

LEGAL DISCOURSE — A TYPE OF SPECIALIZED DISCOURSE

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Abstract: This article examines types of discourse—both general and specialized—along with key features and forms of specialized discourse. It discusses political and legal discourse, the notions of personhood and impersonality in legal discourse, and anthropocentric concepts and their realization in the modern linguistic paradigm.

Keywords: Paradigm, discourse, specialized discourse, theory, normative legal documents, cultural-ideological environment, stylistic, semantic, and pragmatic features.

In contemporary linguistics, the term “discourse” is broadly understood to include social and communicative processes that occur between people through language. Both discourse and text represent spaces where the conscious activity of participants in communication intersects. Conscious activity always rests on moral and cultural foundations. [8:252]

Discourses are divided into general (universal) and specialized (specific) types. Specialized discourse refers to the communicative forms that emerge within particular domains—such as law, politics, medicine, education, science, and mass media.

Specialized discourse is the language use that takes place within a specific social institution or sphere of activity; it is distinguished by a clear communicative purpose, selection of linguistic means, conventional genres, and stylistic features. For example, legal discourse demands legal phrasing, formality, and precision, whereas political discourse makes use of persuasion and rich rhetorical devices.

Key features of specialized discourse:

a) Terminological richness

Specialized discourse is characterized by domain-specific terms, phrases, and technical vocabulary. These linguistic means differ from everyday speech and require specialized knowledge to comprehend.

b) Genre and compositional clarity or rigidity

In specialized discourse, genres are clearly defined (e.g., legal statement, medical diagnosis, academic article) and follow strict compositional structures.

c) Stylistic formality or neutrality

Specialized discourse typically employs a formal or neutral style, especially noticeable in scientific, legal, and medical texts.

d) Pragmatic orientation

Specialized discourse is always directed toward specific communicative goals such as conveying information, giving instructions, persuading, or exerting legal influence.

Main types of specialized discourse:

- **Legal discourse** – the language of laws, judicial decisions, contracts, and other normative documents.
- **Political discourse** – speeches by politicians, official statements, electoral campaign language.
- **Scientific discourse** – academic articles, monographs, conference presentations.
- **Medical discourse** – patient records, diagnoses, medical advice.
- **Pedagogical discourse** – textbooks and teacher–student classroom interaction.

Following Foucault, discourse is a broad concept where linguistic factors play a secondary role; the primary role lies in the non-textual cultural–ideological environment. This environment consists of the ideological and cultural conditions in which communication takes place.

Example from Russian linguistics:

Judge A.L. Kononov states:

«Конституционный суд, отказавшись рассмотреть жалобу Н.Г. Мораря, обосновывает предоставление государству абсолютного и неконтролируемого права вводить специальные ограничения на въезд для лиц без гражданства. Это противоречит как конституционным гарантиям правового статуса личности, так и нормам международного права.»

Although the subject presents a personal position, it is shaped by the **national episteme**—an ideology treating law as a state-controlled product.

American judge J. Stevens states:

“This decision does not align with our constitutional history and the core demands of a democratic society. It gives the impression that corporations dominate our democracy... this court decision rejects the common sense of the American people.”

His statement appeals to democratic values and cites “common sense” as a fundamental legal basis, a conflict between common sense and law also discussed by H. Finkel in *Commonsense Justice*.

These examples show that legal discourse statements depend not only on the context but also on the cultural-ideological environment. According to Foucault, legal discourse can be understood as a series of statements about legal truth. These statements are shaped by situational texts and the subject’s cultural-ideological understanding of law.

Foucault’s theory views statements as the “atoms” of discourse—ideological units forming social order. They differ from purely linguistic units, representing segments of human knowledge tied to specific discursive practices.

Primary functions of legal discourse include:

- **Prescriptive** (issuing commands)
- **Argumentative** (providing justification)
- **Informative** (conveying information)
- **Declarative** (making proclamations)

Within this study, we interpret these functions in the context of critical discourse analysis (T. van Deyk, N. Fairclough) as mechanisms that define the social-legal role of text in interaction.

- The *prescriptive* function is most common in legal genres—it calls for or restrains actions (laws, rulings).
- The *informative* function is present in all legal genres, conveying information about legal events or situations.
- The *argumentative* function is especially visible in court-related genres, in which the author justifies a position.
- The *declarative* function promotes social and legal values, ideas, and principles across genres.

The importance of specialized discourse analysis lies in its capacity to reveal the various social roles of language, analyze the relationship between language and society, and recognize linguistic variation by field. These studies have practical relevance in applied linguistics, translation theory, pragmatics, and communication.

The theoretical foundations of studies on specialized discourse draw from postmodern views on the subject (Foucault, Barthes, Baudrillard, Derrida, Lacan), discourse theories (van Deyk, Wodak, Kaplunenko, Karasik, Plotnikova, Rusakova, Bhatia, Fairclough, Halliday,

Swales, Tiersma), prototype theory (Rosh, Hayder, Lakoff, Demyankov, Kubryakova), and anthropocentric linguistics (Benvenist, Kubryakova, Stepanov, Malinovich, and others) . Empirical analysis relies on Benvenist's subjectivity theory and studies of pronominal semantics by Paducheva, Seliverstova, and Serebrennikova.

Many studies recognize impersonality as the main linguistic trait of legal discourse; the subject's personal identity is minimized, reflecting the postmodern concept of the death of the subject and emphasis on institutional actors rather than individuals. Hence, legal discourse pays little attention to subjectivity. However, given the anthropocentric focus of modern linguistics, we can argue that subjectivity persists even in legal discourse. Yet the subject's freedom to assert themselves as "I" depends on the acceptance by the "Other." Many legal discourse practices suppress or exclude unassimilated expressions of the "Other." When the subject can express "I," they create a phenomenological discourse reflecting personal consciousness, worldview, internal experiences, and evaluations.

The subject's representation in discourse links directly to the issue of subjectivity in linguistics and is expressed in personal forms and the category of persona. The role of personal pronouns in naming the subject has been deeply studied. The issue of subject disappearance in postmodern discourse has also been examined. A review of theoretical sources shows that the markers of subjectivity in legal texts have not been specially studied in English, Russian, or Uzbek materials, aside from superficial mentions in some English works. This gap, along with the clearly anthropocentric direction of the modern linguistic paradigm, underscores the relevance of the topic.

Discourse theory is essential for studying the linguistic characteristics of subjectivity, as discourse constitutes the communicative space between the subject and the "Other." This research adopts Foucault's understanding of discourse as a series of statements tied to situational texts and cultural-ideological environments, in line with modern cultural-situational approaches in linguistics. The hypothesis of this study is that despite the general view of impersonality in legal discourse, the subject regularly expresses themselves through texts, employing a wide range of tools reflecting personal traits.

Specialized discourses are manifestations of language in specific social and functional texts. They possess unique stylistic, semantic, and pragmatic features and represent real and practical language use. In-depth study of such discourses not only advances linguistics but also enables interdisciplinary analysis with other social sciences.

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