

TEXT STUDY

Online Lecture
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Institute for Open Training and Information Technology- Hue University



Why text study?

- Text: written or printed words forming a connected piece of work
- Message: a verbal, written or recorded, communication sent to or left for a recipient
- What is a communicative event? Why verbal communication?



Information, information and information

- The world that we, earth citizens, live in abounds in information, where information is understood as facts.
- But what is a fact? A fact is what is known or proved to be true, and can only be expressed in words. You look at the blue sky and see white clouds: the existence of white clouds in the blue sky is a fact and you say so, but that it is going to rain is not a fact since you have no way to prove that it will be so, and your sense organs (eyes, ears, noses...) cannot tell if there will be rain or not (maybe ants can).
- Suppose in your dream you witness a murder that involves your acquaintances. Should you go to the police to report it? No, because it is not a fact.



Claude Shannon (American mathematician, 'father of information theory'): information is present whenever a signal is transmitted from one place (person) to another (person); no matter what kind of signal it is. So a signal can be in the form of words, (utterances), light (paintings), sound (songs)...

SENDER

====>
SIGNAL

RECEIVER



(Verbal) Communication

In evolutionary terms, it is highly the case that the first human communication was not much different from communications by any other animals (warning sounds, mating calls...).

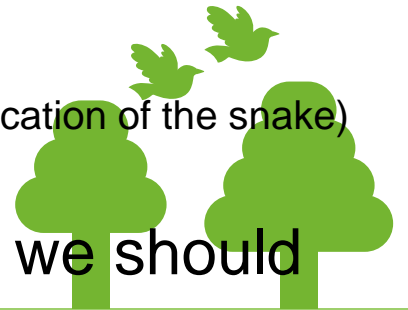
But with the increase of the brain size, and the availability of the language faculty (language organ), language became more expressive.

Why? People could remember and use more words. The more words they used, the greater the number of possible messages. In other words, they were able to send more information.

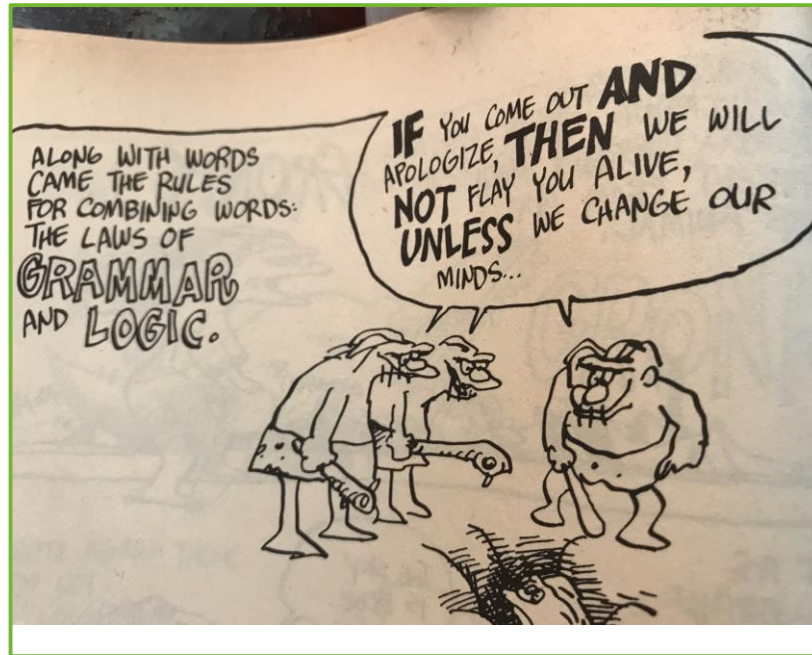


Verbal communication

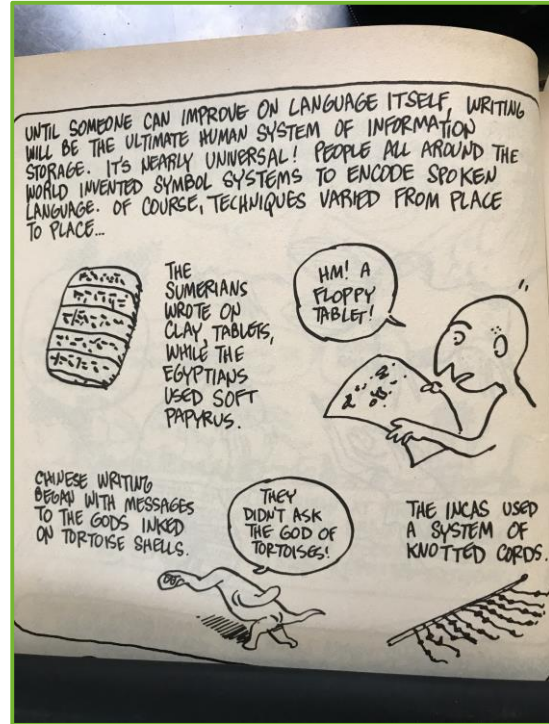
- Corresponding between the complexity of the message and the complexity of the language: Word → Two-word sentence → Simple Sentence → Complex Sentence
- **Snake!** Warning (the appearance of a snake) (here and now)
- **There snake!** Warning and informing (the approximate location of the snake) (here and now)
- **A snake is behind the trunk!** Warning and informing (the exact location of the snake) (here and now)
- **If a snake is behind the trunk, we cannot see it, but we should run away.** Reasoning, conveying an abstract message: a snake may not be present at the moment of speaking (not here and now)



Reasoning with spoken language is powerful...



