are to be solved:

– to clarify the terminological apparatus involved in the paper;

– to establish the mythologems used in the American courtroom discourse in the past;

– to establish the mythologems used in the modern American courtroom discourse;

– to find out their similiarities and differences.

Methods

The aim, objectives, and specificity of the material analyzed, determined the choice of the methods engaged in the paper. The research was made on the example of the three high-profile trials: Murder 1st degree №41 1894, the Sacco-Vanzetti Trial (1921). and the Chicago 8 Trial (1969 – 1970). The scientific methods of induction and deduction, discourse analysis, synthesis, generalization and systematization, logical and semantic analysis, comparative methods, interpretation and elements of component and etymological analysis were used in the study.

Results and discussion

Myth performs the dual function of denoting and suggesting. The peculiarity of the use of myth in court becomes its clear praxiological orientation. Myth presented in court does not have a "picture", it is created and transmitted verbally, so in relation to the courtroom discourse, we can talk about the verbal mythologization and mythologems expressing it. From the cognitive point of view, a mythologem is a mental phenomenon, which in language is represented by a word or a sustainable phrase. Paraphrasing a bit Carl Jung's definition, here is our understanding of a mythologem as a sustainable and recurrent thought construct expressed verbally.

Typically, verbal mythologizing is aimed at creating a positive image of the defendant. The defense lawyer seeks either to find a "hook" to construct such an image, or to reformat the evidence cited by the prosecutor as erroneous. The semantic role of myth is the construction of a narrative plot, a kind of a fairy tale.

Actually, all defense lawyers' narratives follow the same pattern: impeccable reputation/good person/victim of circumstances – normal life – no intent – no or falsified evidence/witnesses are wrong/the prosecution is biased – no crime or the victim himself is guilty of what happened. Advocates create the myth of the innocently imprisoned person who is under adverse circumstances, or of the freedom fighter. It should be noted that such verbal mythologizing has led to the paradoxical result that the recipient can no longer tell the difference between truth and untruth. As an example, the following criminal case is considered, Murder 1st degree №41, 1894.

Defense lawyer, Mr. Lewis S. Chanler, draws the jury's attention to the impeccable reputation of the defendant, who worked hard all his life to support his family:

There was ***no desire to kill*** *the man by defendant, who was of* ***spotless character****, always* ***worked hard and supported the family***. (*Murder 1st degree №41, 102*) – impeccable reputation/good person.

So far from *want only* ***killing*** *his brother with a rolling-pin for* ***no reason at all****, it is simply* ***impossible,*** *and is* ***uniform with the evidence. If*** *in the face of the evidence* ***he had run away*** *and did* ***not come back****, it is* ***natural to***

think *that he was in the wrong.* ***They did not not know what was the matter*** *with* ***deceased; that he had fallen on his head*** (*ibid, 103*) – no premeditation, no evidence.

You cart an easily imagine the ***effect of idle rumours****… There was no crime committed; there was no reason why he should strike his brother, and he did not strike him* (*ibid, 105 – 106*) – there was no crime, it was a coincidence.

The ***doctor*** *came to see him and* ***told*** *Edward Hurley* ***it was all right****, that it was* ***simply a blow he had got on his head while drunk;*** *there was nothing the matter with* ***deceased but drunkenness*** *…* (*ibid, 103*) – the victim itself is to blame for it.

It is noteworthy that such a scheme has hardly changed over time, but the interpretation of the "links" of this scheme has become different. Thus, let us analyze another high-profile case of the "Chicago 8" Trial (1969– 1970).

The defense lawyer uses such an interesting technique as indirect characterization of the defendants (the term is ours), which involves the fact that, naming other famous people, he draws an invisible parallel between them. By mentioning some, he seeks to characterize others:

You can crucify ***a Jesus****, you can poison* ***a Socrates****, you can hand* ***John Brown or Nathan Hale****, you can kill* ***a Che Guevara****, you can jail* ***a Eugene Debs or a Bobby Seale****. You can assassinate* ***John Kennedy or a Martin Luther King****, but the problems remain. The solutions are essentially made by continuing and perpetuating with every breath you have the right of men to think, the right of men to speak boldly and unafraid, the right to be masters of their souls, the right to live free and to die free. The hangman's rope never solved a single problem except that of one man* («*Chicago 8*» *Trial, 1969 – 1970*).

He further seeks to refute the arguments of the prosecution, calling them a "fairy tale":

You have seen the ***same scenes described by two different people****. You have heard* ***different interpretations of those scenes by two different people****.*

Does that ***testimony make any sense****, that they come in* ***empty-handed into a garage****, these people who you are supposed to believe were* ***going to fire bomb the underground garage***? *Just keep that in mind when you consider* ***this fairy tale*** *when you are in the jury room* (*ibid, February 13, 1970*) – lack of evidence.

Even if there are testimonies, it is difficult to believe them, because it is hardly possible to recognize a stranger by watching him/her for 3 – 4 seconds through a fine wire mesh and double glass:

But ***he never had seen him*** *and he stands in a stairwell* ***behind a closed door looking through a one-foot-by-one-foot opening in that door with chicken wire*** *across it and* ***a double layer of glass for three to four seconds****, he said, and* ***he could identify what he said was Lee Wiener in three to four seconds across what he said was thirty to forty yards away*** (*ibid, February 13, 1970*) – falsification/witnesses are wrong.

