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INTERDISCURSIVE ACTUALISATIONS OF THE TERM "LAWYER"

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The paper addresses the issue of functioning of the terms originating from sphere of law. T o the basic focus of the article belong the issue of mixing the different types of discourses and its implicit potential. The research offers the historical background of interdiscursivity with its modern interpretation where it is strictly differentiated from intertextuality. Furthermore, the notion is approached from the standpoint of its ability to influence the spread of the legal terms and their new meanings' crystallisations. The legal term "lawyer" is given an expended potential through it being realised via its closest counterparts or synonyms. The criterion for such realisation is prime stemming from legal discourse which points at these counterparts to be able to designate a legal professional in the situations concerned with law. It is suggested in the paper that the language factor in legal profession gets considerably influenced through the applicability of legal terms in different environments, which postulates that behind borders framed by occupation, the terms tend to mix or actualise in other spheres and institutional contexts. Thus the research aims at investigating whether the tendency is relevant to legal term "lawyer" actualised through its counterparts or synonyms. As the result, the mass media has been opted due to its possibility to preserve the potential source for establishing the interdiscursive connections. The list of the synonymous terms or counterparts of "lawyer" is outlined and the number of the discourses serving potentially as the locus for interdiscursive actualisations is identified. The article offers the description of the peculiarities the terms establishing interdiscursive ties acquire with respect to their meanings. It has been outlined that language of law is prone to being extensively utilised out of court which points at the opposite to the rigid character normally associated with legal discourse. The tendencies of changing meaning while entering other dimension different from the legal type of discourse are spotted and calculated in percentage ratio.

ІНТЕРДИСКУРСИВНІ АКТУАЛІЗАЦІЇ ТЕРМІНА "LAWYER"

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Ключові слова: працівник юридичної сфери, відповідник, інтердискурсивність, інтертекстуальність, дискурс. Стаття присвячена проблематиці функціонування термінів, що першочергово належать до сфери права. Основна увага статті сфокусована на проблемі змішування різних типів дискурсів та на її імпліцитному потенціалі. Дослідження пропонує елементи історичного розвитку та становлення підвалин поняття інтердискурсивності з його сучасною інтерпретацією. Окрім того, дане поняття розглядається з позиції його здатності впливати на розповсюдження термінів та кристалізації їхніх значень. Юридичний термін "lawyer" отримує розширений потенціал через залучення для його кращого розуміння та встановлення точного вживання набору його синонімів або відповідників. Критерієм для такої його реалізації слугує первинна приналежність до юридичного дискурсу, встановлена за допомогою аналізу розвитку терміна в діахронічному зрізі. Робота розкриває те, що чинник мови у професійній сфері діяльності отримує неабиякий вплив шляхом використання внутрішньопрофесійних термінів поза межами дискурсу їхньої первинної приналежності, через їх змішування в іншому типі дискурсу або завдяки актуалізації в них іншого значення. Мета дослідження – упевнитися в тому, чи припущена тенденція є релевантною до юридичного терміна "lawyer", актуалізованого за допомогою залучення його відповідників або синонімів до аналізу фрагментів різних типів дискурсу. У результаті: масмедіа були обрані, з огляду на їхній потенціал, як джерела набуття інтердискурсивних зв'язків; було складено набір синонімічних до "lawyer" термінів; було визначено певну кількість дискурсів, які б могли слугувати локусами інтердискурсивних актуалізацій. Загалом, стаття пропонує стислий опис особливостей, яких набувають терміни, що будують інтердискурсивні зв'язки. Тенденції, які фіксують зміну значення або актуалізацію значення, яке не притаманне терміну в межах юридичного дискурсу, отримують пояснення у відсотковому співвідношенні. Результати досліджень даної роботи відкривають перспективи подальшого розгляду чинників, які впливають на кристалізацію або зміну значення терміна шляхом набуття інтердискурсивних зв'язків.