But it is far more powerful with written language!



What is a text?

With the writing system as a means to encode spoken language, human beings made a giant jump in the evolutionary ladder since written language enables human beings to store and transfer knowledge across time and space.

Spoken words die on the wind: We cannot make a contract, a will without putting down everything in writing. Obviously, verbal communication never starts and ends with one sentence/utterance only.

Uttered out of the blue, a sentence does not tell much about the world, but a sequence of sentences in the form of a text may not tell us anything.



A text?

a. *Once upon a time there was a little white mouse called "Tiptoe". The boys lived in a large brick house with a thatched roof at the end of the longest street in town. That morning Mrs Smooks left home in a great hurry. But, too late, William realised that the car had no brakes. So they ran and they ran and they ran until eventually the giant got tired out so that he couldn't follow them anymore. "What an exciting day," she sighed. And so he never goes alone to the shops anymore. (Eggins 1994 : 89).*



b. Well here we are in the tropics. I've spent many hours just lying around doing nothing. We might go skin diving this afternoon which will be exciting. Well now I'm supposed to say having a wonderful time, wish you were here, but I won't. See you too soon. Love Heather.
(Feez and Joyce, 1998)

(b) is not a text either.



Why not?

=> Whether a set of sentences constitute a text or not depends on the cohesive relationships within and between the sentences.

=> A text is a verbal record of a communicative event.

=> What is a text? What constitutes a text?



- The term 'text' is cognate with 'textiles', meaning a type of cloth.
- We know how cloth is made from cotton, wool...: a process of getting tiny cotton/wool threads together to form a piece of cloth.

Analogically, we can say that a text (a piece of cloth) is made up of sentences (cotton threads) with the help of cohesive devices.

And they are **reference, substitution, ellipsis, conjunction, lexical cohesion.**

reference: the use of pronouns in place of nouns to refer to the same entity

substitution: the use of a short expression for a longer one

ellipsis: the replacement of an expression with a phonetically empty element

lexical cohesion: the use of expressions of the same/ similar lexical field

We will come across these cohesive devices here and there later on.



Coherence

Another element constituting a text is coherence. Unlike cohesion, which is linguistically realized, coherence is

- The quality of being logical and consistent;
- What people bring to the interpretation of linguistic messages (world knowledge/ encyclopedia knowledge).

Coherence allows people to ‘see’ the connection of the elements of the message, with or without overt linguistic connections between these elements.



Illustrations of what it means by coherence

Incoherence

(doctor to a mental patient)

A: What's your name?

B: Well, let's say you might have thought you had something from before, but you haven't got it any more.

A: I'm going to call you Dean.

(Laffal 1965: 85)

=> There is no relationship between between two actions performed with the two utterances:

A asks B for his name. B responds with a non-sense utterance. If B were rational, the implication of his/her utterance would be that he/she does not want to reveal his/her name, but B is not rational. So, the doctor feels comfortable giving him/her a name.



Coherence

A: Can you go to London tomorrow?

B: My mother is hospitalized.

=> There is a relationship between two actions performed with the utterances:

A request the information from B on whether or not B goes to London. Instead of giving a yes or no answer, B responds in the form of a statement informing that B's mother is hospitalized. Since B is rational, A will draw the implication, based on his world knowledge that a child must look after his/her hospitalized parent, that B cannot go to London.



Verbal communication

- We know what a text is, now let's look at how human beings communicate using language (verbal communication).
- Verbal communication is an activity in which information is transferred from a sender to a receiver by means of the language faculty (mind-brain, articulatory organs).
- Jakobson (1960): A speech event (verbal communication) is composed of six constitutive factors: ADDRESSER, MESSAGE, ADDRESSEE, CONTEXT, CODE, and CONTACT.



Jakobson (1960)

The ADDRESSER sends a MESSAGE to the ADDRESSEE. To be operative, the message requires a CONTEXT referred to ('referent' in another somewhat ambiguous nomenclature), seizable by the addressee, and either verbal or capable of being verbalized; a CODE fully or at least partially, common to the addresser and addressee (in other words, to the encoder and decoder of the message); and finally, a CONTACT, a physical channel and psychological connection between the addresser and the addressee, enabling both of them to enter and stay in communication. All these factors inalienably involved in verbal communication may be schematized as follows:



Verbal communication: For what?

