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LEGAL ENGLISH

The scientific text is characterized by such features as: complexity of information, high frequency of occurrence of some phrases and vocabulary typical of scientific discourse, specific grammatical structure and a special word order. Scientific discourse is one of the functional varieties of the standard language. It comprises, apart from the well defined words, a number of abstract words because scientific statements must have a general character.

In our times the importance of scientific discourse as well as that of the language of law and administration is on the increase. A multilateral international exchange in different areas calls for translation of many legal terms and documents. English legal language, particularly the language of the international law, is widely used, and consequently there is the essential need of further investigation in the field of this register.

Lane stresses the necessity of including this language in curricula of higher education studies.

Edelson considers English of law and administration to be one of the most highly developed varieties which is characterized by its own vocabulary and a number of syntactic complexities. Like other scientific registers legal English is formal and unemotional.

Some adjectives like rather, nice, marvellous, lovely are absent from a set of regulations, court decisions etc.

The language of the law is primarily present in legal norms, statutes, notarial documents and international agreements

where through tradition certain linguistic forms were developed. Geyl believes that language-generating impact is exercised by court judgements, administrative decisions and legal literature in general.

Paragraphing, commas and other symbols of punctuation are often absent from legal documents. It leads to a certain stylistic monotony, but on the other hand, to extreme clarity and precision. Frequent enumerations of situations, persons and objects pertinent to a legal case help avoiding ambiguity.

Philology studies should pay due regard to the language of the law and other scientific registers. Legal language is met every day and nearly by everybody and it therefore includes so many terms of the common language.

The terms used in both languages may cause some difficulties and lead to misunderstandings. We can prove the equivalence of meaning /*Sens-claire-doctrine*/ of a text through the examination of an operative function of the idea e.i. the legislator's 'Ziel und Sicht'.

Certain ambiguities may arise because of an insufficient precision, vague idea and different purposes and intentions of legislator. According to Klaus the operative meaning of words and concepts varies with respect to a person who uses it.

The language of the law is not distinctly independent and it should not be so because to a certain extent everybody will use it.

In connection with legal language Schlesinger writes that sentence length and syntactic complexity correlate with difficulty of comprehension.

Crystal thinks that legal language is the least communicative register because it is not intended for the whole society but for a small group of specialists. Some lawyers believe that their products - texts will be easy to understand by people dealing with legal jargon and there is no need of any care for much more modest requirements of the society.

Lawyers have always dealt with the same things i.e. assigning property, making wills, drawing up documents and they developed certain linguistic forms. Legal texts have not a spontaneous character, typical of conversation and they may

not be so easily generated.

Although some lawyers believe that it is impossible to change the form without changing the content, the fact is that the language of the law underwent some modifications. These modifications are due to the changes in the making of documents or changes in the law itself. It should be emphasized that legal language must always conform to certain legal principles. Evident facts must be presented in a definite way in order to avoid misinterpretations. French and Latin elements characteristic of the language of the law make legal texts hard to understand.

Crystal emphasizes it so:

"Another reason for dabbling in linguistic history is that during the course of its development legal English has had to rub shoulders with, and sometimes give way, to both French and Latin".

Many terms, for the most part of Latin origin, have kept their original form although their pronunciation was modified. They are not considered to be fully loan-words. Such terms include the words like: in jure, apud indicem, actio, habeas corpus, ius civitatis etc.

French loan words are typical of the language of the law. The richness of French terminology entered the English language after the Norman Conquest. Such words as: proposal, refoulement, insured, jurisprudence, renvoi etc. are of French origin.

It is worth mentioning Edelson's words who writes on this topic:

"The distinct character of the vocabulary depends basically on the special use of words, often of French origin, strictly connected with the profession although some have been absorbed into general use - alibi, culprit, defendant, indict, jury, plaintiff, prosecutor".

Frequent archaisms always give the language of the law a certain amount of formality: duly, expiration, terminated, term of years, upon the death.

Crystal stresses this problem in the following way:
"But lawyers have developed marked preferences in their choice of words, and some very clear characteristics emerge. It is especially noticeable that any passage of legal English is usually well-studded with archaic words and phrases of a kind that could be used by no one else but lawyers".