Among the most important traits of modern world is blurring of the borders in geographical, political as well as in language respects. While the trigger is well known and it is a global network, the outcomes provide quite a broad agenda for discussions. Hence the fact that language serves for fixing the world in words, it is one of the most variable and thus vulnerable aspects of modern society. The major part of information is transferred through and via language. Moreover, concerning the total online mode of modern life, the representatives of almost all ages and professions globally are forced to experiencing its impact on professional language and thus the issue of processes occurring in specialised communication still stay relevant. The latter points out the various discourses agenda as the object of the current study having the counterparts of the term "lawyer" as the subject to the analysis conducted. It is hypothesized that the language factor in profession gets considerably influenced through the applicability of professional terms (legal, medical, political ones etc.) in different environments, behind those framed by occupation, which tend to mix or actualise in other spheres and institutional contexts with slight alterations. The aim of the paper is to investigate whether the tendency is relevant to legal term "lawyer" through investigating the terms serving as its potential counterparts or synonyms. To reach the set aim it is necessary: to outline the list of the possible terms substituting the term "lawyer" in other types of discourses; to identify the sphere which will serve as an interdiscursive space; to analyse the fragments of different types of discourse which potentially can provide the footing for interdiscursive realisations of the researched terms; to determine the peculiarities the legal terms under investigation gain while entering other discourses.

The idea of interdiscursivity is not new, it actually, stems from a number of philosophical and literary movements in the 20th century among which are pragmatism and structuralism, tracing its way through disciplines till 1966, when it got a mention by Bulgarian literary scholar Julia Kristeva. The latter was attributing to the term used by Mikhail Bakhtin. In fact, the roots of interdiscursivity are going far back to Bakhtin's "heteroglossia" [2]. Bakhtin postulated predominantly social aspect of the notion which "holds a heteroglossic view that any text is a combination of one's own voice and the voices of others" [1, p. 291]. This, in 1992 was reflected by Fairclough as interdiscursivity and was believed to be far more embracing than just a stylistic phenomenon. The issue managed to draw the attention to its application for social practice. Thus, interdiscursivity, as well as the constantly changing interdiscursive relations in texts, is central to an understanding of the process of social change [4].

Modern perception of interdiscursivity refers to "mixing of diverse genres, discourses, or styles associated with institutional and social meanings in a single text" [5, p. 96]. Interdiscursivity shouldn't be blended with intertextuality, hence the fact that these two function on "different dimensions" and that interdiscursivity refers to how a text is constituted by a combination of other language conventions (genres, discourses and styles). In other words, intertextuality is explicated through being fixed by specific surface forms belonging originally to the other texts. On the other hand, interdiscursivity incorporates "the whole language system referred to in a text" [5, p. 97], which complicates the phenomenon. In this sense, interdiscursivity is more sophisticated due to the fact it relates to the implicit relations between discursive formations whereas there are mostly the explicit ones concerning the texts.

To illustrate the existence of interdiscursive scope the legal term "lawyer", originally stemming from legal discourse, has been selected for the analysis. Moreover the earlier cognitive and semantic research of the term "lawyer" illustrated the its high degree of importance while referring to any situation concerned with legal discourse, where it designates a constant implicated participant of a situation of "LAWSUIT". The latter explicates only two participants a plaintiff, a defendant and their actions. All these 3 elements are the explicit core constituents of the action frame "LAWSUIT" which are the slots (containers to be filled with the lexis) to this structure. Interpreting the mentioned participants of the stereotypical situation in terms of frame semantics, action frame LAWSUIT explicates the implied slot "Instrument" grounding on the functions: "to aid" and "to act as an independent intermediary" performed by the implicated participants of "Lawsuit" situation, which might be designated by different lexical units: law*yer, counsellor, attorney, barrister, solicitor, defender,* advocate, jurist, mouthpiece, pleader etc. [3, p. 36]. So, the term "lawyer," as well as its synonyms, which can be applied for marking implicit participant of the "LAWSUIT" situation, are performing the same or similar function of acting as an independent intermediary or giving a legal aid, and are preserving all the grounds for being the transparent representatives of legal discourse and thus are posing the potential for functioning as the actualisations of a term "lawyer" behind the border line of the mentioned discourse.

The further investigation of the legal term "lawyer" requires the expending of the edges of legal discourse that means entering interdiscursive space [4; 5]. The online platforms of mass media have been selected as the potential candidates for such spaces. The latter, being approached as the scope where various types of discourses overlap and coexist, is a potential "manufacturer" that launches previously undetected meanings of lexemes stemming from definite kind of discourse they are supposed to originally belong to.

