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# INTERNATIONAL LEGAL DISCOURSE IN ENGLISH: ITS NOTION AND MAIN PECULIARITIES

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*This research reveals international legal discourse peculiarities in semantic, pragmatic and stylistic aspects. The issue discussed includes international legal discourse distinction from related types of discourse – legal and diplomatic ones. International legal discourse was formed on the overlap of diplomatic and legal discourses. Thus, international legal discourse in English has such distinctive features as assimilation, institutionalization, prolixity, ambiguity, the use of Latinisms and French loanwords, impersonalization, excessive solemnity and politeness, the use of words associated with legal discourse including archaisms as well as legal terms, etc. Therefore, international legal discourse is an autonomous type of discourse that gradually changes and reveals the perspectives for the future research.*

***Keywords:*** *critical discourse analysis, international legal discourse, diplomatic discourse, legal discourse, loanwords.*

***Бутко О. А. Міжнародно-правовий дискурс в англійській мові: поняття та основні особливості.***

*Представлене дослідження розкриває особливості міжнародно-правового дискурсу у семантичному, прагматичному та стилістичному аспектах. Проблемою для обговорення є розрізнення міжнародно-правового дискурсу від суміжних його видів – правового та дипломатичного. Міжнародно-правовий дискурс сформований на перетині дипломатичного та правового дискурсів. Таким чином, для обговорюваного типу дискурсу в англійській мові визначальними є такі риси, як асиміляція, інституціоналізація, багатослівність, двозначність, використання латинізмів та французьких запозичень, деперсоналізація, надмірна урочистість та ввічливість, використання слів, які асоціюються з правовим дискурсом, включаючи архаїзми та юридичні терміни тощо. Отже, міжнародно-правовий дискурс розглядаємо як окремий вид дискурсу, який поступово змінюється та відкриває перспективи для подальших досліджень.*

***Ключові слова:*** *критичний аналіз дискурсу, міжнародно-правовий дискурс, дипломатичний дискурс, правовий дискурс, запозичення.*

## Introduction

The recent decades are characterized by the overwhelming globalization, a phenomenon that makes our world more interdependent and interwoven. This trend appeared after the end of the Second World War as a consequence of the numerous attempts to achieve sustainable peace. The UN and its agencies (UNESCO, UNICEF, ICAO, etc.) were created to serve this ambitious aim.

The international legal discourse de facto existed before the first international organizations formation but its modern version was designed in the second half of the 20th century. Nowadays international legal discourse is extremely important as it is essential for promoting peace, justice and democracy, for eliminating discrimination, starvation and poverty around the world. To meet this end there are six UN official languages (English, French, Chinese, Russian, Spanish and Arabic). Therefore, the international legal discourse study is relevant for linguists in any country (Gotti, 2008). English is applied as a source language for this article as it is considered to be this discourse prevalent language (Mowbray, 2014).

## Theoretical Background.

Discourse studies including critical discourse analysis contributions are used in this paper (van Leeuwen, 1996; Butko, 2023). International legal discourse semantic, pragmatic and syntactic peculiarities are detected in this work. The contributions in related types of discourse, legal and diplomatic, are explored in order to achieve this aim. Maria Holtseva studied main diplomatic discourse peculiarities in her works (Kolesnyk & Holtseva, 2022; Holtseva, 2023). D'Acquisto explored main diplomatic discourse peculiarities concerning UN resolutions on the question of Palestine and Peter Goodrich distinguished basic legal discourse features (D'Acquisto, 2017; Goodrich, 1984). It is worth noting that there is an insufficient number of papers pertaining to international legal discourse itself (Azadbakht, 2019; Kravchenko, 2007; Kravchenko & Nikolska, 2020; Pozhar, 2021; Smolka & Pirker 2016).

## Methods.

The critical discourse analysis, descriptive and comparative methods are used in this article.

The critical discourse analysis is crucial for defining international legal discourse as an autonomous and independent type of discourse (van Leeuwen, 1996; Butko & Butko, 2023).

The descriptive method is used to distinguish international legal discourse main features and peculiarities (Kolesnyk, 2018; Kopytina & Makhachashvili, 2021; Loma-Osorio, 2004; Makhachashvili & Bilyk, 2021).

The comparative method is applied in order to indicate differences and similarities between international legal discourse and two related types of discourse – legal and diplomatic ones (Makhachashvili & Bilyk, 2019; Holtseva, 2023).