The legal terminology does not comprise only the words with more or less precise meaning. The degree of this precision depends on tradition and a kind of a silent contract concluded among the lawyers. Such terms which don't give the lawyer the ground for any discrepancy are called the 'terms of art' and they include, among others, such words as: alibi, appeal, bail, defendant, plaintiff, liable. Other words such as: damage, access, territory, border are not so accurate and they cannot be considered to be 'terms of art'.

In legal English we find a lot of words and expressions bearing a general character e.g. due, adequate, care, intention, malice. In no way can we admit that they are purely legal terms. It is often difficult to say that a given term belongs to any definite register because there is always a sort of exchange between scientific discourse and common language - what is particularly pertinent to the language of the law.

Crystal stresses a wide range of legal vocabulary:
"The range of vocabulary that may be met in legal language is extremely wide, since almost anything - whether a collection of objects, a set of circumstances or a network of personal relationships - may become the subject of legislation or legal tabulation in some way or other, and a statute regulating the importation of sheep and pigs will differ greatly from a mortgage deed".

Not every legal term is pertinent only to the language of the law, in many legal texts there are terms of art belonging to medicine, technology and other fields of knowledge. They are terms of art of other registers. In legal language these words contribute to the making of proper decisions. In legal English there are words which are rarely met in other

sublanguages e.g. aforsaid, herein, thereof etc. The student of legal texts will have to acquire certain additional terms of other areas of knowledge.

It is very important for the lawyer to achieve the precision of meaning of legal terms because they may differ greatly according to the nature of the document and a situation.

The precision of meaning or even vagueness may prove to be essential in the interpretation of a legal document, the lawyer must be aware of the fact that the document is right in order to prevent his opponent from other interpretation that which was meant in the document.

Lane emphasizes the fact that, in principle, the term of art is familiar to the person who received good professional training in a given field. The basis of the correct use of scientific discourse is the good command of standard language. According to Porter's view the teaching of English to students of scientific subjects must be based on systematic description of the language as encountered and needed in a given register. Such an analysis would have the inestimable value for constructing teaching materials in the area of scientific discourse.

Besides the frequency of occurrence of certain lexical elements and syntactic structures due regard should be paid to overall frequency of those elements in any particular style. Porter writes:

"The characterization of a style should not simply concern itself with the most frequently occurring features, but with any features which could be considered to fall within the same range from text to text within one style".

My investigation of English international law included 6 text samples based on a corpus of 8922 words. The research area texts are grouped as follows:

- ILOD - The International Law of the Ocean Development
- AJIL - American Journal of International Law
- AIL - Asylum and International Law
- UDHR - Universal Declaration of Human Rights
- ICJ - International Court of Justice

CHUN - Charter of the United Nations

The results of this study contributed to the elaboration of characteristic data of English international law register in the field of vocabulary and typical grammatical features. This investigation supported the thesis that English legal discourse is characterized by sentence length which is rather a rule than an exception:

At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, inviting them to undertake, within a given time, by national groups the nomination of persons in a position to accept the duties of a member of the Court.

An average sentence length measured in the investigated law texts is as follows:

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
27.1	24.1	25.1	24.8	37.1	31.6

Some English law texts contained the conditional sentences: If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Secretary or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection.

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
7	-	-	2	2	4

nested sentences, for example:

All children, whether born in or out of wedlock, shall enjoy the same social protection.

ILOD	AJIL	UDHR	AIL	ICJ	CHUN
12	-	4	19	4	6

Dealing with the English legal syntax we should also consider such important elements as nominal groups. Complex nominal constructions are often found in English scientific discourse and in English of law and administration. These constructions aim at expressing maximum of information within

the limited language components.

The characteristic trait of English nominal group is this that it may contain different class words. The nominal construction usually contains the obligatory element /headword/. It may be preceded by modifiers /M/ or it may be followed by qualifiers /Q/. The headword is an obligatory element but modifiers and qualifiers depend upon the headword and may assume different forms. Some headwords are preceded by a number of modifiers or qualifiers and according to this fact they are classified.

Roberts uses in this connection the term 'noun cluster' and specifies such word classes as noun, verb, adjective and adverb.

Cygan makes a deeper analysis of this structure pointing that the headword of a nominal group may be made of an appellative noun combining the widest range of epithets even deictics - /particularly articles/ and adjectives.

The sequence of nominal group elements is very important because on the basis of this sequence we are able to define particular positions of the whole structure. The first part of the structure realizes formal, grammatical interdependences and the second one the positions in the M structure.

