

A CiteSpace-Based Analysis of the Application of Discourse Analysis in Legal Texts

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Abstract—Discourse analysis has been applied for several decades in legal text research. To clarify the development tendencies and research foci of this field, this study takes the Web of Science core collection as the data source and deploys CiteSpace scientometric analysis technology to clarify the development tendencies and research foci of this field. As it turns out, the research status, hotspots, and frontiers in this field have been identified. The analysis of recent literature reveals that: (1) Universities in Europe and the United States, particularly renowned law schools, are the most active research institutions, while there is little close contact between writers and institutions. (2) The interaction between law and society is the research's primary focus, and critical discourse analysis reveals a significant development trend. (3) Cross-legal and cross-linguistic integration are the main areas of research that coincide with global demands. To throw some light on potential future studies, this article uses a bibliometric technique to review prior publications on the topic.

Index Terms—discourse analysis, legal text, CiteSpace, legal discourse, legal language

I. INTRODUCTION

Brown et al. (1983) opine that discourse analysis is, by necessity, the study of language in use. Consequently, scholars working in different fields may interpret this statement in various ways. The study of how any human-produced language, whether spoken or written utilized for communication in any context, however, is their main area of interest. Several studies using discourse analysis in legal texts have been done because academics are interested in how language is used in the legislative, judicial, and law enforcement communities, among other groups. For instance, some researchers examine identity construction, power transformation, knowledge asymmetry, and discursive presuppositions by concentrating on courtroom speech (Huang et al., 2022; Feng, 2018; Pang, 2016). Certain academics have exposed the sexism, human rights, policy decisions, and LGBT marriage that are hidden behind the legislation via the legislative wording (Kirkup, 2019; Li, 2017); other scholars have focused on specific instances, such as the Evans case, the Simpson case, certain trademark issues, etc. Coincidentally, lawyer's defense, language issues, and narrative structure have received wide scholarly attention (Dent, 2015; Maryns, 2014).

Despite the availability of various study themes from macro-analysis, there are only a small number of studies that successfully use conventional reviews to statistically analyze the development trends of these studies. CiteSpace was created with the express purpose of making it easier to spot new trends and sudden changes in retrieved literature (Chen, 2012). Using the prior literature database as a resource, this method may objectively and methodically examine current research.

The following inquiries are thus addressed in this study:

(Q1) What are the trends in the number of publications published relating to the use of discourse analysis in legal texts?

(Q2) What are the most prolific authors, institutions, and countries in this field?

(Q3) What are the current hot spots and frontiers of research on legal texts based on discourse analysis?

II. RESEARCH METHOD AND CORPUS

A. Method

CiteSpaceV (6.1.R3) is primarily used in this research to create and evaluate keyword networks based on bibliographic data obtained from the Web of Science. Author co-citation analysis, co-word analysis, author co-citation analysis, document co-citation, text and geographic visualizations, and other bibliometric investigations are supported by the data visualization program CiteSpace, which was created by the Chen Chaomei's team (Chen, 2017). It is used in this work to create knowledge visualization maps that include the following variables: "most prolific authors,

institutions, and countries,” “co-occurrence of keywords,” “keyword clusters,” and “citation bursts of keywords.” The parameters are as follows: Node Type: Selection based on analysis; Time Period: 1972–2022; Year per slice: 1; Threshold Selection Criteria: Top 50 per slice; others are default settings. Detailed parameters are listed in the upper left corner of each knowledge map. Furthermore, each node denotes a project (e.g., authors, institutions, countries, journals, and keywords), whereas a link indicates a cross-reference or co-occurrence of nodes (Chen et al., 2015).

B. Corpus

The corpus in this study was collected from publications in the Web of Science core collection database. The data retrieval strategy used in this study was: topic = “Discourse Analysis” AND “legal text*” OR “legal discourse” AND Languages = English; others were default settings. The citation index selected Social Science Citation Index (SSCI) and Art and Humanities Citation Index (A & HCI) as the corpus source. An initial topic search for this resulted in 596 records published between 1972 and 2022. After filtering out less representative record types such as proceeding papers and meeting abstracts, the dataset was reduced to 463 original research articles (about 94.4%) and review articles (about 5.6%). The retrieval time of these articles was December 13, 2022. The research structure is as follows (see Figure 1).

