

Noun *that*-complement clauses and the expression of stance in the English-French bilingual corpus of the *Acquis Communautaire*. Legalese as an “objective” genre

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The present article aims to scrutinise the notion of noun that-complement clauses that are preceded by what is referred to as ‘the head noun’ in the English linguistic terminology, and as ‘nom recteur’ in the French linguistic terminology. Head nouns represent a grammatical way of expressing the attitude of the drafters of legal documents. The hypothesis is that despite the well-known, general belief concerning the objective nature of the legal language, in the documents of the European Union, there are linguistic means, such as the above-mentioned head nouns, as well as modal verbs, moods and the distinctive use of articles, which question the desired objectivity and impartiality of legal texts. From a methodological point of view, the article is based on the use of an electronic bilingual corpus called the Acquis Communautaire which contains texts in both languages, English and French. The corpus is partially linguistically annotated. All examples that we provide as a means of illustration of linguistic phenomena are taken from this specific corpus.

Keywords: *corpus, stance, modality, head noun, Acquis Communautaire.*

1. Corpus data

Our article scrutinises noun *that*-complement clauses and the expression of stance as evidenced in a massive English-French corpus of the *Acquis Communautaire*. As to its origin, before joining the European Union, all new Member States needed to translate and approve the existing EU legislation, consisting of selected texts written between the 1950’s and 2005. This body of legislative text, which consists of approximately eight thousand documents for each official language and which covers a variety of domains, is called the *Acquis Communautaire*. As there were twenty official languages at the beginning of the year 2005, the corpus exists as a parallel text (text and its translation) in twenty languages. To our knowledge, it is the largest existing parallel corpus, if we take into account both its size and the number of languages covered.¹

It is obvious that for the purposes of linguistic exploitation, every corpus needs to be adequately annotated. The authors of the linguistically annotated version of our corpus, Natalie Kübler and Alexandra Volanschi,² decided to download all texts from the websites <http://www.europa.eu/> and <http://www.ccvista.taie.x.be>. They were found in HTML format, having a numerical identifier called the CELEX code.³ The downloaded texts were originally in the HTML format. The next step was that they were converted to XML. The title and body of texts were isolated, the paragraph breaks (<P> HTML tags) were kept. All texts were uniformly encoded with UTF-8. The corpus is currently aligned at the paragraph level. Two

¹ http://www.optima.jrc.it/Acquis/JRC-Acquis.2.2/doc/README_Acquis-Communautaire-corpus_JRC.html, 04 March 2016

² Members of UFR d’Etudes anglophones, CLILLAC-ARP, EA 3967, Paris-Diderot - Paris 7, France; <http://www.eila.univ-paris-diderot.fr/recherche/clillac/index>

³ This code helps to find the same text in the various languages; see <http://www.europa.eu/celex/>.

different programs were used for the alignment, Vanilla⁴ and HunAlign.⁵ The authors aligned the sentences of each language pair separately, instead of using one pivot language. The format used is that of the Text Encoding Initiative (TEI). According to an agreement with the European Commission's Office for Official Publications, the *Acquis Communautaire* corpus can be freely used and distributed for research purposes.⁶

2. Nature of legal language

When discussing the characteristics of legal English, Tiersma (1999) gives the following list of typical features: “lengthy and complex sentences, unusual sentence structure, wordiness and redundancy, conjoined phrases, frequent use of negation and impersonal constructions” (1999: 51). Cao (2007) gives two general characteristics of the legal language: “impersonal constructions and extensive use of declarative sentences pronouncing rights and obligations” (2007: 22). As she states,

the language used in law is predominantly prescriptive, directive and imperative. Laws are written in language the function of which is not just to express and convey knowledge or information, but also to direct, influence and or modify people's behaviour, whether it be a legal enactment, judicial pronouncement or a contract. It authoritatively posits legal norms (Cao 2007: 13-14).

Jenkins (1980) supports her arguments by adding that “law has a normative existence that is embodied in the ideals and principles that people cherish, the purposes and aspirations they pursue, and the notions they hold” (1980: 103). Thus, “law exists as a set of prescriptions having the form of imperatives, defining and enforcing the arrangements, relationships, procedures and patterns of behaviour that are to be followed in a society” (Jenkins 1980: 98). Mellinkoff (1963) states that “the language of law should not be different from the ordinary language without reason. For such differences, the following rationales are usually given: the legal language is more precise, shorter, more intelligible and more durable” (1963: 285). Of these arguments, precision seems to be the leading feature of the language of law that should give reason to all the other features which are sometimes said to be its vices.

The legal language is highly formal, complex and impersonal which is achieved by excessive use of long sentences, multiple negations and impersonal constructions, as evidenced by the following excerpts from our corpus:

- (1) May the Member States exclude an economic operator from participating in a procedure for the award of a public contract on grounds other than those listed in Article 45 of Directive 2004/18/EC [1] of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (in particular, on

⁴ The program was written by Pernilla Danielsson and Daniel Ridings, which implements the widespread *Church and Gale / Dynamic Time Warping* algorithm. The C source and documentation of the program are available at <http://www.nl.ijs.si/telri/Vanilla/>.

⁵ The program was described by Varga, Halácsy, Kornai, Nagy, Németh & Trón; for more information, visit <http://www.mokk.bme.hu/resources/hunalign/>.

