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PRIVATE LEGAL DISCOURSE AND THE SOCIOPRAGMATICS OF TESTAMENTARY TEXTS

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Abstract.
This article examines the concept of the discourse community and its relevance to the analysis of legal discourse. Drawing on the idea that people communicate through shared goals, genres, terminology and social values, the article explains how institutional and private forms of legal discourse interact. Special attention is given to the testament as a legal genre in which personal will, family relations, cultural norms and institutional requirements intersect. The study shows that a testament is not merely a standardized legal document, but a sociopragmatic text that reflects the legal status of the testator, the social position of heirs and the regulatory force of law. The article argues that the opposition between institutional discourse and personal discourse is not absolute: in legal communication these two poles are dialectically connected.

Keywords: discourse community; legal discourse; private discourse; institutional discourse; testament; sociopragmatics; legal genre; social identity.

Introduction

The notion of a discourse community has become one of the central concepts in modern discourse studies. It is especially important for explaining how groups of people create, maintain and recognize shared communicative practices. A discourse community is not defined only by a geographical territory or by formal membership. It is formed around common goals, shared genres, accepted terminology, values, rules of interaction and habitual ways of producing texts.

The concept was widely used by the English linguist John M. Swales, who emphasized that discourse communities should not be reduced to academic or purely intellectual groups. Researchers often discuss such communities in academic contexts, and this may create the mistaken impression that discourse communities exist only within scientific paradigms or scholarly circles. However, discourse communities may also be found in non-academic, professional, religious, digital, legal and everyday communicative environments.[1]

In this sense, discourse is inseparable from society. It is through discourse that people identify themselves as members of a particular professional, institutional or cultural group. The present article translates and systematizes the main ideas of the provided Uzbek text into an English-language academic article. It focuses on the relationship between discourse communities, social identification and legal discourse, with particular attention to the testament as a private legal genre.

The Concept of the Discourse Community

A discourse community may be defined as a group of people united by certain aims and communicative practices. Members of such a community communicate through a common language, recurring text genres, specialized terms and shared values. These features allow members to understand one another and to distinguish their communicative behavior from the behavior of outsiders.

[1] Swales, J. M. (1990). *Genre Analysis: English in Academic and Research Settings*. Cambridge: Cambridge University Press.

For example, the legal profession forms a discourse community. Lawyers, judges, notaries and other legal actors use genres such as statutes, codes, contracts, court decisions, claims and legal opinions. They also rely on legal terminology and institutional formulas that are meaningful within the legal sphere. Similarly, a religious community has its own discourse, which includes special expressions used in rituals, prayers and ethical instruction, such as good deed, blessing, merit and supplication.

Internet forums, fan communities and online groups may also be treated as discourse communities. They develop their own slang, rules, norms of politeness, genres of posts and communicative habits. In each case, the community is recognized not only by its membership, but also by the linguistic and textual practices that organize communication.

Social identification is closely connected with discourse communities. A person identifies himself or herself as a member of a particular group by using the language, genres and communicative strategies of that group. For instance, a researcher presenting a paper at an academic conference performs the identity of a scholar. The researcher speaks in an academic style, presents evidence, cites sources and uses disciplinary terminology. Through these linguistic actions, the speaker demonstrates belonging to the scientific discourse community.

A teacher may similarly present himself or herself as a representative of the pedagogical community. In professional speech the teacher uses terms such as quality of education, curriculum, didactic approach, learning outcomes and methodology. These terms are not neutral words; they function as signs of professional belonging. Thus, discourse does not merely transmit information. It also constructs social identity and regulates the speaker's position within a community.

The same principle can be seen in legal discourse. A legal professional, a testator, a judge, a notary or a contractual party communicates not only as an individual, but also as a participant in a system of legal roles. Legal discourse therefore includes both personal and institutional elements.

Normative and Hierarchical Language Structures

In specialized discourses, language often reflects normative and hierarchical structures. This is particularly visible in private, legal, military, medical and administrative discourse. Military discourse, for example, is characterized by command forms, subordination and vertical hierarchy. Speech acts are arranged according to rank and authority.

Legal discourse also demonstrates institutional power. The sentence According to the court decision, the claim was dismissed contains official status, institutional authority and clear illocutionary force. It is not simply a statement; it performs a legal communicative function. Medical discourse likewise reflects specialized knowledge and social roles: The patient was observed to be in a hypertensive crisis; immediate perfusion must be started. Such an expression presupposes professional knowledge and a specific relationship between doctor, patient and institution.

