
COGNITIVE AND COMMUNICATIVE DIMENSIONS OF COURTROOM DISCOURSE

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INTRODUCTION

According to many scholars dealing with language issues, in the second half of the twentieth century, it became necessary to look at Language from the point of view of its participation in human cognitive activities, which led to the formation of a new scientific paradigm called the cognitive revolution, resulting in the rediscovery of man as a subject of cognition: “rediscovery humans as knowers”¹.

The question of what language is and what thought is, as well as their interconnection, has long attracted the attention of researchers. Even Plato notes: “Are not reason and speech the same thing, except that reason is the internal dialogue of the soul with itself, which carries out all this silently”².

Wilhelm von Humboldt speaks about the connection between Language and Mind, and through it, the construction of a worldview in the early nineteenth century: “Languages are not only a means of expressing the reality already known, but, above all, a means of knowing the previously unknown. Their difference is not only the difference of sounds and signs, but also the difference of worldviews themselves. This is the understanding and ultimate goal of all language research”³. Also, he notes that different languages imply different perceptions.

According to Heidegger, the “time of the picture of the world” arrived in the latter half of the twentieth century: “The picture of the world, essentially understood, means, therefore, not a picture that depicts the world, but the

¹ Pléh C. The inspirational role of Chomsky in the cognitive turn of psychology. *Acta Linguistica Academica*. 2019. Vol. 66 (3). P. 397–398.

² Gacea A.O. Plato and the “Internal Dialogue”: An Ancient Answer for a New Model of the Self. *Psychology and Ontology in Plato*, 139, Springer International Publishing, 2019, Philosophical Studies Series, 978-3-030-04653-8. <https://hal.science/hal-01975795/document>

³ Kachur, I. (2021). The Correlation Between Language and Reality. *Philological Review*, 1(1), 2021. P. 45–51. <https://doi.org/10.31499/2415-8828.1.2021.232648>

world understood as a picture”⁴. The key word is “understood”, as we believe that here we are talking about adequate understanding.

In our opinion, the scientific interest in the linguistic picture of the world is caused by a change in value orientations in education and science; humanisation and humanitarianisation of science as a specific feature of scientific knowledge of the late twentieth century; expanding the human factor in language, attention to the problems of formation and development of the linguistic personality; attention to Language as a kind of social factor of national identification, as a means of national self-determination; expansion and strengthening of language contacts, leading to comparison, overlapping of different language systems and revealing the specifics of national languages and national worldview.

The linguistic picture is posited as a means of representing and comprehending the world, i.e. its conceptualisation, in terms of cognitive linguistics. The term “conceptualisation” is generally interpreted in two ways: topical and evolutionary. In the former interpretation, conceptualisation is understood as a process that occurs within the discourse “here and now”, that is to say, as a substantial aspect of discursivisation, influenced by its ultimate objective. The term “destination” is used to denote the “point of arrival” of the discursive personality, i.e. the state in which the individual finds themselves “after” the discourse. The destination of the discourse can be diverse, including truth, agreement, decision, opinion, belief, power, manipulation, lies, changing the state of affairs in the world, criticism, entertainment, and profit.

Also, conceptualisation is interpreted as a continuous cognitive process, the essence of which is to identify the minimum meaningful units of human experience, knowledge structures that lead to the formation of concepts and are closely related to categorisation.

1. Old terms, new meanings

The concept underwent a significant re-definition in the 1980s, as evidenced by J. Fodor’s substantial study, “Concepts: Where Cognitive Science Went Wrong”⁵. Its elevated status as a subject of scientific inquiry is attributable to its pivotal role in cognitive processes, as previously highlighted. For instance, concepts function as a means of cognitive economy, significantly reducing the amount of information that enters the mind. In the absence of concepts, every object in the external world would require its own name, which would result in a state of collapse of the mental

⁴ Хайдеггер М. Буття і час. Пер. з нім. В.В. Бибихіна. Видавець: Харков: “Фоліо” (Philosophy). 2003.503 с.

⁵ Fodor J.A. Concepts: Where Cognitive Science Went Wrong Oxford: Clarendon Press, 1998. 186 p.

lexicon. Concepts also enable people to transfer the experience of the past to the present. As G. L. Murphy figuratively expresses, concepts act as the “glue” that binds the images generated by human mental activity: “Concepts are the glue that holds our mental world together”⁶.

In the contemporary academic landscape, the concept is examined within the purview of diverse fields of enquiry, including cultural studies, logic, psychology, cognitive science, sociology, political science, and law. Within the domain of cognitive linguistics, the advent of the anthropocentric paradigm coincided with the introduction of numerous terms, including “concept”, to encapsulate the intricacies of linguistic knowledge, for example, “mythologeme” in psychology (the term was originally introduced by C. Jung)⁷; “logoepisteme” which means “a linguistic expression, the meaning of which is understood through the common memory of native speakers”⁸. However, the term “concept” proved to be the most viable and became the so-called umbrella term.