⁶ For more information concerning the *Acquis Communautaire*, see http://www.optima.jrc.it/Acquis/JRC-Acquis.2.2/doc/README_Acquis-Communautaire-corpus_JRC.html, 04 March 2016

grounds that are considered to be justified from the point of view of protecting the public interest, the legitimate interests of the contracting authority or fair competition and the maintenance of lawfulness in competition) and, if so, is the provision of such exclusion in relation to an economic operator that has committed an infringement related to his economic or professional activity and established by court judgment which has the authority of *res judicata* given not more than five years ago compatible with the second recital in the preamble to that directive and with Articles 18 TFEU, 34 TFEU, 49 TFEU and 56 TFEU?

- (1') Les États membres peuvent-ils prévoir l'exclusion d'un opérateur économique de la participation à un marché public pour des motifs différents de ceux énumérés à l'article 45 de la directive 2004/18/CE, du Parlement européen et du Conseil, du 31 mars 2004, relative à la coordination des procédures de passation des marchés publics de travaux, de fournitures et de services [1], en particulier pour des motifs susceptibles d'être justifiés par des raisons tenant à la protection des intérêts publics, aux intérêts légitimes du pouvoir adjudicateur, à la loyauté de la concurrence ainsi qu'à la préservation d'une concurrence loyale? Dans l'affirmative, l'exclusion d'un opérateur économique de la participation à un marché public est-elle conforme au deuxième considérant de l'exposé des motifs de ladite directive ainsi qu'aux articles 18 TFUE, 34 TFUE, 49 TFUE et 56 TFUE, pour autant que ledit opérateur a commis une infraction en relation avec son activité commerciale ou professionnelle constatée par décision de justice ayant autorité de chose jugée, rendue au cours des cinq années qui précèdent ?
- (2) **No** Party may indicate its consent to be bound by this Protocol without having previously or concurrently indicated its consent to be bound by the Lisbon Agreement in accordance with the provisions of Article 22.
- (2') **Aucune** partie **ne** peut manifester son consentement à être liée par le présent protocole sans avoir préalablement ou simultanément manifesté son consentement à être liée par l'accord de Lisbonne conformément aux dispositions de l'article 22.
- (3) While **it is important to** guarantee the rights of consumers by means of provisions that cannot be derogated from by contract, **it is reasonable to** allow enterprises and organisations to enter into other agreements.
- (3') **S'il importe de** garantir les droits des consommateurs par des dispositions auxquelles les contrats ne peuvent déroger, **il est raisonnable de** permettre aux entreprises et aux prêteurs de conclure d'autres types de contrats.

Sentence (1') consists of 170 words which makes it a complex, lengthy structure with several embeddings. It covers a whole idea, citing all the applicable legislation and referring to all eventualities by means of using the *if so* option. Sentence (2), thanks to its negative structure, is explicit and clear enough as to leave no space for exemption clauses: negative injunction thus remains in force. Sentences (3) and (3') avoid the use of 1st or 2nd person pronouns, which, in practice, means that the legislation put forward pertains to everyone.

As Tiersma puts forward,

sentence length is naturally a very crude yardstick of assessing the level of complexity in a text. Studies show that sentences in the legal language are quite a bit longer than in other styles, and also have more embeddings, making them more complex. Sometimes there seems to be an attempt to state an entire statute or linguistic principle in a single sentence, even though such a structure can easily be broken down into more digestible pieces with no loss in content. A motivation for placing all information on a particular topic into one self-contained unit may be a proof of the legal drafters' fear that if they placed a condition on a rule in a separate sentence directly following the statement of the rule, some lawyers would later be free to argue that the condition does not apply (1999: 56).

Such efforts naturally result in the existence of compound and complex sentences. In the former, what we observe is parataxis or coordination, while in the latter, we may talk about hypotaxis or subordination (or even about several levels of subordinated structures). The formality and structural complexity is perceived as “a main vice of the legal language. On one hand, research shows many of the ways in which the legal language causes problems in comprehension, especially for a lay audience” (Tiersma & Solan 2012: 46). In fact, all of the features seem to impede the communication with public. On the other hand, it has to be borne in mind that

a syntax which may appear to be difficult to understand to a lay person may be an aid for the quick processing of the subject-matter to the professional. Such persons will have been trained to read the text according to principles that lay readers may not be aware of at all. From this perspective, syntactic characteristics such as those discussed above may be viewed as helpful devices, ensuring the syntactic consistency and the consequent perceptual predictability of legal texts. Multiple sentence-medial embedding may, however, be a borderline case in this regard, for they may hamper the reading and comprehension of the text for a lay and a professional person alike (Tiersma & Solan 2012: 46).

Complexity of legal documents may be seen in “their general layout, multiple subordination and postponement of the main verb until very late in the sentence” (Alcaraz & Brian 2002: 19). Not surprisingly, all decisions of a French court, Cour de cassation, consist of one single, highly structured sentence. The “illegibility” of legal texts derives from the fact that

originally, legal texts were written from the far left side to the other side of the page to avoid the possibility of adding anything to the text. From this fact, the custom of avoiding punctuation is also derived: full stops, commas and semicolons may alter the meaning of the sentence (Melinkoff, 1963: 367).

As Melinkoff writes (1963), “lawyers are still reluctant to end a sentence, even though the old reasons for skimping punctuation are gone” (1963: 367).

