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THE ARGUMENT-PREDICATIVE STRUCTURE
IN LEGAL DISCOURSE

O.V. Mykhailova, PhD (Kharkiv)

The article focuses on the analysis of the argument-predicative clause structure in the official type of legal discourse with the purpose to establish mental schemes verbalized by the participants of legal communication. The application of the cognitive approach allows the explanation of the syntactic peculiarities of legal discourse.

Key words: adjuncts, circonstants, clause, legal discourse, mandatory syntactic argument, mental scheme, the argument-predicative structure.

Михайлова О.В. Аргументно-предикатна структура в юридичному дискурсі. В статті розглядаються питання пов'язані з реалізацією аргументно-предикатної структури елементарного речення в текстах ділового юридичного дискурсу. Мета статті – встановити ментальні схеми за якими учасники правової комунікації висловлюють свої наміри. Застосування когнітивного підходу дозволяє пояснити синтаксичні особливості організації юридичного дискурсу.

Ключові слова: ад'юнкти, актанти, аргументно-предикатна структура, елементарне речення, ментальна схема, сірконстанти, юридичний дискурс.

Михайлова Е.В. Аргументно-предикатная структура в юридическом дискурсе. В статье рассматриваются вопросы, связанные с реализацией аргументно-предикатной структуры элементарного предложения в текстах делового вида юридического дискурса. Цель статьи – установить ментальные схемы, в соответствии с которыми, участники правовой коммуникации передают определенные смыслы. Применение когнитивного подхода позволяет объяснить синтаксические особенности организации юридического дискурса.

Ключевые слова: адъюнкты, актанты, аргументно-предикатная структура, элементарное предложение, ментальная схема, сирконстанты, юридический дискурс.

The system of language serves for people's communication. The emergence of cognitive science gives the possibility to treat linguistic phenomena in connection with the realization of the work of the human mind. The cognitive approach allows the study of linguistic phenomena in their functioning which is based on the internal possibilities of the speaker, his or her ability to speak and to understand what is said. Cognitive linguistics focuses on the representation of human knowledge and experience. The way a human being perceives the outer world and communicates with it in different situations may be analyzed by the application of cognitive-discourse paradigm which takes into consideration both content and form.

The actuality of the article consists in the use of cognitive-communicative approach to the study of the clause within legal texts as a profession specific type of organization of human knowledge.

The novelty of the article arises from the fact that cognitive approach is used to analyse mental schemes verbalized by clauses in the official type of legal texts.

The aim of the article is to investigate the argument-predicative structure of clauses in the official type of legal texts with the purpose to establish their mental schemes.

The object of the article is the argument-predicative clause structures in legal texts.

Our analysis of the clause in legal texts is based on the ideas of anthropocentrism and functionalism dominant in the modern linguistic paradigm characterized by explanatory and expansionist

character typical for cognitive linguistics.

Functional approach primarily takes into consideration the context in which the texts are used. The study of linguistic phenomena within a cognitive approach which is a part of functionalism focuses on the analysis of concepts existing in human mind, and the structured system of linguistic units by which various concepts are realized in human speech and are interpreted by the addressee. According to Mustajoki, the main principle of functional syntax is "from semantic structures to linguistic means" [4, p. 21].

Among the leading functions of the language we can distinguish the communicative and the cognitive one. A human is a social being so to transfer the knowledge or to impel someone to any action a person has to form (construct) the sentence in such way that it would be understood by another person or people. In its own way the recipient of the information mentally can appreciate it and perform the appropriate actions. Communication of knowledge and senses, and motivation of another person's actions through language means is known as verbalization.

Nowadays the priority in linguistic studies goes to cognitive science which helps to characterize the nature of the internalized linguistic system enabling humans to communicate. The cognitive science traces back to the principles of generative grammar which focused on the investigation of the mechanisms that generate expressions. According to Ray Jackendoff, "the mental grammar enables us to put words together into sentences" [18, p. 17]. In the work "Patterns in the Mind", Jackendoff comes to the conclusion that the ability to speak and understand a human language is the capacity of the human brain for language learning and use. R. Jackendoff considers the phonological and the syntactic structures as the mental codes that allow the transformation of the thought into motor instructions. As an example of such transformations the official type of legal discourse is analyzed in this article.