=> Functions of verbal communication

According to Jakobson, the functions of an utterance depends on its 'orientation to' one or more of these constitutive factors of the speech event. For instance, a communication act focusing on the ADDRESSER implies the emotive function; orientation to the CONTEXT indicates that the utterance has a referential function (denotative, cognitive) ; orientation to the form of the MESSAGE has the poetic function; orientation to the CONTACT the phatic function; orientation to the ADDRESSEE the conative function; orientation to the CODE the metalinguistic function... These functions can be schematized as follows:




REFERENTIAL

Some examples of communication functions

A passer-by hit by a falling branch utters 'Ouch!'. His utterance performs a communication act, conveying a message of his being in pain even though he might not intend to deliver this message. Imagine you hurt yourself with no one around, and you just say 'Ouch'. Jakobson states that this message has an 'emotive' or 'expressive' function since it centers on the ADDRESSER.

On the contrary, a message centering on the ADDRESSEE indicates a 'conative' function in that it influences, persuades, exhorts the addressee. For instance, trying getting through a crowd, you say: 'Excuse me'. This expression does not mean 'Don't hold me responsible', but conveys something like 'Please let me go through'. Your message is intended for the addressee, so it has the conative function.



Language and language varieties

- Human activities are varied → Language functions are varied
- Language is used to do business, to consolidate social relationship, to manipulate people...
- Language varies its forms depending on the functions it performs. The variety of language used in newspaper → the language of newspaper, the variety of language used in politics → the language of politics...



- In the interest of time and space, we will look at the following:
 1. the language of newspaper
 2. the language of humor
 3. the language of law
and maybe
 4. the language of politics



The language of newspapers

What is newspaper?

As social animals, humans like primates, their ancestors, require mutual understanding to get along socially (who is friend with whom, who dominates and who is subordinate...). They also need to understand the world around to survive and prosper (where crocodiles are, which fruits are edible...).

Primates consolidate social cohesion through grooming; humans through chatting/ gossiping. In the good old days, humans obtained the source for their chatting from hearsay or personal experience. In our modern days, the source mostly comes from mass media: TVs, radios, newspapers...

The word 'newspaper' is a compound formed from 'news' and

- As commercial products, your newspapers must be market-oriented: customers are always right (gods). So newspapers must serve readers in terms of content and form.
- But first let us look at the question of what the function of newspaper is.



- Back to Jakobson (1960), it is easy at first to recognize that the function of newspapers is conative since centers on the addressee /the reader. You read the news so that later on you can have a good chat with your friends → entertainment. But newspapers may also shape your views of the world. They just influence you without your being aware of the influence.
- Yet, newspapers sometimes (unfortunately not always) are informative, and you benefit from being a newspaper reader: they provide you with information about what the world (to some extent) actually is without your being here and there. Therefore, the function of newspapers is also referential since the conveyed messages orient toward the context.



Two categories of newspapers: tabloid and broadsheet

- We are all familiar with the proverb, 'you are what you eat'; now we can say 'you are what you read'. What you eat feeds your body, what you read feeds your mind.
- We noted previously verbal communication allows human beings to increase their chance of surviving and prospering, and that verbal communication serves either as a means of entertainment or as a medium of knowledge transmission.
- It is not surprising to recognize these two services in newspapers.



- Tabloid: a newspaper having pages half the size of a standard newspaper, typically popular in styles and dominated by headlines, photographs and sensational stories.
- Broadsheet: a newspaper with a large format, considered as more serious and less sensationalist than tabloids.



Which is which? Can you tell which is a tabloid and which is a broadsheet?

Tabloid vs Broadsheet

Tabloid

Broadsheet



Tabloid vs Broadsheet

Tabloid



Broadsheet



Can you tell the differences between them from the form (format)?

- Headlines
- Paragraphs
- Punctuation
- Sentence structure
- Lexis (Vocabulary)



TABLOID

VS

BROADSHEET



Differences

| Tabloid | Broadsheet |
|--|--|
| Headlines: bold print, usually extending across the whole page, often capitalized | Headlines: often extending over two columns, smaller print, front page headlines sometimes exception |
| Paragraphs: only a few lines long | Headlines: longer so that readers has to concentrate longer |
| Typographical features: very varied, first paragraph generally uses larger print, often bold; second paragraph slightly smaller; third paragraph standard print size. Intitial letters usually large | Typographical features: more standard, same size print used throughout, except for headlines, straplines and sub-headlines |