The following nominal constructions are found in English international law texts:

AN	- national jurisdiction
AAN	- International Maritime Court
AAAN	- equivalent free voting procedure
NN	- safety zone
ANA	- international official responsible
ANN	- National Ocean Space Jurisdiction
A-NN	- large-scale chart
N-AN	- land-locked waters
AANN	- combined international enforcement action
AAN-NN	- available national air-force contingent
AorAN	- complete or partial interruption
Aand AN	- Economic and Social Council

In our study the deictic elements are not taken account of. They are demonstrative elements and usually they concentrate on adjectival forms /epithet/.

We are dealing here with open class elements such as: noun, adjective, participles and gerunds. The N position /nominator/ contains the same word class as H /headword/ i.e. nouns which function as adjectives. The structures containing a few N in the position of E /epithet/ are hard to understand because the meaning relationship is not clearly seen in the syntax. As a rule the preceding epithets don't follow the headword although sometimes in law texts we have met such cases, for example, court martial, Secretary General, obligations incumbent etc. Here is the frequency of occurrence of nominal constructions in English law texts:

ILOD	AJIL	AJL	UDHR	ICJ	CHUN	
AN	69 AN	93 AN	63 AN	67 AN	51 AN	46
AAN	1 AAN	16 AAN	10 AAN	4 ANN	1 AAN	2
NN	23 NN	16 NN	18 NN	1 NN	8 NN	24
ANN	9 AorAN	3 ANN	3 AandAN	13 ANN	1 ANN	3
ANNN	4 NandNN	1 AANN	1 AAandAN	1 ANA	1 AANN	1
NAN	2 AandNN	3 NNN	2 AorAN	2 -	AAN-NN	1
-	ANN	3 NA	1 -	-	AorAN	1

Of the highest frequency of occurrence were the following tenses:

1/ The Simple Present Tense -

The right of hot pursuit ceases as soon as the vessel pursued enters the sea subject to the jurisdiction of its own country or that of a third State.

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
56	50	85	49	30	23

2/ The Present Perfect Tense -

Judicial intervention has been limited to cases where, for example, the executive has abused its discretion, or acted illegally.

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
9	14	19	6	-	1

3/ The Simple Past Tense -

Member States pledged themselves to achieve, in co-operation with the United States, the promotion of universal respect for and observance of human rights and fundamental freedoms.

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
1	1	5	4	1	-

English legal literature abounds in gerund constructions which eliminate some subordinate clauses. In English the forms of the present participle and gerund are identical. The participle is an adjectival noun and the gerund is a verbal noun which-besides the verbal root-retained other verb characteristics.

The distribution of gerund constructions in the texts of English international law is set out below:

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
12	5	11	9	6	3

Bringing the dispute to the attention of the Security Council the Member States seek a solution by negotiation. The above figures also include verbal nouns e.g. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

The highest frequency of occurrence have the following gerunds: traversing, entering, making, proceeding, stopping, anchoring, measuring, drawing, delimiting, inciting, mining.

The frequent occurrence of the present participle is characteristic of English law texts:

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
7	3	9	8	2	5

For example, The term 'conservation of the living resources of the sea' means the aggregate of measures rendering possible the optimum sustainable yield from these resources.

The highest frequency of occurrence have the following present participles: violating, arising, degrading, governing, intending, insuring, acting, voting, working, resulting, implying, dividing, keeping, flying, underlying, referring.

In some texts the construction 'Nominative with the infinitive' was also used, for example:

Submarines are required to navigate on the surface and to show their flag.

ILOD 6, AIL 4.

The passive form was also very frequent:

Where a vessel has been stopped or arrested in the international Ocean Space in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
32	26	40	40	14	14

The study of English legal vocabulary revealed that the highest frequency of occurrence and coverage have the auxiliary verbs to be and to have and the modal verbs such as: shall, may, can and must.

The verb shall expresses the obligatory consequence of legal decisions and it isn't the form of the future tense typical of other sublanguages. Verbal groups containing the modal verb shall point to the commanding nature of the law e.g.

The captain shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the delegation.

