

DOI: <https://doi.org/10.18454/RULB.2020.24.4.6>**СПЕЦИФИКА ЯЗЫКОВОГО ОФОРМЛЕНИЯ ЮРИДИЧЕСКОГО ДИСКУРСА В СРЕДСТВАХ МАССОВОЙ КОММУНИКАЦИИ**

Научная статья

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Аннотация

Статья посвящена рассмотрению специфики языкового оформления текстов, имитирующих коммуникацию в юридической сфере общения, в средствах массовой коммуникации. Цель исследования – проанализировать преломление юридического дискурса в медиадискурсе и выявить типовые модели интердискурсивного взаимодействия гибридных текстов.

Материалом исследования послужил американский сериал «Форс-мажоры» (“Suits”). Мы выбрали для анализа два эпизода пилотной серии, а также фрагмент серии 13 второго сезона “Zane vs Zane”.

В качестве элементов собственно юридического дискурса были выделены термины и терминосочетания, относящиеся к юридической сфере. Ещё одним языковым маркером юридического дискурса является относительно частотная манифестация в ткани текстов нормативных оценок, типично выражаемых оценочными прилагательными и существительными.

В рамках медиадискурса в качестве повторяющихся элементов были выделены сокращения, лексемы сниженного стилистического регистра, синтаксический параллелизм, метонимия и метафора как два механизма номинации с относительно высокой частотностью реализации, употребление фразовых глаголов, употребление усилительных частиц, парцелляция для целей эмфазы.

Все перечисленные средства сочетаются со сценариями и фреймами типовых ситуаций в сфере правового регулирования. При общей формальности взаимодействия коммуникантов именно языковые средства позволяют сделать суть коммуникативной ситуации понятной и доступной для массового зрителя. Юридические тексты таким образом получают публицистическую обработку. Юридический подязык, реализуемый в средствах массовой коммуникации, – это динамический феномен. Под воздействием фактора двойного коммуникативного кортежа наблюдается смешение юридического дискурса и медиадискурса, самой яркой реализацией которого выступает языковое употребление и расширение диапазона семантического содержания номинативных единиц.

Ключевые слова: юридический дискурс, медиадискурс, гибридные тексты, функционально-ролевой принцип, стилистически сниженная лексика, парцелляция, фразовые глаголы, нормативные оценки, метафора, метонимия.

SPECIFIC LANGUAGE OF THE LEGAL DISCOURSE IN THE MASS MEDIA

Research article

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Abstract

The article elicits the specifics of the language form of texts functioning in the legal sphere of communication as represented in the mass media. The purpose of the study is to analyze the manifestation of legal discourse in media discourse and to identify typical models of interdiscursive interaction of hybrid texts. The research material was the American TV series “Suits”. We chose two fragments of the pilot episode for analysis, as well as a fragment of episode 13 of the second season “Zane vs Zane”.

As elements of legal discourse, terms and term combinations related to the legal sphere are identified. Another linguistic marker of legal discourse is normative evaluation in the texts, typically expressed by evaluative adjectives. Within the framework of media discourse, abbreviations, lexemes of the informal stylistic register, syntactic parallelism, metonymy and metaphor as two mechanisms of nomination with a relatively high frequency of manifestation, the use of phrasal verbs, the use of intensifying particles, and parcellation for the purposes of emphasis were singled out as repeating elements. All of these tools are combined with scenarios and frames of typical situations in the field of legal relations. With the general formality of the communicants' interaction, it is the linguistic means that make it possible to make the essence of the communicative situation understandable and accessible to the mass audience. In this way, legal texts receive publicist processing. The legal sublanguage revealing itself in the mass media is a dynamic phenomenon. Under the influence of the factor of the double communicative cortege, there is a mixture of legal discourse and media discourse, the most striking implementation of which is the use of specific language means and the expansion of the range of semantic content of nominative units.

