GENERAL CHARACTERISTICS OF LEGAL DISCOURSE IN MODERN LINGUISTICS

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Abstract: This Thesis undertakes a comprehensive linguistic analysis of legal discourse, aiming to delineate its fundamental characteristics from a contemporary perspective within the English language context. It critically examines the intricate interplay of linguistic features, pragmatic functions, and rhetorical strategies that define legal communication across various genres. Drawing upon established theoretical frameworks in discourse analysis, pragmatics, and sociolinguistics, the research systematically investigates the specialized lexis, syntactic structures, argumentative patterns, and performative aspects inherent in legal texts, including legislative documents, judicial rulings, contractual agreements, and courtroom interactions. The study reveals that legal discourse is uniquely characterized by its inherent prescriptiveness, formality, conventionality, and a specialized register designed for precision and authority, yet often susceptible to strategic ambiguity. Key findings underscore its role in constructing and maintaining legal reality, mediating power relations, and enacting specific social and legal actions. This work contributes significantly to understanding the complex relationship between language and law,

offering valuable insights for linguists, legal practitioners, and educators engaged in legal language pedagogy, and advancing the broader field of applied linguistics.

Keywords: general, characteristics, of, legal, discourse

Relevance of the research

The profound and pervasive influence of legal discourse on societal structures, individual rights, and global governance renders its systematic linguistic investigation not merely pertinent but indispensable in contemporary scholarship. As a specialized domain of communication, legal discourse stands apart due to its inherent performativity, prescriptive function, and the severe real-world consequences contingent upon its precise interpretation and application. Its unique blend of technicality, formality, and often archaic lexical choices presents significant challenges for both expert practitioners and laypersons, directly impacting access to justice, legislative clarity, and the efficacy of judicial processes. Modern linguistics, equipped with an evolving suite of analytical tools and theoretical paradigms, offers an unparalleled lens through which to deconstruct the intricate architecture of legal language[1]. Traditional approaches to legal texts often focused prescriptively on grammar and style; however, contemporary linguistic inquiry transcends these boundaries, embracing critical discourse analysis, pragmatics, cognitive linguistics, sociolinguistics, and corpus linguistics to illuminate the underlying ideological frameworks, power dynamics, and socio-cultural contexts embedded within legal communication. The increasing complexity of transnational legal frameworks, coupled with the imperative for clear and unambiguous communication across diverse linguistic and cultural contexts, further accentuates the urgency of understanding the universal and culture-specific characteristics of legal discourse. The relevance of examining the general characteristics of legal discourse in modern linguistics is thus multi-faceted. Theoretically, it contributes significantly to our understanding of

[1] Fairclough, N. (1995). Critical Discourse Analysis: The Critical Study of Language. Longman.

language as a social institution, a tool for social control, and a mechanism for shaping reality. It pushes the boundaries of applied linguistics by addressing critical issues of clarity, ambiguity, and interpretation that have tangible legal ramifications. Practically, research in this area informs best practices in legal drafting, enhances legal education by fostering greater linguistic awareness among future practitioners, and improves public understanding of legal rights and obligations. Furthermore, with the advent of artificial intelligence and natural language processing in legal tech, a robust linguistic characterization of legal discourse is foundational for developing effective computational models capable of accurate legal information retrieval, document analysis, and even automated legal reasoning. Therefore, a comprehensive exploration of the general characteristics of legal discourse through the rigorous methodologies of modern linguistics is not only timely but critical for advancing both linguistic theory and the practical administration of justice in an increasingly complex globalized world.

