Adversarial, Ludic and Ritual Nature of Discursive Interactions in a Trial

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ABSTRACT

This article makes a contribution to the study of courtroom discourse assuming that interactions in a trial are of agonal nature. The study aims to identify and explore key aspects of agonal interactions (adversarial, ludic and ritual) and rhetorical agonal strategies employed in a trial. The study revealed the following adversary strategies used by the prosecutor and the defense attorney to win the struggle: discrediting, refutation and objection. The components of courtroom interactions such as participants struggling to win, referees overseeing the game and selecting the winner and spectators observing the performance indicate its ludic nature. Rituals as an integral component of both games and competitions ensure fair proceedings, regulate participants' behavior, and organize agonal interactions, being the backbone of courtroom trials. The adversary, ludic and ritual components of agonality determine the nature of courtroom activities whose formal goal is to restore justice, and the actual one is to select the winner. The study concluded that these three components of agonality are interrelated: competition is a sign of game, and ludic elements are an integral characteristic of any competition as a product of culture; both competition and game are regulated by rituals and involve participants pursuing opposing goals.

Keywords: agonality; courtroom discourse; competition; game; ritual

INTRODUCTION

Language is a form of social practice that is used to persuade, shape views and attitudes, describe reality, give promise, make compliment and realize other social goals (Olimat, 2020). In the legal settings, "language plays an important role in the daily operations as most events take place either in the form of spoken (e.g. lawyer-client interviews, hearing and trials) or written (e.g. creation of legal texts and written laws) discourse" (Othman, 2019: 83). However, as Bhatia et al. (2008: 3) hold, "although legal language has long been the focus of attention for legal philosophers and sociologists, its attraction for linguistics and discourse analysts has been of relatively recent origin". It is crucial therefore to better understand language patterns and functions in courtroom interactions.

The significance of this research stems from the role of legal communication for society. In addition, forensic discourse analysis is a field of study that has enjoyed fairly little attention from scholars who explore courtroom discourse from a perspective different from the stylistic one. In view of the issues raised above, this article adopts a new approach to the study of courtroom discourse with the application of agonality aspects as the foundation for the analysis.

The choice of the approach adopted in the current study is due to the crucial role of agonality as one of the constituent phenomena of culture, present in any human activity, including sports, political debates, economic competitions, and courtroom trials. In humans, the need for agonality is so strong that it is possible to consider it as an inherent human feature

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that has its origin in the animal world. Huizinga (2003), for example, introduced the term "agonal instinct" to describe the strength of a human' desire for competition.

Despite a huge interest in the issues of agonality, particularly among political discourse analysts (Rusakova & Rusakov, 2015; Saprtykina, 2007; Sheigal & Deshevova, 2009), few if any attempts have been made to explore courtroom discourse in terms of agonal strategies. Those few studies that use the term 'agonality' in relation to courtroom discourse provide narrow definitions of this concept describing it as a confrontation and deemphasizing the role of game and ritual (Bogomazova, 2014; Felton, 2015; Idrus & Nor, 2016; Krapivkina, 2017b; Othman et al., 2019).

The present study surveys this crucial aspect of courtroom language focusing on three components of agonality as a multifaceted category of courtroom interaction: trial as a confrontation, trial as a game, and trial as a ritual. It is assumed that the adversarial, ludic and ritual components of agonality are interrelated and determine the nature of communicative interactions in a trial. Based on this hypothesis and Huizinga's (2003) agonality theory, which emphasizes the crucial role of agonal elements in culture and society, the study solves the following tasks:

1) to describe components of agonal interaction in a trial and establish relations between them;
2) to describe strategies of agonal interaction in a trial;
3) to determine the frequency of occurrence of agonal strategies and reveal linguistic units used to realize them.

The present article is organized as follows. Firstly, a theoretical background to the study will be provided. After that, a description of the data collection and analysis will be given. Finally, concluding remarks, key findings, and implications for future research will be reported.

