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AXIOLOGEMES IN DEFENSE VS PROSECUTION ENGLISH COURT DISCOURSE

Досліджено питання про аксіологічний вимір текстів англomовного судового дискурсу. У статті окремо розглянуто аксіологеми, які використовуються адвокатами в дискурсі сторони захисту та прокурорами в дискурсі сторони звинувачення, їхню роль в організації смислового простору англійського судового дискурсу. Виокремлено антиаксіологеми в дискурсі сторони захисту і в дискурсі сторони звинувачення.

Актуальність дослідження обумовлена недостатньою розробленістю цієї теми в умовах постійного протистояння в сучасному інформаційному просторі, що відбувається на всіх рівнях і всіх сферах життєдіяльності людини, включаючи судову діяльність. Роботу виконано на перетині кількох науково-лінгвістичних парадигм: комунікативної, когнітивної, прагматичної і лінгвокультурологічної. Логіка розвитку зазначених напрямків сучасної лінгвістичної науки зумовила новизну цього дослідження.

Розглянуто процес становлення аксіологічної науки, проаналізовано погляди провідних учених, що досліджують аксіологію. Визначено основні етапи розвитку аксіологічного знання. Акцентовано увагу на прикладному характері аксіологічних досліджень.

Визначено такі цілі: простежити становлення сучасної аксіології, виділити характерні для англomовного судового дискурсу аксіологеми і антиаксіологеми, охарактеризувати їх вплив на організацію смислового простору текстів судового дискурсу.

Обрані методи лінгвістичного спостереження й аналізу, когнітивного методу, методу критичного дискурсивного, прагматичного аналізу допомогли виокремити аксіологеми і антиаксіологеми, які є характерними для смислового простору англomовного судового дискурсу. Так, аксіологеми в англійському судовому дискурсі ґрунтуються на базових американських цінностях і представлені такими тематичними групами, як цінність людського життя, цивільні доброчесності, американська мрія, рівність усіх перед законом, верховенство закону. І правовими аксіологемами: доведеність поза всяким сумнівом, важка життєва ситуація, трагедія.

Антиаксіологеми в англійському судовому дискурсі представлені такими тематичними групами: вбивство, порочний спосіб життя, подвійне життя, інтерес до серійних убивць, згубні звички.

Ключові слова: аксіологема, антиаксіологема, судовий дискурс, смисловий простір, дискурс сторони захисту, дискурс сторони звинувачення, організація дискурсивного простору.

Исследуется вопрос об аксиологическом измерении текстов англоязычного судебного дискурса. В статье отдельно рассмотрены аксиологеми в дискурсе стороны защиты и в дискурсе стороны обвинения, их роль в организации смыслового пространства английского судебного дискурса. Выделены антиаксиологеми в дискурсе стороны защиты и в дискурсе стороны обвинения.

Актуальность исследования обусловлена недостаточной разработанностью данной темы в условиях постоянного противостояния в современном информационном пространстве, отражающегося на всех уровнях и во всех сферах жизнедеятельности человека, включая судебную деятельность. Настоящая работа выполнена на пересечении нескольких научно-лингвистических парадигм: коммуникативной, когнитивной, прагматической и лингвокультурологической. Логика развития этих направлений современной лингвистической науки обусловила новизну данного исследования.

Рассматривается процесс становления аксиологической науки, анализируются взгляды ведущих ученых, занимающихся аксиологией. Определены основные этапы развития аксиологического знания. Акцентируется внимание на прикладном характере аксиологических исследований.

Выдвинуты следующие цели: проследить становление современной аксиологии, выделить характерные для англоязычного судебного дискурса аксиологемы и антиаксиологемы, охарактеризовать их влияние на организацию смыслового пространства текстов правового дискурса. В результате анализа фактического материала установлены аксиологемы и антиаксиологемы англоязычного судебного дискурса, определена их роль в организации смыслового пространства судебного дискурса.

Выбранные методы лингвистического наблюдения и анализа, когнитивного метода, метода критического дискурсивного анализа, метода прагматического анализа помогли установить аксиологемы и антиаксиологемы, характерные для смыслового пространства англоязычного судебного дискурса. Так, аксиологемы в англоязычном судебном дискурсе основаны на базовых американских ценностях и представлены такими тематическими группами, как ценность человеческой жизни, гражданские добродетели, американская мечта, равенство всех перед законом, верховенство закона. И правовыми аксиологемами: доказанность вне всякого сомнения, трудная жизненная ситуация, трагедия.

Антиаксиологемы в американском судебном дискурсе представлены следующими тематическими группами: убийство, порочный образ жизни, двойная жизнь, интерес к серийным убийцам, пагубные привычки.

Ключевые слова: аксиологема, антиаксиологема, судебный дискурс, смысловое пространство, дискурс стороны защиты, дискурс стороны обвинения, организация дискурсивного пространства.

Introuction. The phenomenon of opposition has become inherent and dominant in contemporary society. In today's information environment, opposition relations are clearly expressed: speeches and debates by politicians, statesmen and lawyers. Even in everyday life, any event, from a dress style to a violent crime, causes fierce disputes, although in terms of common sense or, as the English say, in terms of a "reasonably prudent person", communicators' opinions should be aligned.

The state of confrontation and the state of opposition are also reflected at the linguistic level, in the verbal behaviour of communicators when they resort to their direct assessment of each other's actions. To put the key point explicitly, these issues are being analysed in cognitive linguistics, pragma and sociolinguistics, discourse analysis, cultural science, sociocultural science, psycholinguistics, which illustrates the complexity of the phenomenon under study and the need for an interdisciplinary or synergetic approach, in modern terminology, to bridge the gap in views on discourse by scholars representing different scientific disciplines.

Thus, even a brief description of the challenges facing modern linguistics suggests **the relevance** of the topic of research. Further, we consider it appropriate to analyse, on the one hand, the theoretical foundations of axiology as a relevant area in linguistics, and, on the other hand, to establish axiologemes/antiaxiologemes in the English court discourse as well as their influence on the organisation of the semantic space of texts of court discourse. This study sheds light on the issues stated above, that is the **purpose** of the article. In order to achieve this, the following **objectives** have been identified: to follow the development of modern axiology, to identify the axiologemes and antiaxiologemes specific to the English court discourse, and to describe their influence on the organisation of the semantic space of texts of court discourse.

To undertake the research, we identified and described the axiologemes used by the prosecutors (Eugene L. Miller, Bryan D. Freres, James B. Nelson) and the defense lawyers (George F. Taseff, Sabelieth R. Ock, Robert L. Polltucker, Julie C. Brain). These are the opening statements that were made by the prosecutors and defense lawyers during the Brendt A. Christensen Trial (2019). Mention should be made of the following **methods** that were used here to achieve the aim: linguistic observation and analysis, as well as cognitive method, critical discourse analysis method, pragmatic analysis method.

The interdisciplinarity of scientific knowledge has expanded the problem field of the humanities themselves and has led to the need for a new philosophical approach to Language. Therefore, the mutual influence of philosophical disciplines and linguistic disciplines in contemporary humanities discourse is justified in this situation. For example, the interpenetration

of axiology and linguistics made possible the emergence of a new discipline – linguoaxiology; today we can talk about the axiology of culture, the axiology of politics, the axiology of art, etc.

Recent researches analysis. The central concept of axiology is the concept of value, interpreted from the perspective of psychology, sociology, logic, structuralism, phenomenology, existentialism, hermeneutics, and theology. The interpretation of the concept, the attitude to value as a subjective or objective phenomenon, brings together and at the same time alienates the representatives of different sciences.

The problem of the subjective-objective nature of values remains relevant throughout the twentieth century and up to the present day. It comes as no surprise that in the seventies there was a controversy in the philosophical milieu after the publication by John L. Mackie his book “Ethics: Inventing Right and Wrong” [Mackie, 1990]. The author argues that there are no objective values, arguing his point of view by pointing to the singularity of such objects. Therefore, there is no any possible way to know them. According to him: “The claim that values are not objective, are not part of the fabric of the world, is meant to include not only moral goodness, which might be most naturally equated with moral value, but also other things that could be more loosely called moral values or disvalues – rightness and wrongness, duty, obligation, an action’s being rotten and contemptible, and so on. It also includes non-moral values, notably aesthetic ones, beauty and various kinds of artistic merit” [Mackie, 1990, p. 16].

