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THE MAIN PRINCIPLES OF LINGUISTIC AND PRAGMATIC ANALYSIS IN LEGAL DISCOURSE

ОСНОВНІ ПРИНЦИПИ ЛІНГВО-ПРАГМАТИЧНОГО АНАЛІЗУ ЮРИДИЧНОГО ДИСКУРСУ

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Modern linguistic pragmatics, which is considered as the relationship of linguistic signs to their interpreters, is interactive, because the pragmatic meaning of utterances remains unclear beyond their semantic content, which depends on the syntactic structure. Linguistic pragmatics is one of the the branches of philology that studies the functioning and use of linguistic signs of speech communication in relation to the interactivity of communication subjects, their features, reactions, and current situation. The subject of study of linguistic pragmatics is the analysis of the following aspects of communication: under what circumstances, for what purpose, in what communicative situations speech communication is carried out; whether mutual understanding is achieved or not.

Linguistic pragmatics is one of the relatively new directions in linguistics. It has accumulated many achievements of rhetoric, stylistics, socio-, and psycholinguistics. This direction is closely connected with the theory of speech acts and developments in field of communication technologies. Linguopragmatics presents of particular interest to those who deal with the problems of communicative efficiency.

The article is devoted to the main principles of the linguistic and pragmatic analysis of legal discourse. The main concepts concerning the development of scientific paradigms in linguistics are generalized and the specifics of the linguistic and pragmatic study of discourses of various types are determined. The methods of lingual-pragmatic research are presented and the relevance of each person is studied in relation to the study of political discourse. The disputable issue of the existence of the linguistic and pragmatic method is described and the expediency of using discursive and intentional types of analysis in political discourse has been proved.

Key words: linguopragmatic approach, scientific paradigm, discursive analysis, legal discourse.

Важливим розділом науки, пов'язаним з міжкультурної комунікацією, лінгвістикою, теорією комунікації, психологією і рядом інших наук є лінгвістична прагматика. Лінгвістична прагматика – один із відносно нових напрямків у лінгвістиці, що вивчає вияви суб'єктивного (людського) чинника на всіх рівнях мови й у межах усіх аспектів її функціонування, комунікації людей. Методологічні засади дослідження мовних одиниць пов'язані з розмежуванням магістральних підходів до вивчення мови, що отримали назву наукових парадигм. Традиційно заведено виокремлювати три основні наукові парадигми у мовознавстві: порівняльно-історичну, системно-структурну та антропоцентричну (або функціоналістську). Для розуміння сутності лінгвопрагматики потрібно з'ясувати специфіку методологічного підходу, що актуалізований у межах цієї науки.

Лінгвопрагматичний підхід у дослідженні політичного дискурсу зумовлює поєднання антропоцентризму й дискурсоцентризму щодо вивчення специфіки дискурсу, визначеного як вербальна репрезентація комунікативної ситуації з внутрішніми (текст) та зовнішніми (умови комунікації, учасники комунікативної взаємодії, комунікативна

настанова та результат) конститuentами. Одним із різновидів дискурсу є політичний, що реалізує інституційне спілкування. Основними методами лінгвопрагматичного аналізу слугують дискурсивний, інтенційний, трансакційний, структурний і контент-аналіз. Для юридичного дискурсу релевантними є інтенційний і дискурсивний види аналізу. Перспективи дослідження полягають у розробленні нових методів і прийомів дослідження політичного дискурсу в лінгвопрагматичному аспекті.

Стаття присвячена основним засадам лінгвопрагматичного аналізу правового дискурсу. Узагальнено основні концепції щодо розвитку наукових парадигм у лінгвістиці та визначено специфіку лінгвопрагматичного дослідження дискурсів різних типів. Представлено методи лінгвопрагматичного дослідження та досліджено релевантність кожної особи у дослідженні політичного дискурсу. Описано дискусійне питання існування лінгвопрагматичного методу та доведено доцільність використання дискурсивного та інтенціонального типів аналізу в юридичному дискурсі.

Ключові слова: лінгвопрагматичний підхід, наукова парадигма, дискурсивний аналіз, юридичний дискурс.

Problem statement. Language aims at communication. The study and analysis of language provide us an insight into how we communicate, how we think and feel and how we behave in social contexts. Linguistics which studies language is a by-product field where the linguist strives to study structural values of language. A sub-field of linguistics emerged in the 1970s which later came to be known as 'Pragmatics'. Communication done in one community in one situation with a certain set of sentences may vary in some other community in some other situation with the same lot of sentences. It is essentially because of this that one needs to dive deep into the matters of pragmatic analysis of communication.