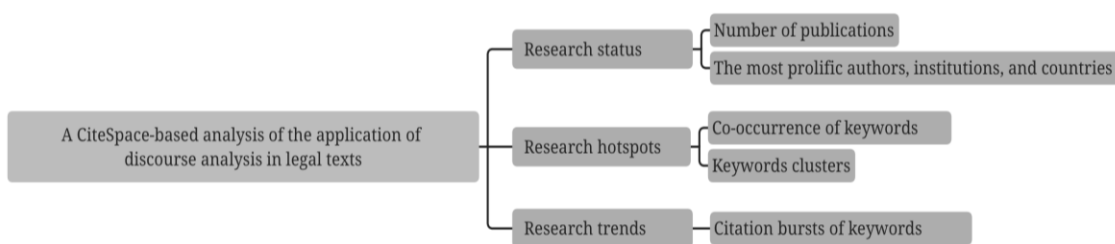


Figure 1. Research Structure

III. RESULTS AND DISCUSSION

A. Analysis of Number of Publications

We utilized the citation report feature in WoS to examine the yearly publication volume in order to understand the general evolution of discourse analysis used in legal texts. Figure 2 shows that there are ever more papers being published, which may be loosely classified into three phases of development.

In particular, it is clear that there were few published papers before to 1992, despite some discourse analysis studies on legal texts being done by scholars at the time. Law reviews like the *Harvard Law Review* and *Yale Law Journal* created the groundwork for this area throughout this time. The quantity of publications has fluctuated higher since 1992. It had moderate development throughout the second stage, which lasted from 1992 to 2006. The number of papers published had continuously grown since the creation of the International Association of Legal Linguists in 1993 and *The International Journal of Speech, Language and Law*, the founding magazine of the IAFL, in 1994. Additionally, specialized academic journals started to emerge, *Discourse & Society* and *Discourse Studies* founded by Van Dijk, *Social Semiotics* founded by Van Leeuwen, and *Critical Discourse Studies* founded by Richardson, which have offered much wider international communication platforms for the use of discourse analysis in legal texts.

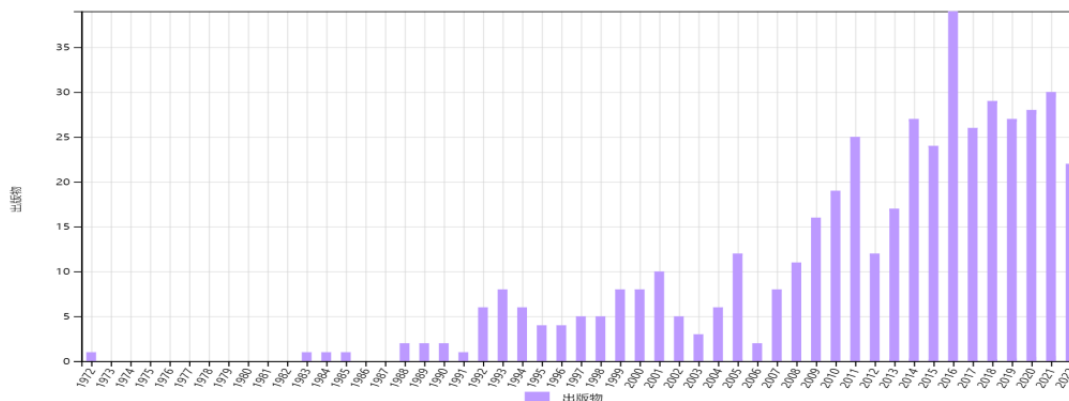


Figure 2. Number of Publications of Discourse Analysis Applied to Legal Texts

The third stage, which spanned the years 2007 to 2022, saw a sharp rise in the number of papers published, which peaked in 2016. This period was highly correlated with the growth of discourse analysis’s theory and practical applications. And part of the reason was that the legal categorization was more precise and social separation was clearer. Scholars increasingly focused on the human rights and social awareness embedded in laws, such as criminal law and marital law, as legal text data extraction gets simpler (Caliendo & Foubert, 2022; Dilling, 2018; Ricoy et al., 2018).

