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LEGAL ENGLISH: LEXICAL AND SYNTACTIC FEATURES

ABSTRACT

The present paper is devoted to the study of lexical and syntactic features of Legal English. Within the scope of this paper an attempt has been made to present the lexical and syntactic peculiarities of Legal English (written) based on the study of the Treaty of Sevre. Within this treaty we have found some phonological, lexical, syntactic and textual characteristics of Legal English. The aim of our research is to analyze the legal discourse, to find its main peculiarities, especially those connected with vocabulary and syntax.

Key words: *Legal English, sublanguage, lexical peculiarities, syntactic stylistic devices, graphological analysis, lexical analysis, syntactic analysis, spoken Legal English.*

РЕЗЮМЕ

ЮРИДИЧЕСКИЙ АНГЛИЙСКИЙ: ЛЕКСИЧЕСКИЕ И СИНТАКСИЧЕСКИЕ ОСОБЕННОСТИ

Данная статья посвящена лексическим и синтаксическим особенностям юридического английского (устный и письменный). В рамках данной статьи была предпринята попытка представить лексические и синтаксические особенности юридического языка на примере Севрского договора. В этом договоре мы нашли некоторые фонологические, лексические, синтаксические и текстовые характеристики юридического английского. Цель нашего исследования – проанализировать правовой дискурс, найти его основные характеристики – в плане лексики и синтаксиса.

Ключевые слова: *юридический английский, подъязык, лексические особенности, синтаксические стилистические приемы, графологический анализ, лексический анализ, синтаксический анализ, разговорный юридический английский.*

ԱՄՓՈՓՈՒՄ

ԻՐԱՎԱՔԱՆԱԿԱՆ ԱՆԳԼԵՐԵՆԸ. ԲԱՌԱՅԻՆ ԵՎ

ՇԱՐԱՀՅՈՒՍԱԿԱՆ ԱՌԱՆՁՆԱՀԱՏԿՈՒԹՅՈՒՆՆԵՐԸ

Սույն հոդվածը նվիրված է իրավաբանական անգլերենի բառային և շարահյուսական առանձնահատկություններին (գրավոր և բանավոր): Առանձնահատուկ ուշադրություն է տրվել Սևրի պայմանագրին, և այս պայմանագրում ուսումնասիրել ենք իրավաբանական անգլերենի որոշ հնչյունային, բառային, շարահյուսական և տեքստային առանձնահատկություններ: Սույն հետազոտության նպատակն է վերլուծել իրավաբանական խոսույթը, գտնել դրա հիմնական առանձնահատկությունները, հատկապես այն առանձնահատկությունները, որոնք կապված են բառապաշարի և շարահյուսության հետ:

Բանալի բառեր՝ իրավաբանական անգլերեն, ենթալեզու, բառային առանձնահատկություններ, շարահյուսական ոճական հնարներ, գրաֆիկական վերլուծություն, բառային վերլուծություն, շարահյուսական վերլուծություն, խոսակցական իրավաբանական անգլերեն:

A means of transmitting information is communication and there are several ways of communicating. One way of communication is language in its written and spoken forms. Depending on many factors such as time, place and topic the addresser and the addressee give and get different amounts of information. This is the reason for studying various domains of languages. And one of these domains is law.

Many new theories in linguistics (especially the sociolinguistic approaches and the Plain English movement) have affected the study of legal language. Many linguistic peculiarities of legal English are quite well understood today because of the active study of legal discourse starting from mid-seventies. Here also two types of language can be studied: spoken and written. The written form is studied much because law expresses itself mostly in written form. And besides, written language is stable, constant and almost context-free.

On the History of Legal English

Hundreds of years have passed but the role of legal documents is the same. Of course there were many changes during the time but these changes refer only to linguistic transformations, both structural and grammar. Legal English is

indeed the product of its history. It is a story of Anglo-Saxon soldiers, Latin-speaking missionaries, Scandinavian raiders, and Norman invaders, all of whom left their mark not only on England, but on the language of its law. So, we can observe the legal language which underwent certain changes during the following periods: Anglo-Saxon period, Norman period and Modern period.

From the modern perspective, there may be three categories distinguishing the Anglo-Saxon vocabulary (Hiltunen 1990):

1. *Words that have disappeared from law language* – most of the items belong to this group. The reason for the changes is either social (change or loss of referent) or sociolinguistic (native words were replaced through borrowings).

2. *Words that are still occasionally used with legal meaning* (either unchanged or modified)

bot ‘compensation for wrongdoing’ (cf. bootless)

deman ‘to pronounce judgement’ (cf. deem)

3. *Words that are as much part of general language as legal language*

Aþ ‘oath’

stelan ‘to steal’

According to Hiltunen (1990), Law Latin is defined as “the kind of Low Latin, containing Latinized English and Old French words, used in English law”.

The way in which legal documents were created centuries ago are still used today because of habit and tradition and for the need of exactness. Though, sometimes there is tendency to use simpler language and be understandable for everyone.

During the past three decades many linguists and social scientists have turned their attention to legal language. The term “legal” refers to anything connected with law, lawyers and court. The question “What is the legal language?” has interested many researchers. The problem is whether it is a **dialect**, **register** or **sublanguage**. The term dialect is often used to characterize a way of speaking that differs from the standard variety of the language.

According to the linguists of the Prague school styles of language are formed and derived from the specific purpose of the utterance and represent the style function. Language possesses a number of structures which are used for the realization of this or that communicative function. Thus, the concept of “professional” or “special” language arises. (The theses of the Prague Linguistic Circle, ed. Kondrashov N.A., M. 1967) In her article “Analysis of inserted clauses in the legal discourse from the pragmatic perspective” M. Apresyan

(2017) comes to the conclusion that legal language is also a “professional” language. The language of law has a specific character, for example, Thorne McCarty writes:

“There are many common sense categories underlying the representation of a legal problem domain: space, time, mass, action, permission, application, causation, purpose, intention, knowledge, belief, and so. The idea is to select a small set of these common sense categories, the ones that are more appropriate for a particular legal application, and then develop a knowledge representation language that faithfully mirrors the structure of this set. The language should be formal: it should have a compositional syntax, a precise semantics and a well-defined inference mechanism.” (L. Thorne McCarty 1976)

So, in spite of the many controversial ideas about the place of legal language, one thing is clear that the language that is used in courts, by lawyers and in legal documents is quite different from the language that we use. Hence, it is worth studying and its linguistic and stylistic peculiarities should be revealed.

Probably the first thing that we can analyze on legal texts is the graphological level; it is the first thing that catches the eyes of the reader. The text is well organized from the start to the end, the most apparent is paragraphing. The text is divided into paragraphs, sections, units, subunits, etc. Paragraphing is used for underlining the new information that is presented in the document. To mark these divisions, different means are used: capitalization of the initial letters, usage of the bold font for titles, headlines or sometimes for whole sentences. Furthermore, the names of participants are also made bold or capitalized to stress their importance.

Special attention is to be paid to capital letters. Reading a legal document, one of course will notice that capital letters are used in the names of participant, in their titles, in the names of documents, in naming the main sections. Furthermore, some sections may be written in small letters. This also has a special purpose; it means that this or that section is lower in its importance than the other sections.

Another thing that one can see in legal documents is that sums of money are represented in two ways: they are put in words and also in numbers.

Punctuation is one of the important elements as well. Old legal texts lacked punctuation marks and it represented complexity for the readers, because sometimes a paragraph consisted of a long complex sentence with the absence of punctuation marks and it created ambiguity for readers. Nowadays legal texts are

more simplified, organized and properly punctuated. So, commas, semicolons, full stops are used to mark the beginning and the end of a sentence, clause, phrase. Commas and semicolons are used when there are enumerations. And when additional information is used in the text, we employ dashes and commas.

Lexical aspect contributes to the distinct character of legal texts and documents and makes them unique. If we have a look at legal texts, we can easily see that the vocabulary of legal texts is formal and standard (*commencement, cease, substantial, acquainted with, constitute*), complying with the norms of the style to the highest degree. Literary language is the only language used within the context, no colloquial expressions are used. Besides the formal literary language, there are also other aspects that contribute to the whole picture of legal language.

