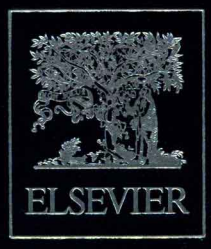

VOLUME SEVEN

ENCYCLOPEDIA OF LANGUAGE & LINGUISTICS

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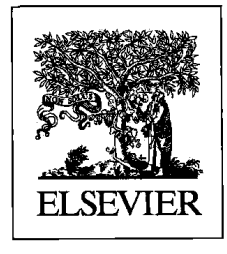

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SECOND EDITION

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GUIDE TO USE OF THE ENCYCLOPEDIA

Structure of the Encyclopedia

The material in the Encyclopedia is arranged as a series of articles in alphabetical order. To help you realize the full potential of the material in the Encyclopedia we have provided several features to help you find the topic of your choice: an Alphabetical list of Articles, a Subject Classification, Cross-References and a Subject Index.

1. Alphabetical List of Articles

Your first point of reference will probably be the alphabetical list of articles. It provides a full alphabetical listing of all articles in the order they appear within the work. This list appears at the front of each volume, and will provide you with both the volume number and the page number of the article.

Alternatively, you may choose to browse through the work using the alphabetical order of the articles as your guide. To assist you in identifying your location within the Encyclopedia, a running head line indicates the current article.

You will also find 'dummy entries' for certain languages for which alternative language names exist within the alphabetical list of articles and body text.

For example, if you were attempting to locate material on the *Apalachee* language via the contents list, you would find the following:

Apalachee *See* Muskogean Languages.

The dummy entry directs you to the *Muskogean Languages* article.

If you were trying to locate the material by browsing through the text and you looked up *Apalachee,* you would find the following information provided in the dummy entry:

Apalachee *See:* Muskogean Languages.

2. Subject Classification

The subject classification is intended for use as a thematic guide to the contents of the Encyclopedia. It is divided by subject areas into 36 sections; most sections are further subdivided where appropriate. The sections and subdivisions appear alphabetically, as do the articles within each section. For quick reference, a list of the section headings and subheadings is provided at the start of the subject classification.

Every article in the encyclopedia is listed under at least one section, and a large number are also listed under one or more additional relevant sections. Biographical entries are an exception to this policy; they are listed only under biographies. Except for a very few cases, repeat entries have been avoided within sections, and a given

article will appear only in the most appropriate subdivisions. Again, biographical entries are the main exception, with many linguists appearing in several subdivisions within biographies.

As explained in the introduction to the Encyclopedia, practical considerations necessitate that, of living linguists, only the older generation receive biographical entries. Those for members of the Encyclopedia's Honorary Editorial Advisory Board and Executive Editorial Board appear separately in Volume 1 and are not listed in the classified list of entries.

3. Cross-References

All of the articles in the Encyclopedia have been extensively cross-referenced. The cross-references, which appear at the end of each article, serve three different functions. For example, at the end of *Norwegian* article, cross-references are used:

1. to indicate if a topic is discussed in greater detail elsewhere

> Norwegian
> *See also:* Aasen, Ivar Andreas (1813–1896); Danish; Inflection and Derivation; Language/Dialect Contact; Language and Dialect: Linguistic Varieties; Morphological Typology; Norway: Language Situation; Norse and Icelandic; Scandinavian Lexicography; Subjects and the Extended Projection Principle; Swedish.

2. to draw the reader's attention to parallel discussions in other articles

> Norwegian
> *See also:* Aasen, Ivar Andreas (1813–1896); Danish; Inflection and Derivation; Language/Dialect Contact; Language and Dialect: Linguistic Varieties; Morphological Typology, Norway: Language Situation; Norse and Icelandic; Scandinavian Lexicography; Subjects and the Extended Projection Principle; Swedish.

3. to indicate material that broadens the discussion

> Norwegian
> *See also:* Aasen, Ivar Andreas (1813 –1896); Danish; Inflection and Derivation; Language/Dialect Contact; Language and Dialect: Linguistic Varieties; Morphological Typology; Norway: Language Situation; Norse and Icelandic; Scandinavian Lexicography; Subjects and the Extended Projection Principle; Swedish.