Object and subject of the research

The object of this research is the multifaceted phenomenon of legal discourse, understood as a specialized communicative practice intrinsically linked to socio-legal institutions and their operational frameworks. It encompasses the entire spectrum of linguistic manifestations that serve to establish, interpret, and enforce legal norms, ranging from legislative instruments and judicial rulings to contractual agreements and professional exchanges within the legal sphere. This study critically positions legal discourse within the expansive disciplinary framework of modern linguistics, recognizing its unique properties as a highly codified and purpose-driven form of language use. The subject matter precisely delineates the systematic investigation into the "general characteristics" that fundamentally define legal discourse, analyzed through the lens of contemporary linguistic theories and methodologies. This entails a detailed examination of its distinctive lexical, syntactic, pragmatic, and stylistic features, identifying recurrent patterns, rhetorical strategies, and communicative

functions that differentiate it from general language and other specialized registers. Particular emphasis is placed on how these linguistic choices construct authority, manage precision, mitigate ambiguity, and reflect the inherent power dynamics and performative nature of legal communication in modern contexts.

Research Methodology

The methodological framework underpinning this investigation is predominantly qualitative, employing a descriptive-analytical research design to systematically uncover and characterize the linguistic properties of legal discourse. This approach is deemed most appropriate given the intricate and context-dependent nature of language use in legal settings, requiring nuanced interpretation rather than mere statistical enumeration. The primary data corpus for this study comprises a carefully curated selection of English legal texts, specifically focusing on statutory law (acts of parliament/congress), judicial opinions (court judgments), and contractual agreements. This multi-genre selection is crucial for a comprehensive understanding, as each genre exhibits distinct communicative functions, target audiences, and consequently, unique linguistic features. The texts are drawn predominantly from common law jurisdictions (e.g., UK, USA) to ensure a relatively consistent legal tradition, spanning a contemporary period (e.g., early 21st century) to reflect modern linguistic practices. The analytical procedure is multi-layered, drawing upon established theoretical constructs within modern linguistics. At the macro-level, the study employs principles of **Discourse Analysis** to examine the communicative purposes, rhetorical strategies, and power dynamics inherent in legal texts. This involves scrutinizing how legal discourse constructs meaning, establishes authority, and mediates relationships between legal actors and the lay public. Concurrently, **Genre Analysis** is applied to identify the conventionalized structures, recurring linguistic patterns, and socio-rhetorical functions that define each specific legal text type within the corpus. At the micro-linguistic level, the research utilizes insights from **Systemic Functional**

Linguistics (SFL), particularly its frameworks for analyzing lexicogrammar and semantic systems. This involves a detailed examination of transitivity patterns to understand agency and action representation, modality to assess certainty and obligation, and nominalization to identify the characteristic density and abstractness of legal language. Furthermore, **Pragmatics** informs the analysis of implicature, presupposition, and speech acts, revealing how meaning is inferred and negotiated beyond the explicit surface structure of legal propositions. The study also incorporates elements of **Corpus Linguistics** for systematic pattern identification, though not as the sole methodology. While not relying on large-scale quantitative analysis, specialized software tools are employed to identify high-frequency lexical items, recurring collocations, and characteristic phraseologies that contribute to the specialized nature of legal English, thereby providing empirical support for qualitative observations. This integrated methodological approach ensures a robust and multifaceted examination, enabling a deep and comprehensive characterization of legal discourse in modern linguistics.

Main Part

The investigation into the general characteristics of legal discourse within the framework of modern linguistics necessitates a multi-faceted analysis, moving beyond mere description to a critical examination of its functional and structural underpinnings. Legal discourse, as a quintessential form of institutional language, is not a monolithic entity but a complex system of registers shaped by historical precedent, pragmatic imperatives, and the inherent power dynamics of the legal system[2]. This analysis will elucidate the defining features of this discourse at the lexical, syntactic, and pragmatic levels, arguing that these characteristics are not arbitrary but are functionally motivated to achieve specific institutional goals, namely precision, authority, and the preservation of a closed hermeneutic community. At the lexical level, legal English is

[2] Cotterill, J. (2007). The Language of the Law: A Reader. Blackwell Publishing.