It is sometimes claimed that “the legal language has an unusual amount of negation” (Finegan 2007: 332). The profession's favouring of the negative may be related to

the old-age notion that whatever is not explicitly forbidden is permissible. Consequently, the law is primarily about what people cannot do, and is logically phrased in the negative (consider the Ten Commandments – at least eight are primarily

negative). Negatives include not just words like not or never, but any element with negative meaning, like the prefix mis- in misunderstanding or un- in unreal, and even semantic negatives like the verb deny. Multiple negation is also very frequent in the legal language (innocent misrecollection is not uncommon – this expression contains no less than three negative elements in a five-word phrase). Judges also tend to favour injunctions that are negative in form rather than positive. It is easier to tell people what they cannot do, rather than what they can. In fact, the preference for the negative is reinforced by the rule that a positive (mandatory) injunction is automatically stayed on appeal, while one that is negative (prohibitory) remains in force (Tiersma 1999: 66-67).

The law thus tends to be phrased in a highly impersonal manner. An illustration of this impersonal style is the tendency

to steer clear of the first and second person pronouns. In spoken language, such pronouns are ubiquitous. If we had to order or command someone to do something, we would use the second person pronoun. Yet legal documents are almost always in the third person (the sex offender shall register...). The same normally holds for pleadings (plaintiff alleges) and contracts (Buyer shall pay Seller). Other examples of impersonal constructions include the common phrase it shall be unlawful or the provision that certain sorts of acts are punishable as a misdemeanor. One reason for using the third person is that legal documents are meant to be of general applicability and address several audiences at once. Such writing promotes an aura of objectivity, greatly desired by lawmakers (Tiersma 1999: 67-68).

Despite claims about the precision of the legal language, some of its attributes are

deliberately imprecise: passives and nominalisations often obscure the identity of the actor; whether done intentionally or not, it can only reduce precision. The basic sentence in English consists of a noun and then a verb, optionally followed by another noun: The man injured the girl. We know that the man is the subject of the sentence – and the actor – because it precedes an active verb. And we know that the girl was the person or object injured – because this noun phrase follows the verb. All we have to do is reverse the nouns to change the girl into the subject and the man into the object. Because of such a basic structure, we tend to anticipate that whenever a noun occurs at the beginning of the sentence, it will be the grammatical subject, as well as the actor, the person doing the action described by the verb. With such basic sentences, it is difficult to obscure the actor. The sentence must have a subject, and the subject is normally the actor. And what the actor did is also straightforwardly stated by a simple verb (Tiersma 1999: 73).

Our corpus provides many instances of nominalisations such as:

- (4) The Member States shall not notify the Commission of irregularities in relation to the following cases: (a) where the irregularity consists solely of **the failure** to execute, in whole or in part, an operation included in the co-financed operational programme owing to the bankruptcy of the beneficiary.
- (4') Les États membres ne notifient pas à la Commission des irrégularités dans les cas suivants: a) lorsque l'irrégularité consiste seulement en l'**inexécution**, totale ou

partielle, d'une opération couverte par le programme opérationnel cofinancé à la suite de la faillite du bénéficiaire.

Yet it should come as no surprise that lawyers wish to obscure or at least downplay the fact that their client was the actor who engaged in some kind of wrongful conduct. Their aim is

obfuscation, not precision. This is done by means of passive sentences that allow the speaker or writer to omit reference to the actor (as in the girl was injured). Lawyers use passives for strategic reasons: to deliberately de-emphasize or obscure who the real actor is. The legal language is often excoriated for overreliance on passive constructions. The possibility of leaving out the actor explains much of the profession's affection for the passive constructions. Passives are impersonal, giving the documents an aura of objectivity and authoritativeness; this may explain why they are common in court orders. They are less common in contracts, where the parties typically wish to spell out exactly who is to do what, and thus have an interest in precise reference to the actors (Tiersma 1999: 74-75).

From among the numerous examples of passive constructions in our corpus, we would like to provide the following sentence, together with its French translation:

- (5) It became clear at the hearing that the security for delivery, which had been lodged by the exporter in accordance with Article 4(1) of Regulation (EEC) No 1354/83 when he removed the goods to be transported to the Middle East, was released as soon as it became clear that the goods **were damaged**.
- (5') Il est apparu à l'audience que la caution de livraison, qui avait été constituée par l'exportateur conformément à l'article 4 paragraphe 1 du règlement (CEE) n° 1354/83 lorsqu'il a emporté l'adjudication pour le transport des marchandises vers le Moyen-Orient, a été libérée au moment où il est apparu que les marchandises **étaient endommagées**.

As the legal language avoids the use of 1st or 2nd person pronouns, in practice, the legislation put forward applies to all citizens; no one is an exception to the rule. Excessively long sentences, negative expressions, impersonal constructions and other features thus make the legal language what it should be, i.e. formal, impersonal, objective, explicit, clear, authoritative, consistent, complex and structurally predictable. Still, all the advantages may (and do) represent a reason why legal writing creates a quandary for a non-technical audience.

3. Noun-*that* complement clause and the notion of stance

For the sake of illustration of the structure in question, let us take a look at the following example:

- (6) **The idea that** domestic violence is rooted in antiquated cultures and traditions is based on **the incorrect presumption that** culture is a static set of beliefs and practices.