These examples show that discourse is shaped by social roles. The speaker's position, the addressee's status and the institutional setting influence vocabulary, grammar, modality and genre structure.

Institutional and Private Legal Discourse

In much of the scholarly literature, legal discourse is often viewed only as institutional discourse. Such a view, however, does not fully account for legal genres in which institutional norms are integrated with personal expression. Legal discourse includes genres where institutional authority and individual will do not oppose each other, but exist in dialectical connection.

The dialectic between institutional and personal elements may serve as a basis for distinguishing two broad types of legal discourse: institutional legal discourse and private legal discourse. Institutional discourse imposes role characteristics on the subject. It uses established formulas, standard communication strategies and recognized schemes of interaction. In this type of discourse, the speaker is expected to act according to the rules of the legal institution.

Private legal genres, by contrast, combine institutional and personal elements. They create a mixed form of legal discourse because communication takes place within a legal format, while the subject still has enough freedom to express personal intention and to appear as a sovereign participant in legal relations. This mixed quality is especially visible in documents such as testaments, complaints and certain types of legal opinions.

According to the view attributed in the source text to the Russian pragmalinguist O. Krapivkina, each form of legal discourse is realized through a particular genre. Legislative discourse is represented by laws, constitutions and decrees. Judicial discourse is represented by complaints, court decisions and the separate opinion of a judge. Private legal discourse is expressed through contracts and testaments.[2]

Among legal documents, the testament has a special position. On the one hand, it is the legal expression of a person's private will. On the other hand, it is a discursive phenomenon formed according to social, cultural and legal norms. For this reason, the text of a testament may be analyzed as a private discourse whose sociopragmatic features deserve special attention.[3]

A testament directly expresses the individuality and personal will of its author, namely the testator. Subjectivity has a leading role in this genre. Unlike many other legal texts, the testament is shaped by the testator's attitude toward property, relatives, family values and moral responsibility. In this respect, the testament belongs to the sphere of private discourse, even though it must follow legal requirements in order to have legal force.

The text of a testament does not arise outside social relations. It is embedded in social conditions, family relations, cultural expectations and legal norms. Three sociopragmatic factors are especially important.

First, the social and legal status of the testator determines the force of the document. The testator appears as a legal subject who has the authority to dispose of property according to law. This status gives the text its legal validity.

Second, kinship and social relations influence the pragmatic content of the testament. The addressees of the text are usually children, a spouse, relatives or other heirs. By naming these persons, the testator not only distributes property but also constructs a network of social obligations and expectations.

Third, cultural and legal traditions shape the distribution of property. In a testament, inheritance is not only a matter of individual desire. It may also reflect traditional values, religious-legal norms, family hierarchy and culturally accepted concepts of justice. Thus, the testament is both personal and socially regulated.

From a pragmatic point of view, a testament performs several functions. Its illocutionary function consists in expressing the will of the testator as a legally valid statement. The phrase I bequeath is not simply descriptive; it performs an act of legal disposition.

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[2] Krapivkina, O. A. (2014). Legal discourse and its genre organization: institutional and private dimensions.

[3] For the analysis of professional and legal genres, see Bhatia, V. K. (1993). *Analysing Genre: Language Use in Professional Settings*. London: Longman.

The perlocutionary function of the testament is connected with its consequences for the heirs and other recipients. After the document takes legal effect, it produces specific legal and social outcomes: rights are transferred, obligations appear and family relations may be reorganized.

The regulatory function of the testament concerns the ordering of property relations in the family and society. It helps prevent uncertainty, defines heirs, establishes the distribution of assets and provides a legal framework for the implementation of the testator's will.

The testament is marked by its own linguistic features. One important feature is the predominance of the first-person singular form, as in I bequeath. This form directly connects the legal act with the subjectivity of the testator.

Another feature is the use of standard legal vocabulary, including terms such as heir, legal successor, property, estate, distribution and inheritance. These lexical units help transform private intention into legally recognizable meaning.

The third feature is strict modality. Words and forms expressing obligation, necessity and enforceability are common in testamentary discourse: must, shall, is to be distributed and is required. Such modal markers give the text normative force and distinguish it from ordinary personal speech.