The frequency of occurrence of the modal verb shall in the investigated texts is:

ILOD	AJIL	AIL	UDHR	ICJ	CHUN
16	-	-	24	24	7

In the study of English law texts attention has been paid to other lexical elements which in regard to relatively high frequency of occurrence and coverage should be mentioned. These are:

a/ prepositions

without 16, within 5, safe 3, herein 2, except 1.

b/ participial prepositions

including 5, according 4, arising 4, concerning 4, relating 2.

c/ connective adverbs

as 23, whereas 9, however 6, therefore 4, such as 3, moreover 1.

d/ phrase prepositions

in accordance with 9, with respect to 6, with a view to 4, in connection with 3, on account of 3, in so far as 2.

e/ phrase conjunctions

in order that 4, such as 3, as to 6, so long as 3.

The list of frequency of lexical units shows that the occurrence and coverage of particular lexical items is variable relating to the nature of text.

In the process of English teaching, of the highest practical value will be those verbs which occur in more than one text e.g. to be, to have, enjoy, give, take, seek, extend, commit, undertake, arise, seem, deem, concern, hold, provide etc.

For example, the frequency of occurrence of the verb to fly in the text dealing with the law of the ocean development is rather high, where it usually enters the phrase to fly the flag.

On the other hand, in other law texts it doesn't occur at all, and as a matter of fact, its coverage is not so important. The same thing refers to the noun list where it is clearly seen to what extent the subject area entails the choice of particular lexical items e.g. such nouns as: vessel, oil, asylum are closely connected with the content of one particular subject.

Of greater practical value will be such nouns as: State, law, right, nation, security, purpose, will, article, freedom, solution, jurisdiction, measure, agreement, part, integrity, peace etc., whose occurrence is found in different texts of English international law.

The frequency of occurrence of nouns in English law texts:

AIL		AJIL		ILOD	
state	64	state	48	vessel	32
asylum	28	deposit	37	sea	31
law	28	right	14	ocean	20
extradiction	25	shelf	14	space	19
treaty	20	line	11	flag	15
refugee	20	problem	11	water	12
duty	18	mineral	10	right	11
right	16	gas	10	ship	7
fugitive	15	territory	10	article	7
territory	14	part	7	passage	7
principle	13	sovereignty	7	pursuit	7
rule	10	boundary	7	act	7
country	10	resource	6	baseline	7
refoulement	10	side	6	jurisdiction	7
alien	8	petroleum	6	aircraft	6
person	8	principle	5	coast	6
status	7	question	5	person	6
offender	6	damage	5	tide	5
article	6	law	5	crew	5
expulsion	6	integrity	5	slavery	5
jurisdiction	5	exploitation	5	line	5
obligation	5	area	4	law	5
provision	4	operation	4	provision	4
respect	4	rise	3	purpose	4
offence	4	cooperation	3	navigation	4
example	4	water	3	board	4
activity	4	oil	3	assistance	4
convention	4	duty	3	land	4
freedom	4	sea	3	point	4
sovereignty	4	pressure	3	area	4
virtue	3	oilfield	3	resource	4
absence	3	purpose	2	measure	4
origin	3	article	2	nationality	4
means	3	addition	2	passenger	4
control	3	solution	2	privacy	4

The frequency of occurrence of nouns in English law texts:

ICJ		UDHR		UNCH	
nation	15	right	56	security	32
member	12	freedom	22	council	24
council	11	nation	10	dispute	15
assembly	10	law	9	article	13
security	10	state	6	case	12
organization	10	people	6	member	11
secretary	8	family	6	force	10
court	8	education	6	party	10
staff	8	protection	6	measure	9
agreement	6	declaration	6	agreement	8
justice	6	society	5	action	7
country	5	religion	5	settlement	6
organ	4	person	5	nation	5
secretariat	4	limitation	4	situation	5
peace	4	recognition	4	maintenance	5
nationality	4	discrimination	4	order	4
recommendation	4	act	4	means	4
article	4	life	4	assistance	4
treaty	3	offence	4	nature	4
charter	3	member	4	provision	3
marriage	3	world	3	contingent	3
community	3	conscience	3	air	3
personality	3	man	3	sea	3
purpose	3	woman	3	staff	3
obligation	3	respect	3	committee	3
exercise	3	observance	3	obligation	3
function	3	property	3	arrangement	3
action	3	basis	3	continuance	3
group	3	care	3	employment	2
state	2	assistance	3	purpose	2
declaration	2	children	3	contempt	2
territory	2	peace	2	plan	2
opinion	2	realisation	2	readiness	2
judgement	2	being	2	degree	2
charter	2	charter	2	land	2
question	2	territory	2	breach	2
will	2	distinction	2	threat	2