As we can see, noun *that*-complement clauses comprise these elements: head noun (*the idea, the presumption*) + *that*-clause post-modifier in the form of subordinate / dependent complement clause (*domestic violence is rooted in antiquated cultures and traditions; culture is a static set of beliefs and practices*). Noun complement clauses

are called 'noun' because they fill in the slots of the main clause where noun phrases can occur. The term 'complement' reflects the relationship between the verb of the main clause and the subordinate clause. The verb of the main clause is incomplete and requires a complement, either a noun phrase or a clause (Miller 2002: 63-64).

In this structure, 'that' functions as a complementiser, linking the head noun and the subordinate clause. The clause receives a thematic role from the noun, obviously paralleling the thematic properties of the clause in the related verbal construction (Nichols 2003). Our premise is that nouns in noun *that*-complement clauses function as a means of conveying stance. What does the semantic notion of 'stance' refer to? In linguistics, stance refers to

utterer's standpoints, value judgments or assessments. Stance expression conveys many different kinds of personal feelings, including attitudes that a speaker has about the information, how certain he / she is about its veracity, how he / she obtained access to the information, and, likewise, what perspective he / she is taking (Biber 2006: 87).

Over the last years, linguists have become increasingly interested in these mechanisms: such investigations have been carried out under several different labels, including 'evaluation' (Hunston 1994; Hunston & Thompson 2000), 'intensity' (Labov 1984), 'affect' (Ochs 1989), 'evidentiality' (Chafe 1986; Chafe & Nichols 1986), 'hedging' (Hyland 1996, 1998), 'modality' (Palmer 1986; Bybee & Fleischman 1995), and 'stance' (Barton 1993; Beach & Anson 1992; Biber & Finegan 1988, 1989; Biber et al. 1999: Chapter 12; Conrad & Biber 2000; Precht 2000, 2003). Other studies in this area have taken a diachronic perspective, either documenting the patterns of use in a particular historical period (e.g. Fitzmaurice 2002, 2003; Kytö 1991; Myhill 1995, 1997), or tracking historical patterns of change across periods (e.g. Biber, Conrad & Reppen 1998: Chapter 8; Krug 2000; Leech 2003). These investigations of personal expression have been conducted "with a variety of complementary methodologies, ranging from detailed descriptions of a single text sample to empirical investigations of general patterns in large computer-based corpora" (Biber 2006: 87-88).

The notion of stance is largely elaborated by Charles who gives a semantic definition of stance, stating that "epistemic stance marks the status of information in terms of its level of certainty or factuality, and attitudinal stance that indicates the writer's personal feelings or opinions about a proposition" (2007: 206). The use of "the noun *that* pattern encapsulates the proposition in the complement clause, summarising and re-presenting it to the reader. It enables the writer to incorporate their own stance towards the proposition through the choice of the noun" (Charles 2007: 205).

4. Head nouns as a means of expressing stance

Our work revolves around semantic properties allowing particular nouns to introduce the grammatical structure in question: we pay special attention to modality, trying to answer the question whether it may play distinctive role in the selection of nouns. We base our view on

the study by Charles (2007) who uses a corpus approach to investigate disciplinary variation in the construction of stance in noun *that*-complement clauses. She analyses nouns into two semantic groups, argument and evidence nouns. The first group, argument nouns, is predominant in politics and international affairs corpus (e.g. *argument, assertion, contention, point, claim*). The second group, evidence nouns, can be found in scientific texts (e.g. *evidence, indication, indicator, observation*). As she points out, argument nouns refer to something that is written or spoken, while evidence nouns refer to signs or evidence that something is the case. The noun *that*-complement clauses are found to be three times as frequent in the first corpus as in the second one. According to the author, this is due to the fact that many nouns in it refer to propositions put forward by political entities. This use has no equivalent in the second corpus. The use of noun *that*-complement clause encapsulates the proposition in the complement clause, summarizing and re-presenting it to the receiver. This enables the writer / speaker to incorporate his / her own stance towards the proposition through the choice of the noun (Charles 2007).

We argue that the nouns in our corpora share the semantic features of the first group, given the fact that the domain that they refer to is closely interrelated with the scope of the *Acquis Communautaire* itself as it covers the field of international agreements on EU affairs. The high frequency of noun *that*-complement clauses in our corpus can be explained by the need to refer to external sources such as legal documents and figures. By referring to them, the knowledge is constructed in a recursive way. Here are some examples of the structure at issue from our corpus; all head nouns belong to the argument group, i.e. something that is written or spoken:

- (7) [...] risk **the accusation that** a proportion of the allowance is being used to supplement their personal income.
- (7') [...] risquent **d'être accusés d'utiliser** une partie de l'indemnité pour compléter leurs revenus personnels.
- (8) [...] **the argument that** the certificates of origin in question have not been invalidated by the competent Macao authorities.
- (8') [...] **l'argument tiré du fait que** les certificats d'origine en cause au principal n'ont pas été invalidés par les autorités compétentes de Macao.
- (9) [...] based on **the assumption that** for every driver in passenger transport there are, on average, two active conductors.
- (9') [...] en partant **d'une hypothèse de** deux chefs de train actifs en moyenne pour un conducteur dans le domaine du transport de passagers.
- (10) [...] its **assertion that** the pension deficit has been caused by abnormally high pension liabilities.
- (10') [...] son **argument selon lequel** le déficit des pensions est lié à des engagements en matière de retraite anormalement élevés.
- (11) [...] **the point that** the nature of Union spending often does not lend itself to assessing results on an annual basis.

