
STYLISTIC CHARACTERISTICS OF A LEGISLATIVE TEXT

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ABSTRACT

The article examines the stylistic features of legislative texts belonging to the official-business style. Their main stylistic characteristics are determined. It is concluded that, like other styles, the official-business style is characterized by the originality and quality certainty of signs.

Key words: functional style, the official-business style, the legislative text, stylistic features, addressee, addressor

1. INTRODUCTION

Legislative texts of any country contain rich information about the national consciousness, national culture, on the system of constant and evolving national values, embodied in language and its forms. Not accidentally, this kind of texts are attracting more and more attention of linguists studying legislative texts from the point of view of their style accessories.

There are quite a lot definitions of language style in modern linguistics. And they depend on how widely the object of stylistics is presented. For most scientists it is the sphere of linguistic variation that is correlated with the context. According to this approach maximal coverage of language variation in the different functional forms of the language is achieved (Simon; Najer).

The approach to style as a form of language variation involves the identification of stylistic potential of language units that belong to a certain functional style (kind of language use in various extra-linguistic-defined situations) [1].

The concept of "style" cannot be defined with the proper weight, not taking into account the social aspect, which requires considering the following points:

1) historically formed function performed by the style in public activity and in public consciousness;

2) language means that are used to implement this function in speech, their selection and organization that have a normative character (Emelyanenko; Simon).

Functional style according to M.M.Kozhina is peculiar character of the speech, one of its variety, which corresponds to definite sphere of public activity and correlated with it form of consciousness created by peculiarities of functioning in this sphere of language and specific speech organization, which creates its General stylistic colouring [2].

A. I. Cherednichenko formulates this concept as follows: "functional style is a kind of language that is used in a typical social situation, and which differs from the other variants by its linguistic, grammatical and phonetic features [3].

K. A. Dolinin notes that functional styles are generalized speech genres, that is, speech patterns of constructing texts that embodied generalized social role (scientist, administrator, politician, poet, journalist, and so on) [4].

Thus, functional style is not only a set of a certain way stylistically coloured units of language, it is also such organization of speech, which elements are closely interrelated functionally in a whole based on the implementation of a single function; all of them, as a whole, are directed to use a specific communicative tasks.

2. THEORETICAL ANALYSIS

Legislative texts belong to official-business language style (hereinafter OBS), which, like other styles, is characterized by its own individual set of features that give it originality and quality certainty. Official-business style extends to various forms of administrative and legal activities, it can be divided into several sub-genres that are used depending on the goals and tasks of the official document. Lawyers and linguists note a special legislative style; according to some opinions, legislative style is the basis and determining point of official-documentary substyle [5].

Official-business style serves a purely formal and extremely important area of legal, economic and diplomatic relations. There are various classifications of texts OBS. So, for example, N. Krivonosova points out three main scientific genres of legal literature, namely:

1) the laws (Constitution, foundations, codes);

2) sub-legislative statements (decrees, regulations, decisions, instructions and so on), which specify, clarify laws;

3) scientific special legal literature (monographs, textbooks, legal periodicals, and so on), which interpret and analyze different concepts and institutions of law, theory, doctrine, points of view of scientific schools [6].

In accordance with this classification we can distinguish, as N. Krivonosova says, three main sublanguages of law: laws, regulations, special and legal literature. However, this classification, based on the feature of correlating to the law, applies only to legal research sublanguage. In general, there may be other gradation, for example, according to the measure of the sphere of implementation.

According to this point of view, some authors emphasize the administrative-legal style notary and court documents and legislative style. We believe that the legal and administrative texts can be divided into three groups depending on the sender of this or that text. Thus, the legislative texts are regulations created by the legislators (the Constitution, codes, laws (conventional and organic), decrees, edicts (Ministerial), resolutions, decrees; procedural texts are the result of the work of judicial bodies (appeals, claims, judgments, and so on); administrative texts are created by the Administration or by the citizens (notarial statement, contract, will, and so on).

Among legislative documents the Constitution takes special place; it is the basic law of the state (the law of laws), which is the basis for other legislative documents, developing by its content in more details the items that are set out in the text of the Constitution in a general form.