THEORETICAL BACKGROUND

Studies of interaction between law, language and discourse have been referred to as "forensic linguistics" (Coulthard & Johnson, 2007, 2010; Gibbons, 2003; McMenamin, 2002), "language and law" (Kniffka, 2007; Schane, 2006), "legal language" or "legal discourse" (Boginskaya, 2020; Gotti & Williams, 2010; Mattila, 2006; Tiersma, 1999). The most influential works in this area include studies on courtroom language or discourse (Berk-Seligson, 2012; Bogoch, 1999; Felton, 2015; Gnisci & Bakeman, 2007; Haynes, 2017; Heffer, 2005; Hobbs 2003, 2005). Courtroom discourse as a type of legal discourse has been studied by researchers who based their studies on a single case or used examples from different trial cases. Atkinson & Drew (1979) showed how courtroom discourse is similar to or different from everyday conversation in terms of turn-taking. Mead (1985: 21) compared courtroom discourse with classroom language and concluded that both types are controlled by a participant who has institutionalized authority over other participants. Heffer (2005) dealt "with such issues as how trial lawyers manage to persuade juries of their case while working under tight discoursal constraints, how judges try to explain relevant legal points to jurors who are not well versed in the law, and how legal professionals accommodate their language to the lay participants before them". There were also attempts to analyze courtroom discourse in terms of semantic and syntactic choices made by lawyers to persuade the jury. For example, Cotterill (2001) and Luchjenbroers & Aldridge (2007) found out that prosecution lawyers use metaphors to construct defendants as being violent. Felton (2015) showed that prosecutors and defense attorneys use various linguistic strategies as they construct a representation of the courtroom participants. Levitt (1991) found that lawyers use stories as rhetoric "verbal magic" and "a powerful weapon" that

can persuade the jury. Cicchini (2018: 887) dealt with prosecutorial misconduct in closing arguments arguing that "prosecutors make improper arguments because it is a highly effective, yet virtually risk-free, strategy". Instead of objections, he recommends defense lawyers to consider a more aggressive strategy: the pretrial motion in limine. This motion, according to Cicchini (2018: 887), "seeks a pretrial order to prevent the misconduct before it occurs, and in cases where the prosecutor violates the order, it establishes a framework for addressing the misconduct in a meaningful way". Some other studies of courtroom discourse focused on the controlling nature of questions in examination or questioning strategies (Conley & O'Barr, 2005; Danet et al., 1980). For example, Danet et al. (1980: 226-227) developed a classification of question forms in direct and cross-examination. Cotterill (2003), in its turn, described how storytelling, framing, and reframing are used in a trial. All of these studies have contributed to a better understanding of discursive interactions of courtroom participants: judges and defendants (Archer, 2006), prosecutors and defense attorneys and defendants (Aronsson, Jönsson, & Linell, 1987; Felton, 2015 et al.), prosecutors and defense attorneys and jurors (Heffer, 2005; Hobbs, 2007 et al.), and prosecutors and defense attorneys and witnesses (Gnisci & Bakeman, 2007; Heffer, 2005 et al.).

Despite all these works, courtroom discourse has barely been analyzed from the perspective of agonality strategies and their types. Agonality as a principle of interaction has been studied by a number of researchers of political discourse (Anesa, 2009; Anesa, Kastberg, 2012; Eades, 2008; Felton, 2015; Kurzon, 2001; Rusakov & Rusakova, 2015; Saprykina, 2007; Sheigal & Deshevova, 2009; Sidorenko, 2015; Volkova & Panchenko, 2016; Wagner & Cheng, 2011). Only recently has it become a focus of researchers of legal discourse (Bogomazova, 2014; Krapivkina, 2017a; Palashevskaya, 2017; Tiersma & Curtis, 2008). In analyzing the adversarial nature of courtroom discourse, Krapivkina (2017b), who considers agonality through the prism of prototypes and defines it as a prototypical sign of courtroom interaction, speaks of its high degree of ritualism and regulation. The adversarial principle involves the defense of own point of view before the court. Bogomazova (2014) says that agonality of courtroom discourse is determined by the intention of opposing parties (lawyer - prosecutor) to win, and the agonal nature of communication is manifested as incompatibility of opinions of opposing parties and their equality before the court. Palashevskaya (2017) believes that agonality of courtroom discourse is based on the idea of victory or defeat. The present study surveys courtroom discourse in terms of agonality as a complex category of courtroom interaction and expands its nature by focusing on its three aspects – trial as a competition, trial as a game and trial as a ritual.