In legal sphere of human activities such phenomenon as legal discourse occupies the leading place. It is a highly specialized use of language for legal purposes. Among the main features of legal discourse one can distinguish the use of legal terms:

• as independent concepts or arguments of various mental schemes, for example:

(1) *I enclose a copy of our standard client care letter in duplicate. This sets out our* **terms and conditions**. [26, p. 14]

• in complex syntactic constructions verbalizing different mental schemes. For instance, in example (2) the first part of which verbalizes the mental scheme *the influence on the semantic object*, and its second part – the *causation of the action*.

(2) *... we are instructed to commence proceedings to recover the debt* .... [26, p. 39]

To analyse the official type of legal discourse I follow the viewpoint of I. Shevchenko and O. Morozova who classify discourse as cognitive-communicative phenomenon [10]. The analysis of legal discourse focuses on the written type of human communication in legal sphere. In accordance with the sources of legal discourse it is divided into three types: 1) discourse in the court-room, 2) discourse of the law, 3) the official discourse. The first is realized during court hearings such as statements of parties in legal proceedings or various applications and complains. The second represents the functioning of different laws. The third covers legal documentation. In its own way the official type may be subdivided into genres. Legal correspondence is one of them. R. Haigh classifies legal correspondence in accordance with the type of document. He distinguishes: letters, faxes, and emails; the documentation in commercial sphere, employment contracts and instructions; documentation on intellectual property, on breach of contract, on negligence claims; various memoranda, briefs and instructions; divorce and inheritance documentation, etc. [26, p. 3].

Among the functions of legal discourse we distinguish: informative, influential, evaluative, predictive, analytical functions. The informative function is based on the analysis of laws and other legal acts. The influential function is realized by the speeches of a defence lawyer / attorney or a counsel for prosecution, or in the written type of legal discourse by such official types of legal documents as an offer. The evaluative function may be analysed in various acceptances. The predictive function may be submitted

in judicial decisions, judgements, in court statements and speeches which can be analysed as a part of oral or written (court records) type of legal discourse. The analytical function focuses on the examination of legal documentation only such as various protocols especially those composed at the scene.

From the point of view of the participants of legal discourse we can state that it is a status-oriented type of discourse which realizes the communication of representatives of various social groups such as lawyer *vs* lawbreaker, attorney / solicitor *vs* client, the parties in a conflict *vs* a mediator, legal entity *vs* individual in a contract and others.

Generally speaking, discourse is the macrostructure expressing mental and social peculiarities of the participants during communication. To analyse legal discourse we have to take into consideration: 1) the roles of the participants of oral or written or recorded type of legal communication; 2) the information the addressee means; 3) the communicative situation which focuses on the exchange of thoughts and opinions providing the argumentation in courtroom or during the contract negotiation etc.

Analysing legal discourse one can't avoid the investigation of cognitive roots and functional communicative factors of such legal terms as *crime, wrongdoing*, and *tort*. The knowledge of legal definitions can help a layman and especially a lawyer to use them correctly in different types of legal discourse. For example, *crime* is understood as an action which is against the law. [25, p. 35]. *Tort* is any wrongful act, whether intentional or accidental, where injury occurs to another person or party [25, p. 39]. *Wrongdoing* is classified as illegal or immoral behaviour [24, p. 2034].

Among legal concepts we can distinguish the words which are monosemantic, independent from the context and emotionally neutral so they may be used in various types of discourse.

(3) *We are now to exchange **contracts*** [26, p. 147]
(4) *The **court** was seen as a neutral or impartial third party in all disputes* [23, p. 46]
(5) *A person who commits a **crime** is called a criminal* [23, p. 58]

(6) *The **law** ... comprises a very large and complex body of rules* [23, p. 61]

Such term as *clause* may be realized in legal or grammatical meaning. It depends on the functional communicative factors. In legal discourse it is considered as a distinct article or provision in a contract, treaty, will, or other formal or legal written document. For example, in a tenant's response concerning draft lease the matter of negotiation are clauses 4 and 5 concerning the term of lease and the amount of annual rent [26, p. 52].

In grammar, *clause* is considered as the smallest grammatical unit that can express a complete proposition. Syntactically a clause represents the verb along with its subject and their modifiers. If a clause provides a complete thought on its own, then it is an independent (superordinate) clause; otherwise, it is dependent (subordinate) [21]. A typical clause consists of a subject and a predicate, where the predicate is typically a verb phrase – a verb together with any objects and other modifiers. [15] According to Y. Testelets, clause is any group of words the head of which is the inflective meaningful verb or an auxiliary used for the cohesion [7, p. 256].