First, legal language is characterized with the abundant use of **archaic expressions**. Almost in all the pieces of legal documents we can see a few occurrences of items such as *hereafter* and *heretofore*, *herein*, *hereto* and *hereby*, *thereof*, *hereinafter*, *thereto* and *whatsoever*. Though, these items are not present in all legal documents, it depends on the writer. These archaisms are applied for an exact reference to the document or its parts, and to the contracting parties. Some people think that the use of archaic expressions is just a habit or tradition, they think that these expressions do not contribute to the meaning properly and sometimes can make difficulties for ordinary people. So, more often these archaisms are replaced by relevant phrases or simply let out so that the text is fully comprehensible.

The second aspect, peculiar for legal documents, is the use of **technical words**. Every style has its characteristic vocabulary connected to the area in which it is used. Legal discourse is not an exception. There are many borrowings from Latin and French which have become technical terms in the field of law. We can find examples like: *bequest* and *bequeath* for give, *executed the instrument* meaning signed, *pecuniary devises* meaning money, *disbursements* for expenses. Furthermore, legal English is also specific in the use of collocations, bi-, tri- or multinomial pairs, and phrases constituted by more than two items. They are also considered very formal and are labeled technical terms. The instances are as follows: *under contract and prior to expiration*; *residence and domicile*; *continue in full force*; *to confer and impose additional powers and duties*; *grant the authority to*; *attached hereto and incorporated herein by reference*; *upon any termination of*; *released without charge and on bail*.

Thirdly, it is not difficult to find vocabulary that belongs to other spheres of life, such as science, trade, economy, finance, medicine and others.

Enumeration is richly displayed in legal documents. Again, this is applied for the sake of precision and avoidance of ambiguity, sometimes for the sake of reverence to tradition. Again, some instances in the texts: *all files, records, documents, drawings, specifications, equipment, and similar items; debts, expenses, taxes, administration costs and individual devises and bequests; claims, costs, losses, fees, interests, or damages.*

The presence of **abstract nouns** is also remarkable. Such as *authority, rights, provision, conditions, procedure, duties, resolution, compensation, regulations, expiration, termination*, etc. Sometimes the same notion may appear in other words. For instance, the phrase *confer power on somebody* appears in the texts as *authorize somebody, accredit somebody, or grant somebody the authority to, grant accreditation, or even to nominate.*

One can hardly find **adjectives** in legal documents. If there are any adjectives, these adjectives relate to the “topic” of the document which it deals with or they constitute an element of a fixed phrase or collocation, some of which make technical terms. For example, *general, elective, real, personal, additional, minor, major, consequential* etc. Adjectives that have evaluative character are not present because their meaning is very often ambiguous and imprecise, and it wouldn’t be appropriate to use them in legal texts. Legal texts must be punctual and there shouldn’t be ambiguity, variability of meaning, or misinterpretation. Nevertheless there are documents with examples of evaluative adjectives.

In conclusion to the lexical level analysis of legal documents, we can say that they are more formal and lack many characteristic features of colloquial language, adhering to the literary standard language.

We can make distinction between grammatical features of legal English as easily as we made distinction between lexical features. At first sight, the most striking and evident thing are **complex sentences**. This is due to the insertion of many subordinate clauses, embedded words and phrases (which are used for giving additional information) and many modifications. It is also important to note that the complexity of sentences is only peculiar to written discourse. Though, this does not mean that simple sentences are exception. They are used usually at the beginning or at the end of the text.

ARTICLE 7.

The seat of the League is established at Geneva.

The Council may at any time decide that the seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable. (Treaty of Sevres)

In this example which is taken from the Treaty of Sevres, the simple sentence marks the beginning of the paragraph.

Another thing concerning the grammar of legal texts is that sentences more often begin with **adverbials**.

Upon such invitation being given the Council should immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances. (Treaty of Sevres)

In the given example *upon such invitation being given* is an adverbial modifier of condition.