METHOD

As mentioned above, to achieve the research goals, the study relied on the work *Homo Ludens* by Huizinga, which discusses the importance of the agonal elements of culture and society. Since the expressions collected were used as a repository of data, the approach employed in the present research to answer the research questions is corpus-based. In contrast to some previous studies on courtroom discourse which have investigated only a single case (Cotterill, 2003; Hobbs, 2005), the corpus built for this research includes materials from 27 criminal trials. The data was drawn from the video hosting *youtube.com* and transcribed manually by the author, from the Russian law forums *forumyuristov.ru* and *jur-forum.ru* that regularly post courtroom trial materials. Shorthand notes and audio records made by the author in ten Russian criminal trials were also used in the study. Since court proceedings were open to the public, there were no problems of gaining permission to write down, record and use the trial materials. All the courtroom observations took place at the District Court in Irkutsk, Russia. The materials of criminal trials were used for the analysis. Several types of charges, including slander, fraud,

murder, aggravated robbery, and assault, were considered during these trials. The criminal cases selected to build the corpus did not receive any news coverage. All the criminal cases occurred during a small time frame, specifically between 2015 and 2020. In order to maintain the anonymity of the participants in the criminal cases under study, only the first letters of their names were used in the article.

Thus, to compile the corpus for this study, the texts were selected based on the following criteria:

1) the type of trial: only criminal trial materials were selected;
2) the presence of agonality strategies: the texts were required to contain objections, refutations, and attempts to discredit the opponents as well as ludic and ritual markers;
3) the recency: all materials date back to the period between 2015 and 2020 as the aim is to focus on synchronically comparable texts;
4) the size of the corpus: materials from 27 criminal trials rather than from a single case were included.

The materials that met these criteria were shortlisted and selected to build the corpus. The videos and audios were manually transcribed by the author. The main focus was on the agonality strategies used in the corpus and their frequency. The corpus built provides authentic examples to explore how agonality strategies may be used in a criminal trial. The size of the corpus totaled 121,659 words distributed throughout 47 texts, representing three legal genres: opening and closing arguments and examinations. This compilation can be called a small-scale corpus. However, according to Flowerdew (2004), the small-sized corpora provide relevant contextual information, which makes them useful for a context-based analysis.

The collected materials were analyzed from various linguistic dimensions. Firstly, the selected expressions were interpreted. Secondly, possible interpretations of trial participants' intentions were investigated according to the theoretical framework of Discourse Analysis. The data analysis was mainly qualitative depending on the tradition of discourse analysts who research a small number of examples covering certain linguistic features. However, in order to analyze the frequency of agonal strategies and linguistic units used to realize them, a quantitative analysis was conducted as well. Its results are presented in two diagrams. Despite its small size, the selected corpus can give a comprehensive view of the agonal nature of courtroom language.

FINDINGS

ADVERSARY AGONALITY

A corpus-based analysis has shown that the main adversarial strategies used by prosecutors and defense lawyers are discrediting (verbal actions aimed at *undermining the authority* of the opposing party or *trust* in the evidence provided by the opposing party), refutation (a part of the arguments used to explain why the other side was wrong (Walter, 1988) and objection (verbal actions aimed at denying the thesis of the opposing party, *disagreeing* with the point of view of the procedural opponent). Here are some examples:

> ***Prosecutor:*** *Сначала он сказал «нет», он не трогал его ртом. Через несколько минут он ответил «да», он прикоснулся к нему* [He said he had not touched him, but a few minutes later, he admitted touching him].

The prosecutor admitted that the victim initially denied the abuse, but then never mentioned it again.

> ***Defense attorney:*** *А можете конкретно пояснить?* [Can you explain this?]
> ***Prosecutor:*** *Я* ***не желаю*** *пояснять, я вас отсылаю к надлежащему процессуальному документу, который здесь есть. И я полагаю, что здесь* ***не место и не время*** *задавать, так сказать, экзаменовать как следователя, так и участвующего прокурора.* [I do not want to explain it. Read the document. I believe that this is not the right place and time to examine both the investigator and the participating prosecutor.]

> ***Defense attorney****: То есть вы считаете, что* ***голословность***...[You think that begging questions …].
> ***Prosecutor:*** *Вы сейчас* ***только этим и занимаетесь*** [This is what you are doing now.]

The prosecutor emotionally responses to the request of the defense attorney to explain the grounds for choosing the preventive measure against the defendant. Conflict behavior as one of the agonality markers is manifested in the use of lexical means with negative connotations. The prosecutor makes an attempt to discredit the evidence of the defense, casting doubt upon professionalism of the defense attorney. The phrase *begging questions* indicates the use of unverified facts by the defense. Here is one more example:

> ***Defense attorney:*** *Вы уже привлекались в качестве подозреваемого в деле об убийстве С.* [You have already been suspected of murdering S.]
> ***Prosecutor****: Причастность свидетеля проверялась компетентными органами и* ***никакой причастности к убийству свидетеля не установлено*** [Involvement of the witness has been verified].