4. Subject Index

The index provides you with the page number where the material is located, and the index entries differentiate between material that is an entire article, part of an article, or data presented in a figure or table. Detailed notes are provided on the opening page of the index.

Other End Matter

In addition to the articles that form the main body of the Encyclopedia, there are 176 Ethnologue maps; a full list of contributors with contributor names, affiliations, and article titles; a List of Languages, and a Glossary. All of these appear in the last volume of the Encyclopedia.

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Lebanon: Language Situation

Editorial Team

Recorded history in Lebanon goes back almost 5000 years to the times of the Phoenician seafaring traders. Arabic was introduced into Lebanon with the Arab conquest in 634–636 A.D. Since the Middle Ages, Lebanon has acquired a reputation for comparatively tolerant politics and has become home to a number of smaller religious and ethnic groups of the area.

After the end of the Ottoman Empire, Lebanon was under French mandate from 1920 until it gained independence in 1943. From 1975 until 1991, the country suffered from a civil war, which also involved the neighboring countries, Israel and Syria, and the Palestinian Liberation Organization. Since the end of the civil war, the political system has addressed the representation of the interests of different ethnic and religious groups – including Sunni and Shia Muslims, Druze, and various Christian sects – in the country.

The official language of Lebanon is Arabic, which is also the native language of the large majority of its 3.7 million inhabitants. As in other countries of the Arab world, there are two types of Arabic in Lebanon in a diglossic relation: Modern Standard Arabic, which is used in formal contexts, in the media, and in writing, and Levantine Arabic (South Levantine Spoken Arabic) dialects, which are used for spoken and everyday communication. The adult literacy rate in 1990 was 80.3%.

In addition to Arabic, about 234 600 Lebanese (or 6% of the population) speak Armenian, for which an active printing and publishing industry exists. Aramaic (Assyrian and Chaldean Neo-Aramaic) is only used as a religious language in Lebanon, although it is still found as a spoken language in neighboring Syria.

Because of Lebanon's long tradition as a center for international trading and commerce, French and, more recently, English enjoy a high status in Lebanon and are comparatively widely known. Contact with foreign languages is reinforced through large Lebanese communities living abroad, especially in France, the United States, and South America.

See also: Arabic; Armenian; Syria: Language Situation.

Legal Genres

V K Bhatia, City University of Hong Kong, Hong Kong

"*Cognito verborum prior est, cognito rerum postior est*," said Erasmus. If the knowledge of law is more 'potent,' the knowledge of language is 'prior.' Language undoubtedly plays an important role in the construction, interpretation, negotiation, and implementation of legal justice. It is through a variety of legal genres that an attempt is made to create and maintain a model world of rights and obligations, permissions and prohibitions. In principle, this model world is designed to be consistent with the vision that individual states or nations have of the society they wish to create; however, in practice, it is often constrained by the sociopolitical realities of individual national cultures. In order to regulate the real world of human behavior whenever it is viewed as inconsistent with the model world, these rules and regulations are judiciously interpreted and applied through a system of courts to negotiate and invariably enforce desired behavior. The so-called model world is thus created by imposing rights and obligations, permissions and prohibitions through legislation, and this, in most Western democratic systems, is seen as the will of the elected representatives of the people in the parliament. However, Bhatia (1993: 102) points out:

> As legal draftsmen are well aware of the age-old human capacity to wriggle out of obligations and to stretch rights to unexpected limits, in order to guard against such eventualities, they attempt to define their model world of obligations and rights, permissions and prohibitions as precisely, clearly and unambiguously as linguistic resources permit. Another factor that further complicates their task is the fact that they deal with a universe of human behavior, which is unrestricted, in the sense that it is impossible to predict exactly what may happen within it. Nevertheless, they attempt to refer to every conceivable contingency within their model world and this gives their writing its second key characteristic of being all-inclusive.