In modern linguistics, there is a tendency of enhanced studying of language as an instrument of communication and expressing thoughts and intentions. The present study which is based on German laws highlights the issues connected with studying language structure, properties, and functions as well as analyzing legislative genre. There are also important issues of examining the substance, system and structure of the language and its functions which are discussed in the present paper.

The latest research analysis. The study of pragmatic functions of language is crucially important for understanding legislative texts' functionality in language and speech. The classical view on general pragmatic language functions was presented in the theories of J. R. Searle and J. Habermas. J. R. Searle determines five pragmatic functions corresponding to five classes of speech acts: assertives (the pragmatic function is to commit the speaker to the truth of the expressed proposition); directives (the pragmatic function is an attempt by the speaker to make the listener perform an act); commissives (the pragmatic function is that the speaker commits himself to perform an act); expressives (the pragmatic function is to express the speaker's psychological state about a state of affairs specified in the propositional content of the speech act); declaratives (the pragmatic function implies that a successful performance guarantees that the propositional content of the speech act corresponds to the world).

J. Habermas singles out only 3 major classes: constatives (the pragmatic function is to present states of affairs); expressives (the pragmatic function is to present something from the subjective world of the speaker); regulatives and imperatives united in a single class (the pragmatic function is to regulate the interaction between the actors in the social world) [3].

Task statement. Lawyers form one such community who possess "a set of conventions" in their speech. A pragmatic analysis of legal discourse would be immensely important in order to eradicate the idiosyncrasies and ridiculous nature of language employed in it. Legal discourse seems to have failed in communicating thoughts with common men and women. Legal discourse is known for its obscurity, ambiguity, and complexity.

In order to make legal language easy to understand, one needs to follow certain principles of communication as advised by pragmatics. Grice, a noted pragmatics, has discussed four principles for effective and rational communication.

They are as under:

1. Principle of Quality
2. Principle of Quantity
3. Principle of Relevance
4. Principle of Manner

Most of the the times all these four principles of communication are violated in legal discourse which ultimately leads to confusion. This paper shall discuss and examine legal discourse comprehensively in the light of above four principles of communication and shall derive following conclusions.

1. All the four principles of communication discussed above should be sincerely executed in legal discourse.

2. Obscure writing not only makes the language unintelligible but also wastes time of the reader.

3. The teaching of linguistics, pragmatics, and semantics is of prime importance for the students of law if at all we wish to reform the age old fashion of legal discourse.

4. Omission of unnecessary words, use of proper basic verbs, much use of active than passive voice, shorter sentences, proper punctuation and proper

arrangement of words will surely lead one to a more successful communication in legal language.

5. If the foundation of a democracy or a civilized society is law, it should be readable, comprehensible and should be able to communicate with laymen.

6. The legal discourse should be put forward in clear prose without aphoristic and artificial expressions. This is the demand of the time.

The main methods of linguistic and pragmatics

The main statements of lingo-pragmatics were set out in the work of J. Austin "How to do things words" ("Word as action") [2].

In this work, J. Austin draws attention to the fact that not all statements of natural language describe something, affirm or deny, that is, not all are judgments, there is a separate group of statements, which already at the time of pronunciation is certain actions – oaths, promises, guarantees, etc. Calling similar statements are performative, J. Austin describes them, suggests own typology of performative statements and determines the specifics: performatives are characterized by equiationality, equitemporality, verifiability, specific grammatical expression and the presence of certain powers of the speaker.

Linguopragmatics is used as a branch of linguistics a set of methods. F. Batsevich identifies five main methods of linguopragmatics [1, p. 37–41]:

1. Structural analysis, which consists in the study of components components of a particular linguistic phenomenon and arose within the system-structural scientific paradigm. It is implemented in the form specific methods of distributive analysis, component, transformation, immediate components, including in linguopragmatics actively use the component and transformational. Structural analysis has a long history and due to the traditional approach to the analysis of linguistic phenomena, however, do without it when studying "language in action" it is practically impossible, because it is aimed at revealing the essence of a holistic language formation through its study individual components. O. Selivanova defines structural analysis as one that serves "knowledge of the internal organization of language as systems with inherent invariant elements that in speech correlate with regulated specific realizations" [4, p. 55], and in this sense structural analysis is indispensable in linguopragmatics;