In the example, a combination of two strategies is used. The *refutation* strategy is aimed at establishing the fact that the defense attorney's statement is false. The prosecutor seeks to question the defense attorney's information about the personality of the prosecution witness, and the defense intends to *discredit* the witness and undermine the credibility of the prosecution evidence. They pursue opposite goals: while the aim of the prosecutor is to convince the judge that the accused indeed committed the crime of which he is accused, the defense attorney seeks to refute the conclusion that the accused committed the crime.

In the following example, the defense attorney objects to the prosecutor's interpretation of the witness statements and refutes the fact that they contain an indictment. A combination of several agonal strategies is used:

> ***Defense attorney****: Абсолютное искажение показаний свидетелей, которые были вызваны по нашему ходатайству ... они как раз показывают о фактах определенных, об обстоятельствах, на которых основывалось вот это мнение О., которое он и высказал… Но опять – я не знаю, не хотелось бы, конечно, обижать процессуального противника, но просто Вы внимательней почитайте их показания* ... [Distortion of the testimony of witnesses who were summoned at our request ... they just tell about certain facts, about grounds which this opinion about O. was based on... But again - I don't know, I would not, of course, offend the opponent, but read their testimony more carefully].
> ***Prosecutor:*** *Мы внимательно читали.* [We have read it carefully]
> ***Defense attorney:*** *Там чистое оправдательное содержание* [It is exculpatory].

Lawyers may object to something said if that action violates the rules. The judge either sustains or overrules the objection. In courtroom discourse, the objection strategy is realized through performative phrases (Bührig, 2005): *Ваша честь, протестую! Возражаю, Ваша честь*. [Objection, Your Honor!]

> ***Прокурор:*** *Ваша честь, я считаю недопустимым данный вопрос в связи с тем, что свидетель упомянул о данном деле только во взаимосвязи ее разговора с Э.* ...[Your Honor, I consider this question to be inadmissible. The witness has mentioned this case only in connection with her conversation with E....].
> ***Defense attorney: Возражаю,*** *Ваша честь. Дело в том, что для высказывания О. были существенные основания, и О. сейчас задал вопрос абсолютно в процедуре допроса свидетеля* [Objection, Your Honor. There were substantial grounds for his statement, and O. has asked a question for interrogating the witness].

As an arbiter in the competition, the judge either overrules or sustains the objection using the performatives *Протест принят / Протест отклонён* [Sustained / Overruled].

The violations can be best described using the Gricean Postulates (Grice, 1989). The corpus-based analysis has shown that the main reasons for objecting are the following violations committed by the opponents:

1) violation of the postulate of quantity (the question is suggestive, the answer has already been received, etc.):

> ***Prosecutor:*** *У меня вопрос. Скажите, пожалуйста, а какие именно материалы вам предоставлялись стороной защиты, по которым вы подготавливали в это судебное заседание транскрипты?* [I have a question. Please, tell me what materials have been provided by the defense?]
> ***Defense attorney:*** *Возражаю. Ваша честь!* [Objection, Your Honor!]
> ***Judge:*** *Вопрос не снимается, поскольку возражение не мотивировано.* [Overruled]
> ***Defense attorney:*** *Уважаемый суд, я возражаю и считаю, что это может относиться к адвокатской тайне. Какие материалы могли быть предоставлены. Адвокат имеет право по закону.* [Objection. I believe that this is an attorney-client privilege. What materials have been provided? The lawyer is entitled to ask these questions].

2) violation of the postulate of relevance (the question does not relate to the case):

> ***Defense attorney:*** *Скажите, пожалуйста, можете ли Вы назвать, какие службы были задействованы в этом преступлении?* [Which agencies have been involved in this crime?]
> ***Prosecutor:*** *Я считаю, данный вопрос не относится к существу рассмотрения*[I think this question is irrelevant].

3) violation of the postulate of quality (the question contains a statement of fact that is not supported by the evidence; the witness lacks sufficient knowledge to answer the question; the question invites the witness to guess an answer):

> ***Prosecutor:*** *То есть косвенно в показаниях данных свидетелей отражается тот факт, что О. действительно обвинял публично К. в совершении убийства. В связи с этим они были также включены как в свидетели обвинения, так и в свидетели защиты* [O. accused K. of committing the murder. In this regard, they were also included as witnesses for the prosecution and defense].
> ***Defense attorney****: Возражаю, Ваша честь. Абсолютное искажение показаний свидетелей* [Objection, Your Honor. Distortion of the testimony].