What distinguishes the mythologems of contemporary courtroom discourse from those of late nineteenth- and early twentieth-century discourse is their shift from singularity of perception to duality or even multiplicity and versatility of perception. A person does not necessarily have to be positive from the common man's point of view, but he can be innocent:

And I can say that it is not ***whether you like the defendants or don't like the defendants****.* ***You may detest all of the defendants****, for all I know;* ***you may love all of them****, I don't know.* ***It is unimportant****.* ***It shouldn't interfere with your decision****, it shouldn't come into it. And this is hard to do* (*ibid, February 13, 1970*).

Finally, the defense lawyer sums up that there was no crime because there was no substantial evidence:

I submit ***he didn't because it didn't happen****.* ***It never happened****. This is a simple* ***fabrication****. The simple truth of the matter is that there* ***never was any such plot and you can prove it to yourselves****.* ***Nothing was ever found****, there is* ***no visible proof*** *of this at all.* ***No bottles. No rags. No sand. No gasoline****. It was supposed to be a* ***diversionary tactic****, Mr. Schultz told you in his summation.* ***This was a diversionary tactic.*** *Diversionary to what*? (*ibid, February 13, 1970*).

these seven men are not guilty *to stand on that and it doesn't matter that other jurors feel the other way* (*ibid, February 13, 1970*) – there was no crime, it was a coincidence.

As another distinction of mythologems in contemporary courtroom discourse, we emphasize their explicit axiological nature.

In order to determine this fact, we will refer to the linguistic means expressing the mythologem "lack of substantial evidence" from (1) the Chicago Eight Trial (1969–1970) and (2) the Sacco-Vanzetti Trial (1921) (3):

the defendants have some questions as to whether they are receiving a ***fair trial****. That has been raised many times* (*1*)	*That* ***may be true****, gentlemen* (*2*)
how the ***Government stoops to conquer in this case*** (*1*)	***Where are these witnesses****?* ***Why no corroboration*** *of Neal from this man that was on the wagon with him*? (*2*)
you can call me ***a liar*** *and convict my clients* (*1*)	***Human credulity stretched to the utmost****, gentlemen* (*2*)
He was ***a clear liar on the stand*** (*1*)	*He did* ***not know*** *him* (*2*)
In a ***mythical tale*** (*1*)	***Possibly*** *the gentlemen did sit with him* (*2*)
Does that testimony ***make any sense*** (*1*)	***Something wrong****, gentlemen. I don't know what. I am not holding the Commonwealth responsible for evidence presented…* (*2*)
Just keep that in mind when you consider ***this fairy tale*** (*1*)	*There is* ***no testimony****. Where is the testimony*? *Where is the testimony, gentlemen, that the car was ever at East Braintree*? (*2*)
This is ***a simple fabrication*** (*1*)	*Gentlemen, don't send a man--no New England jury is going to take a human life upon* ***the character of such testimony*** (*2*)
An intolerable war abroad has divided and dismayed us all*.* ***Racism at home and poverty at home*** *are both causes of despair and*	*Bostock* ***refused to make any identification****, notwithstanding the fact that he saw these men here* (*2*)

discouragement. In a so-called affluent society, we have ***people starving, and people who can't even begin to approximate the decent life*** (*1*)	
	Mr. Wade is a type of human personality that ***tells one story at one time in the office of the district attorney of this Commonwealth and another story upon the witness stand*** (*2*)

In the second case, the lawyer accuses, but without conclusions, whereas in the first case there is a direct assessment of the witnesses' testimony and the actions of the prosecution. This is directly expressed by the evaluative vocabulary: *Government stoops to conquer in this case*; *a liar*; *a simple fabrication; this fairy tale; a mythical tale.*

Whereas in the second case we highlighted the linguistic means expressing the lawyer's doubts and uncertainty: *That may be true; Why no corroboration of; the character of such testimony; There is no testimony; refused to make any identification; He did not know him; Possibly; Something wrong.*

Conclusions and perspectives

Defense lawyers both of the past and of the present resort to the verbal mythologizing of defendants, creating the myth of the innocently convicted person who has become a victim of circumstances, or even acting as a fighter for justice. This verbal mythologizing is largely unchanged, although modern lawyers interpret the components that make up this schema quite differently. The more obvious distinction between nineteenth-century mythologems and modern ones is the abandonment of the singularity of the perception of the defendant to the plurality of such perception. Finally, the most obvious distinguishing characteristic of contemporary judicial mythologems is their sharply expressed axiological character. One of the reasons for the axiologization of modern mythologems is the fact that the media often cover trial. So, the more emotional and evaluative the lawyers' narrative is, the more interesting it is for listeners to perceive it. That`s why “Some cases receive tremendous attention, while others languish on the back pages or are ignored” [7, p. 2].

We consider this study to be perspective, as a number of questions were left beyond the scope of the article: what mythologemes are created in the Ukrainian judicial discourse; how the publicity of the case affects their axiologization.

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