**Materials**

The treaties are applied in this research in order to illustrate international legal discourse intrinsic peculiarities (International Covenant on Civil and Political Rights, 1966; United Nations Charter, 1945; United Nations Convention on the Law of the Sea, 1982; Vienna Convention on Diplomatic Relations, 1961; Vienna Convention on the Law of Treaties, 1969).

**Results and Discussion. International legal discourse as a successor of diplomatic and legal ones**

The international legal discourse includes modified features of two autonomous discourses – **legal** and **diplomatic** ones.

Legal discourse is characterized by such features as prolixity, use of specific terminology, including Latinisms, certain syntax and morphology rules, imperative character, institutionalization (Goodrich, 1984; Butko & Butko, 2023). Academic discussion concerning legal discourse simplification is still underway but remains nearly fruitless. Nevertheless, legal discourse permanently draws linguists' attention to its peculiarities. Moreover, there are many recent interdisciplinary studies pertaining to the law and its language interconnection (Whittaker, 2014; Coaguila, 2005; Dellavalle, 2017; Goy, 2022; Le Cheng & Machin, 2023)

Diplomatic discourse embodies ambiguity and precision at the same time. Precision is necessary to reach an agreement between the parties to the dispute. Ambiguity can be intentional as well as spontaneous because cultures and languages differ dramatically and even all-out use of English can't solve this issue completely (Scott, 2001:153-156)

Diplomacy has long been of interest to linguists. Hofstede (2001) considers Power Distance, Uncertainty Avoidance, Individualism/Collectivism, Masculinity/Femininity. Edward Hall and Mildred Hall (1990) explore important factors of intercultural discrepancies. They also outline two different levels for cultural differences which are: Low Context Cultures characterized by clear and

direct communication and High Context Cultures known by an implicit and indirect communication in which non-verbal communication and the manner of expression are important factors. American English, for instance, is defined by Low Context Cultures, meanwhile Arabic and Japanese are considered to be a High Context Cultures product (D'Acquisto, 2017).

**Results and Discussion. International legal discourse main peculiarities**

International legal discourse institutionalization means that this discourse is formed under the auspices of the international organizations. It is worth noting that any multilateral treaty is a result not only of diplomatic negotiations but of the international organization Secretariat meticulous work.

Assimilation in the form of collectivization is widely used in the international legal discourse:

*All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development* (Article 1 of the International Covenant on Civil and Political Rights).

It is applied in this extract in order to emphasize the equality of all peoples on the international arena.

Prolixity expressed in detailed descriptions is an inherent part of international legal discourse. This feature is extremely important as misunderstanding is highly possible in the intercultural communication. Even English and Spanish native speakers often understand the same term in a different way (British English vs. American English; Peninsular Spanish vs. Latin American Spanish). This situation exists in all types of discourses but it is especially meaningful in the legal and international legal discourses. Therefore, prolixity can be exemplified by the legal definitions in the treaties:

*(c) "full powers" means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty*; (Article 2 of the Vienna Convention on the Law of Treaties).

Impersonalization including wide use of Passive Voice can be found in any international law instrument:

*1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight*

*baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.* (Article 7 of the United Nations Convention on the Law of the Sea).

Excessive solemnity is an international legal discourse peculiarity that implies its close ties with the diplomatic discourse. The treaty preamble is this feature basic instance.

*The States Parties to the present Convention,*
*Considering the fundamental role of treaties in the history of international relations, Recognizing the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful cooperation among nations, whatever their constitutional and social systems,…Have agreed as follows:* (preamble of the Vienna Convention on the Law of Treaties)

Latinisms and French borrowings are widely used in the international legal discourse. This international legal discourse feature is predetermined historically because on the one hand, Latin was a legal discourse language in Europe for a long time and, on the other hand, French had been known as a main diplomatic discourse language in Europe by the beginning of the 20th century. This international legal discourse peculiarity can be illustrated by many extracts from the modern treaties:

*The text of a treaty is established as authentic and definitive: (a) by such procedure as may be provided for in the text or agreed upon by the States participating in its drawing up; or (b) failing such procedure, by the signature, signature ad referendum or initialling by the representatives of those States of the text of the treaty or of the Final Act of a conference incorporating the text* (Article 10 of the Vienna Convention on the Law of Treaties).

*1.The sending State must make certain that the agrément of the receiving State has been given for the person it proposes to accredit as head of the mission to that State. 2. The receiving State is not obliged to give reasons to the sending State for a refusal of agrément* (Article 4 of the Vienna Convention on Diplomatic Relations).

As we can see, a Latinism (*signature ad referendum*) is used in the former example and the French loanword (*agrément*) is applied in the latter one.

