

Analysis of the uses of Coordination and Subordination in Professional Legal Discourse

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Abstract: *This paper examined the uses of coordinators and subordinators in professional legal texts. The texts in the corpus were qualitatively analyzed using descriptive and discursive approach. The result of the analysis showed that 'and', 'but' and 'or' are the prevalent coordinating devices used in creating and achieving cohesion in professional legal texts. They join two or more independent ideas in legal discourse. Subordinators on the other link subordinate ideas to the main ideas. The result of the analysis carried revealed that they are found either in the initial or ending positions in sentences. In which ever position they are used, they serve to extend the meanings of the main clauses. The study discovered that the use of coordination and subordination in the sampled texts are excessive and thus make professional legal discourse complex. The complex structures imply that a lot of embedded information abounds in a sentence which the lay audience may find difficulties in explicating their meanings.*

Keywords: *Professional legal text, coordination, subordination and complexity*

1. BACKGROUND

Legal language is the language used by lawyers and other legal professionals in the course of their works. It exhibits distinctive features that owe much to prevalence of archaic and traditional forms of expressions. Its conservatism is linked directly to the need for unambiguous language that has already been tried and tested in the court. By retaining traditional lexis and syntax, lawyers can be confident that the language of the law is consistent and precise (Thorne 1997).

Crystal and Davy (1985) similarly point out that the reliance on forms which were established in the past and the reluctance to take risks by adopting new and untested modes of expression contributed to the extreme linguistic conservatism of legal English. Crystal and Davy further asserts that of all uses of language, it is perhaps the least communicative, in that it is designed not so much to enlighten language users at large as to allow one expert to register information for scrutiny by another.

Legal discourse is marked by complex grammatical structures, technical lexis and archaic expressions, and limited punctuation, which together make it different from other varieties. Nothing is left implicit and there is perhaps no other variety in which anything not stated explicitly is disregarded, such linguistic features make it easily recognizable to people who are not part of the profession. The syntactic features of legal discourse as many studies have shown are complex. Complex and compound constructions are prevalent syntactic features. The sentences which went to make up a document were long, and in fact it was quite common for draftsmen to compose an entire document in the form of a single sentence. (Crystal and Davy 1985 & Thorne 1997)

The complex nature of legal discourse according to Tiersima (1999) is attributed to the fact that lawyers approach language strategically; actually preferring obscurity to clarity, such usage impedes the overall goals of the system and its language. More problematic are features that clearly enhance communication within the profession but mystify outsiders. Legalese is the term used to describe the above distinctive features of legal language. *Legalese* is an English term first used in 1914 for legal writing that is designed to be difficult for laymen to read and understand,

the implication being that this abstruseness is deliberate for excluding the legally untrained and to justify high fees. *Legalese*, as a term, has been adopted in other language. Legalese is characterized by long sentences, many modifying clauses, complex vocabulary, high abstraction, and insensitivity to the layman's need to understand the document's gist. Legalese arises most commonly in legal drafting, yet appears in both types of legal analysis (http://en.wikipedia.org/wiki/Legal_writing)

On legal texts Mukhaini (2008) states that legal texts vary on a wide range of classifications depending on its nature of function. Legal English can be seen as consisting of several kinds of writing, depending on their communicative function. Risto (1990) in Mukaini(2008) identified three different types of legal writing as: (a) academic texts which consist of academic research journals and legal textbooks, (b) juridical texts covering court judgements or law reports and (c) legislative or statutory writings consisting of Acts of Parliament, contracts, treaties, etc. The above classification entails that legal language consists of many varieties. The style of composition of the three categories of documents for instance differs a great deal. Each genre has distinct linguistic features characterising it. However, Muhaini on general notes observes that the style of documenting legal transactions can best be described as being straightforward, unambiguous and distant from multiple interpretations. Clarity is sought in this type of text because legal texts such as statutes, treaties, contracts, etc. are supposed to defend the rights of a person or a group or impose obligations beside many other functions collectively known as 'legislations'. Hence, these documents should be worded with the highest possible degree of clarity and adequacy.

Conjunctions are devices that are used in texts to create cohesion and texture. The devices fall into two broad categories-coordination, correlating and subordinating conjunctions. The coordinating and subordinating devices are used in texts to hang bits of information together in order to create coherent texts. Coordinating conjunctions include and, but, or, yet, for, nor, so. They connect two independent clauses and are often accompanied by a comma. Subordinating on the other hand include after, although, as, as if, as long as, because, before, even if, even though, if, if only, rather than, so that, then, that, till, unless, when, whenever, while etc. A subordinating conjunction establishes the relationship between the dependent clause and the rest of the sentence.