The overall function of the OBS is the official message in order to achieve business, a formal agreement between two or more parties. The form of communication is mainly written but oral communicative situations depend on the existence of a formal relationship between the interactants.

Let's analyze stylistic features that affect the establishment of a legislative text.

C. M. Boguslavsky points out accuracy, conciseness, consistency, clarity, regularity, absence of expressiveness and emotionality [7]. I. S. Wolskaya names formality, extreme longitude and latitude, static, objectivity, absence of imagery and emotions [8]. I. Gryazin, summarizing the above mentioned, notes that the text of the legal documents differs from other texts in the following stylistic characteristics:

1) lack of expressiveness, the so-called "zero style", neutrality and coldness of outlining the legal norms, which is important from the point of efficiency of legal regulation;

2) the coherence and consistency, balance and making strict "chain" of statement;

3) accuracy and clarity, when practical criterion takes precedence over other literature standards;

4) simplicity of presentation;

5) the brevity and compactness, with the using by the legislator of the principle of minimality [9].

Some of the most important characteristics - accuracy, brevity, and consistency of presentation, are in close connection with the basic language features [10].

Locality, clarity and structure of the law, according to N. A. Vlasenko, to a large extent is achieved through the graphics standardisation; the law is difficult to imagine without the latter [11]. Therefore, "all listed properties form the pragmatic orientation of a legal document and its orientation on the destination - law becomes the law, having these properties, it is designed not to include any properties of emotively or expressiveness, which could corrupt the above characteristics" [12].

The text of the law is characterized by "area proper", which he represents, creating a "special conceptual world" [9].

Legislative text, according to A. A. Teleshev, is "simulated, its construction is carried out in accordance with the selected legislator limitations and techniques that generates its specificity. In its structure it has the points of legislative functions of the state: normativity and distantpast" [12].

The text of the law is always normative, because the law is inextricably with the concept of "rule of law". This is due, firstly, to the sovereignty of the legislature, which is manifested in the fact that the legislative text is based and is created so that its recipients recognized monopoly of the legislature in the enactment of a law and the mandatory provisions of the law. Secondly, it is connected with the universal nature of the legislation, its prevalence on all subjects of law. Thirdly, this is reflected in the certainty of legal discourse, where each rule is the answer to any question: it is the rule in the fact that it itself determines; its purpose is to make the relevant decision, which it offers it for the intended problem [13].

Distancy of a text of the law, as it is known, is that of the addressee and addressor in the corresponding voice message are separated by a considerable distance and it is reflected in the fact that in this type of legislation, only the legislator "speaks", but his monologue is not pronounced aloud. The message of the legislator acquires its written form and is sent to recipients that do not require mandatory review of legislative texts by addressee. This shows distancy in the relations between participants of the communication.

Legislative style is explicative, as the rules of law are explained through the notions of legislative texts [13]. It does not depend on the system of law used by the state, but from the language of the legislation [14]. M. K. Morin believes that despite of the above-mentioned ease of exposition, the legislative style is characterized by the complexity of syntactic constructions, due to logical factors; it is characterized by conservatism and archaism, the specific use of lexical and morphological means [15].

In legal speech activity, as in any other, there are two communicants, the addresser and the addressee, but their interaction is specific. The fact is that the addresser of legislative information refers not to one person, but to an unknown number of persons, to an abstract partner, which can and should be any of the citizens of a particular country. The relationship between addresser and addressee exists in the form of a written legal document. The legislator (the message sender) creates the document in which, in addition to the rights and duties of citizens, he lists specific rules that apply to specific legal areas (civil, criminal, commercial, and so on), and which must adhere to the recipients of legislative documents. And together with the rules addresser sends the addressee information about the consequences of failure of the designated rules. All these rules are in the form of a legislative text that is the object of our study.

The addressor of the prepared text, unlike unprepared communication, when it is created purposefully uses the effect of reflection in the text of the communicants in various ranges, depending on the purpose of communication. Unlike addressor of spontaneous speaking, his communication is easier, because he builds the text in advance and can vary language features without compromising the perception, on the one hand. On the other hand it is more complicated, because the sender of direct communication sees the recipient in front of him, watching his reaction, and during the conversation can change and improve methods of influence.