B. Analysis of Most Prolific Authors, Institutions, and Countries

(a). Authors Analysis

Analysis of authors’ cooperative networks may reveal the primary authors, the level of collaboration among them, and mutual citation in a given topic, as well as reveal the significant impact of teamwork on academic research in that field (Chen, 2006). Figure 3 (Signature, Network: N = 453, E = 130, Density = 0.0013) may show 453 authors and 130 collaborative linkages involved in discourse analysis applied to legal texts with the scale factor k of the g-index set to 25. The degree of author collaboration increases as the density approaches 1 (Chen, 2006). Figure 3 shows that the density is 0.0013, indicating that the authors’ collaboration is not close. The formation of a circle by Cheng, Le (Zhejiang Univ.), Gong, Mingyu (Zhejiang Univ.), and Cheng, Winnie (Hong Kong Univ.) suggests further interaction between them.

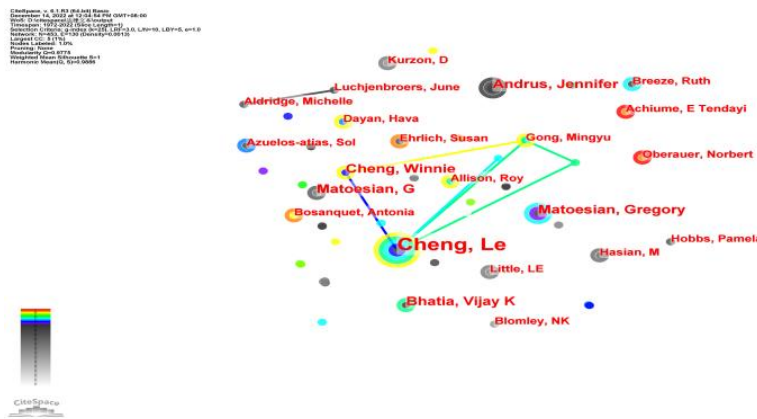


Figure 3. Map of Authors in Terms of Discourse Analysis Applied to Legal Texts

We examined the pertinent data in accordance with Figure 3 to better understand the overview of high-yield writers. As a result, we exported the 12 most prolific authors in terms of discourse analysis used in legal writings (Table 1). The findings indicate that Cheng, Le, and Matoesian, G. (University of Illinois) are the most prolific scholars. Dr. Matoesian is a sociolinguist who examines the integration of language and gesture in the construction and co-construction of legal context. His research on legal texts laid the foundation for later studies. For example, based on the linguistic data from the Kennedy Smith rape trial, especially the evidential language in testimony, he proposed new methods of interpreting and evaluating legal reforms based on an understanding of language use and the performance of knowledge in context (Matoesian, 1995). In addition to paying attention to oral texts, many researchers also pay attention to the written texts, such as lawyers’ defense opinions. They looked at how attorneys use language to create several discourse strategies that ultimately defend the defendant’s rights (Ren et al., 2020).

TABLE 1
TOP 10 AUTHORS IN TERMS OF DISCOURSE ANALYSIS APPLIED TO LEGAL TEXTS

Rank	Count	Year	Author	Rank	Count	Year	Author
1	6	2011	Cheng, Le	6	2	2017	Gong, Mingyu
2	6	2000	Matoesian, G	7	2	2022	Oberauer, Norbert
3	3	2009	Andrus, Jennifer	8	2	1994	Kurzon, D
4	3	2014	Cheng, Winnie	9	2	2020	Bosanquet, Antonia
5	3	2011	Bhatia, Vijay K	10	2	2021	Achiume, E Tendayi

