

СЕКЦІЯ 19

КОНТРАСТИВНА ЮРИДИЧНА ЛІНГВІСТИКА ТА ТИПОЛОГІЯ ЮРИДИЧНОГО ДИСКУРСУ

Керівник секції: *завідувач кафедри іноземних мов № 2, к. філол. н.,
доцент Ю.О. Томчаковська*

Секретар секції: *старший викладач кафедри іноземних мов № 2
К.В. Лесневська*

ТОМЧАКОВСКА YULIIA

*National University "Odesa Law Academy",
Acting head of the Chair of foreign languages № 2,
candidate of philological sciences, associate professor*

ТОМЧАКОВСЬКИЙ OLEKSANDR

*Odessa National I.I. Mechnikov University,
associate professor of the Chair of lexicology and stylistics of the English language,
candidate of philological sciences, associate professor*

STRUCTURAL AND SEMANTIC PECULIARITIES OF ENGLISH LEGAL DISCOURSE (BASED ON "AQUINAS' MORAL, POLITICAL, AND LEGAL PHILOSOPHY" BY JOHN FINNIS)

One of the main trends of legal linguistics as a branch of language studies is investigation of legal discourse. Legal linguistics is an interdisciplinary field of knowledge about the relationship between language and law, linguistic means of expression of legal concepts and categories, linguistic resources in the field of legal communication. Legal discourse can be seen as a complex system of lexical, grammatical and syntactic means of expression that obeys the goals and objectives of communication in the field of law, which is characterized by specific terminology and specific legal categories [1].

The given research is dedicated to the study of structural and semantic peculiarities of English legal discourse based on the book "*Aquinas' Moral, Political, and Legal Philosophy*" by John Finnis, an Australian legal philosopher, lawyer and scholar specializing in jurisprudence and the philosophy of law. He was Professor of Law & Legal Philosophy at the University of Oxford from 1989 to 2010, where he is now professor emeritus. He acted as a constitutional adviser to successive Australian Commonwealth

governments in constitutional matters and bilateral relations with the United Kingdom [3].

First published in 2005, *“Aquinas’ Moral, Political, and Legal Philosophy”* presents a critical examination of Aquinas’s thought, combining an accessible, historically-informed account of his work with an assessment of his central ideas and arguments. John Finnis presents a richly-documented critical review of Aquinas’s thought on morality, politics, law, and method in social science. Unique in his coverage of both primary and secondary texts and his vigorous argumentation on many themes, the author focuses on the philosophy in Aquinas’s texts, and demonstrates how this interconnects with the theological elements. Finnis shows how Aquinas, despite some medieval limitations, makes clear and profound contributions to present debates [3].

The given text belongs to the scientific prose style which is employed in professional communication, in academic publications in particular. The main aim of the given functional style is to give the reader certain information, to prove a hypothesis, to create new concepts, to disclose the internal laws of existence, relations between different phenomena [2, p. 61].

One of the most specific features of the given style is presented in the analyzed book. It is strict logical organization. The monograph is logically subdivided into seven parts which are dedicated to a certain aspect of the problem under discussion.

Logical argumentation is also achieved with the help of a wide system of connectives, (*therefore, thus, for instance, however, but*) emphasizing the logical connection and interdependence of consecutive parts of the discourse, for example:

“If, **on the other hand**, the postulate that a certain operatio is the proper (or even a proper) function of human beings is asserted to be itself evaluative and/or normative rather than, **or as well as**, factual/descriptive, then some account is needed of the postulate’s source or justification (or self-evidence?)” [4].

“**So, for example**, direct killing of the innocent is taken to refer to behavior whose causally immediate effect is killing, or which has its lethal effect before it has its intended good effect. **But** this is incompatible with Aquinas’ fundamental and consistent positions about human action” [4].

The syntactic structure of the sentences is also characteristic of the given functional style – they are mostly long with a wide usage of passive structures and the Present Simple Tense, for example:

“Aquinas **locates** the significant and irreducible difference between ethics and all these forms of “art” in three features: (i) Moral thought, even when most unselfishly concerned with helping others through the good effects of physical effort and causality, **is** fundamentally concerned with the problem of bringing order into one’s own will, action, and character, rather than the problem of how to bring order into the world beyond one’s will” [4].

The wide usage of passive constructions can be explained by another peculiar feature of the academic writing – it tends to be impersonal and objective, logically persuasive, concentrating upon the object of investigation, for instance:

*“Aquinas neglects to spell out how these first principles come to be understood. But he holds that **they are understood** and **accepted** by everyone who has enough experience to understand their terms” [4].*

Another peculiar feature of scientific style is found on the lexical level, namely the wide usage of terms, such as *legal, statutory law, eternal law, natural law*, etc.

Quotation as a necessary part of any scientific work is also present in the given book. In the following example the author quotes the words of other scholars, presents them in inverted commas followed by a corresponding bibliographical reference:

“Criticisms of the interpretation of Aquinas’ theory that is proposed in that work can be found in Paterson 2006, Wheatley 2015, Long 2004, and earlier in Lisska 1998 and McInerney 1997. These works argue in various ways that that interpretation denies or neglects the metaphysical foundations of the principles of practical reason that it offers to identify. Support, in general, for the approach in this article will be found in Rhonheimer 2012 and 2000” [4].

As for the polycode character of the text which is realized in using verbal and non-verbal means of presenting information, here it is achieved by means of italics as well as capitalization which single out graphically and logically the most important of the discussed notions as well as terms of Latin origin.

Thus, the analyzed text manifests main peculiar features of academic writing, namely, abundance of terms denoting objects, phenomena and processes characteristic of some particular field of science, in our case, law; precision, clarity and logical cohesion which is responsible for the repeated use of different clichés and other lexico-syntactical forms emphasizing the logical connection and interdependence of consecutive parts of the discourse; wide usage of non-verbal graphical means.

References:

1. Прадід, Ю. Ф. Юридична лінгвістика в Україні: здобутки і перспективи / Ю. Ф. Прадід // Мовознавство. – 2001. – Випуск 2. – С. 31-37.
2. Kukhareno V.A. A Book of Practice in Stylistics / V.A. Kukhareno. – Vinnytsia: Nova Knyga, 2000. – 160 p.
3. John Finnis. – [Electronic resource]. Mode of access: https://en.wikipedia.org/wiki/John_Finnis
4. Finnis J. – Aquinas’ Moral, Political, and Legal Philosophy. – [Electronic resource]. Mode of access: <https://plato.stanford.edu/entries/aquinas-moral-political/>

Ключові слова: юридичний дискурс, науковий функціональний стиль, структурні та семантичні особливості.

Ключевые слова: юридический дискурс, научный функциональный стиль, структурные и семантические особенности.

Key words: legal discourse, scientific functional style, structural and semantic peculiarities.