Both coordination and subordination as pointed out by Quirk and Greenbaum (1973) are linking elements. They link words, phrases and clause structures. There are many explicit indicators of coordination and subordination in texts. The indicators of coordination are popularly referred to as coordinating conjunctions (e.g. and, but, or, for so, yet etc) while the indicators of subordination are called subordinate conjunction (e.g. because, however, if, since etc

This study examined how the two categories of connectors are used in professional legal texts and how they contribute to the complexity of professional legal texts.

2. OBJECTIVES

Although there are several studies on the structure of professional legal texts, no study known to the researcher attempted to investigate the prevalence and implications of coordinators and subordinators. This study attempts to fill the observed gap.

- (i) To identify the prevalent coordinators and subordinators in the texts forming the study corpus.
- (ii) To reflect on the implications of coordinators and subordinators in professional legal discourse.

3. METHODOLOGY

The corpus for the study consisted of six texts which were subjected to qualitative analysis. The texts are extracts from professional legal form books, journals and law journals. Specialists from the content field were involved in the selection of the texts because there are several types of legal documents of which a non specialist may find difficulties in distinguishing them. The descriptive approach was adopted as the method of analysis. Yule (2006) is of the opinion that this approach forms the basis of most of the modern attempts to characterize the structure of different languages. It involves collection of samples of the language that the analyst are interested in and

describe the regular structure of the language as it is used, not according to some views of how it should be used. The analysis carried out was therefore based on the used of coordination and subordination in professional legal form books not as they are generally used in linguistics.

4. DATA ANALYSIS

The six texts forming the study corpus were subjected to analysis using descriptive and discursive approach. The analysis carried out indicated that the coordinator 'or' is used predominantly in the selected texts. This coordinating device normally means exclusive. It expresses the idea that only one of the possibilities can be realized. In professional texts however, it has additional meaning "inclusive." It allows the realization of a combination of the alternatives to link several of the intended meanings. Through the use of 'or' in Contracts, Wills, Deeds and Regulations, all the acts that amount to felony or forming part of the several possibilities are listed. The excerpt below exhibit the above features.

A pregnant woman who, with intend to procure her own miscarriage unlawfully administers to herself any poison, or noxious thing or unlawfully uses any instrument or other means, and (b) any person who with the intent to procure the miscarriage of any woman, whether she is pregnant or not, unlawfully administers to her or causes to be taken by her any poison or noxious thing or unlawfully uses any instrument or other means, is guilty of abortion.

Every Person who

Breaks and enters any dwelling house or any building within the cartilage there of and occupied there with, or any school house, shop, were house counting house, office, store, garage, pavilion, factory or workshop, or an building belonging to her majesty or government department or to any municipal or other public authority and commit any felony therein or...

There two excerpts exhibits excessive use of the coordinating conjunction 'or' as clause connectors. There are sixteen incidences of the use 'or' as a coordinating device.. The coordinator or is used as a means of linking one of the several intended meanings to one another. In the first excerpt, it is used to list all the acts amounting to the felony of abortion. Similarly, in the second excerpt, it is used to list several intents that amount to the felony of house breaking. The excess coordination as seen from the two excerpts resulted to having complex subjects preceding the verbal group or predicate. All the noun clauses linked by the coordinator 'or' occupy the subject position with the verbal phrase "is guilty of abortion as the summative result of the coordinated elements. The coordinator 'or' as seen in the two texts does not refer to how one of the possibilities can be realized but inclusive (any of the possibilities).

The coordinators '*but*' and '*and*' were also found prevalent across the selected texts. The coordinator "*and*" is used more often than '*but*.' '*And*' as used in the analyzed texts means in addition to the first. The coordinator '*and*' as featured in the text that follows link words of almost the same meaning, resulting to what is technically called conjoined phrases. The conjoined phrases serve as means making emphasis and ensuring comprehensibility. Tiersma (1999) however, notes that the conjoined phrases may lead to ambiguity if the conjoined words are interpreted independently.

Memorandum that on this day of the undersigned A.B of etc in consideration of his natural **love and affection** for his wife the undersigned CB of the same address above and by word of mouth expressed himself to give to the said C.B the **furniture and household** effects specified in the inventory annexed hereto for her own **use and benefit** absolutely and at the same time deliver the said **furniture and household** effects to the said C.B at the same time accepted the gift of the said **furniture and effects** and entered into the **possession and control** of the same witness to the signature of A.B and CB.

The coordinator 'and' links words of related meaning to produce single idea. The conjoined phrases from the extract above such as furniture and household effects, love and affection, possession and control etc emphasizes the authenticity of a gift by a husband to his wife.