(b). Institutions and Countries Analysis

Utilizing CiteSpace, a network of institutional collaboration was created to indicate the level of contribution and collaboration made by each institution in this sector. There were 330 institutions and 139 collaborative linkages in Figure 4 (Signature, Network: N = 330, E = 139, Density = 0.0026), of these, academic institutions take a lead in this field. Nevertheless, Figure 4 also shows that the institutional cooperation is limited. Zhejiang University, Hong Kong Polytech University, City University of Hong Kong, and University of Hong Kong (not included in the picture) are only a few examples of universities that exhibit a tighter connection.

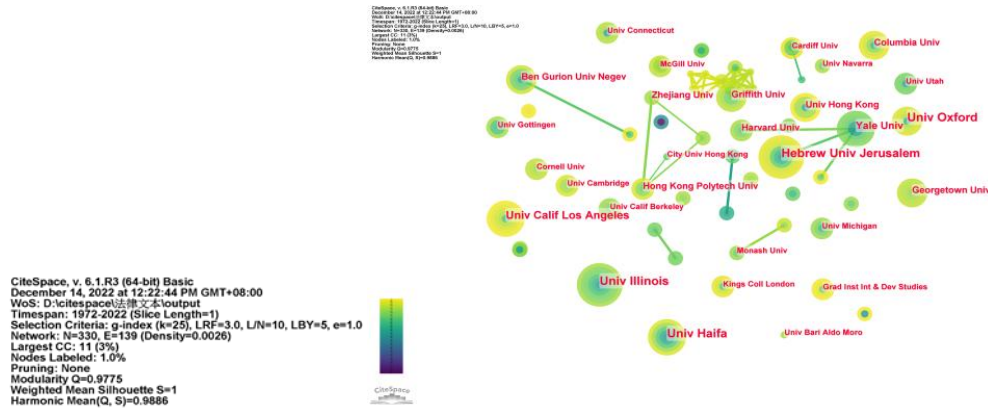


Figure 4. Map of Institutions in Terms of Discourse Analysis Applied to Legal Texts

In addition, high-yield universities like the University of Haifa, the University of California, Los Angeles, Columbia University, and Georgetown University are well renowned for their law schools, as seen by the node size in Figure 4. Such institutions enjoy a strong legal base and a cutting-edge scholarly outlook. This also reflects, to some extent, the debate over forensic linguistics in the academic community, i.e., some jurists consider linguists are amateurs in a legal context. What’s more, it has to do with how well-known a country is on the global stage when it comes to applying discourse analysis to legal documents. Using the Export function of CiteSpace and the scale factor k of the g-index set to 25, Signature, Network: N = 48, E = 75, and Density = 0.6665, we were able to derive Table 2 of the top 10 nations in this field. Centrality, a network indicator that gauges node relevance is used to assess the significance of certain nodes in CiteSpace (Li & Chen, 2016). The USA tops Table 2’s list of publications, but its centrality is lower than that of Germany, Canada, Australia, and Italy, suggesting that it has a smaller international impact than Germany in this area.

TABLE 2
 TOP 10 COUNTRIES IN TERMS OF DISCOURSE ANALYSIS APPLIED IN LEGAL TEXTS

Rank	Count	Centrality	Countries	Rank	Count	Centrality	Countries
1	138	0.15	USA	6	23	0.00	ISRAEL
2	49	0.10	ENGLAND	7	20	0.19	AUSTRALIA
3	34	0.36	GERMANY	8	17	0.32	ITALY
4	26	0.24	CANADA	9	12	0.05	SPAIN
5	24	0.15	PEOPLES R CHINA	10	8	0.05	NETHERLANDS