immediately distinguishable by its unique and often esoteric vocabulary. A primary characteristic is the pervasive use of archaisms and Latinisms[3], such as “aforesaid”, “hereinafter”, “witnessed”, “men’s rea”, “habeas corpus”, and “stare decisis”. The persistence of these forms is not merely a matter of stylistic inertia; it serves a crucial sociolinguistic function. Archaic lexis anchors contemporary legal documents in a continuum of historical tradition, imbuing them with an aura of stability, gravitas, and enduring authority. Latin terms, similarly, function as terminological shorthand, encapsulating complex legal concepts in a concise form. However, this lexical conservatism also serves as a significant gatekeeping mechanism, rendering legal texts opaque to the layperson and reinforcing the epistemic authority of the legal professional. This deliberate obfuscation, whether intentional or consequential, perpetuates a power asymmetry between the legal expert and the citizen, a central theme in the critical linguistic analysis of legal discourse. Complementing this historical lexicon is the extensive use of highly specialized terms of art. Words like “estoppel”, “tort”, “subrogation”, and “injunction” possess precise, context-dependent meanings that have been codified through centuries of jurisprudence. Unlike the archaisms, these terms are functionally indispensable for doctrinal accuracy. Their function is to minimize ambiguity by creating a one-to-one correspondence between a term and a specific legal concept, thereby attempting to foreclose interpretive variance. A further significant lexical feature is the high frequency of nominalization, the process of converting verbs and adjectives into nouns (e.g., ‘the judge decided’ becomes ‘the decision of the judge’). This stylistic preference contributes to a dense, abstract, and impersonal prose. The effect is twofold: it foregrounds legal actions and concepts as objective, reified entities, detached from the human agents who perform them, and it allows for the compact packaging of complex information within a single noun phrase, a feature essential for the intricate logic of legal argumentation.

[3] Tiersma, P. M. (1999). Legal Language. University of Chicago Press.

Syntactically, legal discourse is characterized by an extraordinary degree of complexity and structural elaboration. Sentences are frequently long and convoluted, featuring multiple levels of subordination, extensive qualification clauses, and intricate coordination. This syntactic intricacy is a direct consequence of the legal system's preoccupation with precision and the pre-emption of loopholes. Legal drafters attempt to account for every conceivable contingency within a single syntactic unit, leading to sentences laden with provisos, exceptions, and conditions (e.g., "unless otherwise specified," "provided that," "notwithstanding any provision to the contrary"). This 'syntactic anxiety' to be all-inclusive results in a processing challenge for any reader, but it is considered a necessary evil to ensure the text is robust against adversarial interpretation. Another quintessential syntactic feature is the strategic deployment of the passive voice. Utterances such as "The notice was served" or "It was held by the court that..." are ubiquitous. The functional motivation for this is, again, the creation of an objective and impersonal tone. By backgrounding or completely omitting the agent, the focus shifts to the legal act itself, presenting it as an institutional and procedural inevitability rather than the action of a specific individual. This agentless construction reinforces the notion of the law as an impartial, disembodied force. Furthermore, the use of performative speech acts, as theorized by Austin and Searle, is fundamental to legal language[4]. Utterances like "I sentence you to ten years' imprisonment" or "The court hereby declares" are not descriptive statements; they are actions that alter the legal reality of individuals. The very language of a verdict or a statute is the legal action, demonstrating the uniquely constitutive power of this discourse. The strict codification of these performative formulae is crucial to their illocutionary force and legal validity.

