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LEGAL MEDIA DISCOURSE AS A HYBRID PHENOMENON¹

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Abstract. The paper describes legal media discourse, which is a hybrid discourse formation whose preconstructs are legal discourse and media discourse. The study was conducted using general scientific methods: induction, generalization, analysis, synthesis, description; and specialized linguistic methods: continuous sampling method, discourse analysis. The texts of legal media discourse presented on the official websites of the English-language media platforms such as The Guardian, BBC, The New York Times, The Washington Post, The Times, Washington Monthly, etc. form the empirical basis of the study. Legal discourse and media discourse are institutional discourses whose interaction results in forming an independent hybrid. The article provides the analysis of legal media discourse using the pattern of the institutional discourse description proposed by V.I. Karasik, which consists of the following criteria: typical participants, chronotope, goals, values, strategies, genres, precedent texts, and discursive formulas. The characteristics of the discursive hybrid under study are determined by referring to the preconstruct discourses features identified at the present time. The description of legal media discourse as a specific sphere of the intersection of law and media is viewed as not a mechanical sum of the characteristics of legal discourse and media discourse, but their synthesis which accounts for the independent nature of the hybrid discursive formation.

Key words: legal media discourse, legal discourse, media discourse, hybrid discourse, discourse strategies, genres of discourse, discursive formulas.

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ЮРИДИЧЕСКИЙ МЕДИАДИСКУРС КАК ГИБРИДНЫЙ ФЕНОМЕН¹

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Аннотация. Статья посвящена юридическому медиадискурсу как гибриднему дискурсивному образованию, преконаластруктурами которого выступают юридический дискурс и медиадискурс. Исследование проведено с использованием общенаучных методов индукции, обобщения, анализа, синтеза, описания и специализированных лингвистических методов: метода сплошной выборки, дискурсивного анализа. Эмпирическую базу исследования составили тексты юридического медиадискурса, размещенные на официальных сайтах англоязычных изданий The Guardian, BBC, The New York Times, The Washington Post, The Times, Washington Monthly и др. Показано, что юридический дискурс и медиадискурс являются институциональными дискурсами и, взаимодействуя друг с другом, образуют самостоятельный гибрид. Юридический медиадискурс анализируется с применением схемы описания дискурса как институционального, предложенной В.И. Карасиком и содержащей следующие параметры: типовые участники, хронотоп, цели, ценности, стратегии, жанры, прецедентные тексты и дискурсивные формулы. На основе характеристик дискурсов-преконаластруктур определены признаки изучаемого дискурсивного гибрида. Описание юридического медиадискурса как специфической сферы пересечения права и медиа представляет собой не механическую сумму характеристик юридического дискурса и медиадискурса, а их синтез с позиции понимания рассматриваемого гибрида как самостоятельного дискурсивного образования.

Ключевые слова: юридический медиадискурс, юридический дискурс, медиадискурс, гибридный дискурс, стратегии дискурса, жанры дискурса, дискурсивные формулы.

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Introduction

The global polylogue driven by information processes and involving various fields of activity stimulates the active interaction of discourses. This interaction results in the mutual enrichment of discourses and the formation of new, hybrid forms. Hybrid discourses have characteristics of their constituent preconstructs, though are not mechanical sums of the components. They tend to develop their own characteristics and become independent discourses. Legal media discourse as a hybrid formation has some of its preconstructs' (legal discourse and media discourse) characteristics, though it represents a qualitatively new discourse formation, which can be described as a separate, specific institutional discourse. The well-known scheme for describing an institutional discourse proposed by V.I. Karasik is relevant to the description of the hybrid formed of two institutional discourses. To understand the nature of the hybrid under study it is reasonable to highlight the characteristics of the preconstructs first.

Methods and materials

The research material comprises 40 texts of legal media discourse that were collected from the official websites of media platforms *The Guardian*, *BBC*, *The New York Times*, *The Washington Post*, *The Times*, *Washington Monthly*, etc. in the period from 2014 to 2021. The methods of description and discursive analysis were used to study legal media discourse as a hybrid formation. The methods of induction and generalization allowed extrapolating the results obtained in the legal and media discourse preconstructs analysis to identification of the hybrid character of legal media discourse.

Results and discussion

To date, linguistic science provides no comprehensive description of legal media discourse.

However, there are significant publications on certain problems of its functioning. The issues of legal media discourse are considered in the works of M.A. Silanova [Silanova, 2014], G.B. Noruzova [Noruzova, 2017], V.N. Shashkova [Shashkova, 2020], Yu.N. Gritskevich [Grickevich, 2020], A.S. Shuba [Shuba, 2018].