Contemporary research endeavours to establish a unifying theory of the concept, with the objective of not only identifying the originality of concepts and their distinction from other forms of knowledge, but also integrating the knowledge generated by diverse scientific domains to study the concept as a complex evolving phenomenon. This unification encompasses consciousness, language, text and culture, and is characterised by dynamism and the potential for diverse meanings, a feat achievable only at the discursive level.

Dynamism, as a property of a concept, resides in the discursive and communicative conditionality of its implementation in discourse, in the functionality of its existence as a unit that belongs not only to the level of mental representations or the level of culture, but also unites these levels of real communication. A concept may be regarded as a “collapsed” model of a discourse or its fragment, in which all possible potential realisations are “present”. The term “collapsed model of discourse” is worthy of particular attention, as the author employs the fractal model in this context.

Focusing on one or more basic/core concepts, each discourse creates its own special conceptsphere or conceptual space, a conceptual world where a national linguistic personality is formed. A closely related concept, though one which deviates from the conventional course of research, is that of “cognitive space”. This can be defined as human experience expressed in the relations between concepts that are formed, developed and modified in

⁶ Murphy G. L. *The Big Book of Concepts*. Cambridge: MA, 2002. P.1

⁷ Jung’s Red Book for our time: Searching for soul under postmodern conditions / ed. by Jung, C. G. (Carl Gustav), 1875-1961. Asheville : Chiron Publications, 2017.

⁸ Golubovska I. O. Lingual concept: epistemic approaches in modern Ukrainian Linguistics. *Науковий вісник Міжнародного гуманітарного університету. Сер.: Філологія*. 2017 № 27 т. 1

the process of cognition: “Cognitive space is the set of concepts and relations among them held by a human”⁹.

Within the cognitive space and the conceptosphere, it is possible to distinguish between the core, which comprises the cognitive-suggestive structure of an important concept; the core zone, which consists of other lexical representations of an important concept, its synonyms, etc.; and the periphery, which consists of associative-figurative representations. The core and the near-core zone primarily represent universal and national knowledge, while the periphery represents individual knowledge. The mediator between the real and conceptual spaces is the perceptual space, defined as the space of subjective feelings, the space of imagination; it is the way a person perceives it in the process of reflection and further consolidation in linguistic forms.

It is therefore evident that, with the assistance of perceptual space, a concept of the real space is formed in the human imagination. This notion is further accentuated by English-speaking researchers, such as W. Evans and M. Green: “Concepts, in turn, derive from **percepts**. For instance, consider a piece of fruit like a pear. Different parts of the brain perceive its shape, colour, texture, taste, smell and so on. This diverse range of perceptual information deriving from the world ‘out there’ is integrated into a single **mental image** (a representation available to consciousness), which gives rise to the **concept** of PEAR. When we use language and utter the form *pear*, this **symbol** corresponds to a conventional meaning, and therefore ‘connects’ to a concept rather than directly to a physical object in the external world”¹⁰.

The authors posit that concepts are derived from representations when different parts of the brain perceive a shape, colour, texture, taste, smell, etc. This diverse spectrum of perceptual information from the external environment is integrated into a unified mental image (a representation that becomes accessible to consciousness), thereby giving rise to any concept.

The utterance of a word by an individual invariably gives rise to the manifestation of a specific symbol within the mind. This symbol corresponds to the conventional meaning and, therefore, ‘connects’ with the concept, rather than directly with a physical object in the external world. In accordance with this theory, a sequence is established: perception – mental image – concept – word symbol; percept – mental image – concept – word symbol. The cognitive process, defined as the human capacity

⁹ Newby G. B. Cognitive Space and Information Space. Journal of the American Society for Informational Science and Technology Archive. 2001. Vol. 52. P. 1026 – 1048.

¹⁰ Evans V., Green M. Cognitive Linguistics: An Introduction. Edinburgh: Edinburgh University Press Books, 2006. P. 7.

for perception and understanding, encompasses both fundamental sensory faculties and more advanced cognitive functions, including abstract thinking and self-reflection. The information obtained as a result of human cognitive activity is categorised by means of language and expressed in conceptual structures in linguistic or textual form.

A concept is defined as a structure of knowledge that represents a nominal thought, which is verbalised by means of nominal linguistic expressions. We concur with G. I. Prykhodko's assertion that the integral cognitive-communicative model of language learning underscores the recognition that individuals systemise and structure their life world in diverse ways, documenting the outcomes in the form of various forms of knowledge (notions, concepts, world pictures, frames, information), and representing them through the utilisation of a semiotic verbal code comprising nominative and predicative units¹¹.