To distinguish the set of the counterparts of a "lawyer" in interdiscursive space the set of terms primarily originating from legal discourse is to be formed. According to *Thesaurus*¹ platform and *Online Etymology Dictionary*², the usage of the term "lawyer" can be used interchangeably with such terms as:

- **advocate**³: mid- 14th century "one whose profession is to plead cases in a court of justice", a technical term from Roman law, from Old French *avocat* "barrister, advocate, spokesman", from Latin *advocatus* "one called to aid (another)";

- counselor⁴: mid- 13th century, counseiler, "one who gives counsel or advice, a confidante", from Old French conseillier "counselor, adviser" (Modern French conseiller), from Latin consilator, "agent noun from consiliare, from consilium";

- **attorney**⁵: early 14th century (mid- 13th century in Anglo-Latin), "one appointed by another to act in his place", from Old French **atorné** "(one) appointed", The sense is of "one appointed to represent another's interests";

- **barrister**⁶: "one practicing as an advocate in English courts of law", 1540's from bar in the legal sense + -*ster*;

- counsel⁷: p. 1200, "advice or instruction given"; p. 1300, "mutual advising or interchange of opinions, consultation", from Old French counseil "advice, counsel; deliberation, thought" (p. 10), from Latin consilium "plan, opinion", from assimilated form of com "with, together" + root of calare "to announce, summon";

- **defender**⁸: p. 1300, *defendour*, "one who protects from injury a champion" (early 13 p. as a surname), via Anglo-French from Old French *defendeor*, agent noun from defendre (see defend). The Latin word in this sense was *defensor*;

- jurist⁹: mid- 15th century "one who practices law"; 1620's, "a legal writer, one who professes the science of the law", from French juriste (14th century), from Medieval Latin *iurista* "jurist", from Latin *ius* (genitive *iuris*) "a right", especially "legal right or authority, law", also "place where justice is administered, court of justice", from Old Latin -*ious*, perhaps literally "sacred formula"? a word peculiar to Latin (not general Italic) that originated in the religious cults, from PIE root *yewes- *"law";*

– pleader¹⁰: Middle English (in the sense "to wrangle"): from Old French *plaidier* "go to law", from plaid "discussion";

- **proctor**¹¹: "one employed to manage the affairs of another", late 14th century, contraction of procurator (p. 1300) "steward or manager of a household"; also "a provider". From late 14th century as "one who acts or speaks for another"; **spokesman**, advocate; early 15th century as "business manager or financial administrator of a church, college, holy order, etc.";

- procurator¹²: p. 1300, procuratour, "steward or manager of a household"; also "a provider" (late 13 p. as a surname), from Old French procuratour "attorney, agent, proxy, spokesman" (13 p., Modern French procurateur) and directly from Latin procurator "manager, overseer, agent, deputy";

-solicitor¹³: early 15th century, solicitour "one who urges", from Old French soliciteor. Meaning "one who conducts matters on behalf of another" is from early 15th century. As a name for a specific class of legal practitioners in Britain, it is attested from 1570's.

The list of the abovementioned synonyms for "lawyer" is formed based on the proximity of its constituents towards the functions a lawyer performs in the situations of legal matters. Consequently, the synonyms form the alternative to the implicit slot "Lawyer" of the action frame "LAWSUIT," which marks the participant (who strictly acts on behalf of a client in any legal matter¹⁴) of the situation under the same name.

Upon the analysis of different fragments of mass media discourse containing the legal terms from the abovementioned list the following fragments of various discourse are detected:

LEGAL DISCOURSE: (1) "Judicial ethics experts generally say the views of a judge's spouse should not be attributed to the **jurist**, although they can create an appearance problem"¹⁵; (2) "He, on the other hand, who shelters one whom he knows to be a traitor is, according to all our **jurists**, guilty of high treason"¹⁶; (3) "I always thought I could have been a therapist or **a counselor** of some kind"¹⁷; (4) "Dunleavy chose Clarkson as **attorney general** in December 2018"¹⁸; (5) "State law allows large

¹URL: https://www.thesaurus.com/.

² URL: https://www.etymonline.com/.

³URL:https://dictionary.cambridge.org/dictionary/english/advocate? q=advocate_1.