Differences

| | Tabloid | Broadsheet |
|----------------------------|--|---|
| Punctuation | sparingly used, commas often omitted to avoid complicating reading, parentheses marked by dashes making it chatty and informal | traditional uses, more formal, dashes less frequent |
| Syntax: Sentence structure | usually simple or compound sentences, beginning rarely with long sentences, one- or two- sentence paragraphs co-ordinators in initial position are common | varied to sustain readers interested, few one- sentence paragraphs co-ordination in initial position less common |
| Coordination | loosely co-ordinated sentences, reflecting speech patterns | cohesion created through reference and lexical repetition not through conjunction |
| Adverbials | At the beginning of the sentence to keep readers interested | position varied, depending on the emphasis appropriate to the meaning |
| Modifiers | common, few nouns without modifiers, pre-modification more common than post-modification | used to provide accurate details, precise description, pre- and post-modification equally distributed |
| Lexis: | often inventive and emphatic, informal and colloquial | more specific, formal and restrained; vivid, dramatic lexis not used merely to sensationalize |

Features of newspaper language

- **Headlines:** three kinds
 - main **headline:** larger, colored to attract attention
 - **strapline / overline:** above main headline, providing extra information or clarifying main headline
 - **sub-headline:** following main headline to qualify or elaborate it



Activity 1. Read the headlines and sub-headlines of the two newspapers, reporting an actual event published on 22 March 2022, and tell the differences

1.

Dad's heartbreaking last message to 'little princess' Bella-Rae Birch, 1, killed by 'pit bull' as mum shares new pic

A DAD'S heartbreaking last public message to his "little princess" daughter has been revealed after she was killed in a "pit bull" attack at home.

2.

Toddler who died in St Helens dog attack named as Bella-Rae Birch

Family in Blackbrook say 17-month-old girl will be sadly missed and thank community for support.



Headlines

| | tabloid | broadsheet |
|-------|---|---------------------------------|
| goal | sensational | factual |
| style | capitalization, color to draw attention | conservative, color rarely used |
| lexis | less formal | informative, straightforward |
| lexis | informal | formal |
| | | |



Grammar of newspaper reports

tabloid

simple, compound sentences; short subordinate clauses to prevent readers from retain large information

broadsheet

wide variety of sentence structures



Sources

tabloid

ordinary people wit no authority

broadsheet

official (Pariament, courts, police...)



Activity 2. Read through the two articles about the same event and comment on the distinctive linguistic features of each article.

A fire took place in Bristol, where the Aardman Animation feature film warehouse is located, destroying all the plasticine models, especially models of the two well-known animation characters: Wallace and Gromit. Wallace, an inventor, and Gromit, his pet dog.

The two articles report the same basic facts:

- Details of the fire
- Location of the Aardman Animations warehouse

- What has been lost
- Responses to the lost

However, they are different with respect to the tone of the reports



1 'Wallace and Gromit' creator's clay archive is destroyed by fire

By Cahal Milmo

Morph would have appreciated the cruel irony. The small plasticine man with an ability to melt into a blob of modelling clay was among a host of Britain's best-loved animated characters reduced to ashes by a warehouse fire.

Thirty years of toil, including the creation of the premier couple of "clay-mation", Wallace and Gromit, were destroyed in the blaze at the archives of Aardman Animations, Britain's largest and most successful animation studio.

News that the archive building had been destroyed came 30 minutes

25 after the company heard that its latest film featuring Wallace and Gromit, *Curse of the Were-Rabbit*, had topped the US box office, taking \$16.1m (£9m) during its opening two days.

Executives said the "entire history" of the studio, which started in 1976 with Morph created for the BBC's *Take Hart* programme, had been lost, including sets, figures and props for feature films, shorts and adverts.

Arthur Sheriff, a spokesman for the company, said: "This should have been a day for celebration and instead everything we have done has been destroyed. It really is a bit of a tragedy."

The fire in a Victorian

warehouse close to Temple Meads station in Bristol broke out just before 5.30am yesterday, causing all three floors to collapse in the heat.

At the height of the blaze, the flames were 100ft high. Avon Fire Service said that an investigation was under way to establish if arsonists had caused the fire.

Hundreds of figures, including surviving Morph figures and many of the 40-plus Gromits and 30-plus Wallaces needed to make each animation, were in metal cases. A spokesman said nearly all had melted and only a small number of items on loan to an exhibition had survived.



Hollywood heroes destroyed in blaze

WALLACE & GONNIT

1
5 **MOVIE heroes Wallace and Gromit were yesterday reduced to a pool of Plastiline goo in a massive fire.**

The blaze tore through the warehouse where the pair and their props were stored – just as their first Hollywood film topped the US box office charts.

The Curse of The Were-Rabbit, which hits cinemas here on Friday, raked in £9.1million in its first weekend Stateside.

The inferno wrecked sets, models, and even awards won by Wallace and Gromit, leaving workers at Aardman Animations devastated.

Lost

25 Cheese-loving inventor Wallace and his faithful canine sidekick Gromit

30 have become a much-loved British institution, helping to earn their creators and animators three Oscars.

Now all the models and sets from past hits A Grand Day Out, The Wrong Trousers and A Close Shave are said to have been wiped out.

Props from other Aardman favourites were also lost, including Chicken Run – featuring the voice of Mel Gibson, 49, as rooster Rocky – Morph, the clay pal of telly artist Tony Hart, 70.