M. A. Silanova defines legal media discourse as a specific sphere of the intersection of law and media, which focuses on interpreting and integrating the letter of law into everyday reality [Silanova, 2014]. Two important points that characterize legal media discourse as a specific phenomenon should be noted: sphere of the intersection of law and media and focus on interpreting and integrating the letter of law into everyday reality. These factors represent indicators of the attribution of a text to legal discourse, and determine its characteristics.

Legal media discourse is a hybrid formation functioning within the interaction of two institutional discourses: legal and media. In terms of considering discourse characteristics the pattern of discourse description proposed by V.I. Karasik is relevant. The author offers a pattern for describing an institutional discourse covering following parameters: typical participants, chronotope, goals, values, strategies, genres, precedent texts, and discursive formulas [Karasik, 2002, p. 209].

The analysis of legal media discourse according to the pattern proposed by V.I. Karasik supposes taking into account the characteristics of its preconstructs. Legal discourse and media discourse have been described by now, and these findings help constructing a detailed description of legal media discourse.

Communication participants

Typical communication participants in legal discourse can be both legal entities and individuals: all citizens, professionals and non-professionals in the field of jurisprudence, and even states [Palashevskaya, 2010, p. 535]. Situationally, legal

discourse is represented by various types of communicative events related to law.

Media discourse can involve all people living on the planet who have access to any media platforms: the Internet, newspapers, mail, telegraph. It is worth noting that within the framework of media discourse, the authors of the media text can act not only as a sender but as a recipient since they also consume information broadcast by the media [Kozhemyakin, 2010, p. 14]. This remark is also relevant for legal media discourse. Legal experts, on the one hand, and a wide range of recipients interested in legal issues, on the other hand, are typical participants of communication within the framework of legal media discourse. Everyone who has the opportunity to access the media can take part in legal media course.

Chronotope

The chronotope of legal discourse is conditioned by the situation of communication and can be fixed or blurred in nature [Mosesova, 2019, p. 55]. Communication within the framework of this discourse may imply direct interaction of participants being nearby, though it can also be carried out at a great distance, as, for example, in the case of a written application to any authority, a citizen's appeal to the text of a law.

Media discourse in terms of the chronotope is concentrated on the present tense, serving as a central point from which forward or backward counting is carried out, and is dispersed in space [Tyrigina, 2013, p. 108]. Due to technological advancements, it is possible for media discourse participants to be at a great distance from each other. It is worth noting that the understanding of media discourse as a space where institutional discourses are implemented by means of mass media, supposes a broad interpretation of the chronotope.

The chronotope of legal media discourse can be characterized as a parameter determined by the genre and subject of the text, the communicative situation. In any case, the distance between the discourse participants is implied, since the texts of this discourse are mediated by media platforms; and participants have access to them from almost any location and at any time.

Goals, values, strategies

Discourse goals, values and strategies are interrelated parameters. The main goal of legal discourse is regulating public relations in accordance with values [Kerimov, 2003, p. 363], the main of which is achieving the rule of law and establishing justice [Kozhemyakin, 2011b, pp. 131–132]. Among possible goals implemented by media discourse, the following can be distinguished: description of reality, explanation (interpretation) of reality, regulation (for example, enforcement or restriction) of the addressees' activities, influence on the addressees' consciousness (for example, suggestion), assessment of reality, forecasting, etc. [Kozhemyakin, 2011a, p. 18]. The values of media discourse as a heterogeneous formation may vary depending on the field of activity covered. If we think beyond the sphere that defines the text subject matter and try to determine a certain common denominator among the possible values of media discourse, the main value, as we believe, is transmission of information.

One of the goals of legal media discourse can be articulated with the reasoning of A.S. Averin on popular legal discourse [Averin, 2020, p. 14] as an explanation of issues related to law in simple terms. It is also important to note the focus of some texts of legal media discourse on informing the addressee or influencing. The values of legal media discourse are connected with the transmission of information related to the sphere of law, achieving the rule of law, establishing justice, as well as interpreting legal norms to citizens who are not specialists in the field of jurisprudence. To summarize, the general value is forming public legal awareness.