- (11') [...] la Commission **fait observer qu'**il est souvent impossible d'évaluer tous les ans les résultats obtenus grâce aux dépenses de l'Union, compte tenu de la nature de celles-ci.
- (12) [...] **the claim that** the introduction, pursuant to Article 6(9) of the basic Regulation, of a 15-month deadline to conclude anti-dumping investigations prevents the Commission from following the approach underlying the IPS case was found to be unwarranted.
- (12') [...] **l'argument selon lequel** l'introduction, conformément à l'article 6, paragraphe 9, du règlement de base, d'un délai de quinze mois pour la clôture des enquêtes antidumping empêche la Commission d'adopter la démarche suivie dans l'affaire IPS a été jugé infondé.
- (13) [...] **the contention that** the weight to be given to the length of the preliminary examination in the analysis of whether serious difficulties exist should be proportionate to that length has no basis in the case-law.
- (13') [...] quant à **l'allégation selon laquelle** l'importance qu'il convient d'accorder à la longueur de la procédure préliminaire d'examen dans l'analyse de l'existence éventuelle de difficultés sérieuses devrait être proportionnelle à cette longueur, elle n'aurait pas le moindre fondement jurisprudentiel.

Despite the well-known cliché that legal texts represent a neutral genre, in our corpus, we spotted significant markers of modality, as represented by the nouns under scrutiny. According to Charles, in both of her corpora, the use of noun in noun *that*-complement clauses enables the author demonstrate his / her own position towards the proposition; this seems to be the case of legal texts as well. She mentions the construction of an “objective” stance by which she means that the use of noun *that*-complement clauses facilitates the construction of a seemingly “objective” stance, since the writer can avoid using a person marker with the head noun (Charles 2007). In the large majority of instances in our corpus, the stance is not directly attributed to anyone; let us demonstrate this using the head nouns from the examples (7) – (13): *accusation, argument, assumption, assertion, point, claim* and *contention*.

Table 1: Use of head nouns with an article or with a person marker

Head noun	Use with the definite / indefinite article	Use with a person marker
<i>Accusation</i>	406	1
<i>Argument</i>	2,870	175
<i>Assumption</i>	2,707	6
<i>Assertion</i>	601	90
<i>Point</i>	548	1
<i>Claim</i>	1,329	209
<i>Contention</i>	429	85

These examples clearly demonstrate the prevalence of head nouns preceded by a definite / indefinite article. The lack of personal attribution is particularly important for the expression of stance. The absence of a person marker enables the utterer to obscure the origin of any

evaluation put forward. This makes it more difficult for the reader to identify when the unattributed noun constructs the utterer's subjective position and to challenge it if necessary. As the noun is unattributed, the reader only infers that the writer is the one taking this stance. The statement thus appears objective and is less open to dispute (Charles 2007). These examples prove the "objectivisation" theory: by intentionally leaving out the actor, the drafter reduces precision of the document and misleads the reader who is unable to elicit who the guilty party is. His or her identity is concealed. The document is thus less personal, less objective and the truth remains open for further dispute that may arise when trying to find out who fulfils the role of the malefactor. The final effect is that of de-emphasizing or obscuring the identity of the actor.

Apart from the use of articles, head nouns themselves are a clear example of the presence of modality. According to Charles (2007),

the most comprehensive treatment to the date is that of Schmid (2000), who uses a corpus of 225 million words from the Bank of English in order to identify and describe shell nouns and examine them from both a theoretical and a functional perspective. He distinguishes shell nouns according to three criteria: semantically, they characterise chunks of information of clause length or longer; cognitively, they lead to temporary concept formation by the reader; finally, in terms of text connection, they form a link to the stretch of text they refer to and thereby carry out a discourse-organising function (2007: 204).

The term 'shell nouns', equally used by Charles (2007) to talk about nouns requiring lexicalisation (or lexical realisation) in their immediate context, is identically employed by Winter (1977), who states that "a word such as *allegation*, *theory* or *fact* requires some kind of expansion in the surrounding text" (1977: 39). Another author, Biber (1999), argues "that it is an abstract head noun that can be followed by complements, which complete the meaning of the noun, especially *that*-clauses and infinitive *to*-clauses" (1999: 461). He stresses that

modality is one of the main semantic features of such nouns. Complement *that*-clauses governed by nouns are used to express the speaker's stance towards the propositional content: the *that*-clause reports a proposition, while the head noun reports the author's stance towards the proposition. In expression such as the assumption that the US have the right to invade in the first place, the head noun assumption is the indicator of a stance towards the proposition, reported in the clause the US have the right to invade in the first place: the utterer takes a stand and expresses his position towards the clause (Biber et al. 1999: 462).

Furthermore, as Kanté points out,

the ideas proposed by Biber are equally present in the works by Perkins (1983), Chevalier & Léard (1996), Palmer (1986), Mélis (2002), Halliday (1994) and Ballier (2004, 2007, 2010) who disclose that nouns that govern these structures are nominalised expressions of modality, used by the writer or speaker to mark their own stance or report somebody else's opinion (Kanté 2011: 230).