Aardman also makes up to 30 adverts each year, including PG Tips, Nike and Dr Pepper. And it turned Gary Lineker, 44, into Mr Potato Head in an advert for Walkers crisps.

Aardman spokesman Arthur Sheriff said: "Today was supposed to be a celebration, with the new film going in at No1 in the US.

"Instead, our history has been wiped out. The warehouse held everything we had done since Day One.

"It had all the film sets, the props, the models, everything. It really is a bit of a tragedy."

The fire at the warehouse in St Philip's, Bristol, broke out at 5.30am. Arson has not been ruled out.

70 But Aardman head Nick Park, 46, said the fire was "no big deal" in comparison with the Pakistan quake.

75 He said: "It was a precious collection, but in the light of other tragedies it isn't a big deal."



Distinctive features

| | The Independent (Broadsheet) | Daily Star (Tabloid) |
|-----------|--|--|
| headlines | passive sentence with agent, the use of 'clay' in a context of a fire is dramatic, "formal archive (dramatic+ formal) → objective, informative | capitalized, a pun on the name of Gromit: Gonnit. The colloquial 'gonnit' is a blending formed of 'goner' meaning a person or thing beyond help or recovery, and the name of the dog 'gromit' the strapline uses an alliterative noun phrase 'hollywood heroes', reminding us of the celebrity status of the characters |
| grammar | longer phrases with embedded clauses more frequently used one or two sentence paragraphs | simple grammatical structure shorter paragraphs |
| lexis | neutral, formal (reduced to ashes...) | colloquial, informal (goo..) |



Summary

- The function of newspaper language is to inform and entertain people, present them with a particular ideology and an interpretation of events.
- The impartiality of the press is questionable. Through examining the language, grammar, and sources of headlines and reports it is possible to assess its impartiality.
- An editor or a newspaper owner can dictate which stories or facts are to be included or excluded, as a result of which readers may be influenced in the way they respond to the world and to particular events.
- The relationship between a newspaper and its intended audience decides on the content, style and typographical



Activity 3

Comment on the distinctive features of the following reports of the same events by a tabloid and a broadsheet

1.

Bella-Rae Birch, one, was mauled by the family's pet dog in St Helens, Merseyside, and [died in hospital from her horrific injuries yesterday evening.](#)

Her devastated family have paid tribute to "much-loved" Bella-Rae - while neighbours described the tragedy as they rushed to help save the little girl.

The tragic 17-month-old tot only celebrated her first birthday in October last year, with her parents and older brother.

And in a heartbreaking message, dad Ryan wished the toddler a happy first birthday - unknowing that it would tragically be her last.



2.

A family have said their “much-loved” 17-month-old girl who was mauled to death by a dog in her home will be “missed but never forgotten.”

The toddler, who died after the attack at her home in Blackbrook, St Helens, was on Monday named by Merseyside police as Bella-Rae Birch.

Her devastated family released a brief statement calling for space and time to grieve.

“As a family we would like to thank the community for their support,” they said. “We would ask that we are now allowed some space and time to try and come to terms with the tragic loss of our much-loved Bella-

The language of humour

Humour is the broad term used to describe situations, characters, speech, writing or images that amuse us. Physically, it is simply an involuntary respiratory response to a stimulus – laughter (so we cannot control our laughter, a controlled laughter is not real.)

Laughter could be a gesture of shared relief of our ancestors at the passing danger. Obviously, the dangers that our ancestors faced varied depending on where they lived: if they lived by the river, crocodiles could impose a danger; if they lived in the jungle, tigers, snakes could be the source of their panic...

As such laughter is a product of nature and nurture: all human beings laugh, but what makes them laugh is socially constituted and culturally determined. A story may be funny to an English speaker causing him to laugh, but it is not to a Russian speaker.

Why the language of humour?

According to Nash (1985), ‘humour is a specifying characteristic of humanity’, comparable in this respect to ‘the power of speech, the mathematical gift, the gripping thumb’.

You may find it amusing and laugh while watching a silent film, but it is more often your laughter is triggered by jokes. Below is a joke (hopefully it makes you laugh).

A lady went into a clothing store and asked: ‘May I try on that dress in the window?’

Well,’ replied the sales clerk doubtfully, ‘don’t you think it would be better to use the



The function of humour

- The primary function of humour is obviously to entertain, to make people relaxed, feel at ease... In a sense, it serves as a therapy, bringing about healthy effects onto the hearers. There is a Vietnamese proverb, going roughly like 'a laughter is equal to ten portions of herbal medicine'.
- Another function is to better human beings morally: the audience may find themselves being mocked in a pleasant, witty manner, and automatically adjust their behaviors, patterns of thinking...; for instance, they become less pompous, more sympathetic toward the weak, the governed...
- And if humans are political animals (in the words of the Greek philosopher Aristotle), then humour in some cases makes us,



Activity 1

Look at a seemingly true telephone call between (the former) President Bush (PB) and his National Security Advisor Condoleeza Rice (CR) and see if you can laugh after finishing it



The humour comes from the gap between the real and the potential meaning:
Wordplay.