Keywords: legal discourse, media discourse, hybrid texts, functional-role principle, stylistically lowered vocabulary, parcellation, phrasal verbs, normative evaluation, metaphor, metonymy.

Introduction

The cognitive-discursive research paradigm, which was established in linguistics, linguodidactics and cultural linguistics, predetermined an increased interest in functioning of the text as the main communicative unit in various spheres of

communication and under the influence of various parameters, which began to be singled out as discursive features of the text. This direction of research inevitably came to the need for qualification, description and analysis of the so-called ‘hybrid’ texts. A feature of hybrid texts is that they combine the features of different types of discourse, which predetermines the specifics of not only their lexical and grammatical, but also stylistic form.

The relevance of this study, therefore, is predetermined by the importance of determining the specifics of interaction in the legal sphere of communication, taking into account the media representation of this interaction, which determines its global nature.

In this section, we will make terminological clarifications concerning the basic guidelines of our research. Thus, we differentiate the two notions of “text” and “discourse” in the following way. According to T. A. Van Dijk, «the text is a communicative macroact consisting of communicative acts, each having its own communicative goal and together fulfilling one macrointention» [2, P. 145].

In the procedural sense, the discourse is a textual activity conditioned by the sphere of communication and functional necessity, and in the static sense, the discourse is a corpus of texts related to specific sociocultural activities and, accordingly, serving a certain sphere of communication. The discourse is thus understood as a hyperonymic term which covers a variety of types of texts that differ in their discursive features, but serve the same sphere of communication. With this approach, the text is a hyponym reflecting specific discursive parameters assigned to communicative acts in a given sphere of communication and reflected by the genre variety of the type of discourse [6, P. 8].

We lay special emphasis on the fact that we have chosen hybrid texts for analysis. We do not analyze legal discourse in the proper sense of this term. We are looking into the manifestations of legal discourse in the media discourse pinpointing those features which are underpinned by interaction in the legal sphere of communication and manifest themselves as such within hybrid texts and those features which are aimed at making the meaning of special interactions intelligible to the general public.

With regard to the above-mentioned, we analyze texts narrowing down our study to particular text fragments, fulfilling various communicative intentions within a text. The selected text fragments come from the mass media, namely, the “Suits” series, reflecting the situations of legal interaction.

Methods

The methodological basis of the research is a set of scientific research methods: discourse analysis as well as typologization of texts, taking into account the set of discursively relevant criteria and modeling of speech activity. We applied the functional-role principle in order to point out the cluster of nominative items indicative of legal discourse.

Results

The analysis of the specifics of the language form of legal discourse in the TV series created for the mass consumer entailed the study of the lexical component. The lexical component of the selected video fragments is primarily interesting for the specifics of semantics. In our study, we will turn to illustrating the application of “the functional-role principle” (understood as in [1], [4]) to the analysis of the lexical component on the basis of the nominative units of English legal discourse transformed by the media.

“The functional role approach can be presented through a series of questions: Who? What is he/she doing? What is the object of the action? / What is the action directed at? What are the characteristics of the object? What are the circumstances of the performed action? What is the result of the action? What are the characteristics of the result? / What is the assessment of the result? Of course, the general scheme may vary depending on the sphere of communication and the reference area” [5, P. 163]. At least this set of questions will allow us to pinpoint those nominative units which are aimed at the reference zone if jurisprudence.

We also take into account the fact that the frequency of use of nominative units covering each group, predetermined by key questions, will differ depending not only on the type of discourse itself, but also depending on the thematic repertoire of the texts.

Lexical units naming *actants* are represented by the following examples: *a plaintiff; a bailiff; a judge; an attorney; an agency*. The last example is interesting in that it illustrates the nomination mechanism of metonymy: the lexeme “agency” as the name of an organization is used to nominate people working in the institution and representing it. Attributes add information about the actants. Though it should be noted that attribution of qualities is not a frequent occurrence in legal texts, the nominative unit “*a Harvard attorney*” occurs regularly in the analyzed material emphasizing the high quality education a lawyer obtains in Harvard.