2. Discourse analysis related to the manifestation of the subjective factor in communication, in the study of primarily spontaneous oral communicative interaction and different types of discourses. The most popular methods of discourse analysis are conversational analysis and analysis of adjacent pairs. Due to terminological fluctuations in the

definition of discourse, the same situation is observed and with discourse analysis, within which critical is distinguished discourse analysis (N. Ferklo) and historical discourse analysis (R. Vodak). Critical discourse analysis "conceptualizes language as a form of social practice" and is designed to demonstrate that language and social structure interact with each other [4, p. 199]. According to O. Selivanova, the tasks of discourse analysis are "the study of social, textual and psychological contextualization of discourse, its patterns and genres with a certain a set of variables (social norms, roles, statuses of communicators, their conventions, strategies, indicators of interactivity and the effectiveness of communication), the study of patterns of communication of communicative cooperation or factors generation of communicative conflict, methods of implementation communicative rivalry; description of institutional forms and types discourses, etc" [4, p. 626–627].

3. Content analysis provides a quantitative description of communication, the certain calculations of functioning language units in texts and discourses. Besides it gives fairly objective results concerning elementary language units and their features semantics and functioning in the communicative process. Units of content analysis are the smallest components of texts in which find out the frequency and nature of variables (properties of categories) [5, p. 94]. Preferably content analysis is used in research of mass media communication, which allows to trace objective indicators of changes in the functioning of language units in dynamics;

4. Intent analysis involves identifying real intentions of communicators "according to the peculiarities of their speech, communicative behavior in general with the use of special methods and techniques of analysis of live speech" [1, p. 40]. So the traditional linguistics has studied what has been said or written, i.e. the result of speech activity, and intention of the speaker, often hidden, remained unnoticed by researchers.

In linguopragmatics, the illocutionary phase, which corresponds to the intention of the speaker, is one of the most important, so it is considered in various aspects. Thus, S. Shabat-Savka defines the intention as communicative category that "represents the mental world human in syntactically delineated, model-relevant sentence realizations" [7, p. 50], updating the syntactic aspect. Intent analysis is a priority method of PC research: at the first stage determine the specific content of the text and the obviousness of its intentional plan, and at the second stage – submit "expert qualification of the intention underlying the analyzed statement" – this procedure is obtained.

Regarding the existence of a separate pragmatic analysis, it should be noted that most do not recognize the existence of such a separate method, which should include the study of strategies and tactics communication, axiological aspects of communication, speech genres, laws, and rules of communication, etc.

F. Batsyevych emphasizes: "it should be noted that so far the methods and techniques of language analysis inherent only in this method have not been created, and therefore to speak of the existence of a separate pragmatic method of language analysis at the present stage of development of linguistics is too early" [1, p. 41]. However, it should be noted that the latter sometimes scientific investigations appear, where the method of pragmatic analysis is defined as separate (R. Vavrinchik, V. Pustovalova).

However, it is too early to talk about the existence of pragmatic analysis as a specific method. For the legal discourse is primarily relevant discourse analysis, which is presented by methods of studying communicative roles, types communicative interaction, and strategies and tactics.

A pragmatic study of legal discourse

Though it may seem quite simple, it is difficult to define and analyze language. Language is the most natural way for the expression of the human mind and heart. The study and analysis of language provide us an insight into how we communicate, how we think and feel and how we behave in a social context. De facto, language lies at the heart of understanding all aspects of human culture, human behavior, human thinking, and human psychology. Linguistics which studies language is a product field where the linguist tries to study language and its structural values. But it was still left for some others to study and understand how language performs differently and invites various communications in various contexts – social, behavioral, psychological, or cultural. As a result, a sub-field of linguistics emerged in the 1970s which later came to be known as "Pragmatics". Communication done in one community in one situation with a certain set of sentences may vary in some other community in some other situation with the same lot of sentences.

A pragmatic analysis of legal discourse would be immensely important in order to eradicate the idiosyncrasies and ridiculous nature of language employed in it. When it comes to approving or disapproving a point in the court or when it comes to claiming their clients' right, the lawyers, it has been observed, leave no stone unturned to interpret or misinterpret the words written in law. This is precisely because of the ambiguous and obscure language of law. This paper does not in any way aim

at disqualifying and condemning the lawyers and their tactics. Instead it shall humbly tries to point out how language plays its terrific role in communication inside the court. The language employed in law and that employed by the lawyers in the court is known to have been full of complexity. Most of the times, to interpret or to comprehend it proves to be hard nut to crack for the common man. Even a sweet, little, easy flowing poem can be killed mercilessly by the legalese.

