

## A SHORT ANALYSIS OF ENGLISH LEGAL DISCOURSE

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In modern global world law plays a very significant role and regulates all types of social interactions. English has become a leading language of law, economy and politics since the British Empire times. That's why it is useful to explore legal discourse peculiarities on the example of the English language.

First of all, English legal discourse is defined by using specific terminology, including French (attorney, felony, accuse, plaintiff, acquit) and Latin (de facto, de jure, mutatis mutandis, covenant, ipso facto) borrowings. It is easily explained by the English law history. The use of French and Latin in legal proceedings was only finally and permanently ended in 1731.[1, pp.36-37] However, it is often argued that common people are abused by lawyers' ambiguous language. It is worth noting that a precedent is a main source of law in Great Britain and the United States. Thus not legislators but judges are real makers of law. Some judgments (for example, Bromley London Borough Council v Greater London Council (1982)) prove that at least sometimes accusations of legal discourse bias are substantiated. [2, pp.240-251]

Certain syntax and morphology rules distinguish legal discourse from other types of social discourse. Colons and semicolons are used very frequently in order to emphasise unitary character of legal instruments.

The comparative study of the British National Corpus (BNC) and the corpus of legal contracts held at Projeto COMET (2007) in Brazil indicated that frequency lists differ in various genres. The data obtained from Adam Kilgariff's (24 May 2007) comprehensive summary revealed considerable differences between the two corpora. As for the law, the most frequent words include functional parts of speech (the, of, or, and, to, in) which is predetermined by its syntax. For instance, the frequency of 'or' is a direct consequence of the communicative task of ensuring the inclusiveness that is extremely necessary to cover all possible circumstances and conditions.[1, pp.39-40]

From the pragmatic point of view legal documents impose certain obligations and grant particular rights to individuals and legal entities. As a result, legal discourse represents imperative language of coercion. We should take into account that it means that under certain circumstances it can lead to the abuse of powers.

Legal discourse always relies on the institutions that make law and interpret it. Such ritual characteristics as its staff elitist power and the scope of its power to punish differ legal discourse from neighbouring ones – political and religious. The institutional hierarchy is based on the highly structured ceremonial, ritual and discursive procedures

of affirmation and sanction, but in its most explicit and fundamental expression law is the monopoly and codification of authorised and organised public violence. Moreover, some scholars believe that violence and terror are a primary feature of the legal institution and of its social experience.[2, pp.209-215]

Thus, we can reach a conclusion that main English legal discourse features include:

- 1) use of specific terminology, including French and Latin borrowings;
- 2) certain specific syntax and morphology rules;
- 3) imperative character;
- 4) institutionalisation.

#### **References:**

1. Malcolm Coulthard and Alison Johnson “An Introduction to Forensic Linguistics. Language in Evidence”, Routledge, London and New York, 2007, 237 p.
2. Peter Goodrich “Legal Discourse; Studies in Linguistics, Rhetoric and Legal Analysis”, University of Edinburgh, 1984, 278 p.