

Syntactic-Stylistic Devices in the Texts of Constitutions



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The present paper focuses on the linguostylistic characteristics of the texts of the American (in the original) and Italian (in English translation) Constitutions. A thorough analysis based on the segmentation of the text has been made in the paper. The present research is based on major syntax with regard to the relationship between the sentence and the supraphrasal unity (SPU).

In order to conduct the study of the SPU in legalese with sufficient exactitude, we have adopted the formal-grammatical approach which discovers and describes those regularities of the structure of the SPU that are conditioned by the formal organization of the syntactic units. Although the analysis of the morphological and syntactic structure of hypersyntax is of great importance, there are also some other well-established categories of hyperunits which call for further investigation. The preceding statement is valid with respect to the fact that the SPU-s are not the ultimate units of hypersyntax. Their true nature can be understood only if those larger chunks of syntactic organization are set and studied side by side with the preceding and the following ones. That is why we concentrate on the linguistic features which function as a signal of the development of the idea.

To begin with, we would like to point out that the study aims at revealing the amalgamation of different sentences within the SPU in the texts of Constitutions and their functioning as part of the global whole.

A special significance is attached to the use of modal verbs in legalese. Modal verb are used to show that the action indicated by the infinitive is considered as possible, impossible, probable, improbable, obligatory, necessary, advisable, doubtful or uncertain. Deontic (denoting moral obligation) meanings refer to some kind of human control over the situation, such as permission or obligation. In legal literature modal verbs are usually used in their deontic meanings. The modal verb *shall* is said to be used as a statement of laws or regulations, a command, promise or determination (Webster's New World Dictionary 1988:1232).

The modal verb *shall* expresses general statements of what is right and in legal texts becomes semantically equal to the meaning of the modal verb *ought to*. Used with the second and third person it presupposes either a decision on the part of the speaker or of some other person. As regarded from the viewpoint of a mere auxiliary, the modal verb *shall* is used with all persons for prophetic or oracular announcements of the future and for solemn assertions of certainty of a coming event. In clauses expressing the purposed

result of some action, or the object of a desire, intention, command, or request the modal verb *shall* often becomes replaceable by *may*. Thus, it ought to be taken for granted that the modal verbs *shall* and *may* are replaceable when they occur in the same semantic field denoting either responsibility or right (The Short Oxford English Dictionary 1973:1963).

For example,

Congress shall have power to enforce this article by appropriate legislation.
(American Constitution, Amendment XIII)

Other means of amalgamating sentences within the SPU in the texts of constitutions which are of no less importance are parallel constructions. Parallelism, being a stylistic device, lends clarity, conciseness and emphasis to the macro-structures of the SPU-s. Parallel constructions are often expressed by the lexical repetition or, otherwise stated, by the same syntactic design of the utterance. In the style of official documents the use of parallel constructions is conditioned by the fact that the logical principle of arranging ideas predominates, and thus, the idea of semantic equality of the parts becomes the essential feature.

For example,

(1) *No State shall, without the Consent of the Congress, lay any imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws:*

(2) *No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace:*

(American Constitution, Article I, Section X)

Enumeration, as a stylistic device, is also widely used in the domain of legalese. It shows the logical arrangement of the information and produces a chain, the links of which, being syntactically in the same position, are forced to display some kind of semantic homogeneity. In this connection it should be noted that each article of the constitutions has a leading idea to which all other statements are logically related. In fact, it should be clear for the reader that one statement has grown naturally out of the preceding utterance.

The continuity of the sentences within the SPU is conditioned by the fact that the statements that support the leading idea restate, illustrate it, or offer evidence of its truth.

For example,

(1) *Personal domicile is inviolable.*

(2) *No one's domicile may be inspected, searched, or seized save in cases and in the manner laid down by law conforming to the guarantee of personal liberty.*

(3) *Verifications and inspections for public health and safety, or for economic and fiscal purposes are defined by law.*

(Italian Constitution, Part I, Article 14)

Repetition, being another means of amalgamation, is based on those words which

are the basic informatives of the text. In legalese the repetition of concrete words is always preferred as this functional style has its restricted terminological system. The stylistic device of repetition makes a logical emphasis and fixes the reader's attention on the most important parts of the sentence, on the key words which express the most informative parts of it.

For example,

(1) *The parliament consists of the House of Representatives and the senate.*

(2) *The parliament holds joint session only in cases define by the constitution.*

(Italian Constitution, Title I, Article 55)

And finally, another interesting characteristic feature in the texts of the constitutions is the capitalization of those words which are to be emphasized in order to give a special significance and weight to their meaning.

For example,

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

(American Constitution)

Summarizing the main points we may state that the central requirement of any linguistically oriented approach to the realization of a certain stylistic effect is that it should provide a clear technique of linguistic description in order to enable the ordinary language users to cope with any piece of a specialized language, in particular the legalese. In case of a legal text, one should be aware of the conventions of conformity and should have, at least, the minimal amount of linguistic adaptability to gain an appropriate understanding of legal texts as a whole and to bridge the gap between lawyers and the ordinary language users of the legal English.

References:

1. (1988) *Webster's New World Dictionary*. Cleveland and New York.
2. (1973) *The Short Oxford English Dictionary on Historical Principles*. Oxford.

Շարահյուսական ոճական հնարները սահմանադրությունների տեքստերում

Որքան էլ պաշտոնական ոճով շարադրված նյութերն ունեն լեզվաոճական ընդհանուր բնութագիր, այնուամենայնիվ, յուրաքանչյուր ոլորտ ունի գործավարության իր յուրահատուկ համակարգը: Այս առումով հետաքրքրական է լեզվական գործոնի կարևորությունը սահմանադրության նպատա-

կային ընկալման հարցում, որտեղ առավելապես իրացվում է լեզվի հաղորդման գործառույթը, որով և պայմանավորված է մի շարք լեզվաոճական առանձնահատկությունների առկայությունը:

Սույն հոդվածը կարևորվում է ինչպես լեզվաբանական, այնպես էլ իրավաբանական տեսանկյունից, քանի որ պաշտոնական ոճի առանձնահատկությունների իմացությունը և դրանց ճիշտ կիրառությունն անհրաժեշտ է իրավական գործընթացն ապահովելու համար: