DISCOURSE AND LEGAL DISCOURSE: DEFINITION, CHARACTERISTICS, AND IMPORTANCE

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Abstract. This very article is devoted to the interpretation of discourse and legal discourse in linguistics. It is evident that legal discourse is an important and urgent research problem, since it is an integral part of modern society. Many works in the field of linguistics are devoted to the study of this concept. Legal discourse can be studied from the point of view of different approaches, but in this work we are interested in the study of legal discourse in interlingual communication, namely: the pragmalinguistic aspects.

Key words: discourse, legal discourse, text, speech, linguistics, extra linguistic factors, context, pragmatics, dialogue.

INTRODUCTION

Discourse can be defined as a structured and meaningful exchange of language in context. It is more than just individual sentences—it involves the organization of ideas, the relationship between speakers or writers and their audience, and the social and cultural implications of communication. Linguist Michel Foucault expanded the concept of discourse to include power relations and societal norms, arguing that discourse influences knowledge, identity, and social structures. Moreover, the concept of "discourse" in the theory of linguistics of the text was introduced in 1952 by the American scientist Z.Harris in the article "Discourse Analysis". By "discourse" Z. Harris understands a sequence of sentences spoken (or written) by one (or more) person in a certain situation ("the sentences spoken or written in succession by one or more persons in a single situation") (Harris 1952: 3). The researcher notes

that language is not realized in confused words and sentences - but in a coherent discourse - from one word to a large novel, from a monologue to an argument.

In the 90s of the last century, discourse was understood as a coherent text combined with extralinguistic factors. The Linguistic Encyclopedic Dictionary gives the following definition of discourse: "discourse is a coherent text in combination with extralinguistic - pragmatic, sociocultural, psychological and other factors, a text taken in the event aspect" (Arutyunova 1990: 136). Nevertheless, the relationship between the concepts of "discourse" and "text" is rather controversial. It is believed that the text is a product of human interaction, the process of interpretation, and discourse is the very interaction, the process itself, and the text is part of this process.

METHODS

Within the framework of the modern scientific paradigm, there are many approaches to the definition of discourse that study this concept from different angles. The common thing is that discourse is considered in some correlation with concepts such as "text", "speech", "situation", "context", "dialogue" and others. T.A. van Dijk defines discourse as a special communicative event that includes various social subjects (for example, a speaker and listener or a writer and a reader) taking part in a communicative act under certain circumstances and in a certain context (Van Dijk TA Ideology: A Multidisciplinary Approach. London: SAGE Publications, 1998).

Discourse can be classified into several types based on its purpose and function:

1. **Narrative Discourse** – Used to tell stories or recount events. It has a clear structure, including a beginning, middle, and end. Examples include novels, fairy tales, and personal anecdotes.

2. **Descriptive Discourse** – Aims to describe a person, place, or event in detail. It often appeals to the senses and creates imagery, as seen in travel writing, poetry, and advertisements.

3. **Expository Discourse** – Focuses on explaining or informing. This type is common in textbooks, academic papers, news articles, and instructional manuals.

4. **Argumentative Discourse** – Used to persuade or convince an audience. It includes logical reasoning, evidence, and rhetorical strategies, found in debates, opinion essays, and political speeches.

5. **Conversational Discourse** – Involves everyday spoken interactions, such as casual conversations, interviews, and dialogues. It follows social norms and is often spontaneous.

RESULTS

From the standpoint of sociolinguistics, there are two main types of discourse: personal (personality-oriented) and institutional. In personal discourse, the speaker acts as a person, showing his inner world, and in institutional discourse, the speaker represents a certain social institution.