Beyond the sentential level, the pragmatic and discursive characteristics of legal language reveal its nature as a closed, self-referential system. Intertextuality is perhaps

[4] Austin, J. L. (1962). How to Do Things with Words. Oxford University Press.

its most defining pragmatic feature. No legal text exists in isolation; it is woven into a dense web of preceding texts, including constitutions, statutes, regulations, and, most critically in common law systems, case precedents. Phrases such as "as established in Marbury v. Madison" or "pursuant to Section 5 of the Act" are not mere citations but are the very mechanisms that activate the authority and meaning of the current text. This reliance on an external, yet internal-to-the-discourse, body of knowledge makes legal interpretation an expert task, a hermeneutic exercise accessible only to those trained in navigating this intertextual matrix. This self-referentiality ensures doctrinal consistency and predictability, upholding principles like *stare decisis*, but it simultaneously erects formidable barriers to entry for the uninitiated. Ultimately, the analysis of legal discourse reveals a central, constitutive tension: the conflict between the pursuit of absolute precision and the inevitability of semantic ambiguity. While the lexical and syntactic features discussed are marshalled in an attempt to eliminate ambiguity, legal language is also replete with strategically vague terms, such as "reasonable," "due care," "undue influence," and "good faith." These are not failures of drafting but are deliberate lexical choices that embed flexibility into the legal system. They act as "escape clauses" that delegate interpretive authority to the judiciary, allowing the law to adapt to unforeseen circumstances and evolving societal norms. This inherent dichotomy - a simultaneous striving for semantic fixity and the strategic deployment of vagueness - demonstrates that legal discourse is not a static code but a dynamic site of interpretation and power. Modern linguistic analysis, therefore, uncovers legal language not merely as a technical register but as a potent social and institutional practice, one that simultaneously codifies rights, constructs authority, and mediates the complex relationship between the state and the individual. The formal characteristics are the surface manifestations of these deeper, functional imperatives that define the law's power and its role in society.

Conclusion and Recommendations

This investigation has elucidated that modern English legal discourse is not merely a specialized register but a multifaceted socio-pragmatic construct, engineered to achieve precision, mitigate ambiguity, and project institutional authority. The analysis demonstrated that its defining characteristics - such as the strategic deployment of lexical archaisms, performative utterances, complex nominalizations, and syntactic subordination - are not arbitrary vestiges of tradition. Rather, they function cohesively as a system of discursive strategies that reinforces the hermeneutic authority of the legal profession while simultaneously creating a significant barrier to lay comprehension. Our findings confirm that the perlocutionary force of legal texts is intrinsically linked to their structural and lexical impenetrability, a dual function that both sustains the internal coherence of the legal system and perpetuates its social exclusivity. The research underscores that a purely formalist linguistic analysis is insufficient; a comprehensive understanding necessitates an integrated approach that considers the pragmatic, cognitive, and sociological dimensions shaping this unique form of communication.

Consequently, several recommendations for future inquiry and practical application emerge. Pedagogically, legal education and English for Specific Purposes (ESP) programs should transcend rote memorization of terminology, instead focusing on developing learners' pragmatic competence in navigating the power dynamics and discursive intentions embedded within legal texts. For legal practitioners, a greater metaliguistic awareness is advocated to enhance communicative efficacy, particularly in interactions with non-specialists, thereby addressing the persistent tension between legal precision and public accessibility. Building upon these findings, future research should pursue a comparative, cross-jurisdictional analysis to determine how features of English legal discourse diverge from or converge with those in civil law systems. Furthermore, a diachronic investigation into the evolution of these features in the digital age - examining the impact of electronic communication and corpus-based legal

technologies - would provide invaluable insights into the adaptability and resilience of this specialized discourse. Finally, empirical studies employing cognitive linguistic methodologies are warranted to explore how both expert and novice readers process the syntactic complexity and semantic density of legal language, which would further illuminate the fundamental challenges of legal interpretation.

References

1. Fairclough, N. (1995). Critical Discourse Analysis: The Critical Study of Language. Longman.
2. van Dijk, T. A. (1997). Discourse as Structure and Process (Vol. 1). Sage Publications.
3. Cotterill, J. (2007). The Language of the Law: A Reader. Blackwell Publishing.
4. Tiersma, P. M. (1999). Legal Language. University of Chicago Press.
5. Austin, J. L. (1962). How to Do Things with Words. Oxford University Press.