In accordance with the goals and values, certain strategies are implemented in the discourse. According to E.A. Kozhemyakin, legal discourse implements strategies of constructing and reconstructing social reality [Kozhemyakin, 2011a]. L.A. Borisova identifies the following strategies in legal discourse: formulation of a legal norm, its application in practice and its interpretation [Borisova, 2016, p. 138]. V.A. Maltseva, studying the strategies of speech influence on the example of legal discourse, identifies the main strategy – the strategy of persuasion, as well as strategies of destruction,

interpretation of reality, the self-presentation, emotional-tuning strategy, dialog strategies, rhetorical strategies [Maltseva, 2011, p. 6].

The complexity of the media discourse phenomenon complicates the systematization of its strategies. N.I. Klushina presents strategies of heterogeneous media discourse in the most general form. The researcher identifies three types of discourse in media communication – informational, publicistic and entertaining – and determines which basic communicative strategies are used in each of them: in informational discourse – the strategy of credibility, in publicistic – the strategy of persuasion, in entertaining – the strategy of sensationalism and epatage [Klushina, 2012, p. 218–221].

As for the strategies of legal media discourse, they particularize the goals we have identified: explanation, informing, influencing. Strategies for implementing the goal of explanation in popular legal discourse are comprehensively described by A.S. Averin: description of legal terms; consistent explanation of legal actions and the content of documents; refusal to use complicated professional terms; structuring of the text by highlighting paragraphs, using subheadings, using means of cohesion and discourse markers to make the logic of information presentation more understandable; simplification of syntax [Averin, 2020, p. 10]. The general tendency to simplification is observed among the listed strategies aiming to make the text closer, more familiar to the recipient. We can add the strategy of using stylistically marked vocabulary to this list. Let's consider an example from the analytical article on legal issues:

(1) “The pieces of the puzzle about the future of UK science are starting to come together. We are still waiting for the Spending Review (due in a couple of weeks time) settlement. We also await the recommendations of the Nurse Review into the role and function of the research councils in our system, despite some interesting leaks. But today's Higher Education Green Paper (PDF) from BIS gives some indications of the way forward – at least for England, though with implications for the UK system as a whole. And those implications worry me.

<...>

We can only hope that, given that the political pain from damage to (certainly) the reputation and (probably) the effectiveness of the science funding

system is likely to be out of all proportion to the tiny gain in terms of one day's headlines about a small reduction in the number of BIS bodies (and no real cost saving) ministers will decide that it's just not worth the risk to put all our funding eggs in one basket” (Flanagan, 2015).

The fragment includes stylistically marked vocabulary: metaphors (*puzzle about the future of UK science are starting to come together; political pain*), an informal idiom (*to put all our funding eggs in one basket*), which function within the same context with formal vocabulary (*Spending Review; Higher Education Green Paper*). The example not only illustrates the strategy implementation, but also justifies the hybrid nature of the discourse under consideration. It should also be noted that stylistically marked vocabulary serves as an expressive mean in the hybrid legal and media texts.

As legal media discourse in its broad understanding is a more complex concept and also includes proper legal texts broadcast on media platforms, strategies for implementing the goal of explanation may not imply general simplification as mentioned above. For example, legislative acts on websites of governmental bodies provide complex legal definitions of terms.

Informing involves broadcasting texts related to the implementation of law (any regulatory legal act, document), commenting on the correlation of the published information with legislative norms, announcing the decisions of legislative bodies on legal regulation. Below is an example:

(2) “New legislation to protect children from the harmful effects of sunbeds has come into force on the island.

The Sunbeds Act 2013 makes it illegal for anyone under the age of 18 to use public sunbed salons, and also means an end to coin-operated studios” (Sunbed Laws Introduced...).

The aim of influencing is implemented by appealing to the force of law and possible legal consequences in case of ignoring the appeal. Below is an example:

(3) “Universities are taking Covid safety measures and government guidance very seriously and students will have been informed of the consequences of breaking these rules” (Batty, 2020).

This strategy can also manifest itself in the texts of legal regulations published by the media or in their interpretation by experts.

Genre organization

One of the most important characteristics in analyzing the structure of discourse is its genre organization. The issues of defining genres of discourse are still poorly studied.

The genre composition of legal discourse is extremely diverse. According to J. Gibbons, the genres of legal language are initially divided into oral and written. Having analyzed the provisions set forth by Y. Maley, the researcher refers laws, decrees, wills, contracts, precedents to written genres; and divides oral (dynamic) genres into two groups: pre-trial (police interviews, consultations between lawyers and clients, etc.) and trial (instructions to lawyers, committal hearings, and jury instructions, etc.) [Gibbons, 2003, pp. 132–133].