The joke mocks the former president's political knowledge, through which readers are made aware of the fact that they may be governed by people whose intelligence is not as expected, and therefore their decisions should be questioned.

CR: Yes, sir

PB: Yasser? (Yasser Arafat, former Palestine leader) → PB takes the positive response 'yes' plus the honorary title 'sir' as Yasser, which is irrelevant to the current topic.

CR: Mr President, Hu is the new leader of China. (Hu Jintao, former Chinese leader)

PB: Well, that's what I want to know. → PB confuses the pronunciation of the first name of the Chinese leader 'Hu' with the question word 'who', revealing his poor

The language of humour: Form

- We have discussed the functions of humor. Now let us look at how these functions obtain. In other words, what linguistic means are employed to give rise to the humourous effect?
- If we listen to the words of wisdom by philosophers like Kant (1792), then humour is psychological phenomenon linguistically triggered: 'Laughter is an affection arising from the sudden transformation of a strained expectation into nothing'.
- The key expressions are 'sudden transformation, expectation, and nothing'.
- In brief, a comedian must be a language magician, who can build up his/her discourse/text in such a way that a



Going into more elaborating details, the philosopher Schopenhauer (1883) states that 'The cause of laughter in every case is simply the sudden perception of the incongruity between a concept and the real objects which have been thought through it in some relation, and laughter itself is just the expression of this incongruity.'

The key word here is 'incongruity', (not in harmony with other aspects). To be exact, a gap suddenly created between the expectation you are led (linguistically) to and the reality you face an instance later.

Activity 2

Let us see how this assumption works. Read the exchange at a postoffice

Postmaster: Here's your five-cent stamp.

Shopper (with arms full of bundles): Do I have to stick it on myself?

Postmaster: Nope. On the envelope.

(Clark (1968) cited by Oaks (1994))



- Do you laugh? The humour of the joke comes from the unexpected answer of the postmaster. Given that the shopper's utterance 'Do I have to stick it on myself?' is not a question even though it explicitly asks for the information of whether he/she has to do it herself (according to some regulation if any). The implication is that I ask you (the postmaster) for your help by sticking it on the envelope because my hands are busy holding my stuff.
- As a rational speaker, the postmaster is expected to give a reply something like 'No problem, let me help you with that'. Yet, the postmaster takes the expression 'on myself' as denoting a location with 'on' as a preposition, disregarding



- In the spirit of Kant and Schopenhauer, we can say that the language of humour comprises a totality of rhetorical devices, lexicon and syntactic structures given that humour embraces all walks of life.
- The language means aims at giving rise to incongruity, the essential of humour.



Activity 3. Read the joke and comment on the words, sentence structures used and explain how humour obtains

Peter decided to go skiing with his buddy, Bob. They loaded up Peter's station wagon and

headed north. After driving for a few hours, they got caught in a terrible blizzard. They pulled in

to a nearby farm house and asked the attractive lady of the house if they could spend the night.

'I'm recently widowed,' she explained, 'and I'm afraid the neighbors will talk if I let you stay in

my house.' 'Not to worry,' Peter said, 'we'll be happy to sleep in the barn.' Nine months later,

Peter got a letter from the widow's attorney. He then went up to visit his



The language of law

The comics below serves a continuation from our discussion of the language of humor to the language of law.



What is special about the language of law?

Lexis → subject specific: the word 'clause' does not have the common grammatical meaning as in 'subordinating clause'. It takes on a legal sense, meaning a particular and separate article, stipulation in a treaty, bill or contract.

Grammar → the use of passives as in the last box



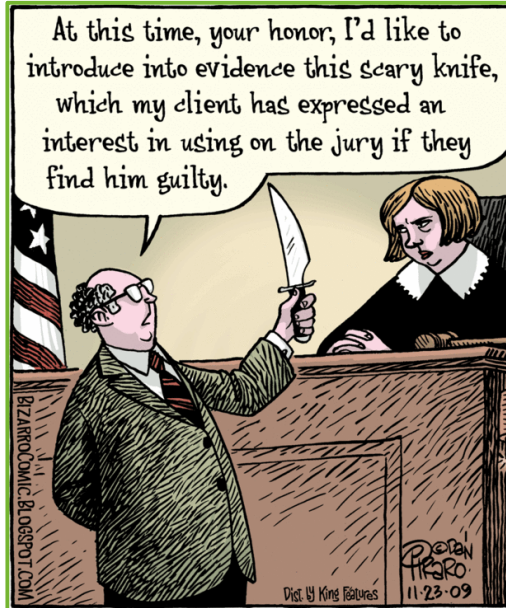
Lexis: subject specific → allegation, tax evasion (more legally acceptable than tax avoidance), jury



Legal language/ language of law

The comics below serves a continuation from our discussion of the language of humor to the language of law. Even though it is a joke, it contains pieces of legal language.