Moreover, international legal discourse is full of words derived from the legal discourse, both archaisms (*wherein, thereof,* etc.) and legal terms:

*IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention* (Article 53 of the Vienna Convention on Diplomatic Relations).

*Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea* (Article 17 of the United Nations Convention on the Law of the Sea).

Indetermination is a common feature for legal discourse as well as for international legal one. The individuals and groups are, as a rule, unspecified in all treaties:

*1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life* (Article 6 of the International Covenant on Civil and Political Rights).

At the same time international legal discourse creates categories. For instance, the UN Charter distinguishes category of peace-loving states affiliation to which is a precondition for the UN membership:

*Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations* (Article 4 of the UN Charter).

The list of the least developed countries can be considered a similar example. It is formed under the aegis of the UN and its agencies and includes the most vulnerable countries. There are numerous criteria that such countries must meet for the inclusion in this list as well as for the withdrawal from it, i.e. an income criterion, based on a three-year average estimate of the gross national income (GNI) per capita in the United States dollars; a human assets index (HAI), consisting of two sub-indices: a health sub-index and an education sub-index; an economic and environmental vulnerability index (EVI), consisting of two sub-indices: an economic vulnerability sub-index and an environmental vulnerability sub-index (UN list of least developed countries).

In fact, all countries can be divided into three unequal groups in the international legal discourse: the most developed countries, developing countries and the least developed countries.

The international legal discourse categorization is closely connected with its other prominent feature – ambiguity that sometimes transforms into the double standards policy (Zhang, 2015).

For instance, the peremptory norms of general international law (jus cogens) declared by the UN Charter are to some extent inconsistent. The territorial integrity and right to self-determination of peoples are contrary and such legal overlap leads to the tensions increase and new armed conflicts. Moreover, the Arab states reservations concerning human rights, in particular, women's rights, encourage international legal discourse fragmentation and disrespect. In particular, Bahrain interprets ICCPR Articles 3 (equal right of men and women to the enjoyment of all civil and political rights), 18 (right to freedom of thought, conscience and religion) and 23 (rights concerning marriage and a family life) as not affecting the prescriptions of the Islamic Shariah.

International legal discourse is created through a system of mutual concessions and agreements. However, such agreements must not disrupt the international legal discourse fundaments. That's why the international legal discourse essential purpose is to further the balance between the universal order adherence and states' interests support.

The international legal discourse syntax is characterized by the complex and compound sentences prevalence. It is necessary in order to achieve the clarity and precision sufficient level. The United Nations Convention on the Law of the Sea is a prominent example of this feature.

From the pragmatic point of view international legal discourse has two main peculiarities. On the one hand, it regulates relations on the interstate level that allows to promote and restore international stability. On the other hand, international legal discourse persuades nation-states as well as their peoples to follow their commitments in good faith and restrain from using armed forces. Thus, it is crucially important to enhance awareness about international legal discourse. It can be a part of youth educational programs, school and university curricula. We should also take into account that both aspects are equally important since international legal discourse is legally binding but not compulsory in comparison with the legal discourse. It derives from the international legal discourse nature: nation-states are sovereigns and, as a result, they have legal immunity, i.e., they cannot be sued unless their prior permission was delivered (e.g., European Court of Human Rights or International Court of Justice jurisdictions). A similar example is the European Union creation: nation-states transferred a part of their sovereign rights to the supranational organization (e.g., the EU common monetary policy, its competition law).

In the present study it is emphasized for the first time that international legal discourse in English combines features of diplomatic as well as of legal discourse.

As the diplomatic discourse influences international legal discourse, the latter is characterized by wide use of French loanwords, ambiguity, categorization, excessive solemnity and politeness (D'Acquisto, 2017; Zhang, 2015).

Its peculiarities, such as institutionalization, prolixity, the use of Latinisms, some archaisms and legal terms are clearly inherent from the legal discourse (Goodrich, 1984).

Nevertheless, international legal discourse is *ipso facto* unique. Firstly, such its qualities as assimilation, impersonalization, indetermination, complex and compound sentences prevalence prove its autonomous nature. Secondly, international legal discourse has its own aims: to regulate relations on the interstate level and to persuade peoples and nations to promote peace and security all over the world.