⁴ URL: https://www.vocabulary.com/dictionary/counselor.

⁵URL: https://www.ahdictionary.com/word/search.html?q=attorney.

⁶URL: https://www.lexico.com/en/definition/barrister.

⁷ URL: https://www.merriam-webster.com/dictionary/counsel.

⁸ URL: https://www.dictionary.com/browse/defender.

⁹URL: https://www.ahdictionary.com/word/search.html?q=jurist.

 $^{^{10}\,}URL:\,https://www.vocabulary.com/dictionary/pleader.$

¹¹ URL: https://www.yourdictionary.com/proctor.

 $^{^{12} \}text{URL: https://www.merriam-webster.com/dictionary/procurator.}$

¹³ URL: https://www.merriam-webster.com/dictionary/solicitor.

¹⁴ Dunievska O. Function of a Lawyer <...> P. 37.

¹⁵URL: https://www.memeorandum.com/210202/p72#a210202p72.

¹⁶ URL: https://www.gutenberg.org/files/1468/1468-h/1468-h.htm.

¹⁷ URL: https://www.ozy.com/news-and-politics/danica-patrickon-why-she-never-loved-racing-and-her-post-track-career/ 418601/.

¹⁸URL: https://www.propublica.org/article/alaskas-attorney-generalon-unpaid-leave-after-sending-hundreds-of-uncomfortabletexts-to-a-young-colleague#990902.

cities to pursue people and businesses who engage in unfair and fraudulent practices, and a chief deputy city attorney told us that his staff have investigated hundreds of complaints during the pandemic"¹⁹; (6) "Lisa Sarro, the former supervising attorney, estimated that the legal aid office defended or advised more than 100 HACA residents in the past two years "20; (7) "On par with speeding tickets, infractions don't entitle defendants to legal counsel or a trial by jury"; (8) "Voters will also decide whether the city should create a new police oversight commission with independent legal counsel and subpoena power"²¹; (9) "It allows you to, if you're confronted with the criminal-justice system, be able to hire the best counsel possible"²²; (10) "He was assigned a public defender in Illinois for a hearing Friday on his transfer to Wisconsin"²³; (11) "Young, also a Judiciary Committee member, told The Post and Courier that more detailed disclosures are essential to selecting qualified jurists"²⁴; (12) "Several jurists say this type of procedure, although legal in Cuba, does not respect the due process that any accused deserves"²⁵; (13) "The Post also reports that "it is possible that when he reveals his decision, he also will announce picks for deputy attorney general, associate attorney general and solicitor general^{"26}; (14) "Although justices haven't yet responded to the request, they're likely to allow the acting solicitor general to participate given the federal implications of the case"27.

POLITICAL DISCOURSE: (1) "Voting-rights advocates said they are concerned with requirements that create more opportunities for voters to make mistakes and potentially make it less likely for their ballot to count"²⁸; (2) "Instead, according to rec-

ords obtained by ProPublica, the deputy contacted the Heritage Foundation's Hans von Spakovsky, a leading advocate for the discredited argument that American elections are tainted by widespread voting fraud"²⁹; (3) "She told the paper her primary purpose is her work as a counselor, and she hopes her people skills will transfer as a Council member "30; (4) "The outbreak comes as tensions have been mounting locally between federal defense attorneys and prosecutors over practices during the pandemic "31; (5) "After we filed suit last month, an attorney for the city confirmed to Tinkov those records were likely unrecoverable"³²; (6) "The legislative counsel wrote that "legislating remotely arguably violates the constitutional guarantee of open and public meetings", and that it could also violate Prop"³³; (7) "From the first day Shmuel Sunray joined NSO as its general counsel, he faced one international incident after another"³⁴; (8) "Conservatives Clarence Thomas, 72, and Samuel Alito, 70, could opt to step aside for younger right-leaning jurists "³⁵; (9) "For this purpose, the order is sending Father Francisco Gutierrez as their procurator-general".