4) violation of the postulate of manner (the question is ambiguous):

> ***Prosecutor:*** *Характерны ли для текстов религиозного содержания высказывания об истинности одной религии, ложности всех остальных и критические оценки в адрес последних?* [Are statements about the truth of one religion, falsity of all the others and critical assessments of the latter characteristic of religious texts?]
> ***Defense attorney:*** *Возражаю против формы постановки вопроса* [Objection to the form].

An analysis has shown that the prosecution and the defense often use interrogative and narrative structures to substantiate the reasons for objections. Here is an example:

> ***Defense attorney****: Скажите, пожалуйста, за что Вы получили свой первый срок?* [Why have you been convicted?]
> ***Prosecutor****: Возражаю, Ваша честь. К чему эта информация? Не могу понять. Вы не боитесь усугубить ситуацию?* [Objection, Your Honor. What is the purpose of this question? I cannot understand. It can aggravate the situation].

An analysis of the corpus has shown that the largest number of objections is due to violations of the postulates of quantity (37%) and relevance (35.7%). Objections to the violation of the postulates of manner and quantity are less frequent (12 and 15.3 %) (Figure 1).

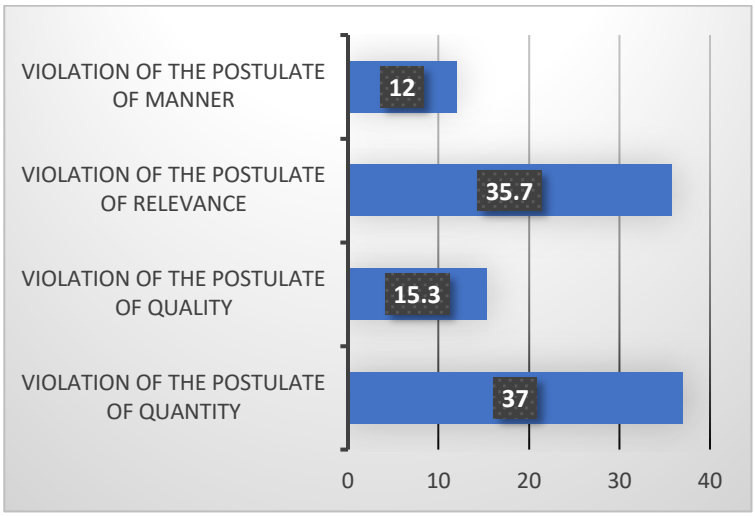

FIGURE 1. The percentage of communicative reasons for objections

Another result of the quantitative analysis is the relationship between the agonal strategies in a trial (Figure 2).

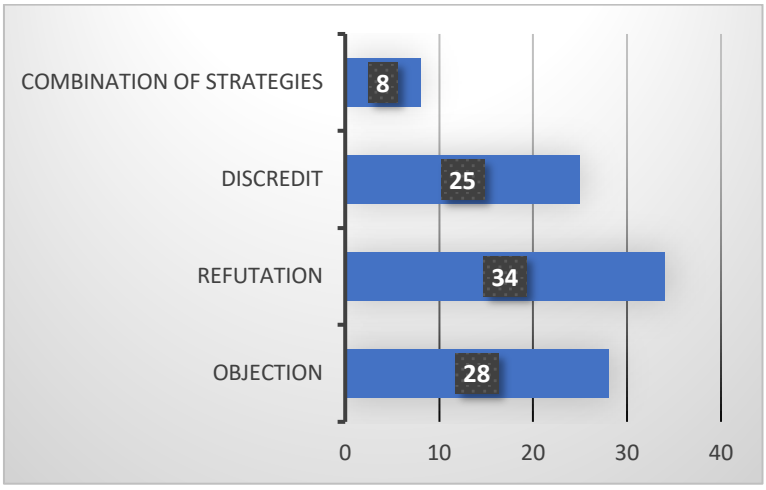

FIGURE 2. The distribution of agonal strategies

Figure 2 shows that the dominant strategies are refutation and objection. The discrediting strategy is used less often. In the corpus, 67 occurrences of this strategy were identified, while the refutation strategy was used 98 times. The combined strategies (discrediting + refutation, discrediting + objection, refutation + objection) were also found, but they were less frequent (see Figure 3).