The American philosopher H. Putnam suggests moving away from the dichotomous problem of subjectivity-objectivism that hinders the development of philosophical thought. His theory has come to be called the philosophy of consciousness, the author of which uses the cognitive values of coherence and functional simplicity to explain that at least some values denote the properties of the things to which they apply, not just human feelings, using these terms [Putnam, 1981].

In the twentieth century, the understanding of value as a phenomenological or ontological phenomenon began to be actively understood. Max Scheler and Nicolai Hartmann developed the phenomenological approach to the concept of value. According to Max Scheler, values are objective qualitative phenomena, independent of the consciousness of the person and of the objects in which they are. “Scheler’s ethics was the first to be built upon a foundation of material values objectively given a priori, to encompass both values and morals, and to apprehend the content of goods and virtues in their manifold gradations by the light it cast on Aristotle’s virtue-ethics from a phenomenological perspective” [Blosser, 2011, p. xiii]. Thus, Max Scheler establishes a hierarchy of values, distinguishing between high and low order values:

1. A series of values of pleasant and unpleasant, pleasure and pain. These are the relativities of the sensual organisation of living beings.
2. The range of values of vital feeling – state (feelings) of health and pain, strength and fatigue. The response instincts are courage, fear, the impulse for revenge, anger.
3. A range of spiritual values, their specialness, detachment from the whole sphere of the corporeal, detachment from the world around, are in turn divided into three kinds:
 - a) aesthetic;
 - b) the just and the unjust;
 - c) values of pure knowledge [Шелер, 1994, p. 91].

Being aware that the main problem of our time is an acute socio-ecological, socio-cultural, anthropological crisis on a global scale, scientists see a way out of this difficult situation of human development in the search for new principles of being, on the basis of which it would be possible to implement a profound psycho-spiritual transformation of humanity.

Gradually the focus in axiology shifts to applied sciences: sociology, in particular, sociology of culture and sociology of management, psychology. So it may be said that there is a certain tendency consisting in a consistent transition from abstract and ideal ideas about the essence of being values to their humanization and, on the other hand, from linking evaluations of significance with a cognitive and purposively acting individual. By developing specific philosophical theories, the problem of value was considered by philosophers from one perspective or another. This process led to an intensive penetration of axiology into the social sciences.

Today, the transfer of axiological issues not only into the social, but also into the legal sphere are taking place under the sign that, according to M.M. Bakhtin, all elements of being-existence

are permeated with value, and therefore the person is its value centre [Бахтин, 1986, p. 130]. On the other hand, an individual and society, as a whole, are experiencing enormous information pressure, being constantly under conditions of a changeable and conflictogenic society. This process determines, as K.V. Gorobets notes, the emergence of scientific knowledge "...on the deep axiological problems of being" [Горобец, 2013, p. 12].

In modern conditions of dynamically developing social relations, along with the transformation of all spheres of society, the legal discourse acquires new contours. Changes in the system of information and communication interactions are reflected not only in the formation of new public institutions, but also in the transformation of already well-known institutions. Also, in the manifestation of the need for transition from the directive, subject-object model of information relations to the subject-subject model, in which the information consumer takes an active position in the sphere of legal communications. These changes have necessitated new approaches to the interpretation of Law, including the need for an axiological approach. The axiological study of Law is of great scientific, practical and moral importance by drawing attention to the spiritual aspects of the law and its ideals. Without the axiological approach, it is impossible to identify the purpose of law in human, social and cultural development and understand its specific nature.

Modern legal scholars, stressing the axiological orientation of law, rely in particular on the outstanding German legal scholar G. Radbruch, who believed that "Law can only be understood within the framework of categories relating to value. Law is an element of culture, i. e. a fact belonging to the category of values. The concept of law cannot be defined other than as a "given", the meaning of which lies in the implementation of the idea of law" [Radbruch, 2004, p. 16]. The scholar establishes three aspects of the consideration of law: 1) the concept relating to value, i. e. as a cultural fact, which is the essence of legal science; 2) evaluative consideration, i. e. the approach to law as a cultural value. "This is characteristic of the philosophy of law; and 3) finally, a metaphysical approach to the treatment of law from the perspective of its essence or lack thereof. This is the task of religious philosophy of law" [Radbruch, 2004, p. 16].