In the real functioning of language – and this is what is reflected in the concepts of discourse and discursive activity – the functions of cognition and communication cannot be rigidly opposed to each other. The cognitive process can be defined as the acquisition, transformation and storage of information from the environment for the purpose of studying and explaining the world, particularly through information obtained during speech activity. In summary, language is employed to establish representations of reality, which serve to simultaneously reflect its inherent qualities, construct it, and organise and systematise this reality.

Despite the fact that the world consists of many unique objects and phenomena, humans tend to simplify and classify them during cognitive information processing with the help of concepts. These concepts define the individual's daily cognitive existence, contributing to the classification of phenomena through stereotyping.

Contemporary research posits the necessity to adopt a communicative-cognitive approach to the analysis of discourse. This is attributable to cognitive studies in which language is regarded as a medium for cognition and the shaping of the world around us. Discursive activity is defined in the cognitive-communicative paradigm as the integration of systems of perception of reality and linguistic representation of the results of these systems, and discourse is defined as a source of cognition in which information is subjected to conceptual and categorical processing.

In this interpretation, discourse is not regarded as a linguistic construct representing a way of configuring knowledge, but rather as a tool for knowing the world and a tool that creates new knowledge about the world.

¹¹ Приходько О. І. Когнітивно-дискурсивний потенціал оцінки та способи його вираження в сучасній англійській мові: дис. ...док. філол. наук: 10.02.04. Запоріжжя, 2004. 428 с.

Physical objects and phenomena exist objectively, yet it is through the medium of language, structured into patterns or discourses, that they acquire their meaning, and it is through discursive practice that these discourses are transformed¹².

The views of P. Peverelli, who focuses on the theory of social integration, are in alignment with this statement. He develops a model of cognitive space that includes actors involved in social interaction (the social component) and the cognitive component itself, in which these actors share the same cognitive perception (common views, symbols, common language, common background knowledge, etc.). Social and cognitive activities influence each other according to the principle of the double helix. The result of interaction is that subjects have access to each other's cognitive spaces, which leads to mutual enrichment of their respective cognitive spaces. According to the scientist, cognitive space has cognitive, social, temporal and spatial aspects¹³. Furthermore, the scientist regards the entire social cognitive structure of human society as an unlimited number of texts: "We regard the entire social cognitive structure of human society as a huge (theoretically unlimited) number of texts. In this view, a cognitive space is also a text"¹³.

The following example will illustrate the concept of the interplay between the social and the cognitive. The occurrence of a crime is an established fact. However, the significance of this event will be presented in different ways by different discourses: From the standpoint of political discourse, it is likely to be assessed as the inability of the authorities to curb crime; from the standpoint of religious discourse, as the fall of the moral foundations of modern society; from the standpoint of economic discourse, as the deterioration of the economic situation; from the standpoint of legal discourse, as the imperfection of laws; from the standpoint of psychological discourse, as the impact of psychological trauma received in childhood; from the standpoint of pedagogical discourse, as the shortcomings of the educational process. It is important to note that different assessments will inevitably result in a range of actions being taken, including, but not limited to, the organisation of elections and the introduction of more stringent legislation.

In conclusion, it is evident that discourse functions not only as a means of perceiving the real world, but also as a medium for its presentation. Discourse is defined as a cognitive and communicative event that manifests itself in its entirety as a process, expression and product of interaction

¹² Йоргенсен М.В., Філіпс Л.Дж. Дискурс-аналіз. Теорія і метод. Харків: Вид-во Гуманітарний Центр, 2008. 352 с.

¹³ Peverelli P. J. Cognitive Space. A Social Cognitive Approach to Sino-Western Cooperation. Delft: Eburon, 2000. 197 p.

between communication participants that takes place under certain socio-cultural and historical conditions.

The results of the critical analysis of scientific research suggest that each discourse, including judicial discourse, will form its own specially organised semantic space, the organisation and content of which are determined by the relevant cognitive and communicative parameters.

In terms of the content, the following presentation will be made:

a) The conceptual level, which includes all aspects related to the interpretation and manipulation of information and determines the patterns of choice of language means; b) The linguistic level, which combines the chosen language means in accordance with the given conceptual parameters that determine the content of the discourse.

The study of the judicial type of discourse involves the analysis of its semantic space in terms of its influence on the behaviour of interactants. That is to say, it involves the degree of manipulative possibilities of the discourse. The manipulative possibilities of judicial discourse encompass the utilisation of cognitive dissonance and cognitive distortions. These phenomena have the capacity to influence the perception of information, its interpretation, and the overall success or failure of communication. In this regard, it is essential to examine the theoretical underpinnings of cognitive dissonance and cognitive distortions as methodologies for influencing the opinion of interactants, as well as their articulation through language.