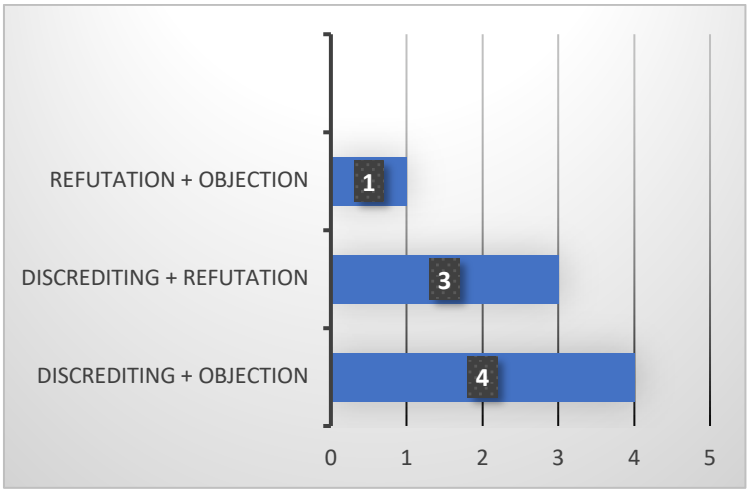

FIGURE 3. The distribution of combined agonal strategies

LUDIC AGONALITY

An analogy between trial proceedings and game has been traced at the semiotic level. An analysis of the corpus has shown that the most frequent concepts characterizing the courtroom interaction as a game are *referee, jury, marathon, victory, lose, winner*. The ludic aspect of courtroom interaction is evident from the analysis of linguistic means with vague meanings:

> ***Prosecutor:*** *Вы обвиняете* ***непосредственно*** *К. …в совершении убийства?* [Are you directly accusing K. ... of the murder?]
> ***Defense attorney:*** *Что значит* ***«непосредственно»****? Что такое* ***«непосредственно»****? Самолично? Вот лично, он исполнителем был этого убийства?* [What does "directly" mean? What is the meaning of the word "directly"?]

The participants disagree on the semantics of the adverb *непосредственно* [directly]. This word is of a manipulative nature, since it can have any meaning that corresponds to the chosen strategy of prosecution or defense. Another strategy of ludic agonality is the use of poetic forms. Here is the extract from the closing argument which illustrates how ludic elements (poetic techniques) can be incorporated into courtroom discourse:

> *Скажите правду, вымолвят уста.*
> *Ведь правда здесь одна, она пред нами:*
> *Он невиновен - оправдать его*
> *Задача общая, не только наша с вами*
> *А общества российского всего!*
> [Tell the truth, - the mouth speaks.
> After all, there are no two truths, the truth is before us:
> He's innocent - acquit him
> The task is not only for you and me.
> It is for the whole Russian society!].

The use of poetic techniques in a trial is against the generic laws. However, the lawyer uses this communicative move that seems to be unexpected in a trial.

RITUAL AGONALITY

In the judicial setting, game is accompanied by ceremonial actions of a symbolic nature. The ritualism of courtroom interaction is manifested in the sequence of speech actions, a fixed role structure, a scenario distribution of roles, a protocol arrangement of participants. The symbolism of trial actions (the knock of the judge's hammer, rising before the court, oath rite) and judicial robes also indicate the ritualistic nature of courtroom interaction. "For each ceremony or ritual to count as a valid instance of its class, the appropriate form must be rendered in the appropriate way, by the appropriate functionary (Bauman, 1977: 32).

The symbolism is aimed at emphasizing the status of the participants in a trial. It is forbidden to violate the ritual structure. Spectators should sit below the judge, who presides over court proceedings from the "bench", which is usually an elevated platform. It underlines his/her special status in a trial. The courtroom is a theatre stage. The seats of spectators are located opposite the stage, while the seats of the defense and the prosecution are opposed to each other and located to the left and right of the stage, which symbolizes a ritualized conflict in the form of a magical duel.