C. Analysis of Co-Occurrence of Keywords

Keywords, highly concentrated subjects of an article, can mirror the essential aspects of the research area (Li & Chen, 2016). We imported the dataset into CiteSpace, set the Node types to Keyword, Year per slice: 1, and set Threshold (by Frequency) to 3, i.e., only keywords with co-occurrence frequency greater than 3 are displayed, and the keyword co-occurrence network was obtained (see Figure 5). This helped us to better understand the research hotspots of discourse analysis applied in legal texts. As seen in Figure 5 (Signature, Network: N = 536, E = 1015, Density = 0.0071), “law” takes up the largest portion in the visualization map in addition to the retrieval term “legal discourse” (Centrality = 0.42). This indicated that studies primarily concentrated on discussing the law and analyzing the reflected social ideology through the analysis of legal texts. The fact that the renowned law schools examined in the preceding section make up half of the research institutes may also partially explain this.

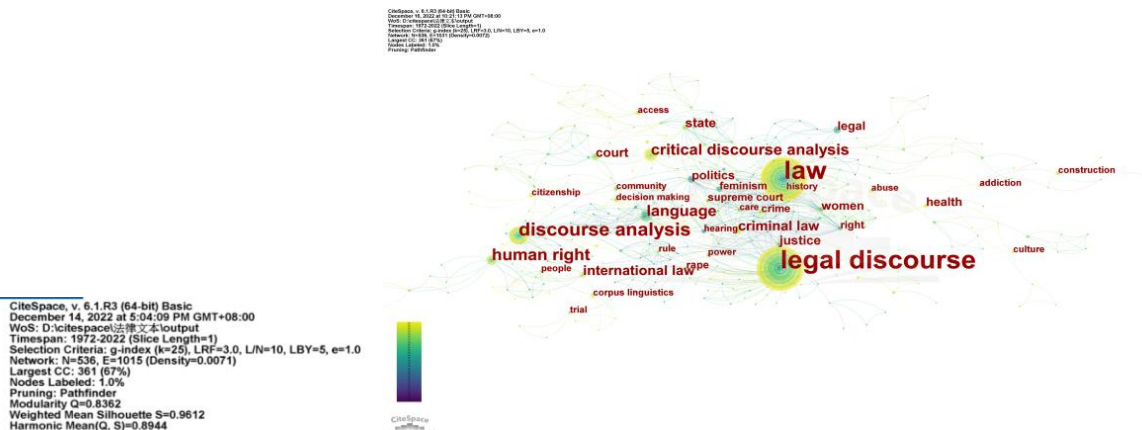


Figure 5. Map of Co-Occurrence of Keywords in Terms of Discourse Analysis Applied to Legal Texts

In order to better comprehend the keyword co-occurrence in more detail, we extracted the pertinent data and presented them in Table 3. The emphasis on the interaction between law and society, and a rise of employing critical legal discourse analysis method in conducting researches are the two features, according to Figure 5 and Table 3 when taken together.

TABLE 3
TOP 12 KEYWORDS IN TERMS OF DISCOURSE ANALYSIS APPLIED TO LEGAL TEXTS

Rank	Keywords	Frequency	Centrality	Rank	Keywords	Frequency	Centrality
1	legal discourse	62	0.33	7	international law	7	0.06
2	law	59	0.42	8	criminal law	7	0.05
3	discourse analysis	17	0.18	9	Justice	6	0.03
4	human right	12	0.06	10	state	6	0.04
5	Critical discourse analysis	10	0.06	11	court	6	0.04
6	language	10	0.08	12	women	5	0.02

With regard to the relationship between law and society, “human right,” “rape,” “feminism” and “politics” show high citation frequency and an interdisciplinary tendency (Aniceto, 2019; Condello, 2017). The researchers demonstrated that how legal discourse was created from the standpoint of discourse practice and provide helpful recommendations and conviction ideas. Wright (2021), for instance, investigated that the American constitutional discourse maintains a commitment to white supremacy while disavowing its explicit logic of racial superiority and suggesting that rights claims function as territorial claims by following the discourse of the American constitution across various platforms and political projects. In her research, Laugerud (2020) kept a close look at how the game metaphor gives rape victims new context for their perception of a courtroom proceeding and gives them more control over the handling of their rape case.