2. Cognitive dissonance as a cognitive-communicative category

In the mid-twentieth century, as a result of a shift in the scientific paradigm towards anthropocentrism, various fields of scientific knowledge began to show interest in the role of cognitive processes in regulating human interaction, in those subjective images of the surrounding reality that an individual develops and organises into coherent and, if possible, consistent interpretations of the world picture. In this definition, we would like to highlight the word “consistent”, which has caught our attention, because it is the inconsistency that becomes a stumbling block for scientific thinking.

The latter half of the 20th century has been characterised by a proliferation of information, leading to phenomena such as information saturation. This term refers to the presentation of information in a way that is both overwhelming and unreliable, thereby inducing cognitive dissonance in the recipient. Secondly, an inherent feature of modern society is conflictogenity, in which any information causes a fierce debate. This has resulted in the emergence of an anxiety factor in both the individual and collective consciousness, as well as the discordance

between traditional value orientations and the present realities of change, the consequences of which are challenging to compare with the scenarios of historical experience.

It is evident that these phenomena were initially reflected in the cognitive sciences, which encompass disciplines that share common issues and analogous methodological principles, namely philosophy (primarily epistemology and methodology of science), linguistics, anthropology, neurophysiology, artificial intelligence (including information theory, decision theory and theoretical computer science) and psychology (primarily cognitive – psychology of cognitive processes), sociology, linguistic and cultural studies, etc.

The prevailing factor that united these scholars was the notion of anthropocentrism as a novel scientific concept. This concept subsequently influenced the emergence of a demand for cognitive correspondence theories within the domain of cognitive sciences. A detailed analysis of these theories is beyond the scope of this study, as a substantial body of work has already been dedicated to this subject in the domains of psychology, sociology, and philosophy, among others. Rather, we will offer a concise commentary on the fundamental tenets of the selected theories, with due consideration for their significance in addressing the aforementioned problem.

All theories of cognitive congruence are unified by the notion of the harmony of the human cognitive structure, which must be coordinated and consistent. In the event of an imbalance, there is an immediate necessity to alter this state and re-establish the internal conformity of the cognitive system, a process that occurs almost instantaneously. This phenomenon is exemplified by the theories of structural balance by Fritz Heider (1946), communicative acts by Theodore Newcomb (1953), congruence by Charles Osgood and Percy Tannenbaum (1955), and cognitive dissonance/consonance by Leon Festinger (1957). The extant sources of all conformity theories are twofold: firstly, K. Levin's ideas about the nature of conflict and, secondly, the collective research "Authoritarian Personality", led by T. Adorno.

F. Heider, widely regarded by the research community as the progenitor of general cognitive psychology, posited the notion that a comprehensive understanding of social behaviour necessitates a synthesis of "life psychology" and common sense. Heider further expounded on this concept, stating that this form of naïve life psychology finds expression, particularly, in language, as evidenced by literary and philosophical maxims concerning interpersonal relations. Consequently, the approach to the study of naïve psychology can be the analysis of psychological concepts employed in language and their correlation with the concepts found in fairy tales, novels, and other literary works¹⁴.

¹⁴ Heider F. *Psychology of Interpersonal Relations*. Taylor & Francis Group, 2013. 336 p.

According to T. Newcomb's theory of communicative acts¹⁵, individuals can overcome the discomfort caused by a discrepancy between their attitudes towards another person and their attitudes towards a common object by developing communication with their partner. This process involves a change in the position of one of the partners, thereby restoring compliance. Therefore, if there is a difference in orientation towards any object in a couple or group, it is logical to assume that the need to reduce these differences will lead to an increase in the frequency of communicative acts. It is important to emphasise that T. Newcomb's theory is frequently employed in the analysis of persuasive communication, a topic that will be addressed in the subsequent sections of this study.

The central tenet of C. Osgood and P. Tannenbaum's congruity theory posits that to attain congruence within the cognitive structure of the perceiving subject, an endeavour is made to predict the change in attitude that will ensue in the individual under the influence of the desire to introduce congruence within their cognitive structure, not to one, but to two objects concurrently. In the event of the recipient providing a positive evaluation of a communicator who offers a favourable appraisal of a particular phenomenon that the recipient themselves are to evaluate in a negative light, an inconsistency is introduced into the cognitive structure of the recipient. This is due to the presence of two divergent assessments: those of the recipient themselves and those of the communicator, which are perceived favourably.

In the theory of congruity, C. Osgood and P. Tannenbaum propose a solution to this issue through "a simultaneous change in the recipient's attitude to both the communicator and the object"¹⁶. The field of practical application of the congruence theory is the field of mass communications.