The Testament and the Contract: A Comparative Perspective

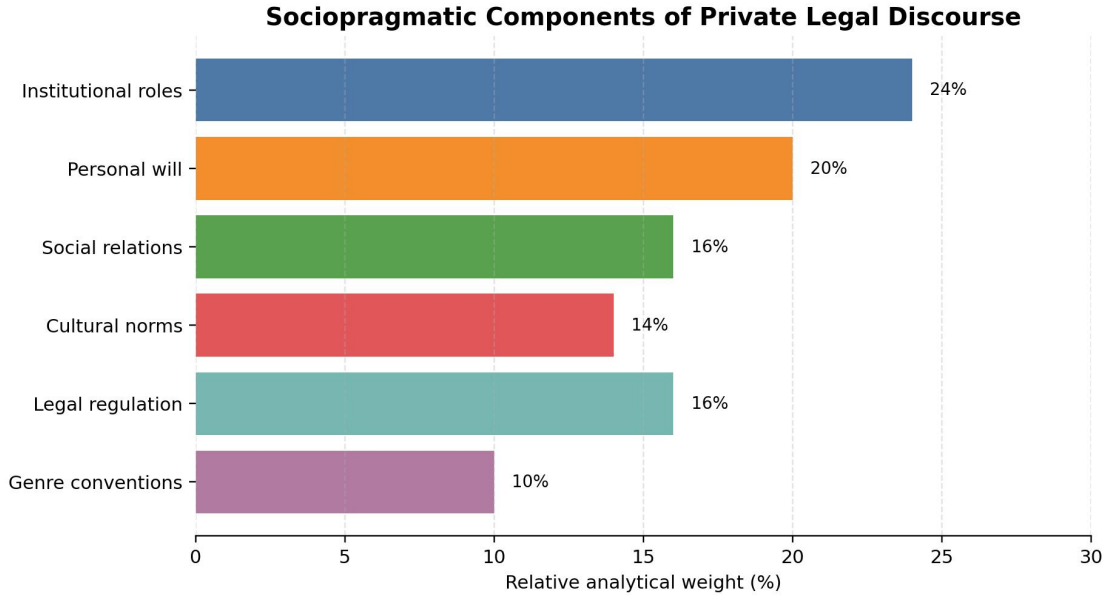
Although both the testament and the contract belong to legal discourse, they do not express personal identity in the same way. The testament is characterized by personal will and individual expression. It reflects the testator's relationship to property, relatives and values. A contract, however, usually has a more institutional character.

In contractual discourse, participants tend to construct their speech according to the situation and the institutional role they occupy. They often suppress the personal self and communicate within a limited thematic field such as sale, rent, transport, service provision or labor relations. Contracts also rely heavily on ready-made formulas strictly connected with legal content. These factors determine the institutional character of the contract.

Therefore, the testament and the contract demonstrate different degrees of personal and institutional expression. The testament is closer to private legal discourse, while the contract is more strongly linked to institutional patterns of legal communication.

Diagram: The Balance of Sociopragmatic Components

The following diagram presents a schematic visualization of the main sociopragmatic components that interact in private legal discourse. The percentages are not statistical measurements; they are an analytical model designed to show the relative importance of the components discussed in the article.



Sociopragmatic components of private legal discourse

Figure 1. Sociopragmatic components of private legal discourse (schematic model).

Conclusion

Legal discourse practices maintain a balance between the poles of institutionality and personality. For this reason, the boundaries of legal discourse are not always clear and fixed. Alongside purely institutional genres such as laws, constitutions, court decisions and contracts, legal discourse also includes private or hybrid genres such as decrees, separate judicial opinions, testaments and complaints.

This interaction shows that two types of discourse are closely connected in the legal sphere. The first is the discourse of the I-subject, in which the individual appears as an independent participant expressing personal will. The second is the discourse of the institutional subject, which is based on norms, interpretations and communicative models accepted by the legal community.

It is therefore not sufficient to label all legal discourse as strictly institutional. The sociopragmatic analysis of private discourse creates a basis for a deeper understanding of the relationship between language and society. Through such analysis, language is studied not only as a communicative instrument, but also as a means of social regulation, professional identification and interaction. This confirms the relevance of discourse analysis in contemporary linguistics.

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