It is necessary, in our opinion, to pay attention to the problem of legal values, as the attitude to this issue has become literally fundamental for legal philosophers. For example, V.S. Nerseyants states that law forms its own values, which are then applied and recognised in various spheres of society: "justice is a legal category and characteristic of law. Moreover, only law is just" [Нерсисянц, 2005, p. 28]. It is possible to partially accept the point of view of the scientist, as in law there are such values, the sphere of existence and formation of which is only law – it is justice, court, human rights, legal culture, legal thinking, and legal consciousness. However, the elimination of legal values from universal human morality is probably an extreme.

Obviously, the complete identification of universal human values, on the one hand, and legal values, on the other hand, is also extreme, as the question arises about the role of law as such in society and the state. In this connection, N.N. Alekseev's axiological approach to the values of law and universal values cannot be overlooked. He perceives law as a sphere of intellectual attitude towards values, but at the same time, he perceives law as a phenomenon that is valuable per se, that is, law is valuable and must recognise value. Recognition of value for N.N. Alekseev is predominantly a legal act, the essence of which lies in the transfer of legal phenomena from the moral sphere to the legal sphere. Thus, law is effective and real when it carries recognized values – values that act not from the outside, at the level of external imposition, but from within, that is, become an internal moral imperative of each individual person [Алексеев, 1999, p. 70–71].

Mention should be made of V. Ponomareva's definition of values: "values are drawn from the life and reflection of society as a whole, have a moral character, but also have their own specific forms in the sphere of law" [Пономарева, 2006, p. 37]. Law is a reality peculiar only to man. It is an anthropogenic reality (created by man and existing only in human interpretation) and at the same time independent of him as an individual social subject. Thus, from the perspective of legal ontology, one of the aspects of understanding the law is the communicative aspect, i. e. understanding it as a system of relations, the subjects of which transmit legal information through the exercise of their rights and obligations in the process of social interaction. In this sense, law is one of the most important forms of social communication.

It is the communicative nature of law that A.V. Polyakov's integrative concept that combines different approaches to its textual reading is focused on. This concept treats law as a specific form of communication that has its own characteristics compared to other variants of communicative action. The values on which the legal system relies are not "absolute and self-sufficient, but are part of the general system of hierarchically organised social values, deriving their functional meaning and specific content from them. All attempts to present these and similar values as law-forming values mean an uncritical confusion of law as it is and law as it should be from the point of view of certain social ideals" [Поляков, 2004, p. 46].

Communicative relations imply not just an exchange of information, but a conscious communicative process aimed at carrying out joint productive activities between interlocutors. Interlocutors, in order to achieve communicative success during productive activities, must be oriented towards achieving the desired outcome at the cognitive, semantic, pragmatic and communicative levels [Поляков, 2004].

At the cognitive level, the human mind processes, filters and interprets external information, taking into account the cognitive abilities of the individual, which results in the selection of certain lexical units and syntactic structures (semantic level), expressed in the form of statements with a certain communicative intent (pragmatic level), which ultimately creates a certain type of discourse (communicative level). The external factor in this process is, in this case, the professional environment within which social communication takes place.

Results and discussion. In the first place, it is necessary to define an axiologeme. Axiologemes in our understanding are expressed by linguistic means that convey the meaning perceived by the representatives of a given culture as an undeniable value. The choice of certain axiologemes can determine the communicative success or communicative failure of the sender of the speech in court. The analysis of the texts of American court discourse has revealed that the axiologemes used by interactants in the judicial process convey basic American values: the American dream, the rule of law, equality of all before the law, freedom and democracy, civic virtues and justice.

It is interesting to note that the prosecutor and the lawyer rely on the same axiologemes, with the axiologemes in the discourse of the defense becoming a "mirror" reflection of the axiologemes in the discourse of the prosecution. In addition to these axiologemes, the parties in court also use so-called legal axiologemes. Let us illustrate this by using factual material.

To highlight the axiologemes of English court discourse, let us analyse the case file of US v. Christensen (2019). The defendant, Brendt A. Christensen, was arrested on 30 June 2017 on suspicion of kidnapping Yingying Zhang, a Chinese national. The prosecution was represented by three prosecutors Eugene L. Miller, Bryan D. Freres, James B. Nelson and four lawyers George F. Taseff, Elisabeth R. Pollock, Robert L. Tucker, Julie C. Brain.

Mr. Miller, the prosecutor, begins his speech by stating ceremonially that he is honoured to represent the US and the victim of the crime in court:

It's my honor and privilege to represent the United States of America in this case, and especially to speak for Yingying Zhang, who can no longer speak for herself [Masterson, 2019, p. 14].

In our view, we can speak of the axiologeme "The value of human life". Mr. Taseff, the defense lawyer, uses the same axiologeme, but he expands its meaning a little bit to the value of "The value of every human life":

My name is George Taseff, and together with my colleagues, Elisabeth Pollock, Robert Tucker, and Julie Brain; it is our privilege to represent the citizen accused in this case, Brendt Christensen [Masterson, 2019, p. 44].

He stresses that it is the life of the accused whose fate will be decided by the court:

The answer to that is that Brendt Christensen is on trial for his life in this case [Masterson, 2019, p. 45].

The next axiologeme is the axiologeme "Civic virtues". Both the prosecutor and the lawyer use it. Thus, the prosecutor focuses on the fact that the deceased was a promising scientist:

She had already obtained a college degree, advanced degree in China, and now Professor Kaiyu Guan at the University of Illinois had provided her with the opportunity to come to the university as a visiting scholar where she could continue her research... She hoped to get the doctorate degree and eventually to return to China where she could teach [Masterson, 2019, p. 15–16].

At the same time, the prosecutor relies on the axiology of the American Dream, as the deceased was a Chinese scientist recognized in America:

You see, while Yingying was on campus pursuing her dream on June 9th... [Masterson, 2019, p. 18].

In American society, people of all backgrounds, nationalities and genders are evaluated in terms of their professionalism, so anyone can make the American dream come true. The defense lawyer also cites facts from the defendant's biography that characterise him as a successful researcher:

*"He was **admitted to the University of Illinois doctoral program** following his graduation from the University of Wisconsin. U of I's program is considered, and you will hear, **one of the most prestigious in the country**"* [Masterson, 2019, p. 51].

And now let us draw attention to the fact that the defense lawyer also extends the meaning of the axiologeme by complementing it with the axiologeme "Equality of all and every person before the law": anyone, even a criminal accused of committing a serious crime, has equal rights with the victim in court:

*As the evidence in this case unfolds, ladies and gentlemen, please, please, be **vigilant to your oath as jurors**; that you will listen and consider all of the evidence **fairly and impartially** while serving on this case. Keep your **heart and your mind open** to all that you're going to hear* [Masterson, 2019, p. 60–61].

More interestingly, the defense lawyer actively uses the axiologeme of "Rule of Law" when he speaks about the aggressive behaviour of some FBI officers. Their behavior is thought to be unacceptable in a democratic society. This raises the question of the credibility of the defendant's testimony obtained in this manner:

*...the FBI **aggressively investigated** Brendt's claim, launching a multi-state search for any evidence that **could possibly link Brendt to any other unsolved crimes*** [Masterson, 2019, p. 47].

In his statement, the defense lawyer emphasises such a legal axiology as "Proof is beyond doubt" (beyond any reasonable doubt):

*the evidence is going to show that that's just false. It is not only false, there is **no way that it can be proven*** [Masterson, 2019, p. 46–47].