I.V. Karasik (2000) divides personal discourse into colloquial and colloquial communication. In the first case, communication takes place between well-known people. Colloquial discourse is characterized by a small amount of information content; it represents actual communication, in other words, communication for the sake of communication. The institutional type of discourse is understood as "the speech interaction of representatives of social groups or institutions with each other, with people realizing their status-role capabilities within the framework of established social institutions, the number of which is determined by the needs of society at a particular stage of its development" (Karasik 1998: 190-191). In other words, institutional discourse as a special type of communication must fulfill the social needs of society, organize social ties, order them, regulate and manage them.

I.V. Karasik believes that in the conditions of modern society the following types of institutional discourse can be distinguished: political, diplomatic, administrative, legal, military, pedagogical, medical, religious, scientific, and others.

CONCLUSION

Legal discourse reflects the complex relationship between a person and society and is considered one of the most relevant and sought-after discourses of our time. The study of legal discourse lies at the intersection of different disciplines and is

associated with the analysis of the form, objectives and content of discourse used in specific situations. I.V. Palashevskaya defines legal discourse as "status-oriented interaction of its participants in accordance with the system of role prescriptions and norms of behavior in situations of institutional communication defined by law" (Palashevskaya 2010: 535). O.V. Kosonogova notes that legal discourse "is a heterogeneous phenomenon. This is a set of different communicative situations, the participants of which, in similar conditions, generate similar statements using a single special language - the language of law" (Kosonogova 2015: 66). Summarizing these two definitions, we can say that legal discourse is a coherent sequence of statements on legal issues, determined contextually. Understanding legal discourse presupposes knowledge of the background, the expectations of the author and the audience, ulterior motives and plot patterns, as well as favorite logical transitions characteristic of a given historical and social era (Fedulova 2010).

Characteristics of Legal Discourse

1. Formal and Technical Language

Legal discourse employs highly specialized vocabulary, often derived from Latin (e.g., habeas corpus, pro bono, prima facie). These terms carry specific legal meanings that may not align with everyday language.

2. Precision and Ambiguity

While legal texts aim for precision, they also sometimes use deliberate ambiguity to allow for flexibility in interpretation. This is evident in contracts and statutes, where wording must cover various scenarios.

3. Normativity and Authority

Legal discourse does not merely describe facts but also prescribes behavior. It establishes rules, rights, and obligations, making it inherently normative (Bhatia, 1993).

4. Intertextuality

Legal discourse frequently refers to previous cases (precedents), legal doctrines, and statutory provisions. Courts often cite earlier judgments, creating a network of interconnected texts (Goodrich, 1987).

5. Argumentation and Persuasion

Lawyers, judges, and legislators use legal discourse to argue cases, interpret laws, and justify rulings. Persuasive techniques, such as logical reasoning and rhetorical appeals, are essential in courtroom discourse (Shuy, 2008).

Legal discourse manifests in various forms, each with its own communicative purpose:

1. Legislative Discourse – Found in constitutions, statutes, and regulations, it establishes legal frameworks and governs conduct.

2. Judicial Discourse – Present in court rulings, legal arguments, and case law, it involves interpretation and application of laws.

3. Contractual Discourse – Used in contracts, agreements, and legal documents, defining rights and obligations between parties.

4. Administrative and Bureaucratic Discourse – Found in government policies, official reports, and legal correspondence.

5. Academic and Theoretical Discourse – Seen in legal textbooks, scholarly articles, and debates about jurisprudence.

Some researchers (L.E. Popova, M.V. Torgasheva) consider the texts of legal documents to be the center of legal discourse. Such texts, which include primarily the constitution, codes and laws, are the main component of legal discourse.

In conclusion, discourse is more than just words; it is the foundation of human communication. It shapes thoughts, influences perceptions, and structures social interactions. Whether in storytelling, academic writing, or daily conversations, discourse is essential in conveying meaning and understanding the world around us.

Legal discourse, like any other type of institutional discourse, has components such as goals, values, functions, actors, varieties and genres. Understanding legal

discourse involves knowing the background, the expectations of the author and the audience, ulterior motives and plot patterns, as well as favorite logical transitions characteristic of a given historical and social era.

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