**Conclusions and Perspectives.**

International legal discourse plays a significant role in the contemporary life. In fact, it was formed on the overlap of diplomatic and legal discourses. Thus, international legal discourse has such significant peculiarities as:

1. Assimilation, in particular, collectivization is used in order to indicate international legal discourse overwhelming character.
2. Institutionalization, i.e. UN and its agencies creation.
3. Prolixity, i.e. detailed descriptions.
4. Ambiguity sometimes leading to the double standards policy and even to the international legal discourse fragmentation.
5. Use of Latinisms as a legal discourse contribution and French loanwords as a result of its inherent connection with the diplomatic discourse.
6. Impersonalization, i.e. the use of Passive Voice.
7. Excessive solemnity and politeness that implies its close ties with the diplomatic discourse.
8. Indetermination.
9. Use of words associated with legal discourse including archaisms as well as legal terms.
10. Categorization.
11. Complex and compound sentences prevalence.

12. Regulation and persuasion as the two main aims of the international legal discourse.

The aforementioned allows us to conclude, that international legal discourse is an autonomous type of discourse that gradually changes and reveals perspectives for the future research.

## *REFERENCES*

1. Azadbakht, F. (2019). The Language of International Law; Monologue or Polyphonic Test. *International Studies Journal (ISJ)*, Vol. 15, No. 4 (60), 19-30. https://doi.org/10.22034/isj.2019.89543

2. Butko, N.G., & Butko, O.A. (2023). A Short Analysis of English Legal Discourse. *The XXIV International Scientific and Practical Conference "Current scientific opinions on the development of current education"*, 208-209. https://eu-conf.com/events/current-scientific-opinions-on-the-development-of-current-education/

3. Butko O.A. (2023). The Pragmatics and the Discourse Interconnection. *II International scientific and practical conference "Modern Approaches to Problem Solving in Science and Technology"*. Warsaw, Poland https://isu-conference.com/arkhiv/modern-approaches-to-problem-solving-in-science-and-technology/

4. Cheng, L., & Machin, D. (2022). The law and critical discourse studies. *Critical Discourse Studies*, 20(3), 243 - 255. https://doi.org/10.1080/17405904.2022.2102520

5. Coaguila, J. (2005). El análisis discursivo del derecho. *Isonomía, Revista de Teoría y Filosofía del Derecho*, núm. 23, 165-177. https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1405-02182005000200008

*6.* D'Acquisto, G. (2017). *A Linguistic Analysis of Diplomatic Discourse: UN Resolutions on the Question of Palestine.* Cambridge Scholars.

7. Dellavalle, S. (2017). Law as a Linguistic Instrument Without Truth Content? On the Epistemology of Koskenniemi's Understanding of Law. *Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht*, 199-233. https://doi.org/10.2139/ssrn.2773743

8. Domínguez, F.N. (1999). El discurso jurídico. Aspectos lingüísticos y culturales del lenguaje jurídico en los países del área francófona y su relación con la traducción. *Lengua y cultura estudios en torno a la traducción : volumen II de las actas de los VII Encuentros Complutenses en torno a la traducción*, 437-446. https://cvc.cervantes.es/lengua/iulmyt/pdf/lengua_cultura/54_navarro.pdf

9. Goodrich, P. (1984). *Legal Discourse; Studies in Linguistics, Rhetoric and Legal Analysis.* University of Edinburgh.

10. Gotti, M. (2008). El discurso jurídico en diversas lenguas y culturas: Tendencia a la globalización e identidades locales. *Revista Signos,* 41(68) 381-401 https://www.redalyc.org/pdf/1570/157013774002.pdf

11. Goy, C.Q. (2022). La lingüística y el derecho. Un análisis desde a perspectiva de género. *Revista Digital de Políticas Linguísticas*, Núm. 16. https://revistas.unc.edu.ar/index.php/RDPL/article/view/39528

12. Hall, E.T., Hall M.R. (1990). *Understanding Cultural Differences.* Intercultural Press, Yarmouth, Maine.

13. Hofstede, G. (2001). *Culture's Consequences: Comparing Values, Behaviors, Institutions and Organizations Across Nations*. Sage.

14. Holtseva, M. (2023). Anglomovnyi dyplomatychnyi dyskurs Rady Bezpeky OON: struktura i pragmatyka [Dissertation for Ph.D. Degree in Philology, Borys Grinchenko Kyiv University] (in Ukrainian). https://elibrary.kubg.edu.ua/id/eprint/46099/

15. International Covenant on Civil and Political Rights (1966). https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

16. Kravchenko, N.K. (2007). Mizhnarodno-pravovyi dyskurs: kognityvno-komunikatyvnyi aspekt [Dissertation for Sc.D. Degree in Philology (10. 02. 15 - General linguistics), Taras Shevchenko National University of Kyiv] (in Ukrainian).