Legal discourse is characterized mostly by complex syntactic structures, so we focus our attention on the examination of clauses. Clause is considered as the argument-predicative structure verbalising a mental scheme in a particular sentence. On the other hand simple sentence in our interpretation is the argument-predicative structure representing one proposition and realized by the basic model S → NP VP taken into consideration semantic functional and communicative factors of the surface structure [3, p. 23].

The main idea of a clause examination is based on the works of Chomsky, Fillmore, Jackendoff, Wierzbicka who drew their attention to differences in meaning between sentences with the same lexical items in syntactically different positions [8; 9; 12–14; 19; 21].

Within the cognitive-semantic exploration of ontological features of material world subjects and their relations such conceptual schemes as frames correspond the leading categories of human cognition.

For instance, Wierzbicka states: the relationship between the predicate word, such like DO, SAY, WANT, and SEE, and its 'complements' like SOMETHING, ONE THING, or SOMEONE is not the same as that between a head and a modifier in an attributive relation, if only because a head can normally occur with or without its attribute, whereas predicates like DO, SAY, WANT, and SEE do require their complements (if they are not ... understood as elliptical). At the same time, it is clear that it is the element SOMETHING which is dependent on the predicates DO, SAY, and WANT, rather than the other way around, for it is the predicate which determines whether or not a complement is possible, and what the range of possible complements is. For example, SEE combines, universally, with the complements SOMETHING, SOMEONE, and PEOPLE, whereas SAY and DO (and in many languages WANT) combine only with SOMETHING [16].

According to the theory of S. Zhabotynska, the basic frames are lexically represented concepts which denote the essence of objective reality of a person or thing (somebody or something), such as 1) the quantity of somebody/something, 2) the quality of somebody/ something, 3) the way of existence of somebody/ something, 4) the location of somebody/something, 5) the time of somebody/something's existence [1, p. 53–62].

In legal discourse, the concepts denoting persons can be realized by such words as *plaintiff, defendant, witness, judge, magistrate, lessor, lessee, tenant, lawyer, client, solicitor, attoney*, etc., for example:

(7) *The district **judge** made an order in the terms of the draft order we had prepared* [26, p. 116]

(8) *Our **client** experienced significant pain in her right arm and shoulder following the accident* [26, p. 124]

In the official type of legal discourse these legal concepts within a clause can realize such syntactic valences as:

- mandatory syntactic argument:

(9) *Our **client** confirms that...* [26, p. 55]

(10) *please contact **our client** partner, Ms Felicity Matterson.* [26, p. 16]

- circonstants:

(11) *We look forward to hearing from you or from **solicitors** appointed to act on your behalf* [26, p. 51]

- adjuncts:

(12) *We enclose our **client's signed** form of authorization...* [26, p. 34]

(13) *I now enclose the **draft shareholders'** agreement.* [26, p. 69]

Considering the word order of example (10) the peculiarity is in the functional-communicative factor which focuses on the mentally reflected identical object: *our client partner = Ms Felicity Matterson*, but within an argument-predicative structure their exchange longs for in its turn the exchange of circonstant ↔ adjunct positions.

The theory of construction grammar focuses on the syntactic patterns such as simple sentences – the unity of form and meaning. Such syntactic patterns represent the meaning which can be modified (accentuated) by lexical units. A. Goldberg explores the idea that argument structure constructions provide the basic means of clausal expressions in a language [17, p. 3]. She analyses the constructions with ditransitive, resultative, and verb-caused motion within cognitive-semantic paradigm. The basic tenet of construction grammar is that traditional constructions – i.e., form-meaning correspondences – are the basic units of language [17, p. 6].

To determine the consciousness, the actions, the quantity, the quality, the location, and the time features of concepts in legal discourse we ground our exploration on the semantic approach to predicate classification suggesting the syntactic approach based on the functioning of the verbs in a sentence. The verbs as predicates of the sentence may be divided into static and dynamic ones. Static predicates verbalize the existence, the quality, and the state; dynamic ones – the various types of action, the causation, and the movement.

The semantic structure corresponds at syntactic level to *the action → subject → object* relations. Our analysis of semantic structures in such genre of the official type of legal discourse as legal correspondence shows that:

The semantic subject in the official type of legal discourse may be verbalized by the proper name (mostly in the preamble of a legal document), or by the personal pronoun (mostly *I* or *we*).

(14) *I enclose a copy of a letter...* [26, p. 53]

The semantic object in the official type of legal discourse may be verbalized by different parts of speech representing various semantic valences, for example:

(15) *We reserve* **the right** *to bill at two monthly intervals* [26, p. 17]

The right realizes the semantic role of a patient.