The use of **modal auxiliaries** *shall* and *will* is another typical feature for legal texts. In everyday speech *will* is used more often than *shall* but in legal texts they are both used equally for denoting future action. *Shall* is used more often for stressing the obligation of future action. There are numerous examples of these in legal documents:

ARTICLE 26.

Amendments to this Covenant will take effect when ratified by the Members of the League whose representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League. (Treaty of Sevres)

The first *will* is used to denote a future action while the two cases of *shall* imply obligation.

The difference seems to be so slight that it is hard to explain. Sometimes it is possible to find other auxiliaries, such as *may*, *must* and even *would*. *May* is applied to show permission and possibility.

The last grammatical feature that we can mention is the presence of the word *any*. It appears very frequently in legal documents; even we can say that it has excessive use but it is done on purpose-to avoid ambiguity and make the sentence as inclusive as possible.

Nevertheless, in the event of Turkey failing to observe faithfully the provisions of the present Treaty, or of any treaties or conventions supplementary thereto, particularly as regards the protection of the rights of racial, religious, or linguistic minorities, the Allies Powers expressly reserve the right to modify the above provisions, and Turkey hereby agrees to accept any dispositions which may be taken in this connection. (Treaty of Sevres)

There also some other grammatical markers of legal texts. For example, **the use of 3rd person**. There are no 1st and 2nd person pronouns (the only exception is testament). The use of the emphatic *there* with 3rd person pronouns is for denoting impersonality which is also peculiar to legal texts.

So, we can add that besides all the above mentioned grammatical markers, in every legal document the use of **passive voice** is more or less noticeable. Again it is used for denoting impersonality.

Some aspects which are present in legal discourse make it cohesive and coherent. The first aspect is the minimum usage of reference. All the needed information is given in the text and sometimes repeated in several sentences to avoid ambiguity and make the meaning more clear for readers. Besides repetition, determiners are also used for reference. In legal texts these determiners are various, for example, the words *such* and *said*: *by such person; in such manner; said pre-deceased beneficiary; to such other provisions and restrictions*.

As for the definite article *the*, it is rarely used in legal documents as determiner. The demonstrative pronoun *this* is used more frequently again as a determiner.

Another device for making the texts more cohesive is that of *conjunctives* (i.e. conjunctions and conjuncts). The typical conjunctions in legal documents are *and* and *or* at the level of coordination. At the level of subordination the most frequent conjunctions are *if*, *when*, *unless*, *that*, and *which*.

We have tried to outline the features that are considered distinctive and typical for legal English on different levels: graphological and phonological, lexical, grammatical, discourse and textual. It is obvious that whoever is going to compose a piece of legal document should follow to certain norms and traditions which are typical of legal documents. The composer should try to avoid ambiguity and apply the greatest degree of inclusiveness and exactness of reference. It is important to remember always that legal documents are composed not to focus on the writer but on the information that is presented which is then used by someone else.

Language of the court

The written and oral varieties of language are just forms of communication depending on the situation in which the communication is carried out. Functional styles are varieties of written language used to reach the desired purpose of the communication. According to Arnold, functional style is a subsystem of language which possesses specific lexical, syntactical, sometimes phonetic features characteristic of a particular sphere of communication. Each functional style is not a stable system; they change during the historical development of a language. English literary system has evolved a number of styles easily distinguishable from each other. They are: formal styles (non-casual), neutral style, non-formal styles (casual). It is interesting that while studying the style of the language of law we can't say exactly to which style it belongs. Written legal English we may observe as a substyle or variety of formal style. But when we analyze the spoken legal English, we may say that it belongs to publicistic style and the oratorical substyle. Here are some lexical and syntactic features of spoken legal English and generally of formal style.

Lexical features

- emphasis on accessibility and easy understanding; paraphrases rather than special terms
- only established and generally understood terms
- evaluating adjectives
- euphemisms
- traditional, metaphors and similes
- newspaper clichés
- words with emotive meaning
- numerals, abbreviations, symbols

Syntactic features

- coherent and logical syntactical structure
- careful paragraphing
- simple rather than complex sentences
- expanded system of connectives
- brevity of expression
- abundant use of modifiers (adjectives, adverbs)

The main aim of spoken legal English is to form the audience, to make influence on the listener, convince them; change the public opinion with logical argumentation. And here a great part is given to the human voice. All the prosodic features contribute to make a good impact. Spoken legal English has some elements of individuality, because each person has its own style.