Language fails to communicate the moment these all or one of these principles are violated, which actually happens in legal discourse. Firstly, one must follow the principle of quality, that is, one should neither say what he/she knows it is false nor speak something the evidence of which he/she does not have. Now it is quite obvious that the principle of quality is violated most of the the times by the lawyers. The very fact that one out of two parties in the court is proved wrong lays it crystal clear that one out of two parties continuously spoke lies even in spite of knowing that they are lies. Not only this false evidences are also projected in the courtrooms. Secondly, the principle of quantity should also be followed in order to derive effective communication. It means that statements spoken or written should be as much informative as required, neither too much informative or descriptive nor too much less informative. But it is seen that this principle of quantity is also violated in legal discourse.

Conclusions. In the present paper we have tried to contribute to development of pragmatics. The results of our research are based on the study of the characteristics of the language functions in legislative texts. The conducted linguistic and pragmatic analysis develops a deeper understanding of the fundamental features of the language system and, to a certain extent, may be applicable to the studies of texts belonging to different genres in other languages. Pragmatics of the XXI century can be described as an actively developing branch with the multiple sources of new theoretical problems and applied tasks.

The functions of language reflect its essence, purpose and social nature. The main basic language functions are split into special language functions. The latter can be considered the specific actualization of a communicative act's certain elements. The number of special language functions varies in different studies. These functions determine either the basic kinds of speech acts or definite types of speech activity. Thus, the information presented in the legislative text affects the attention, and memory of the text's recipient. The text of a law dictates the terms and requires strict obeying them. The legislative texts, analyzed in the present paper, can be referred to a special type of speech activity.

Their pragmatic analysis allows us to single out the set of special language functions appropriate for legislative texts: the functions of nomination, message, communication, and influence. These functions are exercised in the texts of laws in a specific manner. The most significant function is the function of influence, since it is the function that exercises the communicative goal of a legislative text as a regulator of social relations. Thereby we consider that the function of influence is the basic one for legislative texts because along with the communicative and cognitive functions, it serves the main purposes of the legal text.

In the future we think it will be possible to study various types of texts and determine their basic and special functions, the list of which will differ from the

typical classification of language functions according to their significance. The research in this direction will allow changing the existing opinion that there are only two basic linguistic functions – communicative and cognitive, and the rest are just their derivatives. The analysis of the language functions of legislative texts makes it possible to systematize the means of realization of this or that special language function.

In perspective, the authors intend to develop certain models of the legislative texts which correspond to special language functions of nomination, message, communication, and influence. Modeling the texts of laws can also be refined by attributing the legislative texts to a specific type of legal rules (the models of legislative texts with binding, dispositive, encouraging or recommendatory legal norms).

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ВІДТВОРЕННЯ ПРЕЦЕДЕНТНИХ ВИРАЗІВ У АНГЛОМОВНИХ ТЕКСТАХ ПРОФЕСІЙНО-ОРІЄНТОВАНОЇ СТОМАТОЛОГІЧНОЇ РЕКЛАМИ

RECREATING OF PRECEDENT EXPRESSIONS IN TEXTS OF ENGLISH DENTISTRY TRADE ADVERTISEMENT

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Запропоноване дослідження висвітлює особливості відтворення прецедентних феноменів в текстах англійської друкованої комерційної стоматологічної реклами. Матеріалом дослідження слугувала друкована галузевої реклами інноваційних продуктів (інструментів, обладнання, матеріалів, програмного забезпечення тощо), розміщена в спеціалізованих стоматологічних виданнях “Dentistry Today” (США), “Compendium of Continuing Education in Dentistry” (США) та “The Journal of American Dental Association” за 2015–2022. Джерелами прецедентних виразів, зафіксованих у мові досліджуваних текстів, є твори художньої літератури, кіномистецтва, сучасної пісенної творчості, афоризми дискурсу моди, спортивні лозунги, мовні афоризми, які можна побачити (почути) у масмедійному дискурсі, або ж у повсякденній мовній практиці носіїв мови. Більшість виявлених прецедентних виразів функціонують у трансформованому вигляді, що спонукає адресата реклами до своєрідної гри, у якій він має самостійно відновити існуючі інтертекстуальні зв'язки для правильної інтерпретації повідомлення. У кожному з розглянутих реклам-