Special mention should be made of the concept of anti-axiologeme. It is seen in our understanding as anti-value, i. e. a verbally formalised phenomenon that is unacceptable, rejected and condemned by society and culture. Anti-axiologemes abound in the statements of the representative of the prosecution:

*He **murdered** her. The defendant, Brendt Christensen, **took her life***» [Masterson, 2019, p. 14] – murder;

*...he was pursuing a **kidnapping and murder**...*» [Masterson, 2019, p. 18] – murder;

He developed an interest in serial killers [Masterson, 2019, p. 19] – his interest in serial killers;

*...the defendant **revealed a portion of his double life**...*» [Masterson, 2019, p. 20] – double life;

*As the defendant **traveled down this dark path, his grades suffered, his marriage broke down**...*» [Masterson, 2019, p. 19] – vicious lifestyle;

*In February of 2017, his wife troubled by his conduct, which also included **abusing alcohol and prescription drugs*** [Masterson, 2019, p. 20] – addictions and so on.

All these axiologemes create a sharply negative image of the defendant. In response, the representative of the defense uses the legal axiologeme "Difficult life situation", i. e. a set of conditions that objectively disrupt a citizen's livelihood and the consequences of which he cannot overcome on his own:

*"Brendt's drinking was causing **serious problems in their marriage** and it was driving **depression and sleep issues and other problems** that Brendt had suffered through for much of his life"* [Masterson, 2019, p. 49];

*"You're going to hear him say how **he was experiencing problems** with mixing the **alcohol with other medications**. And you're going to hear them talk about experiencing thoughts, **deeply intrusive thoughts, persist thoughts of harming himself and harming others**"* [Masterson, 2019, p. 50];

“His alcohol consumption increased. Sleep issues arose. Depression problems surfaced. Problems that he has experienced from childhood. From there everything went downhill” [Masterson, 2019, p. 52].

It is necessary to reiterate that the defense lawyer draws the court’s attention to the fact that no one, not even the professionals whom the defendant applied to, helped him to cope with the difficult situation:

you’re going to hear him say to the counselor that for the first time in his life, he considered himself a total failure in everything [Masterson, 2019, p. 54–55];

So Brendt left the counseling on March 30th with the recommendation of the counselling service that he go somewhere else to get help [Masterson, 2019, p. 56];

...his efforts of getting help for his drinking at the university’s counseling center and his startling revelations to three professional counselors of his persistent and intrusive thoughts of harming others; and about his state of mind... [Masterson, 2019, p. 61].

The prosecutor often uses the anti-axiologeme “Evil”. According to the definition, given by I. Tarasova: “Evil is a concept of morality, meaning the intentional, deliberate, conscious infliction of harm, damage, suffering on someone” [Тарасова, 2010, p. 743]. The prosecutor accentuates precisely the intent of the defendant’s actions. In contrast, the defense lawyer seeks to flatten the anti-axiologeme “Evil” in the prosecutor’s speech with the legal axiologeme “Tragedy”:

This is a tragedy of immense proportions [Masterson, 2019, p. 60];

And with all that, you’re going to have more comprehensive understanding of these tragic events, how this bright and promising and brilliant graduating student with no history of violence committed this horrible crime [Masterson, 2019, p. 61].

The defense lawyer moves away from interpreting the defendant’s actions as representing absolute evil and mitigates the prosecutor’s assessment by describing the difficult life circumstances in which the defendant finds himself. So, it may also be observed that the prosecutor does not use lexical means with the semantics of insult. He emphasises the inadmissibility of the defendant’s actions but does not move on to personal characteristics.

Conclusions. The above said methods of linguistic observation and analysis, cognitive method, method of critical discourse analysis, method of pragmatic analysis helped to identify axiologemes and anti-axiologemes characteristic of the semantic space of English court discourse. Thus, axiologemes in English court discourse are based on fundamental American values. They are represented by such thematic groups as “The value of human life”, “Civic virtues”, “American dream”, “Equality of all before Law” and “The rule of Law”. As well as legal axiologemes: “Proving beyond a reasonable doubt”, “Difficult life situation”, “Tragedy”.

Anti-axiologemes in English court discourse are represented by the following thematic groups: “Murder”, “Vicious lifestyle”, “Double life”, “Interest in serial killers”, and “Addictions”.

What we pointed out above, regarding axiologemes and anti-axiologemes in English court discourse, is only part of a much larger **perspective research**. To be sure, it is interesting to analyse in more detail the influence of axiologemes/anti-axiologemes on the communicative success of the speech sender or communicative failure, presence or absence of axiologemes/anti-axiologemes in the judge’s speech.

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