The most obvious purpose of spoken legal discourse is persuasion. Here are some peculiarities of the spoken variety:

- ❖ direct address to the audience by special formulas (*Ladies and Gentlemen, Mr. Chairman, Honorable Members*). Expressions of direct address can be repeated in the course of the speech.
- ❖ the use of contractions (*I'll; won't; haven't; isn't*)
- ❖ the use of the 1st person pronoun *we*; 2nd person pronoun *you*
- ❖ special formulas at the end of the speech to thank the audience for their attention (*Thank you very much, God bless you, Good luck*)

Stylistic devices that are closely connected to court language are antithesis, repetition, climax, anadiplosis, allusion. Repetition is the most typical one in this string of stylistic devices.

It is well-known that the type of language we are using changes with the situation in which communication is carried out. Every particular situation makes the speaker use necessary varieties of language. Spoken legal language has its distinctive features; vocabulary which is characteristic especially to it, but the leading role belongs to phonetic features and to prosodic features in particular. It is reduced to monologues, addressed by one person to many and is generally prepared in advance. The general aim of it is to exert influence on public opinion, to convince the listener and to make him accept the point of view expressed in the speech by logical argumentation. Here the most powerful instrument of persuasion is brought into play: the human voice.

We are going to study the prosodic features which are peculiar to spoken legal English or to the court language.

Pitch. High Falls and Fall Rises are especially characteristic of spoken legal discourse. There are two varieties of High Fall; High Wide Fall and High Narrow Fall (Карневская 1982: 43). The first one is used in direct address and short comments expressing agreement. If we can see most of the speeches start with this variety of High Fall, as every speaker first addresses his audience.

Loudness. It is enormously increased, ranging from forte to fortissimo. Sometimes instances of diminished loudness are observed to bring out words and phrases of paramount importance and produce certain psychological effect.

Tempo (Rate). Speeches made at court are moderately slow. The speaker (lawyer, judge, witness) slows down to bring the attention of the audience to the most important parts of his speech. Less important information entails the acceleration of speed.

Pause. Three types of pauses are possible while making public speeches. The first type of pause, syntactic pause, separates phrases, intonation groups and it doesn't have any stylistic function. But emphatic and hesitation pauses are widely used in spoken legal discourse. The first type of pause is used to bring out communicatively important parts of utterances. Hesitation pauses are usually used in spontaneous speech to gain some time, to get prepared. They may be silent or filled.

Rhythm. Properly organized rhythm is also characteristic of the court language. Within the speech segments rhythmic groups have recurrent alternation. Speech rhythm is the regular alternation of acceleration and slowing down, of relaxation and intensification, of length and brevity, of similar and dissimilar elements within a speech event.

It is the prosodic features that the identification of oral speech varieties is primarily based upon, so while analyzing spoken legal discourse, we paid much attention to prosodic features.

- A lot of High Falls and Fall Rises are characteristic of legal speeches; they give additional connotations of insistence, persuasion, concern, personal interest, participation. They have also an implicatory meaning. The implication may be that of emphasis, doubt, apology, hesitation, contradiction, warning, etc.
- Changes of loudness from fortissimo to whispering, to stress words and phrases of paramount importance. They also create psychological effect.
- Rather slow rate, to focus on important communicative centers. Less important information is characterized by faster speed of utterance.

- Great number of hesitation and emphatic pauses serve to bring out words and phrases, to create the effect of spontaneity, to influence on the public.
- Properly organized rhythm, which has an emphatic and influential effect.

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Ներկայացվել է խմբագրություն՝ 12.03.19, տրվել է գրախոսության՝ 29.03.19-05.04.19, երաշխավորվել է ԵՊՀ եվրոպական լեզուների և հաղորդակցության ֆակուլտետի անգլիական բանասիրության ամբիոնի կողմից, ընդունվել է տպագրության՝ 13.05.19