- Lexis→ subject specific ‘your honor’ (you do not use this title to address the hearer outside the court)
‘client’ = defendant/accused as referred by the lawyer
- Grammar→ complex structure
(relative clause, subordinating clause IF)



Why law and the language of law matter?

Before discussion the language of law, let us ask ourselves: why do we need law?

Asking a question of this kind is to many people like asking for the location of a unicorn (a mythical one-horned horse).

Law is defined as a system of rules which a country or a community recognizes as regulating its members and which it may enforce by the imposition of penalties. Very often many of us are not quite aware of importance of the system of rules that regulate the community in which we find ourselves.

Not until on a beautiful day a policeman shows up and asks us to follow him to the police station and we do not know the reason



language of law/ legal language: function

In the spirit of Jakobson (1960), the main function of legal language is referential (information conveying): context-oriented. That is why we pay lawyers: they help us retrieve information about law since they are people with good memories.

A secondary function of legal language is conative because of its orientation to the addressee: it persuades us to comply with the law (to be free from headache).

Another function, reserved for legal experts, is metalinguistic, where the communication acts are code-oriented. We have this function, for instance, when legal experts discuss, argue legal issues arising from a legal text.

Legal language: form

- Archaic, formulaic expressions: *hereinbefore, signed in the joint presence of...* → giving rise to a formal, ceremonial tone
- Subject-specific lexis: *tort, alibi, bail*
- Transforming ordinary language into legal language: *damage, malice, valid...* interpreted differently depending on the context
- Modifiers providing factual information
- Pronouns rarely used to prevent ambiguity

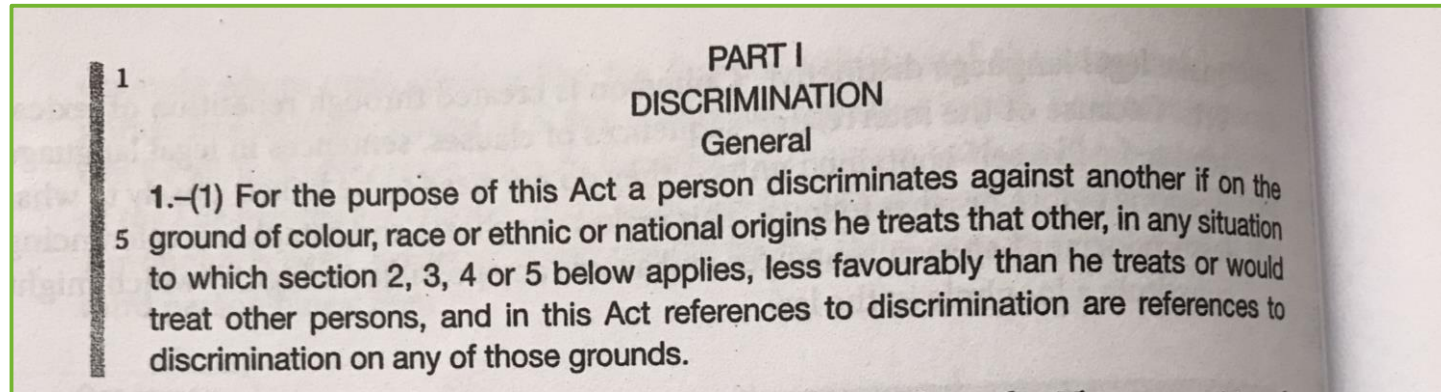


- Grammar: sentences usually long, with complex, compound, and complex-compound structures, full stops only used at the end of key sections or at the very end of the document.
- *'There is reserved for the benefit of any adjoining property of the Vendors or their predecessors or successors in title the free and uninterrupted passage and running of water and soil and gas and electricity from and to other buildings...'*
- Mood is almost always declarative, but imperatives are used occasionally. Interrogatives used in spoken legal language of the courts, but not in written documents.
- Passives are often used.



Types of legal language

- Statutes: a formal set of rules or rules of conduct which have to be observed



PART I
DISCRIMINATION
General

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5 1.-(1) For the purpose of this Act a person discriminates against another if on the ground of colour, race or ethnic or national origins he treats that other, in any situation to which section 2, 3, 4 or 5 below applies, less favourably than he treats or would treat other persons, and in this Act references to discrimination are references to discrimination on any of those grounds.

After the official naming of the Act, it opens with a formula. The prepositional phrase *For the purpose of this Act...* (l.4) establishes the legal definition of discrimination. Repetition highlights key words and avoids ambiguity: for instance, the abstract noun *discrimination* (ll.2,7-8) and the verb *discriminates* (l.4), the abstract noun *references* (l.7) and the verb *treats* (ll.5,6). The example is typical of legal language in a number of ways: third person pronoun references to *he* (ll.5,6) are seen to be inclusive of 'she'; lists of alternatives like *colour, race, or ethnic or national origins* (l.5) ensure that all possibilities are legally covered; there are many abstract nouns; and the sentence structure is complex with adverbials in each part of the compound sentence:

(For the purpose of ...) (a person) (discriminates against) (another) (if ...) (and) (in this Act) (references ...) (are) (references ...) (on any ...)