The terms “power,” “court,” “criminal law,” “corpus linguistics,” and “abuse” indicate relatively new myriads of discourse analysis used in legal discourse from the standpoint of the rise of critical legal discourse analysis. For instance, Boginskaya (2022) elucidated that Russian judges used a variety of popularization techniques to achieve the goal of recontextualizing legal information and making legal concepts understandable to a lay audience through quantitative and qualitative analyses of 18 jury instructions. Gong (2020) demonstrated that the evolution of deontic modality in Chinese civil legislative speech and analyzed the changes in deontic modality diachronically using a corpus of Chinese civil legislation from 1949 to 2015.

D. Analysis of Keywords Clusters

Cluster analysis can be used to subdivide relevant research into major research areas at a macro level to capture research trends (Figure 6). The Modularity Q and the Weighted Mean Silhouette are two crucial variables to assess the rationality of the clustering structure; $Q > 0.3$ denotes a strong clustering structure [2] and $S > 0.5$, a high degree of homogeneity in the clustering findings (Chen et al., 2015). The clusters of the keyword map is pretty well related, as shown in Figure 6 ($Q = 0.8362$, $S = 0.9612$), and the cluster structure is noticeably acceptable. In addition, the cluster size and the number of keywords increase as the cluster number decreases. Figure 6 displays the top 12 clustering modules, which are as follows: ‘#0 legal discourse,’ ‘#1 lgbt right,’ ‘#2 supreme court,’ ‘#3 hearing,’ ‘#4 critical discourse analysis,’ ‘#5 constitution,’ ‘#6 human right,’ ‘#7 database,’ ‘#8 of-life decision,’ ‘#9 discourse analysis,’ ‘#10 national identity,’ and ‘#11 live archive.’

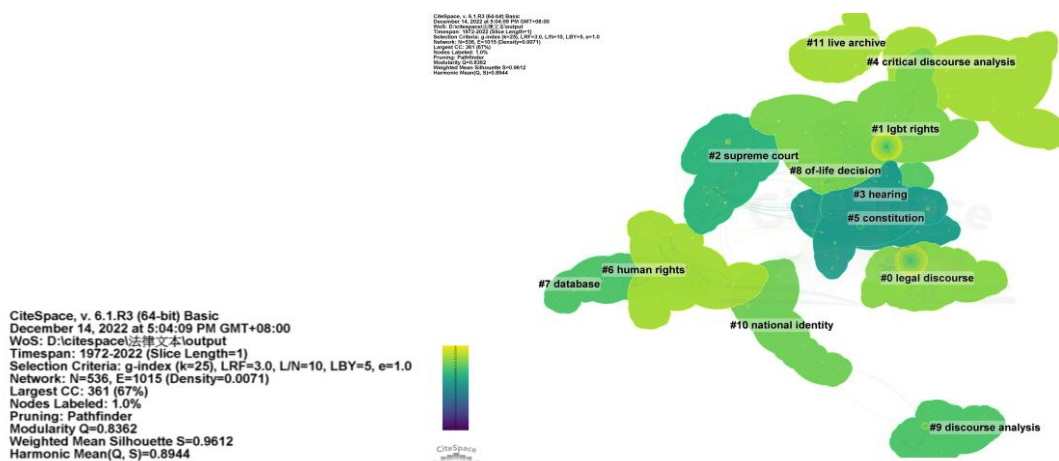


Figure 6. Map of Keywords Clusters in Terms of Discourse Analysis Applied to Legal Texts

We exported the specifics of the top 10 clusters in Table 4 below using CiteSpace’s LSI (Latent Semantic Indexing) technique to learn more about each cluster. Table 4’s internal uniformity (profile) score of 0.57 to 1 demonstrate that the cluster’s top words matched well and the cluster is trustworthy.