A.E. Varo and B. Hughes present a classification of legal genres based on law branches. The researchers identify three major groups: legal texts found in the fields of statutory law, public law and judicial decisions; legal texts in private law (contracts, acts, wills, etc.); scientific works on law (articles, textbooks, etc.) [Varo, Hughes, 2002, p. 102]. The classification of O. A. Krapivkina contains genres of legislative discourse (law, constitution, decree), genres of judicial discourse (complaint, court decision, dissenting opinion of a judge), genres of private legal discourse (testament, civil contract) [Krapivkina, 2014, p. 219].

I.V. Palashevskaya suggests a model of the legal discourse genre organization. The status characteristics of discourse participants, the nature of dialogical connections between them and the events recorded in the scenario sequences act as criteria for genre classification [Palashevskaya, 2010]. This classification is one of the most complex and relevant in terms of the broad interpretation of legal discourse boundaries.

Scenario sequences assume the course of a communicative event in accordance with a certain procedure. This classification criterion allows the formation of genre macrostructures within its framework. They are based on a chain of speech events, the deployment of which ensures the implementation of a more complex speech event within the framework of legal discourse. Thus, each speech event from the chain represents a separate speech genre and is part of a more complex genre. For example, a court

session involves the deployment of such genres as interrogation, debate of the parties, sentence, etc. [Palashevskaya, 2010, p. 28].

Another criterion for distinguishing a genre is the nature of discursive connections between communication participants established by the genre format. One of the conditions for the genre formation when using this criterion is the main connections between the participants in the interaction of legal entities, indicated by the corresponding speech acts. The dialogical connection comes to the fore: question – answer, demand – objection, order – execution, etc. An example is the genre of objection to a claim [Palashevskaya, 2010, p. 29].

I.V. Palashevskaya also suggests distinguishing certain genre formats according to the status of the discourse participant and their communicative goals. For example, a notary carries out their activities in such genres as wills, marriage contracts, powers of attorney, etc. [Palashevskaya, 2010, p. 31].

In terms of considering the genre system of media discourse the identification of so-called functional and genre types of texts within media discourse by T.G. Dobrosklonskaya is relevant. The researcher identifies the following types: news, information analytics, advertising and publicistic texts. According to the research, these functional and genre types of texts have stable features at all levels: format, content, language [Dobrosklonskaya, 2008, p. 59].

N.N. Olomskaya offers a genre classification of the media space from the standpoint of the communication theory. Within each type of media discourse, the author analyzes genre diversity. According to communicative functions, N.N. Olomskaya distinguishes publicistic, advertising, PR discourse; according to the channels of implementation: TV-discourse, radio discourse, computer discourse. Within the framework of publicistic discourse: informational genres, analytical genres, satirical genres, artistic and publicistic genres are distinguished. The genre composition of advertising discourse is determined by the following criteria: 1) represented object (advertising of goods, firms, services, etc.); 2) sphere of application (commercial, social, political advertising); 3) recipient (focused on the mass recipient or a narrow circle of specialists); 4) information medium (print advertising, TV-,

Internet advertising, etc.); 5) method of influence (figurative, emotional, rational, etc.); 6) means of expression (direct, allegorical, “soft”, “hard”). The basic genres of PR discourse include press releases, invitations, backgrounders, fact sheets, statements to the media, press kits, brochures, prospectuses, booklets, leaflets, etc. Related genres manifesting the properties of PR text less clearly include slogans, summaries, press reviews. Television discourse is represented by informational programs, entertainment shows, quizzes, author’s programs, research programs, music programs, documentary investigations, reality shows, interviews. In radio discourse, the genre typologization involves the allocation of information programs, radio theater, author’s programs, music programs, quizzes, interviews. Computer discourse includes the following genres: e-mails, synchronous and asynchronous chats, virtual worlds, web texts [Olomskaya, 2013, pp. 253–256].

A.A. Tertychny describing the genre system of media discourse notes that various combinations of content and formal features (the subject of display, the goal and the method of display) determine the presence of genre diversity, which is combined into several main groups: informational, analytical, artistic and publicistic genres. In quantitative terms, the bulk of mass information flows are information genres. A.A. Tertychny gives the following classification of information genres: note, information correspondence, information report, reportage, information interview, question-answer, blitz survey, obituary. The analytical group, according to the researcher, is represented by the following genres: analytical report, analytical correspondence, analytical interview, analytical survey, conversation, comment, sociological summary, questionnaire, monitoring, rating, review, article, journalistic investigation, review, media review, forecast, version, experiment, letter, confession, recommendation (advice), analytical press release. The author also identifies a group of artistic and publicistic genres that “are usually referred to as ‘author’s’ or ‘writer’s’ journalism”: essay, feuilleton, pamphlet, parody, satirical commentary, everyday history, legend, epigraph, epitaph, anecdote, joke, game [Tertychny, 2000].