In law, politics and other public areas of communication, emphasizes V. Kashkin, a responsible sender is often recognizes a collegiate or institutionalized sender [16].

Decisions on the adoption of the law are decisions of the ordinary unskilled majority in Parliament. However, this collective decision is always a single statement, expressed in written form. As for the nature of the legislative message, it is a monologic form. It is a one way speech act, although any speech is dialogical because it always has a destination (far or close). The legislator speaks without interlocutors, but nevertheless it is communication.

Unlike dialogue, monologue is a type of communication that is limited to the message unanswered. The sender of the legislative text is really only the sender. Thus, from the selection of certain linguistic means, from how the sender of the law places legal information, what he will decide to take the structure of the document, the order of words in sentences, and so on, depends the degree of achievement by the content and form of a definite legal document their pragmatic goals and planned by the addresser effect on the consciousness and actions of the addressee.

However, in spite of objectively and clearly expression by addresser his thoughts, communication will not take place if he will not own a specific code, presuppositions necessary information for correct interpretation of the law content set in the text.

As we have already noted, the legislative texts mainly exist in written form. Characteristics and functions of written text has significant social potential, its material manifestation involves the presence of the social addressee. At the time, as a verbal statement, is not documented in writing, it "exists" as long as it is perceived by a specific recipient. His existence is limited in a temporary aspect. Written text, in contrast, is designed to function in the social environment of the recipient, to influence him, to enter his cultural and historical "potential"; it reflects and documents the socio-anchored forms of communication. In addition, a written report, if compared with oral one, has a higher status, characterized by credibility, prestige and because of this affect social processes.

In determining the recipient of the legislative message we speak not only about the socio-professional group, which receives this message, but about the definition of the official addressee. It is important, whether the message is addressed to one person or many.

3. CONCLUSION

Modern official-business style refers to the number of book styles and functions in the form of a written speech.

Like other styles, it is characterized by originality and quality certainty of signs. These include: narrow in scope, standardisation, lack of expressiveness and imagery, brevity and compactness, connectedness and continuity, impersonality and objectivity.

Business language is complicated in syntactic constructions, due to logical factors; it is inherent by conservatism and archaism. Legislative texts have a higher status, are characterized by credibility and prestige.

REFERENCES

1. Najer V. L., 1986. Pragmatics of scientific texts: verbal and non-verbal aspects. Publishing house Sciences.
2. Kogina M. N., 1983. Stylistics of the Russian language. Education, pp: 222. (In Russian).
3. Cherednichenko A. I., 1991. Theory and practice of translation: French. Kiev: Publishing house of Lybid, pp: 304. (In Russian).
4. Dolinin K. A., 2008. Stylistics of French. Education, pp: 342. (In Russian).
5. Pigolkin A. S., 2002. Main features of the language legislation as a special style of literary language. - 1972. (In Russian).
6. Krivososova N.V., 2005. System of the Spanish legal terminology. Publishing house Sciences. (In Russian).
7. Boguslavsky V. M., 2006. In defense of business stamp. Moscow: Russian speech. (In Russian).
8. Wolskaya, I. D., 2006. Differential signs of official-business style of speech syntactic level. Publishing house Sciences.
9. Gryazin I., 1983. The text of the law: the experience of methodological analysis of competing theories. Tallinn : Eesti Raamat, pp: 187. (In Russian).
10. Bogolyubov S. A., 1973. The language of the legislation. Moscow: Publishing house of the Soviet justice, pp: 264. (In Russian).
11. Vlasenko N. A., 2007. The Language of the law. Irkutsk : Est-Sib. publishing house, pp: 173. (In Russian).
12. Teleshev A. A., 2004. Functional features of the French legal discourse. Publishing house Sciences.
13. Cornu G., 2000. Linguistique juridique. 2e éd. Paris: Montchrestien, pp: 443.
14. Snow V. G., 1999. Le style législatif: question de droit ou de langue. Paris, pp: 89-93.
15. Morin M. K., 2010. Stylistics of modern French. Higher, pp: 262.
16. Kashkin V. M., 2006. Models of communication and communicative act. Date of views 10.10.2014. <http://kachkine.narod.ru/CommTheory/Contents/Contents.htm>.