The analysis carried out finally showed that the coordinator 'but' is sparingly used in the sampled text. The noted instance from the text below shows every day meaning.

Any person who, with intent to destroy the life of a child capable of being born alive by any willful act causes a child to die before it has an existence independent of its mother, is guilty of child destruction but no person is guilty of that offence unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

In the illustrating text, the long nominal group preceding the coordinator 'but' expresses everything that amounts to the felony of child destruction, while phrase no one following it shows exception of that following, that is if committed to preserve the life of the mother.

Subordinating conjunctions in texts normally join two elements that are not of equal rank. Two phrases of which one is dependent and the other independent are normally joined by a subordinator. The subordinators include *when, where, while, therefore, however, though, although* etc. Like the coordinators, they appear both in the subject and object positions. The italicized in the following texts are examples of subordinated elements.

The responsibility for the evaluation of the child from kindergarten school to the university education level and the cost of such education was to be borne by the petitioner, while the appellant was to have free access to the child during reasonable hours of the day. If my wife is living at the expiration of one week from my death I give to her absolutely all my property including (entailed property and property over which I have a general testamentary power of appointments). And appoint her my sole executrix. The facts adduced in support of contention involve that at the trial his counsel bought for an adjournment from the trial judge and because he was otherwise engaged at another court on that day.

Analysis of the excerpt above revealed that subordinators in professional legal texts have normal functions. The subordinators *while, if, that and because* introduce the subordinate clauses and link the constituents to the main clauses. Just as other text varieties, subordinators in legal texts enable the legal specialists to express additional information that extends the meaning of the main clause in a stretch of language. This style checks economy of space and serve as a means through which ideas can be extended.

5. FINDINGS AND CONCLUSION

The first objective of this study is to determine the prevalence of coordinators and subordinators. The analysis revealed 'and, but & or' as prevalent coordinators. These coordinators were used as means of achieving all inclusiveness when drafting legal documents so as to avoid ambiguity. The study agreed with Crystal and Davy (1984) who opine that coordination at all levels and of all kinds of structures is extremely common in legal English. Many of the features in any given stretch are operating within nominal group structure and the long verbal groups, which are relatively few, and selected from a set of restricted set of possibilities. As the result of this analysis showed, the nominal groups are more complex than the verbal groups. In the nominal groups, all possibilities are explored to ensure all inclusiveness and thereby avoid ambiguity. In the verbal group, the restricted possibilities are summed up.

.Sixteen instances of the use of 'or' as an explicit indicator of coordinated structure were found in two excerpts as the most prevalent. Each instance signals an independent idea but hang to others'. There is no doubt of the fact that average readers or lay audiences may find difficulty in interpreting the discourse. The audiences are forced to puzzle out each of the several intended meanings coordinated. This encourages communication within the profession but mystifies the lay audience who are likely to have little knowledge of the semantic implications.. In addition to puzzling out the intended meaning, the lay audience may find reading the coordinated clauses and phrases boring. Legal language according to Peter Tiersima has become so notorious that it has entered the realm of popular humour. That To Will Rogers once wrote that 'the minute you read something and you can't understand it, you can almost be sure it was drawn up by a lawyer. Then if you give it to another lawyer to read and he don't just what it means, why then you can be sure it was drawn up by a lawyer.

Complexity also occurs as the result of the application of subordinators in legal documents. The use of subordinators in legal documents is another means of communicating more than one idea in a stretch of language. Independent and dependent ideas are usually conveyed as one. The use of

subordinating conjunctions at the beginning of a sentence serves as an orientation point to prepare the reader for the main idea, while those appearing at the end complement the major idea preceding them. Communicating effectively and clearly as the major goals of plain legal language may not be achieved because the audiences have two ideas of unequal ranks to interpret. Therefore excess coordination and subordination may produce opacity and imprecision, thereby hindering the reader from comprehending the document.

6. IMPLICATIONS

The second research objective is to reflect on the implications of coordinators and subordinators in professional legal discourse. The results of the study have implications for comprehending and interpreting of legal discourse by lay audience or non legal practitioners. Coordinators and subordinators are linking devices in discourse. They have grammatical functions that lay audience needs to be exposed to

In order to comprehend and interpret legal discourse successfully. The results showed excessive coordination resulting to several embedded information hanging together. Though the uses of coordinators enable the legal draftsmen to achieve all inclusiveness in order to avoid ambiguity, the lay audience may be mystified. Finally, the findings indicate that both coordinators and subordinators are means of achieving cohesion in legal discourse. While the coordinators join independent ideas to form a single stretch of language, the subordinators on the other hand extends the meaning of a main clause.

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