Verb phrases partly have very broad semantics, and partly are narrowed referentially when it comes down to situations of testimony, as well as sexual harassment, which is the subject of consideration in one of the court cases. For example: *to go to a law school; to pass the bar; to cover up the violation; to be conducted without any duress; to harass smb; to fire smb under false pretenses; to take the offer; to schedule smb’s deposition; to re-depose smb*.

Within the framework of the group denoting actions, a separate lexical-grammatical group can be distinguished, represented by *the names of event semantics*: *investigation; violation; disposition; objection; stock option backdating*. All examples of this cluster are based on the metonymy mechanism, which implements the transfer of meaning from process to result.

The semantics of *the object* towards which the action is directed is realized by the following lexemes and nominal phrases that form complex nominatives: *a piece of evidence; personnel files; a right to privacy*.

A separate cluster of vocabulary, united by the hypereme “object”, which is implemented in legal discourse, modeled in the media, is associated with the *names of regulatory legal acts*. So, in the analyzed video fragments, the following nominatives belonging to this group function: *Sarbanes-Oxley; the statute of limitations; the Sixth Circuit May 2008; RIC section 409A* (Section 409A of the Revenue Code). The given names of normative legal acts illustrate the use of metonymic

transfer in the names of laws and statutes, especially when they are based on precedent. The complex nomination *BarBri Legal Handbook* belongs to the same group. All the examples presented are hyponyms in relation to the general hyperonym: *a rule of law*.

A separate lexical group is represented by *the names of places*: *a law school; Harvard Law School; chambers*.

Another lexical group is represented by lexemes of *evaluative semantics*. Since we are analyzing the elements of the implementation of legal discourse in media discourse, the most frequent type of assessment is normative assessment, expressed by adjectives and nouns of evaluative semantics: *MIKE ROSS: Although backdating options is legal, violations arose related to disclosures under RIC section 409A*.

The lexical component, mostly represented by terminological combinations, is an unambiguous marker of the reference area, and, accordingly, the type of discourse. Since in our case we are talking about a hybrid type of text that combines features of legal discourse and features of media discourse, in addition to the lexical component of lawyers' communication, the analyzed fragments contain markers of a less official style. These include, in particular, the use of contractions, characteristic of colloquial speech within the framework of everyday discourse: *HARVEY SPECTER: I'm gonna show you what a Harvard attorney can do*.

The analyzed material includes not only contractions at the level of word forms, but also examples of ellipsis as a syntactic mechanism that is realized by the rhetorical figure of the spoken style. Moreover, of all the varieties of ellipsis in the modeled texts of legal discourse, focused on mass communication, gapping is implemented: *ROBERT ZANE: Ten million is double what any competent attorney would have settled for. Should have been five. I'll give you two*.

To target the mass consumer, one of the techniques which is widely used in the analyzed text fragments is the use of stylistically lowered vocabulary within the framework of professional communicative interaction. The layer of stylistically lowered vocabulary includes, on the one hand, colloquial vocabulary items: *a hotshot*, on the other hand, the use of rough lexical units:

ROBERT ZANE: The fact is you snookered Derek.

ROBERT ZANE: I appreciate your condolences, Harvey, but the fact is Derek was a dick.

MIKE ROSS: This dickhead bet me I couldn't pass it without going to law school.

Examples also illustrate word-formation processes, in particular, word composition, which manifests itself in vulgar words which occur within the framework of a stylized legal discourse in the mass media: *a dick — a dickhead*.

The use of harsh words, which, by virtue of the formal register of interaction, are not obscene vocabulary, but are non-normative lexical units, is also noted in the analyzed material. For instance: *HARVEY SPECTER: I don't give a rat's ass about his employee's right to privacy. Sorry, that's actually unfair to rat's asses*.

Another method of popularizing legal discourse for the general public is the use of metaphor in order to create an imagery of a situation. As a rule, common words become the material for metaphorical transfer, which contributes to the addition of a colloquial tone to professional communication: *ROBERT ZANE: When I get done with her, she's going to jump at the two million*.