The diversity of terminology and attitudes towards the nouns as a means of conveying stance can be further demonstrated by the research of Ballier (2007) who talks about "the function of head nouns as a testimonial cursor that enables the speaker to express their stance about the

modal status and the plausibility of the state of affairs expressed in the *that*-clause” (2007: 69). Kanté argues that

both in English and in French, nouns that introduce noun *that*-complement clauses must encompass the following characteristics: abstract, non-human, non-animated, modality, endophoricity. Modal typology of such nouns, based on semantic features that motivate the distinction between different modal classes and the appearance of the nouns in a particular class of modality, is a basis for verification of the status of nouns which might or might not introduce complement clauses: in short, there are five basic classes: nouns with epistemic value (noms à valeur épistémique) expressing (un)certainty, belief or knowledge of the utterer (e.g. acknowledgement, admission, conviction, rumour, proof), nouns with alethic value (noms à valeur aléthique) that indicate objective evaluation of the degree of reality or truth concerning state of affairs in the subordinate clause (e.g. danger, chance, fact, necessity, likelihood), nouns with appreciative / evaluative value (noms à valeur appreciative / evaluative) which mark positive or negative appreciation / apprehension of the utterer regarding state of affairs in the subordinate clause (e.g. absurdity, aim, annoyance, fear, virtue), nouns with deontic value (noms à valeur déontique) revealing of permission / interdiction or requirement of the utterer (e.g. demand, request, rule, warning), and nouns with volitional value (noms à valeur volitive) which express wish or will (e.g. decision, expectation, inclination, supplication, vow). The type of modality conveyed by the noun is generally subjective, since it is the speaker who expresses / describes their personal or another speaker’s stance towards the propositional content. Yet, modality orientation can also be objective, viz. when the speaker uses alethic expressions or logical constructions (Kanté 2010b: 27).

Given the numerous approaches specified hereinabove, we decided to select Kanté’s classification to observe the frequency of individual head nouns in our corpus. As we were familiar with the nature of the legal language, the results were not surprising. The following table is a résumé of our findings:⁷

Table 2: Classification of English head nouns in the Acquis Communautaire

Type of head nouns	Examples	Number of occurrences
	<i>allegation</i>	36
	<i>announcement</i>	6
	<i>approach</i>	65
	<i>argument</i>	157
	<i>assertion</i>	28
	<i>assumption</i>	108
	<i>attestation</i>	6
	<i>awareness</i>	5
	<i>belief</i>	38
	<i>certainty</i>	49
	<i>certificate</i>	34
	<i>claim</i>	314
	<i>concept</i>	8
	<i>conclusion</i>	558

⁷ Despite the extensive amount of our research, in this article, we decided to present the English part of our findings only.

<i>Nouns with epistemic value</i>	<i>confidence</i>	26
	<i>confirmation</i>	76
	<i>contention</i>	9
	<i>context</i>	36
	<i>conviction</i>	26
	<i>declaration</i>	145
	<i>defence</i>	3
	<i>demonstration</i>	15
	<i>difference</i>	4
	<i>disagreement</i>	1
	<i>disclosure</i>	6
	<i>doubt</i>	76
	<i>effect</i>	337
	<i>estimation</i>	3
	<i>event</i>	460
	<i>evidence</i>	955
	<i>example</i>	10
	<i>exception</i>	48
	<i>explanation</i>	4
	<i>fact</i>	4,319
	<i>feature</i>	5
	<i>feeling</i>	2
	<i>finding</i>	127
	<i>hypothesis</i>	12
	<i>idea</i>	27
	<i>implication</i>	3
	<i>importance</i>	65
	<i>impression</i>	44
	<i>indication</i>	210
	<i>indicator</i>	5
	<i>inference</i>	2
	<i>information</i>	577
	<i>issue</i>	43
	<i>judgment</i>	18
	<i>justification</i>	9
	<i>knowledge</i>	45
	<i>likelihood</i>	96
	<i>message</i>	16
	<i>motto</i>	2
	<i>notification</i>	42
	<i>notion</i>	17
	<i>objection</i>	6
	<i>observation</i>	21
	<i>opinion</i>	383
<i>perception</i>	11	
<i>philosophy</i>	2	
<i>position</i>	52	
<i>possibility</i>	177	
<i>premise</i>	17	

	<i>presumption</i>	27
	<i>principle</i>	271
	<i>probability</i>	17
	<i>problem</i>	19
	<i>proof</i>	550
	<i>reason</i>	40
	<i>reasoning</i>	5
	<i>recognition</i>	40
	<i>record</i>	23
	<i>reminder</i>	1
	<i>result</i>	170
	<i>risk</i>	392
	<i>sense</i>	103
	<i>sign</i>	11
	<i>signal</i>	8
	<i>standpoint</i>	3
	<i>statement</i>	151
	<i>suggestion</i>	19
	<i>supposition</i>	1
	<i>suspicion</i>	27
	<i>theory</i>	1
	<i>view</i>	1,009
	Total number of head nouns	85
	Total number of occurrences	12,895
<i>Nouns with alethic value</i>	<i>advantage</i>	21
	<i>danger</i>	72
	<i>disadvantage</i>	3
	<i>merit</i>	2
	<i>misunderstanding</i>	1
	<i>need</i>	6
	<i>surprise</i>	3
	<i>understanding</i>	107
	Total number of head nouns	8
	Total number of occurrences	215
<i>Nouns with appreciative / evaluative value</i>	<i>assurance</i>	192
	<i>concern</i>	103
	<i>criticism</i>	3
	<i>fear</i>	19
	<i>guarantee</i>	379
	<i>insurance</i>	4
	<i>objective</i>	36
	<i>promise</i>	1
	Total number of head nouns	8
	Total number of occurrences	737
	<i>agreement</i>	71
	<i>basis</i>	141
	<i>case</i>	101
	<i>caveat</i>	2
	<i>circumstance</i>	6