The genre composition of legal media discourse represents a combination of genres of

legal discourse broadcast on media platforms and genres of media discourse the texts of which are focused on the subject area of law. Thus, within the framework of legal media discourse, all genres of legal discourse can potentially be implemented by publishing them in the media and all genres of media discourse, if the subject of the text is law. Consequently, the genre system of the hybrid discursive format under study represents a set of genres of legal discourse and media discourse.

Precedent texts

The precedent texts of legal discourse are normative legal acts, contracts, powers of attorney, personal documents, resolutions, decisions, protocols, etc. As for media discourse, the precedent texts include news, reportages, interviews, press releases, articles, etc. In legal media discourse, the precedent texts are the legal discourse texts published in the media and the media discourse texts focused on the issue of law: news about introducing new legal regulations, analytical articles on legal issues, published records of trial, published laws, etc.

Discursive formulas

Discursive formulas, according to V.I. Karasik, represent “peculiar phrases specific to communication in the appropriate social institution” [Karasik, 2002, p. 233]. Traditionally, discursive formulas are understood as clichés characteristic of discourse, phrases. According to L.S. Beylinson, discursive formulas can also include “professionally marked statements indicating the appropriate sphere of communication... professionally marked phraseological units... and professionally marked lexical units (terms and professionalisms)” [Beylinson, 2008, p. 43].

Studying discursive formulas of legal discourse, L.A. Borisova speaks about their diversity in each genre [Borisova, 2016, p. 141]. Oral and written judicial discourses, legislative texts, contracts, etc. are characterized by certain phrases and clichés: *the defense has no objection as to foundation; the Court is prepared to proceed to sentencing; the Parties are released from responsibility for;*

notwithstanding anything to the contrary contained in this agreement. Discursive formulas of media discourse can be exemplified by the following phrases: ...announced on... that...; events are known or reported to have taken place...; There are concerns that...; ...was reported at...; That is according to the latest information published by...; ...described the local situation as...; ...reported in... that...; ...said in a statement...

A broad understanding of legal media discourse boundaries complicates the identification of specific discursive formulas characteristic of the discourse. Legal texts published in the media not characterized by the media discourse parameters and thus located on the periphery of legal media discourse contain discursive formulas peculiar to legal discourse. Media texts such as news, interviews, reports, etc. with a substantive focus on the sphere of law contain mainly discursive formulas peculiar to media discourse. In terms of revealing the discursive formulas of legal media discourse it is reasonable to consider texts that function in the core area within the field structure of legal media discourse, that is, texts focused on the sphere of law and characteristic of parameters set by both discourse preconstructs within their interaction (for example, analytical articles on legal issues). The following examples from analytical articles on legal issues can be considered as discursive formulas of legal media discourse: *...lawyers said in court that...; In a statement read on... behalf at the High Court, she described...; Lawyers for..., had argued in court that...; The Justice Department is demanding that...; As in the case against...; Regulators that focus on...; There is also precedent for...; Several supporters of... were...; Such a regulatory approach...; Another argument for... is that...; We can see another effect if we compare...; The lawsuit, which..., is based on...; Officials announced that...*

Conclusion

The hybrid discourse characteristics are substantiated by the interaction of its preconstruct discourses. The detailed consideration of legal discourse and media discourse characteristics allowed elaborating a consistent description of the

hybrid under study – legal media discourse, which is a specific sphere of the intersection of law and media. Based on the pattern for describing an institutional discourse proposed by V.I. Karasik, the characteristics of legal media discourse were described. The prospect participants are everyone interested with the access to the media; the chronotope is substantiated with the physical distance between communicants; the main goals are explanation, informing, and influencing; the general value is forming public legal awareness. As for the strategies, explanation is implemented by means of describing legal terms, explaining legal actions and documents, using less professional terms, highlighting paragraphs, using subheadings, using means of cohesion and discourse markers, simplifying syntax, using stylistically marked vocabulary, commenting, appealing to the force of law and possible legal consequences. The genre composition is a combination of genres of legal discourse and media discourse as the genres of both preconstructs can be potentially implemented within the legal media discourse. The precedent texts are represented by news about introducing new legal regulations, analytical articles on legal issues, published records of trial, published laws, etc. The discursive formulas include clichés characteristic to media discourse and containing legal discourse vocabulary.

NOTE

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