This view of law and legal justice gives legislation the status of primary legal genre, which is essentially written "with mathematical precision, the object (though not always attained) being, in effect, to provide a complete answer to virtually every question that can arise' (Sir Charles Davis, quoted in Renton,

1975). It is hardly surprising that this legal genre has its own unique integrity and identity, often characterized by its use of a number of lexico-grammatical and discoursal resources that are rarely used in any other disciplinary or professional genre. As documented in Bhatia (1982, 1993), this genre is characterized by the use of a complex array of qualifications, often strategically positioned at syntactic points where they are unlikely to attract any ambiguous or unintended interpretation. The *Renton committee report* (1975) also emphasizes this aspect of legislative genre:

> Ordinary language relies upon the good offices of the reader to fill in omissions and give the sense intended to words or expressions capable of more than one meaning. It can afford to do this. In legal writing, on the other hand, not least in statutory writing, a primary objective is certainty of legal effect ... Parliament seeks to leave as little as possible to inference and to use words which are capable of one meaning only.

The use of qualifying expressions is thus a pervasive phenomenon in legislation. They are more central to the rhetorical structure of legislative sentences and thus form the basis of the underlying 'cognitive structuring' (Bhatia, 1982). They seem to provide the essential flesh to the main proposition in the legislative provision, without which it will be like a mere skeleton of relatively modest legal significance. Qualifications thus form an important part of the linguistic repertoire of the legal draftsman. This may also be due to the fact that qualifications, particularly (complex) prepositional phrases and various subordinate clauses, are syntactically highly mobile, and the legal draftsman tends to take full advantage of their mobility to insert them at various syntactic positions to achieve the desired level of precision and unambiguity.

Precision, especially as a function of adequate specification of legal intentions, is achieved through the use of a variety of legal qualifications (Bhatia, 1982), some of which are used to describe the case(s) to which a particular legislative provision applies. Others are used to impose conditions on the application and implications of the provision, in particular when it comes to the resolution of potential or real conflicts between different legislative acts (see Bhatia, 1982 for details). Qualifications thus form the basis of the underlying cognitive structuring in legislative sentences. They seem to provide the basis for legal specification as emphasized by Caldwell, an experienced parliamentary council in the United Kingdom:

> ... if you extract the bare bones ... what you end up with is a proposition which is so untrue because qualifications actually negative it all ... it's so far from the truth ... it's like saying all red-headed people are to be executed on Monday, but when you actually read all the qualifications, you find that only one per cent of them are ... (qtd. in Bhatia, 1982)

To illustrate this aspect of legislative provision, let me consider the following example:

> If in the course of winding up a company it appears that any person who has taken part in the formation or promotion of the company, or any past or present officer or liquidator or receiver of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of duty in relation to the company which is actionable at the suit of the company, the court may, on the application of the Official Receiver, or of the liquidator, or of any creditor or contributor, examine into the conduct of the promoter, officer, liquidator or receiver, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rates the court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance, or breach of trust as the court thinks just. (Hong Kong SAR, 1997: Companies Ordinance (Section 276))

If we ignore the qualifications in this provision, we find the court being assigned unlimited powers to "examine into the conduct of the promoter, officer, liquidator or receiver, and compel him to repay or restore the money or property or any part thereof ... to the assets of the company." However, the moment we take into account all the qualifications that have been positioned at various syntactic points, we notice that the court's powers are not so widely applicable. Firstly, the court can take action only when a specific number of conditions meet within the context of a case description, that is, the winding up of a company; and then there are numerous conditions on its application, such as the involvement and participation of specific descriptions of people in the formation or promotion of the company; also, their actions must be disadvantageous to the company. If all these conditions are met, then the court can exercise the power to examine into the conduct of these persons and compel them to compensate the company. What seemed an unlimited power to the court without the qualifications turns out to be a rather modest authority to examine the conduct of a few officials of the company under specific conditions. Such is the role and function of qualifications in the legislative genre.