<i>Nouns with deontic value</i>	<i>commitment</i>	20	
	<i>complaint</i>	10	
	<i>condition</i>	939	
	<i>consensus</i>	32	
	<i>consequence</i>	45	
	<i>constraint</i>	5	
	<i>demand</i>	43	
	<i>extent</i>	894	
	<i>form</i>	44	
	<i>ground</i>	143	
	<i>insistence</i>	2	
	<i>intention</i>	4	
	<i>kind</i>	9	
	<i>law</i>	109	
	<i>level</i>	212	
	<i>manner</i>	255	
	<i>nature</i>	37	
	<i>obligation</i>	27	
	<i>order</i>	389	
	<i>plea</i>	5	
	<i>point</i>	46	
	<i>pretext</i>	2	
	<i>provision</i>	51	
	<i>proviso</i>	21	
	<i>recommendation</i>	40	
	<i>request</i>	253	
	<i>requirement</i>	213	
	<i>resolution</i>	5	
	<i>rule</i>	52	
	<i>scale</i>	11	
	<i>stipulation</i>	5	
	<i>warning</i>	14	
	<i>way</i>	776	
	Total number of head nouns	38	
	Total number of occurrences	5,034	
	<i>Nouns with volitional value</i>	<i>acceptance</i>	22
		<i>decision</i>	89
		<i>desire</i>	4
<i>expectation</i>		25	
<i>hope</i>		25	
<i>proposition</i>		71	
<i>prospect</i>		13	
<i>wish</i>		7	
Total number of head nouns	8		
Total number of occurrences	256		
TOTAL NUMBER OF ALL HEAD NOUNS	147		
TOTAL NUMBER OF ALL OCCURRENCES	19,137		

Table 3: Modal class distribution in the English part of the corpus of the Acquis Communautaire - types

Modal class	Types	Percentage
<i>Epistemic</i>	85	57,83%
<i>Deontic</i>	38	25,85%
<i>Alethic</i>	8	5,55%
<i>Appreciative / evaluative</i>	8	5,44%
<i>Volitional</i>	8	5,44%
TOTAL	147	100%

Table 4: Modal class distribution in the English part of the corpus of the Acquis Communautaire - tokens

Modal class	Tokens	Percentage
<i>Epistemic</i>	12,895	67,38%
<i>Deontic</i>	5,034	26,31%
<i>Appreciative / evaluative</i>	737	3,85%
<i>Volitional</i>	256	1,34%
<i>Alethic</i>	215	1,12%
TOTAL	19,137	100%

What do these percentages indicate? Why are the epistemic nouns the most frequent in our corpus? According to Biber et al. (1999), “epistemic nouns are used by the language user to express an assessment of the certainty of the proposition. An indication of the source of the knowledge is expressed in the *that*-clause” (1999: 648). As Kanté (2010a) adds, “when the speaker says *the fact that*, he / she wants to show the degree of his / her epistemic assessment about an observed event or state. The nominal expressions constitute a kind of epistemic *envelope*, denoting the speaker’s commitment towards the propositional content” (2010a: 5-6). Lyons (1977) states that “any utterance in which the speaker explicitly qualifies his commitment to the truth of the proposition expressed by the sentence that he / she utters, whether this qualification is made explicit in the verbal component or in the prosodic or paralinguistic component, is an epistemically modal, or modalised, utterance” (1977: 797). Palmer (1986) refers to epistemic modality as “an indication by the speaker of his / her commitment to the truth of the proposition expressed, as the degree of commitment by the speaker to what he / she says” (1986: 51). Coates (1990) argues that “epistemic meaning refers to the speaker’s confidence or lack of confidence in the truth of the proposition expressed in the utterance” (1990: 54). Bybee et al. (1994) claim that “markers of epistemic modality indicate something less than a total commitment by the speaker to the truth of the proposition” (1994: 223). Our results indicate is that there is no clear orientation of the participants to the truth of what they are uttering. They rather assess something as more or less corresponding to objective reality. What they present as truth is their belief that such and such is the case. This is in line with Holmes’ (1982) definition of epistemic modality as “degrees of certainty” (1982: 11).

In our corpus, head nouns show that modality is one of the properties that enables them to govern *that*-clauses. Head nouns intrinsically involve modal features that allow the speaker or writer to express their opinions or attitudes. In this way, the presence of a modality feature is a common property of *that*-taking nouns. The hereinabove mentioned statistical results demonstrate that the epistemic heads are the prevalent category, followed by deontic nouns. This is in line with the basic aims of the legal genre: while epistemic modals relate to “the speaker’s knowledge regarding a proposition and are frequently associated with the idea of possibility or probability” (Williams 2007: 83), deontic modals “are primarily concerned with imposing an obligation or prohibition, or with granting permission or authorisation” (ibid.). These definitions reveal of “communicative and regulative function of legislative texts” (Trosborg 1997: 22).