Professional participants in a trial (the judge, the prosecutor and the defense attorney) perform ritual roles, being impersonal actors initiated into the mystery of what is happening. When entering the courtroom, they already have an idea of the ritual narrative, their task is to achieve a desired outcome of the case through the ritual practices. Other participants (defendants, witnesses, experts, and victims) are subject to the initiation ceremony (warning about responsibility for giving false testimony). Below are the examples of the initiation strategy:

> ***Judge:*** *Присаживайтесь. Вам разъясняются Ваши права и обязанности, предусмотренные статьей 56 Уголовно-процессуального кодекса. Вы вправе: отказаться свидетельствовать против самого себя, своей супруги, своего супруга и других близких родственников, круг которых определен пунктом 4 статьи 5 настоящего кодекса; при согласии свидетеля дать показания он должен быть предупрежден о том, что его показания могут быть использованы в качестве доказательств по уголовному делу, в том числе и в случае его последующего отказа от этих показаний; давать показания на родном языке или языке, которым он владеет* [Have a seat. You have been informed of your rights and obligations provided for in Article 56 of the Criminal Procedure Code. You may refuse to testify against yourself, your spouse and other close relatives (if the witness agrees to testify, he must be warned that his testimony can be used as evidence in a criminal case, including in the event of his subsequent refusal). You may speak your native language or any other language].

The jury initiation process begins with the oath read by the judge. After the text has been read, the jury members pronounce the performative *Клянусь* [I swear], becoming part of the sacred trial procedure.

Ritual formulas are frequently used in a trial. Here are some of them to illustrate:

1) initiation: *Прошу всех встать, суд идет! Судебное заседание объявляется открытым. Объявляется перерыв до* ... [All rise, court is in session. Court is in recess until …]

2) request and objection: *Возражаю, Ваша честь. – Возражение отклоняется. Возражения имеются? - Возражений нет. У сторон есть ходатайства? – Ходатайствую о .... Отводы имеются? – Отводов нет.* [Objection, Your Honor. -

Overruled. Are there any objections? - No objections. Do the parties have motions? - I am applying for…. Are there any challenges? - No challenges.]

3) address*: Ваша честь / Уважаемые присяжные заседатели*. [Your Honor / Respectful jury members]

The ritual forms of address are prescribed by the law. Once the suspect is brought to court, they are referred to as *подсудимый* ("defendant"). The opposite side is referred to as *потерпевший* ("victim").

> ***Judge:*** *Потерпевший, займите, пожалуйста, место рядом с потерпевшей* [Victim, please take a seat next to the second victim].
> ***Judge:*** *Встаньте, подсудимая, последнее слово Вам предоставляется* [Your last word, defendant].

Since there are specific terms used for referring to courtroom participants provided for in the procedure law, it is expected that these forms of address reflect the ritual nature of trials. It is interesting that the judge never uses personal names to refer to the defendant. In addressing to the defense attorney or the prosecutor, the judge also employs ritual forms of address:

> ***Judge:*** *У адвоката есть вопросы к подсудимому?* [Does the defense have questions to the defendant?].

Judges never use personal names that imply familiarity and always distance themselves from other participants in a trial by using ritual forms of address.

It has been found that prosecutor's forms of address to the defendant include: 1) trial role + full name or 2) full name only. The defense attorney uses the full name of the defendant. While addressing the judge, the prosecutor and the defense attorney tend to use the ritual form *Ваша честь* ("Your honor").

Rules are an integral part of the courtroom ritual. Ritual communication needs an algorithm which will obey the ritualized communication process. The rules that govern communicative interactions in a trial are one more sign of the ritual. The verbal component as the most variable part of the ritual is limited by the maxims of possible and impossible. Any violation of the rules makes results negligible. In a trials, participants should observe both the universal rules of communication (cooperative maxims, argumentation rules, politeness principles, etc.), which reflect the adversarial and ludic aspects of courtroom communication, and special rules that determine the ritualized order of communicative interactions (addressing rules, objection rules, liability warning rules, etc.).

DISCUSSION

As can be seen from the corpus-driven analysis, agonality is a complex phenomenon which can be defined as a mode of interaction involving opposing parties, who, in compliance with certain requirements and rules (rituals), choose effective rhetorical strategies with the aim to achieve target results.

An analysis of Huizinga's (2003) concept of agonality revealed its structure that includes the following components: key participants (competitors or players and referees) and their roles, goals, rules, results, scenarios, and spectators. Based on these components, three aspects of agonal courtroom interaction have been identified and described: competition, game and ritual.