If the examples presented above are a manifestation of a discursive practice diametrically opposed to legal discourse in the pure sense, a number of speech patterns illustrate common language elements in a formal type of discourse.

First of all, we state the use of intensifying particles: *HARVEY SPECTER: Okay, look, this is all pretty fascinating stuff but I'm afraid I gotta get back to work. I'll make sure Serpico isn't around, waiting for you*. In addition to the intensifying particle, this example is also interesting for the allusion method, namely, the reference to the American film about the police officer Frank Serpico, who went down in the history of US law enforcement agencies with his exposure of mass police corruption.

Another feature of hybrid texts obtained as a result of modeling legal discourse for the mass media is the use of phrasal verbs: *HARVEY SPECTER: Fire up this laptop!* Moreover, phrasal inclusions appear not only in fragments of comradely dialogical exchanges between the characters, but also in their professional speech: *to cover up the violations*.

An element of the colloquial style is the use of the verb *to be* as a phrasal verb, as, for example, in the case of the phrasal use of *to be* of *to be* *be* *in* *for* *smth*: *HARVEY SPECTER: And you'll use this opportunity to show Sloane Moseley what she's in for*.

Another technique of regular nature is syntactic parallelism. Parallel constructions are typically used in conjunction with lexical repetition: *HARVEY SPECTER: (CHUCKLES) That's what I said. — ROBERT ZANE: (CHUCKLES) That's what everybody says*.

The use of parcellation, which, as a syntactic technique, is characteristic of oral and publicist style, performs an emphatic function in the communication of lawyers:

ROBERT ZANE: You and I both know I didn't come over here to sign. I came to negotiate.

HARVEY SPECTER: To re-negotiate. Which is bad faith.

Parcellation in this case is combined with a qualifying repetition: *to negotiate — to re-negotiate*. The rejection of the situation by one of the lawyers is thus conveyed by a whole series of techniques: repetition, use of word formation (prefix *re-*) to change the original meaning and make an amendment that entails legal consequences, parcellation, which allows the speaker to add an evaluative judgment (*Which is bad faith*), expressing Harvey Specter's negative attitude to what is happening.

Conclusion

Although we admit that the results the consideration of the issue of hybridization of texts and the inclusion of legal discourse in a broader discourse of mass communication are just focal points with wide potential for research, in this paper we tried to identify those features of the language forms of texts that clearly indicate that legal discourse is undergoing a stage of adaptation to the needs of a wider target audience, when modeled by the mass media.

As elements of the legal discourse itself, terms and term combinations related to the legal sphere are identified. One more feature of legal discourse is the relatively frequent manifestation of normative evaluations in the texts, typically expressed by evaluative adjectives and nouns.

Within the framework of media discourse, short forms, lexemes of a lowered stylistic register, syntactic parallelism, metonymy and metaphor as two mechanisms of nomination with a relatively high frequency of occurrence, the use of phrasal verbs, the use of intensifying particles, and parcellation for the purposes of emphasis were singled out as repeating elements. With the general formality of the interaction of communicants, it is the linguistic means that make it possible to make the essence of the communicative situation understandable and accessible to the mass audience.

Thus we can state that the legal sublanguage in the mass media is a dynamic phenomenon. Under the influence of the factor of the double communicative cortege, which includes lawyers and / or lawyers and their clients as interacting communicators, on the one hand, and the director and scriptwriter as the addressee and the TV viewer as the addressee, on the other hand, there is a blending of legal discourse and media discourse.

From the point of view of hybridization of discursive elements under the influence of “mediatization of legal discourse” (the term used by M. A. Silanova) [3, P. 9], according to the results of the study, we can make a conclusion about the phenomenon of objectification of a number of concepts of legal discourse by means of the media discourse which transforms the language dramatically.

Конфликт интересов

Не указан.

Conflict of Interest

None declared.

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