BUSINESS AND FINANCE: (1) "Of course, for many privacy advocates, surveillance drones capturing people's every move is a dystopian nightmare"³⁶; (2) "Consumer advocates and attorneys say Oportun's legal strategy is also likely effective because many of its borrowers are undocumented and fear the legal system"³⁷; (3) "Both BuzzFeed and Vox Media have created one-to-one programs that employees can take part in to learn from career counselors and executives at the respective companies about how to advance in their careers"³⁸; (4) "Alternative Staffing, which was mentioned in the attorney general's lawsuit but was not a party

³⁵URL: https://www.ozy.com/news-and-politics/sunday-magazine-trump-2-0/372770/.

¹⁹ URL: https://www.voiceofsandiego.org/topics/news/morning-report-the-gop-loved-mail-voting-before-it-hated-it/.

²⁰ URL: https://www.propublica.org/article/she-was-sued-overrent-she-didnt-owe-it-took-seven-court-dates-to-prove-she-wasright.

²¹ URL: https://www.voiceofsandiego.org/topics/news/morning-report-tensions-then-a-pricey-resignation-at-national-school-district/.

²² URL: https://freakonomics.com/podcast/reparations-part-1/.

²³ URL: https://fortune.com/2020/08/28/prosecutors-charge-teenin-fatal-shooting-of-two-protestors-and-wounding-of-a-third-inkenosha/.

²⁴ URL: https://www.propublica.org/article/magistrate-judgestook-bribes-stole-money-and-mishandled-cases-south-carolinaofficials-now-want-reform.

²⁵ URL: https://www.washingtonblade.com/2020/11/30/a-hungerstrike-in-san-isidro-the-protest-that-does-not-let-havana-sleep.

²⁶ URL: https://www.washingtonpost.com/opinions/2020/12/27/ it-takes-team-fix-justice-department/.

²⁷ URL: https://www.washingtonblade.com/2020/08/19/supremecourt-sets-nov-4-to-hear-if-adoption-agency-can-reject-lgbtqparents/.

²⁸ URL: https://www.washingtonpost.com/politics/pennsylvanianaked-ballots/2020/09/24/a559a380-fe9c-11ea-b555-4d71a9254f4bstory.html.

²⁹ URL: https://www.propublica.org/article/before-limitingballot-drop-boxes-to-one-per-county-top-ohio-election-officialssecretly-consulted-promoter-of-debunked-voting-fraud-fears.

³⁰ URL: https://www.voiceofsandiego.org/topics/news/northcounty-report-appointment-of-new-oceanside-leader-makingwaves/.

³¹ URL: https://floridapolitics.com/tag/sunburns/feed/.

³² URL: https://www.voiceofsandiego.org/topics/news/northcounty-report-why-were-suing-solana-beach/.

³³ URL: https://www.voiceofsandiego.org/topics/government/ sacramento-report-jones-covid-19-and-the-irony-of-remotevoting/.

³⁴ URL: https://beanalytics.wordpress.com/2020/08/19/inside-nsoisraels-billion-dollar-spyware-giant/.

³⁶URL: https://fmconseils.com/?p=27945.

³⁷ URL: https://www.texastribune.org/2020/08/31/texas-oportunlender-latinos/.

³⁸ URL: https://digiday.com/media/not-just-the-zoom-happyhour-how-publishers-are-adding-benefits-to-lift-employeepeace-of-mind/.

to it, did not respond to a request for comment"³⁹; (5) "Bret Peace, the **general counsel**, said it's naïve to assume Border Patrol would just wave every cannabis company through"⁴⁰.

ENVIRONMENTAL DISCOURSE: (1) "Globally, the commitment has been well received by climate advocates"⁴¹; (2) "Now 60 years old, Brockovich is a full-time environmental advocate, and in the nearly three decades since the Hinkley case, she says things have gotten worse"⁴².

SPORTS DISCOURSE: (1) "As Jared said before, Murray isn't going to see better **defenders** than he did last round, which has to be encouraging for the Nuggets"⁴³; (2) "Former teammate Kei Kamara remembers games in which Davies would "effortlessly" run around **defenders** in loops, or toy with them with the ball at his feet"⁴⁴; (3) "And, even with Westbrook's propensity to gamble more than he probably should as an off-ball **defender**, none are obvious weak links on that end"⁴⁵.