The components of courtroom discourse such as opposing parties, referees (the judge and jurors), opposite goals (to win by convincing or refuting) and results (guilty and not-guilty verdicts) indicate the adversarial nature of courtroom interaction. The courtroom trial is a

competition, a situation in which there are always those who are trying to win something. In the judicial setting, struggle is aimed at imposing certain views. The courtroom is an arena of "reasonable hostility" (Tracy, 2008), where prosecutors "attempt to appear incisive, tough, even aggressive" (Archer, 2011: 7-8; Olanrewaju & Ademola, 2020). "Both sides try by every means or avail themselves of every chance to make the other side lose his or her face in court" (Liao, 2019: 48). Being a verbal competition, the fight in a trial involves a desire to win, and litigation is always a dispute about justice and injustice, guilt and innocence, victory and defeat (Bousfield, 2013; Rigney, 1999). Competition which is the key principle of communicative interaction in a trial involves the achievement of a legal result in a struggle, in which wills are opposed, and the judge and jurors select the winner. The participants in such a dispute exert influence, directly and mutually influence each other in order to achieve their goals (Culpeper, 2010).

In order for the competition and its results to be approved by society, it is necessary to establish and follow some rules. All the courtroom participants know these rules and how to act in a trial. Ritual as "a way of doing something in which the same actions are done in the same way every time" (Cambridge Dictionary) organizes the agonal interaction, giving it cultural forms. Ritualized interaction is the backbone of courtroom trials. Its signs are manifested both at the verbal and non-verbal levels: performative ritual formulas, performative speech acts, scenario-based distribution of roles. The procedures of initiation, request, objection and address to the participants in a trial indicate the ritual aspect of courtroom interaction. Without these ceremonial rituals, courtroom interaction would be unpredictable. Ritual as a form is, therefore, generated by agonality, and then frames its forces.

The analysis has shown that agonal interactions in a trial have also much in common with ludic practices. The components of a trial such as participants struggling to win, referees overseeing the game and selecting the winner and spectators observing the performance indicate its ludic nature. The comparison of trial activities with the ludic ones goes back to Huizinga (2003), who showed that sacred and serious courtroom proceedings have a playful coloring. The relationship between game and law is apparent as legal proceedings are highly adversarial. But whoever says "competition" means "game", as Huizinga (2003) put it. Both game and competition permeate the most diverse forms of legal life. The prosecution and the defense are aimed at winning the trial. In achieving this goal, they use a repertoire of adversarial and ludic strategies, which help win referees over to their side. One more component that indicates the ludic nature of agonal courtroom interaction is spectators: each courtroom has a spectator area, where members of the public sit during the trial. The prosecutor and the defense attorney deliver their arguments in front of spectators making attempts to raise their interest in the case through the use of effective rhetorical strategies (Krapivkina, 2018).

Thus, all three aspects of agonal interaction – adversary, ludic and ritual – are interrelated in the following way:

(1) competition is a sign of game, and ludic elements are an integral characteristic of any competition as a product of culture;
(2) competition, game and ritual are governed by rules;
(3) competition and game are aimed at winning;
(4) competition and game involve at least two participants;
(5) ritual is an integral part of any competition that helps prevent conflicts and aggression and ensures fair and consistent proceedings.

CONCLUSION

The court provides a useful locus for the study of agonal interaction, and the intrinsic linguistic nature of courtroom discourse calls for a deeper exploration in the area where language and law interact. Courtroom discourse is a fascinating and interesting type of agonal interaction that tells us much about how legal professionals compete in achieving the goal of persuading judges and jurors. This article has provided a starting point for further examination of agonality as a multifaceted phenomenon, in which competition, game and ritual intersect.

The results of this study might be important for discourse analysis. By analyzing the courtroom discourse of prosecutors and defense attorneys, the findings presented here have shown that speakers consistently make rhetorical choices to persuade the judge and jurors. The study has revealed the ways in which the prosecutor and the defense attorney produce their opening and closing arguments and provided an important theoretical contribution in that it has developed an understanding of agonality as an interrelation of adversarial, ludic and ritual components.

It should be admitted that the research results presented here are limited due to a small corpus. In addition, the analysis of these three genres within a single legal system is just one way of investigating the complex nature of agonality in a trial. Further avenues for studies are diverse as courtroom discourse provides a rich source of data for applied linguistics, sociolinguistics and other related disciplines. It may be the research of agonality strategies employed by legal professionals in other legal systems and comparison with the results obtained in the present study. It would be interesting to study agonality strategies used by jurors during deliberations when they try to persuade each other. More multidisciplinary research is required to understand how agonality strategies are involved in the representation of lawyers' identities. This research could be extended further by carrying out studies in other professional settings.

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