Perhaps the most renowned of these is the theory of cognitive dissonance/consonance by L. Festinger. The scientist posits that knowledge, beliefs, values, and attitudes are cognitive elements, and observes that "the reality that affects an individual will put pressure on the direction of cognitive elements in accordance with this reality"¹⁷. In his seminal work, Festinger presents a well-known example of a smoker who, upon learning about the dangers of smoking, can: a) modify his behaviour, i.e. cease smoking, aligning his behaviour and knowledge; b) modify his knowledge of this phenomenon, i.e. cease to recognise the dangers of smoking or seek information about exaggerated health risks of smoking, reducing or even

¹⁵ Carroll, M. P. (1977). A test of Newcomb's modification of balance theory. *The Journal of Social Psychology*, 101(1), 155–156. <https://doi.org/10.1080/00224545.1977.9924000>

¹⁶ Osgood, Charles E. & Tannenbaum, Percy H. (1955). The principle of congruity in the prediction of attitude change. *Psychological Review* 62 (1):42-55.

¹⁷ Festinger L. Cognitive dissonance. San Francisco: W.H. Freeman, 1962. P.5,7,13,36,77.

eliminating dissonance; or c) continue to smoke, realising the harm of his actions, i.e. not eliminate dissonance.

It merits mention that, utilising contemporary realities (the diachronic approach), an alternative method of eliminating dissonance can be identified: the transition of smokers to electronic cigarettes, otherwise referred to as vape cigarettes. This transition will also result in a reduction or elimination of dissonance.

Furthermore, L. Festinger expounds on the underlying factors that precipitate the emergence of dissonance, namely, logical incompatibility, cultural norms, and the integration of specific opinions within a broader framework. The magnitude of dissonance is quantifiable; that is to say, “if two cognitive elements are dissonant in relation to each other, then the amount of dissonance will be directly proportional to the importance of these elements”¹⁷. The author posits that it is a rare occurrence indeed to encounter a system of cognitive elements that is entirely devoid of dissonance. However, it can be mitigated through the following means: This can be achieved through: 1) modification of behavioural cognitive elements; 2) alteration of cognitive elements reflecting the environment; 3) introduction of new cognitive elements.

A detailed study was also conducted on conflict and its difference from dissonance. The distinction between conflict and dissonance can be articulated as follows: A person is in a state of conflict prior to the necessity of arriving at a decision. Following the decision-making process, the conflict is resolved and the individual has made their choice. The individual is then able to operate within the confines of the selected course of action. It is at this juncture that dissonance emerges¹⁷. The scientist himself emphasises the importance of the theory of dissonance/consonance primarily for the study of conflicts, which, in our opinion, is valuable, especially in a modern conflictogenic society.

Moreover, as previously stated, the contemporary individual is subject to pervasive information influence. L. Festinger highlights this phenomenon, noting that individuals, without exerting any specific effort, come into possession of new information, which, as he observes, serves to augment pre-existing discord. This information can be obtained through various channels, including “accidental encounters”, “unexpected additional information”, “forced information”, and “interaction with other people”¹⁷.

It is worthy of note that L. Festinger meticulously analyses the means by which dissonance can be overcome in such circumstances, particularly in the context of propaganda in politics or the media, through attempts to influence individuals through a variety of information sources, including radio and newspaper messages, and special posters. In this regard, Festinger proceeds to analyse a number of ‘macro phenomena’: ‘the role of rumours

in society, mass conversion to faith and other forms of social influence. This comprehensive analysis underscores the profound significance and theoretical importance of the theory of cognitive dissonance¹⁷.

From our perspective, myth-making is considered an integral component of this list, and it is argued that belief in myths, otherwise referred to as “mythological consciousness” (O. F. Losev’s term)¹⁸, constitutes a distinctive form of human consciousness. In this paradigm, myths are not regarded as mere fabrications, but rather as vital elements that facilitate the resolution of seemingly insoluble questions, thereby promoting a state of harmony or consonance within consciousness.

In the context of jurisprudence, the function of myth is to delineate an exemplary legal order to which individuals should aspire. This ideal legal order is concomitant with a particular conception of the legal world. However, fundamental transformations in social systems cause significant changes in both the legal worldview and the legal language, its terminology, semantics, forms and methods of argumentation, and styles of legal thinking, eventually leading to changes in both the legal worldview and the legal language, which becomes a universal indicator of the formation and civilisation belonging to a particular cultural and historical type in the organisations of existing systems of power, ownership and management.

Thus, on the one hand, there is the classical paradigm of understanding law, which implies an ideal legal order, and on the other hand, there are other images and concepts of what is proper or improper in the current law. It is clear that what is considered appropriate within the framework of specific myths in a particular legal worldview can be regarded as inappropriate in the context of other myths in a different legal worldview, leading to a state of cognitive dissonance.

The legal reality of each historical epoch is characterised by its unique legal language, which is defined by the prevailing social facts and cultural values or legal worldviews of that particular epoch. Consequently, the legal reality is conceptualised through the lens of its own myths, which are reflected in verbal communication and influence the strategic and tactical choices of communicators in judicial discourse.

It is acknowledged that there are two factors to be considered. Firstly, there is the external discourse-relevant component of the social category, and secondly, there are the internal factors, which include the attitudes of the sender of information and his or her communicative intention. In this regard, it can be hypothesised that the identified factors determine the choice and organisation of linguistic means in any type of discourse.