A study of information gaps, expert-lay communication, knowledge asymmetries, and jury trial dynamics are included in the cluster #0, which is titled “legal discourse.” This type of research focuses on the practice of legal discourse, in which the effectiveness of communication is influenced by the varying levels of participant legal knowledge and in which each legal participants work to advance his or her own side (Gama, 2017; Novaes-Pinto, 2016; Azuelos-Atias, 2016).

Cluster #4, #7, and #9, which are all about “critical discourse analysis,” “database,” and “discourse analysis” are comparable and mostly focus on legal genres, latent class analysis, stylistic analysis, female writing, and corpus linguistics. This sort of study focuses on legal texts and, using textual evidence examines the discourse characteristics of the legal language, reveals how the legal discourse is constructed, and offers linguistically-based recommendations for improvement. For instance, Marchese (2020) investigated how the impoverished are formed as subjects in City Law No. 3706 and underlines that linguistic discourse inquiry may shed light on social concerns using critical discourse analysis as a theoretical framework and qualitative technique. Using the critical discourse analysis technique, Johansen (2018) examined how the Danish prison system utilized pre-sentence reports to define defendants as individuals in connection to their criminal activities. The employment of epistemic lexical verbs as hedging strategies in three written legal genres—the law journal article, the Supreme Court majority opinion, and the Supreme Court dissenting opinion—were examined in Vass’s (2017) corpus-based research.

TABLE 4
DETAILS OF KEYWORDS IN CLUSTERS

#	Size	Silhouette Value	Mean Year	Top Term in LSI
0	53	0.997	2010	legal discourse ; jury trial dynamics; knowledge gaps; expert-lay communication; knowledge asymmetries;
1	47	0.907	2009	legal discourse; lgbt rights; reproductive futurism; justice same-sex marriage; American
2	31	0.936	2003	supreme court; rule; federal court; defense; norm; crime; violence; capital punishment
3	30	0.925	2002	hearing; right; race; legal theory; nihilism ;telling story
4	26	0.945	2013	fight metaphor; legal genres; power distance; cognitive environment; relevance theory
5	24	0.959	1999	specialized discourse; conceptual development; knowledge construction; legal concepts
6	24	0.977	2010	human rights; corporate social responsibility; constitutive rules; corporate attitudes;
7	20	1	2009	database; 1st amendment; privacy case processing; latent class analysis;
8	20	0.948	2006	health care proxy; mental capacity act; doctors duties; patients’ rights;
9	19	0.992	2007	stylistic analysis; male writing; female writing; corpus linguistics; Chinese civil laws;

E. Analysis of Citation Bursts of Keywords

Burst detection, as opposed to high-frequency keywords, is a useful analytical tool for locating important events and data across a period of time (Huang et al., 2020). Stronger strength indicates that the term has quickly become a research hotspot in the area, whereas the red line shows the time period in which the keyword first became a research hotspot. Strength measures the rate of keyword citation. Through the use of keywords and evolving patterns in the literature, Figure 7 helps us better grasp the trends and future directions of a discipline.