MEDICAL DISCOURSE: (1) "Stephanie has a social worker and **mental health counselor** who oversee her case"⁴⁶; (2) "Many children, worried that their parents may overhear them talking about their problems to **counselors**, have used the texting service"⁴⁷; (3) "Google named a new top **lawyer** on Tuesday, appointing a 14-year veteran of the company, Halimah DeLaine Prado, as its new general counsel".⁴⁸

DISCOURSE OF EDUCATION: (1) "My energy wasn't placed on schoolwork, but on what my parents and school counselors glibly called "extra curriculars"⁴⁹; (2) "A high school guidance counse-

⁴² URL: https://www.outsideonline.com/2416381/erin-brockovichsupermans-not-coming-book-review. *lor* telling you about this music like that "⁵⁰; (3) "As a school counselor, I know that parents of struggling kids feel powerless and worry about long-term emotional fallout"⁵¹; (4) "Elrich said he "would rather not" have a permanent police presence in schools and would like to hire more counselors and therapists"⁵²; (5) "Accenture employees can pay \$5 an hour – the company covers 75% of the cost – for their children to follow remote learning curriculums in a small group supervised by a proctor".⁵³

The research conducted reveals that all of the researched terms are predominantly used in legal discourse, but the media analysis also illustrates the vast interdiscursive potential of them which is embodied into their easy lending in the other discourses as well. Thus, the research of online media brought to light the issue that the vast net of the legal terms can build interdiscursive relations, but there are at least two main tendencies to distinguish: 1) with the meaning the term was primarily applied in legal discourse ("to act on behalf of a client" or "to assist in legal matters") which was demonstrated by nearly 63% of all interdiscursive actualisations; 2) with the meaning different from that of the legal discourse crystallised by almost 47% of all researched interdiscursivity cases. To tendency № 1 belong mostly such terms as: attorney and jurist; whereas tendency № 2 embraces terms: counsellor (with the meaning of governor or a person who bears particular responsibility and has particular obligations in educational, medical, and public administration spheres), advocate (with the meaning of someone who publicly supports something in sphere of politics and environment), defendant (with the meaning of a game player holding the specified position while the game in the sphere of sport). The first tendency concentrates the terms actualised in the legal, political, business and finance discourses.

To sum it up, the tendency of interdiscursive actualisations explicates the dynamic processes the modern language undergoes. The vast spread of the terms originally stemming from legal discourse among the other types of discourse offers the assumption the legal discourse to be one of the most extensively used and thus popular in global communication. This opposes the ideas of lay persons about the legal dis-

³⁹ URL: https://www.propublica.org/article/temp-workers-fightback-against-alleged-sexual-harassment-and-say-they-faceretaliation-for-doing-so.

⁴⁰ URL: https://www.voiceofsandiego.org/topics/economy/ businesses-say-border-patrol-is-seizing-legal-cannabis-betweensan-diego-imperial/.

⁴¹ URL: https://fortune.com/2020/09/24/experts-praise-chinacarbon-neutral-pledge-2060/.

⁴³ URL: https://fivethirtyeight.com/features/bam-adebayo-ismaking-plays-denver-is-making-us-look-bad-and-the-lakersmay-need-to-make-some-adjustments/.

⁴⁴ URL: https://fivethirtyeight.com/features/a-canadian-teenageris-one-of-the-fastest-soccer-players-in-the-world/.

⁴⁵ URL: https://fivethirtyeight.com/features/the-rockets-new-starting-lineup-is-just-scratching-the-surface-of-its-potential/.

⁴⁶ URL: https://www.washingtonpost.com/local/a-marylandcouple-opened-their-home-to-a-honduran-mother-and-son-theyended-up-sharing-more-than-space/2021/01/30/f1fe256e-5f39-11eb-afbe-9a11a127d146_story.html.

⁴⁷ URL: https://fortune.com/2021/02/04/covid-mental-healthcrisis-suicide-prevention-hotlines-coronavirus-ai-machinelearning-trevor-project/.

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⁴⁹ URL: https://www.washingtonpost.com/lifestyle/2021/02/05/ traditional-school-rebelling/.

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course to be of a rigid and non-flexible nature due the predictions that legal language is serving only issues concerned with law and order. So, interdiscursive actualisation of the terms designating the function of a lawyer transparently illustrates the tendencies towards the change of the meanings as well as the factors influencing such alterations. This requires further and deeper attention and moreover, the latter can serve as the perspective for further investigations.

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