In conclusion, it is observed that a manipulation technique such as cognitive dissonance is frequently employed in courtroom discourse.

¹⁸ Losev A. F. *The dialectics of myth*. London: Routledge, 2003. 310 p.

Concurrently, certain participants in courtroom discourse, motivated by the objective of achieving communicative success, convert cognitive dissonance into cognitive consonance through the utilisation of indoctrination in the form of myths, thereby conveying consonant information.

The information that interactants perceive in court is often provocative in nature, and the communicative personality may utilise this to realise their motives and interests. In the implementation of such content, the sender of the speech relies on the cognitive mechanisms of interaction of the recipient with information, one of the results of which is cognitive distortions. These cognitive distortions can prove to be of significant interest in this study, as they function as suggestive means that hold particular sway over recipients within the context of defence discourse.

3. Cognitive biases as a cognitive-communicative category

The term “cognitive biases” was first coined in 1972 by Amos Tversky and Daniel Kahneman, two of the founders of the cognitive theory. The result of their experiments was the determination of the relationship between the impact on a person’s thought process and their decision-making with the help of imposed stereotypes. The findings garnered scientific recognition, transcending the confines of conventional psychological research, as evidenced by many publications: cognitive errors in medicine; cognitive biases and economic agents; cognitive biases as traps for product managers; cognitive biases and their impact on national cyber security. The interest in this topic is attributable to a number of factors, including the shift towards an anthropocentric paradigm in scientific research, as previously mentioned.

In this regard, the concept of “cognitive biases” is discussed. Cognitive biases are defined as systematic errors inherent in our cognitive processes that lead to the fact that a person comes to wrong conclusions, assesses the situation, other people incorrectly, makes the wrong decision. It is noteworthy that during the 1970s, the prevailing view was that human thinking was rational, with deviations from this norm being attributed to various emotions such as fear, affection, or hatred.

In light of the experimental outcomes, psychologists have published an article entitled “Judgement under Uncertainty: Heuristics and Biases”¹⁹, which challenges the rationality of human thought processes and the notion that deviations from rationality are attributable to the emotional state of the individual.

¹⁹ Tversky A.; Kahneman D. Judgment under Uncertainty: Heuristics and Biases. *Science, New Series*, Vol. 185, No. 4157. (Sep. 27, 1974), pp. 1124-1131. <http://links.jstor.org/sici?sici=0036-8075%2819740927%293%3A185%3A4157%3C1124%3AJUUAHAB%3E2.0.CO%3B2-M>

Psychological research demonstrates that systematic errors in the thinking of ordinary people usually depend on the mechanism of thinking itself, rather than on disturbances to the thinking process caused by emotions. In other words, the mind itself is not perfect, and emotions can only be layered on the imperfection of the mind. The concept of cognitive distortions manifesting not only in sensory perception and cognitive processes, but predominantly in higher cognitive functions such as thinking, memory, and social perception, has gained significant traction. As D. Kahneman insightfully observes, their observations have proven advantageous in numerous scientific domains, including medical diagnostics, law, data analysis, philosophy, finance, statistics and military strategy, political science, and more. The prevailing opinion is that the theory's primary appeal lies in its practical orientation.

In the field of medicine, this theoretical framework is employed to identify cognitive errors, such as the tendency to make diagnoses, when, subsequent to the diagnosis of a patient by another physician, it proves challenging to retract the "label" and interpret the symptoms in a different manner, or when there is a "backsliding effect" from an atypical diagnosis simply due to its atypical nature. This phenomenon often arises due to medical professionals' reluctance to relinquish their reputation, which is often associated with the judicious use of diagnostic resources.

In the domain of communication studies, experts employ cognitive biases as a means to circumvent censorship. Information reinforced by emotional means has been shown to penetrate the built-in filters of consciousness more easily and to remain in the memory of the information consumer for a greater duration. A similar phenomenon occurs in the context of judicial discourse, wherein lawyers employ cognitive distortions to manipulate judges' decisions by appealing to emotions rather than rational thinking.

To date, psychology has identified more than 200 types of cognitive biases, which can be explained by the instability of this concept and the lack of theoretical foundations.

A variety of principles have been utilised for the classification of cognitive biases. These can be categorised, firstly, according to the level of manifestation, into those that occur at the personal level or within a social group; secondly, according to the affective dimension of decision-making in the presence of priority choices; thirdly, according to the properties of human memory; fourthly, according to motivation; and fifthly, according to individual brain characteristics in terms of perception, recall and ability to draw conclusions.

It is also postulated that no universally recognised classification exists. It is noteworthy that no classification system to date has taken into account the role of speech in the emergence of cognitive distortions. However,

discourse can be conceptualised as a form of specific symbolic behaviour, which involves the study of the impact of discourses on people's behaviour and the degree of their manipulative capabilities.