The frequency of occurrence of verbs in English law texts:

AIL		AJIL		ILOD	
be	75	be	39	be	47
have	29	have	16	have	14
would	13	extend	8	shall	13
do	12	would	8	may	11
expel	10	exploit	6	fly	7
grant	9	concern	6	exercise	6
accord	8	arise	5	mean	5
create	7	can	5	move	4
give	7	determine	4	render	4
can	7	extract	4	take	4
provide	6	discover	3	commit	4
may	5	give	3	prevent	4
relate	5	violate	3	make	3
extradite	5	occur	2	extend	3
must	4	share	2	draw	3
find	4	may	2	comprise	3
suggest	4	undertake	2	punish	3
seem	4	explore	2	adopt	3
seek	3	make	2	enter	2
concern	3	cause	2	proceed	2
make	3	establish	2	include	2
arise	3	know	2	stop	2
limit	3	lie	2	pass	2
exist	3	-		describe	2
discuss	3	-		provide	2
persecute	3	-		cut	2
note	2	-		regard	2
adopt	2	-		find	2
admit	2	-		use	2
follow	2	-		form	2
surrender	2	-		can	2
exclude	2	-		must	2
demand	2	-		change	2
speak	2	-		inform	2
impose	2	-		-	

The frequency of occurrence of verbs in English law texts:

ICJ		CHUN		UDHR	
be	22	be	20	have	31
shall	22	shall	17	be	30
may	17	may	13	enjoy	4
have	4	take	8	promote	4
enjoy	3	refer	8	hold	4
make	3	decide	5	include	4
perform	3	should	5	entitle	4
form	2	provide	5	may	4
seek	2	make	5	subject	3
become	2	call	4	change	3
give	2	endanger	3	perform	3
entrust	2	deem	3	make	2
request	2	bring	3	seek	2
require	2	include	3	commit	2
appoint	2	maintain	3	deprive	2
register	2	concern	3	set	2
-		comply	3	-	
-		have	2	-	
-		undertake	2	-	
-		give	2	-	
-		settle	2	-	
-		determine	2	-	
-		recommend	2	-	
-		restore	2	-	
-		consider	2	-	

NOTES

- ¹ Frankiewicz T., Zagadnienia poprawności języka naukowo-technicznego, Problemy naukowo-technicznego stylu języka nr 1, Wrocław 1974.
- ² Lane A., Recht- und Verwaltungssprache im Internationalen Verkehr, Lebende Sprachen 1968/4.
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Streszczenie

Celem artykułu jest opis cech charakterystycznych angielskiego języka prawniczego.

Język prawniczy jest formalny i nie posiada zabarwienia uczuciowego, stylistycznie jest monotony, lecz jednocześnie wykazuje takie cechy jak jasność wypowiedzi i precyzję.

Język prawa i administracji zawiera wiele powtórzeń w zakresie słów, fraz i zdań. Wykazuje też obecność pewnych słów i zwrotów rzadko spotykanych w innych podjęzykach np. aforsaid, whereof, hereby itd.

Badania nad angielskim językiem prawniczym opierały się na tekstach o łącznej zawartości 8922 słów. Teksty te pochodziły z sześciu różnych źródeł poczynając od literatury ściśle naukowej dochodząc do pism popularno-naukowych. W tekstach prawniczych stwierdzono znaczną przewagę czasu przeszłego i formy biernej.

Największą frekwencję wykazały czasowniki posiłkowe to be i to have, w następnej kolejności występowały czasowniki modalne takie jak: may, can i shall. Oprócz czasowników zwrócono też uwagę na najczęściej stosowane przyimki, spójniki i grupy nominalne. Z zestawionej listy częstotliwości wynika, że największe zastosowanie będą mieć te elementy leksykalne, które wystąpiły w więcej niż jednym zakresie tematycznym np. right, law, state, act, shall, provide itd.

Rzeczowniki o najwyższej częstotliwości odzwierciedlają cechy specyficzne danego tekstu fachowego. Na końcu artykułu podano frekwencję rzeczowników i czasowników występujących w tekstach angielskiego prawa międzynarodowego.