17. Kravchenko, N.K., & Nikolska, N.V. (2020). Discourse Structure Relationships (Based on International Legal "Soft Law" Discourse). *International journal of philology,* Vol. 11, № 1, 2020, 101-107. https://doi.org/10.31548/philolog2020.01.101

18. Kolesnyk, O. (2018). Verbal Representations of the Value-Concepts: A Linguo-Cultural Sketch. *Linguaculture,*. 9(1), 41–54. https://doi.org/10.47743/lincu-2018-1-0112

19. Kolesnyk, O.S., & Holtseva, M. (2022). Lies and deception in modern english diplomatic discourse: pragmatics in interdisciplinary focus. *Cogito - Multidisciplinary research journal, 14 (1).* pp. 154-173. https://cogito.ucdc.ro/COGITO_MARTIE_2022.pdf

20. Kopytina, A., & Makhachashvili, R.K. (2021). Associative conceptual constant of subconcepts E-space and Cyberspace. *Periodyk naukowy akademii polonijnej (1).* pp. 71-84. https://doi.org/10.23856/4408

21. Loma-Osorio Fontecha, M. (2004). *Estructura y función del texto económico fundamentos de una léxico-gramática del discurso económico en español y en inglés.* Madrid: Universidad Complutense de Madrid, PhD thesis.
https://www.europeana.eu/mt/item/9200101/BibliographicResource_1000126629852

22. Makhachashvili, R.K., & Bilyk, K. (2019). Korpusne doslidzhennia tekstiv rubryky "nadzvychaini novyny" u frantsuzkii, angliiskii ta ukraiinckii movah. Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu, Seria Filologia, 4 (43), 151-154.
https://doi.org/10.32841/2409-1154.2019.43.4.36

23. Makhachashvili, R.K., & Bilyk, K. (2021). Doslidzhennia funktsionalno-linhvistychnykh aspektiv zaholovkiv tekstiv novyn u suchasnomu frantsuzkomu mediadyskursi. Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu, Seria Filologia, 1 (48), 139-143. https://doi.org/10.32841/2409-1154.2021.48-1.33

24. Mowbray, J. (2014). "The future of international law: shaped by English", Völkerrechtsblog, https://doi.org/10.17176/20170104-165855

25. Pozhar, A. (2021). "Movlennevi akty ekspresyviv u mizhnarodno-pravovomu dyskursi: typy, struktura i funktsii". *Scientific journal of the Lviv State University of Life Safety "Philological Periodical of Lviv"*, № 10, 2021. https://doi.org/10.32447/2663-340X-2021-10.17

26. Reservations and declarations made by State parties of the International Covenant on Civil and Political Rights (ICCPR). (2017).
https://ccprcentre.org/files/media/List_of_ICCPR_reservations.pdf

27. Scott, R. (2001). *Institutions and Organizations*. Sage.

28. Smolka, J., & Pirker, B. (2016). International Law and Pragmatics — An Account of Interpretation in International Law. International Journal of Language & Law vol. 5, 1-40. https://doi.org/10.14762/jll.2016.001

29. UNCTAD (2024). UN list of least developed countries https://unctad.org/topic/least-developed-countries/list

30. United Nations. (n.d.). New globalization report: Three mega-trends expected to impact our future. https://www.un.org/en/desa/new-globalization-report-three-mega-trends-expected-impact-our-future

31. United Nations. Peremptory norms of general international law (Jus cogens). Analytical Guide to the Work of the International Law Commission (2024).
https://legal.un.org/Ilc/guide/1_14.shtml
32. United Nations Charter (1945). https://untso.unmissions.org/sites/default/files/united_nations_charter.pdf
33. United Nations Convention on the Law of the Sea (1982). https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
34. van Leeuwen, T. (1996). The representation of social actors. In C.R. Caldas-Coulthard & M. Coulthard (Ed.), *Texts and Practices. Readings in Critical Discourse Analysis* (pp.32-70). Routledge.
35. Vienna Convention on Diplomatic Relations (1961). https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf
36. Vienna Convention on the Law of Treaties (1969). https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
37. Whittaker, S. (2014). Contrastive legal discourse research. Corpus design and applications. *Revue française de linguistique appliquée,* 2014 (1) (Vol. XIX), 49-57. https://www.cairn.info/revue-francaise-de-linguistique-appliquee-2014-1-page-49.htm?ref=doi
38. Zhang, J. (2015). *Implicitness Constructed and Translated in Diplomatic Discourse*. Newcastle upon Tyne: Cambridge Scholars Publishing.

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