The following examples illustrate the deliberate creation of cognitive biases through speech in court discourse:

- confirmation bias: this occurs when information is sought that supports the speaker's preconceived notions.

- confirmation bias: this occurs when the logic of an argument is evaluated based on the speaker's belief in the falsity or truth of the information presented.

- sequence effect: this is a phenomenon well understood by lawyers. It occurs when the order in which evidence is presented can influence the jury's reaction (which is why a judge often rejects or, on the contrary, supports, for example, the demonstration of certain evidence);

- the so-called "Dr Fox effect" suggests that oratory can exert a more powerful effect on the recipient than reasoned but unimpressive information in terms of expressiveness;

- the "negative bias" refers to the tendency to perceive negative information more acutely than positive information;

- the "picture preference effect", which is also employed in judicial practice, refers to the literal and figurative preference for visual presentations.

Therefore, an understanding of the role of cognitive mechanisms in an individual's communication behaviour is instrumental in, for instance, the defence team deliberately creating cognitive biases, including through the utilisation of language, and the plaintiff, jury, and judge to recognise them, thereby circumventing the impact on the recipients' cognitive processes.

Communicative behaviour is defined as the implementation of the speech behaviour of an individual communicator or a group of communicators in the process of interaction. It is also understood to include the way they perceive the content of courtroom discourse. It is assumed that communicators will behave reasonably and rationally, perceiving the content of courtroom discourse through the prism of wisdom and rationality. However, empirical evidence demonstrates that participants in court proceedings frequently resort to cognitive biases, including emotional effects, stereotypes, and prejudices, in their speech and perception.

In this study, we can only scratch the surface of stereotypes. During the course of our research, it became evident that scholars predominantly define a stereotype as a persistent representation of a social group that is internalised by an individual within that group. Alternatively, these notions, or perspectives on an individual, are projected onto the collective image. Alternatively, a stereotype is defined as a simplified, frequently distorted,

characteristic of the realm of everyday consciousness, idea of any social group or individual belonging to a particular community. This statement, however, does not provide a comprehensive explanation of the nature of a stereotype and is a rather superficial interpretation of the essence of stereotypes.

Let us briefly describe the views of English-speaking scholars who specialise in this particular issue. For instance, J. Bruner asserts that stereotypes, akin to other implicit associations, can be regarded as cultural knowledge or folk wisdom that is assimilated by an individual from their cultural milieu: "...stereotypes, like other implicit associations, can be viewed as cultural knowledge or folk wisdom that a person acquires through their experience in a culture"²⁰.

The significance of the individual's cognitive abilities in relation to the issue of stereotypes is also highlighted by these works. The integration of research in implicit cognition with an appreciation for the intricate dynamics of culture and communication is poised to yield a more profound comprehension of the inherent characteristics of implicit stereotypes. This assertion is supported by the following citation: "Combining the research on implicit cognition with an understanding of the complex dynamics of culture and communication will lead to greater insight into the nature of implicit stereotypes"²¹.

Stereotypes are formed on the basis of psychological attitudes, which are determined by the cultural environment and social conditions. According to D. Covey²², an attitude can be defined as "an unconscious readiness of a person to perceive and evaluate people in a certain habitual way and to react in a pre-formed way without a full analysis of a particular situation". These attitudes are characterised by three dimensions:

❖ The affective dimension is defined as positive or negative emotions, attitudes towards a particular person or information.

– The cognitive dimension encompasses the beliefs and opinions held by an individual regarding any person or object.

– The behavioural dimension refers to an individual's propensity for specific behavioural responses that are congruent with their beliefs and experiences.

This standpoint is further supported by Susan Fiske's assertion that individuals frequently exhibit bias towards individuals outside their own social group, manifesting in forms of prejudice (emotional bias),

²⁰ Bruner J. *Acts of Meaning*. Cambridge, MA: Harvard University Press, 1990. 138 p.

²¹ Hinton P. *Implicit stereotypes and the predictive brain: cognition and culture in "biased" person perception*. Palgrave Communications, 2017. P. 2.

²² Covey D. *Manipulation Techniques: How to Influence People with Persuasion and Mind Control*. 2020. 236 p.

stereotyping (cognitive bias), and discrimination (behavioural bias). As S. Fiske observes, “people are often biased against others outside of their own social group, showing prejudice (emotional bias), stereotypes (cognitive bias), and discrimination (behavioural bias)”²³.

In the domain of psychology, three distinct attitudes have been identified in the perception of another individual: positive, negative, and adequate. A positive attitude is characterised by an overestimation of the interlocutor’s positive qualities, while a negative attitude is marked by an exaggeration of their shortcomings. The manifestation of stereotypes as cognitive biases and prejudices is a consequence of a negative attitude. In the context of linguopragmatic research, an attitude is defined as a conscious intention of the sender of a message materialised in the text to cause a corresponding impact on the recipient of the speech.