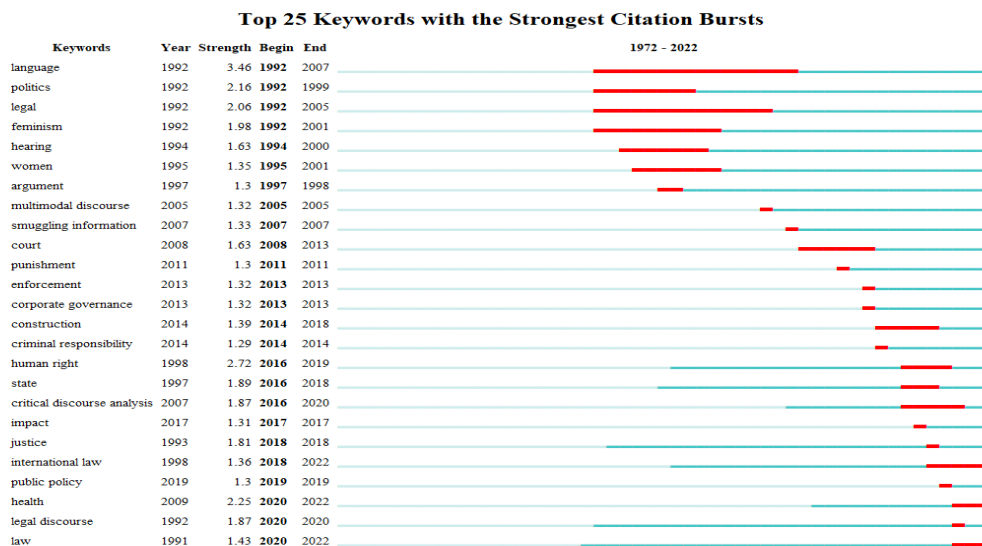


Figure 7. Citation Bursts of Keywords in Terms of Discourse Analysis Applied to Legal Texts

The graph reveals that “law” lasted the longest (1991–2022), whereas “public policy” just started to appear as a term in 2019. The top 3 persistent hotspots are “language,” “legal” and “feminism.” “Construction,” “human right,” “critical discourse analysis,” “international law” and “health” have been the hottest study areas in recent years (Neller, 2022). Furthermore, it is anticipated that “international law,” “health” and “law” would be trending issues in the next years (Pirker & Smolka, 2020).

IV. CONCLUSIONS AND DEFICIENCIES

The following conclusions might be reached from maps and tables of CiteSpace’s examination of legal texts using discourse analysis:

(1) The total number of papers published in this area is growing, suggesting that researchers are paying more attention to it in terms of research status. Second, this category is predominantly concentrated in universities in Europe and the United States, notably, the renowned law schools, which are the driving force behind this sort of study, according to data on research authors, research institutions, and key nations of research. The high-producing writers also have backgrounds in multidisciplinary research, such as Cheng, Le, Matoesian, G., Bhatia, Vijay K., etc. The cooperation between researchers is also not tight; according to the CiteSpace mapping study, the graph connecting Aldridge, Michelle, and Luchjenbroers, June and the circle created by Cheng, Le, Gong, Mingyu, and Cheng, Winnie only displays a total of two full research links. Additionally, despite the fact that this type of research in China began later than it did in Europe and the United States, we discovered that the degree of institutional collaboration and the density of researcher collaboration is higher in China than in some European and American nations, indicating a favorable research environment.

(2) In terms of current research hotspots, we categorize them into two groups based on the co-occurrence and clusters of keywords: legal discourse and social interactions, and critical analytical approaches to legal discourse. Regarding the first, which has been the subject of research in this area, we think that this field of study has a solid interdisciplinary foundation that includes fields like sociology, semiotics, political science, and international relations (Steffek et al., 2021; Breeze, 2011). In order to examine the social ideology behind legal discourse practices and provide appropriate remedies from the standpoint of legal reform, researchers employ present legal social hotspots as a corpus (Zodi, 2019). However, the latter is a brand-new area of study. To examine language, power, and ideology in legal activities, scholars mostly use corpus linguistics research techniques, concentrating on suggesting related answers from the standpoint of language.

(3) In terms of research trends, the keyword mutation chart reveals that “international law,” “health,” and “law” are the research frontiers, which also represents the current global need for experts who are fluent in both language and law (Zhang, 2022). This serves as a reminder that as the field advances, it will become more crucial for us researchers to concentrate on developing our legal and linguistic competence and determining how law and linguistics mesh, which is also consistent with the present global need, i.e.

Although this study can be a good way to explore the current state of research, hot spots, and trends in discourse analysis applied to legal texts, it still has the following drawbacks: First, the literature data is not large enough. The completeness of CiteSpace maps was somewhat impacted since we only obtained the basic data of WoS and no relevant literature was retrieved between 1973 and 1982. Second, the research concentrated on the atlas data analysis and did not fully incorporate the relevant literature information; this is likely to change in future investigations.

ACKNOWLEDGEMENTS

This work was supported by a grant from Southwest University of Political Science and Law through grant numbers 2022XZXS-178.

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