Among the dynamic predicates in the official type of legal discourse we distinguish: *enclose, oblige, provide, note, praise, indicate, discuss, contact.* The peculiarity of the official type of legal discourse is that the cognitive focus of these predicates falls not on the semantic subject performing the semantic role of the agent (the action doer). They focus on the syntactic object or complement corresponding to the rheme of the clause.

(16) *We now* **enclose** *a draft order* [26, p. 53]

(17) *I will* **contact** *you again* [26, p. 90]

The predicates denoting mental or perceptive activities such as: *accept, confirm, approve, oblige, discover;* focus on the semantic role – the recipient (the participant of the communicative situation whose interests are infringed or positively affected).

(18) *We* **accept** *the amended plan* [26, p. 56]

(19) *We* **confirm** *receipt of your letter dated 3 February 20 –* [26, p. 126]

Among the static predicates we distinguish: *be, regard, contain.*

(20) *Mr Miller* **is** *an innocent infringer* [26, p. 93]

(21) *Clause* **contains** *restrictions on...* [26, p. 69]

Such predicates focus on the semantic object verbalizing the semantic role – the patient (the participant of the communicative situation who is involved in action and/or expresses its material existence).

Cognitive approach to the exploration of a clause as a pattern which unites deep and surface structures allows the explanation of linguistic phenomena in terms of schemes or prototypes. According to R. Langacker,

"scheme is the abstract categorization that is fully compatible with all members of the category it defines this is an integrated structure that embodies the commonality of its members, which are conceptions of greater specificity and detail that elaborate the schema in contrasting ways" [20, p. 371]. He describes the scheme as the entity with peculiar structure. Schema is the generalization, discrete form of linguistic structures and meanings.

Any clause can be treated both from the point of view of language and speech: as a language pattern it is constructed according to a mental scheme existing in human mind; as a speech unit it verbalizes particular meanings [3, p. 61; 11, p. 320–322]. To analyse the clause in legal discourse we focus our attention on its semantic structure which comprises relative and predicative structures. The nucleus of the relative structure is the action which comprises different arguments realizing semantic roles. The argument-predicative structure focuses on the predicate including mandatory agents and facultative circonstants. Argument-predicative structure is the semantic nucleus of a sentence [3, p. 64]. The proposition of a sentence realizes its sense. The centre of any proposition is its predicate which indicates the number and the type of the arguments and relations between them [5; 8; 9].

The sense of a sentence is transformed in accordance with mental schemes which are verbalized in syntactic structures and according to appropriate knowledge about some situation [3, p. 53]. Mental schemes of a simple sentence are the generalized representations of typical propositions fixed by structural schemes of the simple sentence [3, p. 57, 59, 94]. The proposition within the cognitive approach is a special operative structure of cognition and / or a particular unit of knowledge organization in a human mind which represents the world [2, p. 137–140]. The proposition which is represented by a particular structure scheme of a simple sentence is determined as its sense ("categorical-semantic concept") [6, p. 80]

Among the dominant mental schemes in the official type of legal discourse we distinguish the following:

- Mental scheme of location [Somebody / Something is Somewhere] verbalizes the existence of Somebody / Something in space, for example:

(22) *The registered office is at 16 Anderton Crescent, Felixstowe* [26, p. 70]

- Mental scheme of possession [Somebody / Something possesses Something] verbalizes both the semantic subject and object, for example:

(23) *Clause 2 contains a list of matters*

(24) *Mr Griffiths had a grievance* [26, p. 79]

(25) *Mr Miller owns ten different combinations of "-institute.com"* ... [26, p. 93]

Within the mental scheme of existence [How Somebody / Something is] we distinguish:

- Mental scheme of qualification

(26) *Both you and Mr Shorter are directors of the company* [26, p. 70]

- Mental scheme of characterization:

(27) *A cyber-squatter is someone who deliberately registers domain names similar or identical to the trademark of another party with the intention of...* [26, p. 93]

To sum up we should stress that the main peculiarities of the official type of legal discourse are as follows:

- the concept *client* forms the nucleus of legal correspondence, because each matter for discussion focus around his/her (individual) or its (legal entity) interests;

- the concept *client* is verbalized in argument-predicative structure transforming the sense (deep structure of the sentence) through the such syntactic frames as: mental schemes of characterization, possession, location.

The further analysis should focus on the investigation of cognitive-communicative peculiarities of other types of legal discourse.

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