Precision is also achieved through the use of nominalized expressions, which is often achieved by converting verbal expressions into nominalizations, as underlined in the following example from the *Wills act* from the Republic of Singapore:

> No obliteration, interlineation or other alteration made in any will after the execution thereof shall be valid or have effect except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration or at the foot or end of or opposite to a memorandum referring to such alteration and written at the end or some other part of the will. (Government of Singapore, 1970: Section 16 (underlining added))

As each rule of law is essentially encoded in a single-sentence legislative provision, it often contains repetitions of actions and concepts. For the sake of avoiding any potential ambiguity of reference, nominalizations are seen as a useful syntactic resource to facilitate precision in such rhetorical contexts.

Precision and clarity are also achieved through the use of "complex prepositional phrases" (Quirk *et al.*, 1982: 302), such as *in pursuance of*, *in accordance with*, *by virtue of*, *for the purpose of*, and several other combinations of preposition-noun-preposition (P-N-P). Legal draftsmen are particularly suspicious of simple prepositions, as they find them potentially ambiguous in meaning, and hence often go for complex prepositions, many of which are rarely used in any other variety of professional discourse.

In addition to precision and unambiguity, legislative genre is notorious for being all-inclusive as well. This quality of all-inclusiveness is often achieved through the use of what is referred to as binomials and multinomials, as illustrated in the following example from the U.K. *Litter Act* of 1958:

> If any person throws down, drops or otherwise deposits in, into or from any place in the open air to which the public are entitled or permitted to have access without payment, and leaves, any thing whatsoever in such circumstances as to cause, contribute to, or tend to lead to, the defacement by litter of any place in the open air, then, unless that depositing and leaving was authorised by law or was done with the consent of the owner, occupier or other person or authority having the control of the place in or into which that thing was deposited, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding ten pounds; and for the purpose of this subsection any covered place open to the air on at least one side and available for public use shall be treated as being a place in the open air. (*Litter Act*, 1958 (underlining added))

This short paragraph is interesting in two rather different ways. Through the use of multinomials (Gustafsson, 1984) such as *throws down, drops or otherwise deposits*, *in, into or from*, *entitled or permitted*, *to cause, contribute to, or tend to lead*, the draftsman makes it possible for anyone to be guilty of littering at least in 72 different ways. The use of multinomials brings not only precision but also all-inclusiveness in the specification of legal scope. The other device that makes such a construction interesting is the use of all-inclusive expressions of a different kind, such as '*any thing whatsoever*,' '*otherwise* deposits,' and '*any* covered place.' Although these expressions are often viewed as indicators of vagueness and hence lacking in precision in a traditional sense, they bring all-inclusiveness of a different kind to the provision. The legislative genre thus appears to be extremely versatile, using not only precision and all-inclusiveness, but also vagueness and indeterminacy for the required specification of legal intentions.

Legislative genre is also unique in yet another way, that is, it has a typical cognitive structuring that can be characterized by the following rhetorical structure:

> If X, then Y shall do Z.

where X is the description of the case to which the provision applies; Y is the legal subject who is given the power or authority to act, or is prohibited from acting in one way or the other; and Z is the legal action that is either permitted, authorized, or prohibited. This can be illustrated by the following example.

> If *a police officer fails to follow the proper procedures stated in this section 1 above*, (X)
> then *the person affected by this failure* (Y)
> shall *apply to the court for the protection of his interests.* (Z)

Legislative genre thus has a 2-part rhetorical structure consisting of a case description and the legislative provisionary action, which include both the legal subject and the legal action. This form of rhetorical structuring linking case description to specific legislative action also makes an interesting link with the other set of legal genres such as judgments and cases, which are viewed as applications of legislative intentions to interpret and change, wherever necessary, the real world in line with the ideal world as envisioned through legislative procedures. These secondary genres are also seen as illustrations of professional reasoning and use of appropriate authorities either in favor of or against a particular judicial decision. Often these decisions are used as precedents in common-law jurisdictions and hence acquire the status of legal authorities, just like the legislative provisions. As Bhatia (1993: 175) points out:

> Legal cases and legislation are complementary to each other. If cases, on the one hand, attempt to interpret legal provisions in terms of the facts of the world, legislative provisions, on the other hand, are attempts to

account for the unlimited facts of the world in terms of legal relations.