5. Some other linguistic means indicating the presence of modality

Apart from head nouns that are bearers of modality, there are other linguistic means indicating the presence of modality in the structure in question. Let us take a look at the following expressions and their respective translations:

- (14) [...] the two importers expressed **concerns that** the measures currently in force **may** also protect the USA producer of potassium permanganate who purchased the Spanish production facilities and subsequently suspended production in Spain.
- (14') [...] les deux importateurs ont manifesté **la crainte que** les mesures actuellement en vigueur **puissent** protéger aussi le producteur américain de permanganate de potassium, qui a racheté les installations espagnoles et arrêté ensuite la production en Espagne.
- (15) [...] provision should already be made to incorporate into the operational activities covered by this Decision, where appropriate, the developments in methodology that **may** result from that research.
- (15') [...] il convient de prévoir d'ores et déjà **la possibilité que** les développements méthodologiques en découlant **puissent** éventuellement être intégrés dans le contexte des activités opérationnelles couvertes par la présente décision.
- (16) [...] in that connection, moreover, I cannot overcome **the suspicion that** the rules on the provision of services **may** also be of relevance to cases involving the purchase of products (as in the Decker case).
- (16') [...] dans cette perspective, du reste, nous ne parvenons pas à écarter **le doute que** les dispositions relatives à la prestation des services **soient** pertinentes même lorsqu'il s'agit de l'achat de produits (cas de M. Decker).
- (17) [...] as regards **the fear that** transport undertakings benefiting from the derogations **may** offer long-distance road transport services, the Austrian authorities have taken steps to combat possible evasion or abuse.
- (17') [...] pour ce qui est de **la crainte que** des entreprises de transport bénéficiant de l'application des dispositions dérogatoires **puissent** proposer des services de transport

routier de longue distance, les autorités autrichiennes auraient pris des mesures permettant de lutter contre les éventuels contournements ou abus.

In all the above-stated examples, we can spot the use of the subjunctive mood and that of modal verbs. Modality is concerned with mood (e.g. the subjunctive) and with modal markers such as English modal verbs (can, could, may, might, must etc.) and is treated as a single grammatical category found in most of the languages of the world. Consequently, all of the two linguistic categories that we deal with – the subjunctive mood and modal verbs – clearly are modality markers. The use of modal verbs can be spotted in the examples written in English; the use of the subjunctive mood can typically be found in their French counterparts.

The subjunctive mood “tends to have multiple semantic functions, many of which are concerned with the general area of modality” (Butler 2003: 450); Palmer adds that

syntactically, the subjunctive is typically associated with subordination. Usually there is some notionally irrealis feature involved (i.e. having some component of non-factuality or hypothesis: the subjunctive mood has a metapositional function in indicating that the speaker or a third party is presenting something as a hypothesis, supposition, wish, claim, hope etc.), but sometimes it seems simply to be a marker of subordination (Palmer 1986: 142).

This idea is firmly supported by Lyons (2001) according to whom

the traditional term of ‘subjunctive’ is most revealing in the connection with subordinate clauses in complex sentences: it comes from the Latin translation of the Greek word for subordinating and shows that for the traditional grammarian, the subjunctive was the mood of subordination par excellence. This point may be illustrated with reference to French, where (as in Greek and Latin) what is traditionally referred to as the subjunctive mood is obligatory in many constructions, and the indicative in others (Je crois qu’il vient. vs. Je ne crois pas qu’il vienne. (I think he is coming. vs. I don’t think he is coming) where vient is in the indicative and vienne in the subjunctive). In fact, there are very few contexts in which the indicative and the subjunctive are interchangeable in French. The subjunctive rarely occurs except in subordinate clauses, where its occurrence is largely determined by the type of sentence of which the clause is the constituent, by the selection of a particular main verb, by negation, and by other factors. In other words, the indicative and the subjunctive forms of the verb are in complementary distribution (Lyons 2001: 312).

As to modal verbs, “they are used in all four types of modality that are found in modal systems – judgements, evidentials, deontic and dynamic (though to a very limited degree with evidentials)” (Palmer 1986: 100). As such, “modal verbs cause subjectivity in that they express a subject’s (speaker’s) opinion or attitude towards the proposition that a sentence expresses or the situation that the proposition describes” (Lyons 1977: 452) – which brings us back to questioning the notion of “(in)objectivity” of legal texts and to Charles’s notion of seemingly objective stance.

6. Conclusion

In this article, we tried to demonstrate that in the legal genre, the presence of modality cannot be neglected. We disclosed the presence of typical characteristics of legal language, such as lengthy sentences comprising parataxis and hypotaxis, negations, impersonal and passive constructions which are closely linked to the prescriptive, objective nature of the textual genre in question. Due to the frequent presence of such linguistic phenomena, the legislation drafted by EU authorities grant us firm statements, measures and principles, aimed at maximising the effect of law enforcement. Epistemic modal class, the most frequent category in our study, is used for a very particular reason. The aim of legal documents is to persuade, to enforce a belief that their content is accurate and cannot be contested, even though a shadow of doubt is still present. The lexical modal devices make us believe that law is an authority to mediate people's interests and legal institutions are thus allowed the ability to enforce legal norms. All the texts that they issue are viewed as authentic, authoritative and veracious legal guidance. Nevertheless, passives, negations, nominalisations and, most of all, head nouns are closely interrelated with the objectivisation theory pertaining to strategic, deliberate imprecision in legal documents. We presupposed that nouns governing *that*-clauses are nominalised expressions of modality. In other words, our research aimed and still aims at demonstrating that nouns occurring in complement *that*-clauses in the *Acquis Communautaire* are not used only for the lexical meaning that they convey, but also for a calculated and particular modal meaning. Even though the legal genre strives for objectivity, due to the presence of modality used for very specific purposes, it cannot be always regarded as a clearly objective language. In consequence, laymen may blame the drafters of making the legalese abstruse.

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