A S P O A A
S P C A
SCI-ACI conj



Types of legal language

Contracts: written documents in which a legal agreement of some kind is undertaken between two or more parties. Transaction such as selling houses, leasing property or insuring lives and possessions are covered by legal contracts



Contracts: an example sentence

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(Where agreed with the Applicant) (the insurance of the property to be mortgaged)
SCI-ACI SCI-NFCI

(will be arranged) (by the Society) (unless the property is leasehold and \emptyset the lease
SCI-ACI conj SCI-ACI

contains a covenant to insure through a specified agency).
SCI-NFCI



Types of legal language

- Wills: a will is a declaration of a person's intentions concerning the allocation of property after death. It can be altered at any point up to death. It must be a written document and it must be signed at the foot or end. Two or more witnesses must authenticate the signature of the testator (the person making the will).
- A will is a formal document and the language is formulaic. Much of the lexis is subject-specific:

devise (N): the arrangements for depositing of freehold land

legacy/bequest (N): the arrangements for disposing of any other possessions

grant of probate (N): an official acceptance that a will is genuine



Activity 4

Read through the following passage from an endowment insurance policy and comment on the structure, the lexis used.

policy which they feel to be reasonably central in a linguistic sense:

WHEREAS a proposal to effect with the Society an assurance on the Life Insured named in the Schedule hereto has been duly made and signed as a basis of such assurance and a declaration has been made agreeing that this policy shall be subject to the Society's Registered Rules (which shall be deemed to form part of this policy) to the Table of Insurance printed hereon and to the terms and conditions of the said Table and that the date of entrance stated hereon shall be deemed to be the date of this contract AND such proposal has been accepted by the Society on the conditions as set forth in the proposal NOW this policy issued by the Society on payment of the first premium stated in the Schedule hereto subject to the Registered Rules of the Society

WITNESSETH that if the Life Insured shall pay or cause to be paid to the Society or to the duly authorised Agent or Collector thereof every



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WITNESSETH that if the Life Insured shall pay or cause to be paid to the Society or to the duly authorised Agent or Collector thereof every subsequent premium at the due date thereof the funds of the Society shall on the expiration of the term of years specified in the Schedule hereto or on the previous death of the Life Insured become and be liable to pay to him/her or to his/her personal representative or next-of-kin or assigns as the case may be the sum due and payable hereunder in accordance with the Table of Insurance printed hereon and the terms and conditions of the said Table (including any sum which may have accrued by way of reversionary bonus) subject to any authorised endorsement appearing hereon and to the production of this policy premium receipts and such other evidence of title as may be required

IF UPON THE DEATH OF THE LIFE INSURED there shall be no duly constituted personal representative or nominee or assignee of the Life Insured able and willing to give a valid receipt for the sum payable such sum may in the discretion of the Committee of Management be paid to one or more of the next-of-kin of the Life Insured whose receipt shall effectually discharge the Society from all liability under this policy

IN WITNESS WHEREOF we the Secretary and two of the Committee of Management of the Society have hereunto attached our signatures [43, p. 195-196].



And now the end is near...

Summary

The function of legal language: enforce obligations and confer rights

The audience for written legal documents is not expected to be ordinary language users – legal documents are written by one expert for another (That's why lawyers make a lot of and easy money!!! Anyway you have to hire bodyguards to protect you physically; hence it's fair to hire lawyers for legal protection!)

Legal language tends to be conservative to create some ceremonial tone.

Legal language is often accused of being obscure and lacking clarity (another reason for the existence of lawyers). Because its intentions must be externalised to avoid ambiguity, legal language often appears to be unnecessary convoluted.

Paradoxically, while the complexity of the language makes legal documents obscure to the lay person, its precision gives clarity to the expert. (one man's meat is another's poison)

The final curtain

The Greek philosopher Plato is known to be against the invention of writing, the reason is because, in his words, 'They [people who know to read and write] will cease to exercise memory because they rely on that which is written, calling things to remembrance no longer from within themselves, but by means of external marks.'

A wise man, a great philosopher he is, he is absolutely wrong in his argument against writing. Imagine a world without writing systems where human affairs are conducted through spoken language. And spoken language die in the wind. What would happen? It is a reasonable request when the Russian President Putin requires written legal documents about agreements among Russia, EU, and Ukraine. Not peace talk.

We are what we read. So be selective and be wise in reading. And it is always best to 'read between the lines'. But in order to read between the lines, we need to arm ourselves with the works of the giants of our civilization: Plato, Socrates, Aristotle, Confucius, Buddha, Christ, Mohammed, Kant...