In order to fully understand the nature and function of argumentation in legal cases, it is important to understand the relationship between different forms of legal discourse, such as the legal judgment and legislative provision, on the one hand, and the facts and events of the real world and the legal intentions and sociopolitical values and constraints as part of the model world, on the other. The two sets of relationships are mediated through legal reasoning and precedence within a particular legal framework, without which it is impossible to construe application and interpretation of legislation, including rules, statutes, regulations, and ordinances.

There is also an interesting parallel between legislation and judgments as instances of legal genres. Legislation consists of two main rhetorical moves, that is, case description and the legal action; similarly, a law case typically begins with the establishing of facts and ends with a judgment that invariably indicates the kind of legal action imposed by the decision of the court. Often there is also an attempt to derive what in legal language is called *ratio decidendi,* which is a kind of formulation of legal principle that becomes a precedent for subsequent cases of similar description. These unprecedented parallels between the two genres are not purely coincidental. The judgment is the result of a logical argument based on evidence presented in the court and argued and interpreted in the light of rules and regulations as well as precedents from earlier judgments. This can be represented as shown in **Figure 1.**

Judgments and cases are thus the written records of negotiation of justice, which can be viewed as attempts to enforce legislative intentions to bring the real world closer to the model world. A law case is essentially an abridged version of a judgment of a particular judge or a bench based on the actual negotiation of justice in a court of law. Judgments are public documents and are taken as records of court proceedings intended for use as precedents for subsequent judgments, especially in common-law jurisdictions. Cases are used in academic settings to demonstrate the nature and logic of judicial reasoning in the negotiation of justice. As indicated in Bhatia (1993: 118):

> Legal cases are used in the law classroom, the lawyer's office and in the courtroom as well. They are essential tools used in the law classroom to train students in the skills of legal reasoning, argumentation and decision-making. Cases represent the complexity of relationship between the facts of the world outside, on the one hand, and the model world of rights and obligations, permissions and prohibitions, on the other.

Language is used precisely, clearly, and unambiguously in legislation as well as in judgments; however, in legislation every effort is made to make it all-inclusive as well, whereas in judgments an attempt is made to interpret all-inclusiveness in the light of the specific facts of the case. The relationship between the two genres thus is one of construction of principles and application of such principles. The following brief example of a case cited in Bhatia (1993: 120) will illustrate this relationship:

> Roles v. Nathan (1963) I W.L.R. 1117
> Two chimney-sweeps were killed by carbon monoxide emitting from the ventilation system of the boiler on which they were working. They had chosen to ignore a prior warning of this danger. The Court of Appeal held that the defendants were liable, for, in the words of Lord Denning M. R., "When a householder calls in a specialist to deal with a defective installation on his premises, he can reasonably expect the specialist to appreciate and guard against the dangers arising from the defect." (Bradbury, 1984: 107)

As argued in Bhatia (1993), rhetorical structure for legal cases often includes four moves: case identification, case description (establishing facts), argument, and judgment (which may often include *ratio decidendi*) (see **Table 1**).

It is interesting to note that legal cases in their most abbreviated forms will essentially include the case description and the legal action applicable to such a description of legally material facts. This essential 2-part rhetorical structure is remarkably similar to the one in the legislative genre. Even when analyzing *ratio decidendi*, we still find a similar 2-part rhetorical structure (see **Table 2**).

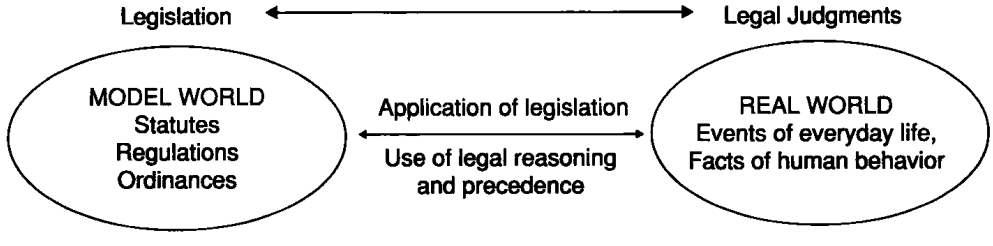

Figure 1 Intertextual relations in legal genres.