As scholars have demonstrated with a high degree of plausibility, stereotypes are undergoing a transformation. If, in the twentieth century, they were expressed explicitly, in the twenty-first century they have moved to another level and become implicit: “...more subtle (automatic, ambiguous, and ambivalent)”²⁴.

CONCLUSIONS

The contemporary epoch is distinguished by an augmentation in communication prospects, a phenomenon attributable to both globalisation processes and the emergence and enhancement of technological solutions that impede or even preclude authentic interaction. The prevailing concern in the present age is the capacity to navigate the information domain, in conjunction with the endeavour to dominate said domain. The endeavour to dominate the information space is meticulously orchestrated to ensure the optimal exertion of influence, a phenomenon termed the perlocutionary effect.

Such an effect should be foreseen in advance, i.e. the pragmatic aspect becomes a generator of other types of information, which leads to a change in traditional priorities in scientific research. This phenomenon is reflected in the evolution of language, as evidenced by the development of the concept of “communication”, which is now interpreted as the exchange of impersonal information due to the narrowing of the boundaries of the “I” and the increasing influence of mass communication. The concept of communication, in this context, implies the achievement of a specific outcome, the effective transmission of essential information, or the exertion of influence on a particular audience.

²³ Fiske S. T. Prejudice, discrimination, and stereotyping. In R. Biswas-Diener & E. Diener (Eds), Noba textbook series: Psychology. Champaign, IL: DEF publishers. 2020. URL: <http://noba.to/jfkx7nrd>

²⁴ Ibid.

It is clear that the changes that are taking place can have both a positive and negative impact. In this regard, the theoretical foundations of cognitive dissonance and cognitive biases as methods of manipulating public opinion through language are considered.

The issue of dissonance/consonance and cognitive biases is of paramount importance for the study of the causes of conflicts in judicial discourse and the identification of methods for their resolution. Moreover, in contemporary society, confrontation has become not only leading, but also inherent and dominant, since there is a constant confrontation in the information space, which is reflected in all areas of human activity, including the judicial sphere.

Confrontation and opposition have been shown to engender cognitive dissonance and cognitive biases, which in turn have been demonstrated to affect the behaviour of communicators when, for example, they use attack tactics, emotionally charged or even pejorative vocabulary, etc.

Nowadays, issues related to conflict culture and conflict discourse are considered in the context of cognitive linguistics, pragma and sociolinguistics, speech act theory, discourse analysis, cultural studies, sociocultural studies, and psycholinguistics. This interdisciplinary approach is necessary due to the complexity of the phenomenon under study.

Our approach is predicated on the cognitive-communication model, which analyses the relationship between language, speech behaviour and society, thereby revealing the interconnection of mental processes and speech phenomena that occur in the mind of a person – a participant in communication – and are inseparable from the process of thinking. Consequently, contradictory communication is implicated in the interactive paradigm of language, thinking and human behaviour.

Nevertheless, it is also crucial to consider the specifics of the verbal representation, which reflects the idiosyncrasies of human thinking and psyche in the process of human communication, in order to understand this phenomenon. Consequently, this study is regarded as a promising avenue for further exploration of the potential of linguistic means for a comprehensive characterisation of courtroom discourse.

SUMMARY

In the second half of the twentieth century, it became necessary to look at Language from the point of view of its participation in human cognitive activities, which led to the formation of a new scientific paradigm called the cognitive revolution, resulting in the rediscovery of man as a subject of cognition. In our opinion, it is determined by attention to Language as a factor of national identification, as a means of national self-determination; expansion and strengthening of language contacts, leading to comparison,

overlapping of different language systems and revealing the specifics of national languages and national worldview. Consequently, these processes give rise to the emergence of novel terms and the reinterpretation of existing ones. In this study, we examine the features of terms such as cognitive dissonance and cognitive biases in courtroom discourse. It has been observed that a manipulation technique such as cognitive dissonance is frequently employed in courtroom discourse. Concurrently, certain participants in courtroom discourse, motivated by the objective of achieving communicative success, convert cognitive dissonance into cognitive consonance through the utilisation of indoctrination in the form of myths, thereby conveying consonant information. In the domain of communication studies, experts employ cognitive biases as a means to circumvent censorship. Information reinforced by emotional means has been shown to penetrate the built-in filters of consciousness more easily and to remain in the memory of the information consumer for a greater duration. A similar phenomenon occurs in the context of courtroom discourse, wherein lawyers employ cognitive biases to manipulate judges' decisions by appealing to emotions rather than rational thinking. Given the practical significance of the analysed phenomena, which are aimed at influencing the decision-making in court proceedings, it is believed that the study of cognitive biases as well as cognitive dissonance in courtroom discourse is undoubtedly worthy of a thorough examination.

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