There is another parallel genre related to written judgment, and that is the negotiation of justice in the courtroom, mediated through the spoken mode. Widely familiar as courtroom interaction, this represents a legal genre embedded in a formalized professional legal setting and is employed to negotiate and maintain social relations through the questioning of witnesses. Although the main participants are the counsel, the witnesses, the jury, and the judge, the major part of interaction involves the examination and cross-examination of witnesses by the two counsels to bring to light the facts of the case, that is, to identify and establish the legally material facts of the case, which are crucial to the description of the case in question. The outcome of questioning as part of the direct and cross-examination thus is as much a function of the contributions made by these two participants, that is the counsels and the witnesses, the verbal strategies employed by them, and the degree of credibility established by them as it is of the supposed facts of the case. Facts therefore are not simply an objective phenomenon in this setting. They are constructed as a result of the questioning. However, it is interesting to note that the courtroom questioning strategies are primarily employed to win cases, not to help the jury and the judge to discover and establish facts. Counsels thus do not present facts as they might be, but they do so as they want the court to see them. This brings in the role of language and control, over not only what the counsel says but also over what the witnesses might say.

All of this interaction takes place in a very formal organizational context, where forms of behavior, turn taking, participant roles, questioning and responding strategies, and even the content of questions and responses are all tightly controlled by the conventions established and enforced by the courts. The conventions are meant to ensure that courtroom examination of witnesses is carried out in formal language strictly enforcing not only turn taking but also the type of speaking that is allowed. The counsels, for instance, are only allowed to ask questions that are specific, answerable, and designed to elicit the evidence or statements of facts related to the case; and the witnesses, for their part, are required to answer these questions appropriately and truthfully, often with a 'yes' or 'no.' The counsel who is not engaged in questioning at a particular time is allowed to make objections where he feels that inappropriate evidence is being offered or rules being violated, but the judge decides whether the objections are valid or not.

By definition there are two participants, the prosecution v. the defense, and in the end, one wins and the other loses. Although the jury and the judge often make the decision, they cannot actively participate in the court proceedings. Just like any other 2-party interaction, the courtroom examination of witnesses gives counsels more liberty to talk, interrupt, control resumption of talk, and introduce new topics. In addition, they even are allowed to a large extent to control the responses of the witnesses. Witnesses tend to acknowledge this kind of control by copying the question in their answers. If they are not able to control the witnesses' responses, they tend to destroy the witnesses' credibility by showing contempt for them. However, clever witnesses can sometimes make attempts to minimize the effects of such attempts. All this can be perceived as a game being played almost entirely by the counsels, who are the primary players. Witnesses know relatively little about the procedures of the court, including their own contributions, especially as to how these are interpreted, what effect their contributions will have on the jury or the judge, or on the outcome of the trial (Bhatia, 1997). This is well illustrated by the following example of an account of courtroom interaction from Allen and Guy (1989), provided by Worthington through personal communication in 1984:

Table 1

Roles v. Nathan (1963) I W.L.R. 1117	*Case identification*
Two chimney-sweeps were killed by carbon monoxide emitting from the ventilation system of the boiler on which they were working. They had chosen to ignore a prior warning of this danger.	Case description
The Court of Appeal held that the defendants were liable, for, in the words of Lord Denning M. R., *"When a householder calls in a specialist to deal with a defective installation on his premises, he can reasonably expect the specialist to appreciate and guard against the dangers arising from the defect."*	**Legal action** *(ratio decidenti)*

Table 2

When a householder calls in a specialist to deal with a defective installation on his premises, **he can reasonably expect the specialist to appreciate and guard against the dangers arising from the defect.**	Case description **Legal action**