

Patterning, regularity and variation in the EUSLEX Corpus on line

Questo studio, che prende l'avvio dai risultati di studi condotti dall'Unità di ricerca locale dell'Università di Napoli Federico II nell'ambito del Progetto PRIN 2002-04 *Intercultural Discourse in Domain-specific English*, e utilizza l'EUSLEX Corpus on line, ha inteso analizzare le relazioni tra regolarità e variazione con riferimento alla tipologia testuale in strutture tipiche del discorso legale in documenti dell'UE. Tra gli aspetti analizzati sono: l'avverbio *hereby* quale marca di performatività, e il ruolo di 'activity verbs' in sequenze con *hereby*; l'occorrenza di SHALL dopo una sequenza con *hereby*, che segnala una netta separazione tra la voce impersonale della legge e la personalizzazione dell'obbligo imposto sui destinatari del messaggio. SHALL è stato inoltre analizzato in modelli collocazionali in tipologie testuali di natura prescrittiva. Infine, sono stati evidenziati alcuni *patterns* collocazionali ricorrenti nel discorso legale dell'EU.

1. EUSLEX: *corpus design and uses*

The aim of this study is to present the *EUSLEX*¹ corpus on line as a tool for language research in specialised discourse. *EUSLEX* was first compiled for research purposes to investigate interculturality in EU legal language, with particular reference to the use of modality in legally binding texts and the occurrence of regular textual patterns in EU secondary legislation. As a matter of fact, the EUSLEX corpus consists of all EU secondary legislation documents (Regulations, Decisions, Directives, Framework Decisions) which were issued by the Council either alone or jointly with the Parliament between 1st July 1999 (following the European elections in June) and 31st December

¹ The online version of the EUSLEX (European Union Secondary Legislation) corpus is one of the final products of the Local Research Unit of Federico II University in Naples within the framework of a two-year national MIUR project (2002-2004) *Intercultural Discourse in Domain-specific English* with Gabriella Di Martino (Naples University Federico II) as local coordinator and Maurizio Gotti (Bergamo University) as national coordinator.

2002 (the date marking the project outset). Two sub-corpora have been compiled, containing the English (EusLex-EN) and the Italian (EusLex-IT) documents selected. It should, however, be underlined that the Italian documents are a translation of the English ones, since EU original documentation is drawn in English and French, with English having become the dominant instrument of communication in legislative drafting (Phillipson 2003: 130).

The texts were drawn from the EUR-Lex web site.² This electronic archive is structured in twenty thematic fields including – among others – Agriculture, Taxation, Energy, Common Foreign and Security Policy. Framework Decisions, which were introduced by the Amsterdam Treaty in 1997, are meant to align Member States' legislative provisions concerning criminal matters, justice and home affairs. As to the size and distribution of the whole corpus, it consists of about 5 million words, almost equally distributed in the English and Italian sub-corpora as illustrated in Table 1.

| <i>Text types</i> | <i>Words in English sub-corpus</i> | <i>Words in Italian sub-corpus</i> |
|---------------------|------------------------------------|------------------------------------|
| Regulations | 1,270,877 | 1,241,824 |
| Decisions | 385,480 | 378,960 |
| Directives | 831,381 | 822,162 |
| Framework Decisions | 37,166 | 35,521 |
| TOTAL | 2,524,904 | 2,478,467 |

Table 1. Distribution of the EUSLEX corpus on line
per text types in the sub-corpora.

The EUSLEX corpus has been annotated, involving tokenisation, lemmatisation, part-of-speech (POS) tagging,³ and categorization in terms of text type in English and Italian. *EUSLEX* on line, now available for research purposes on the SSLMIT website,⁴ has been indexed in order to be queried by the Corpus Query Processor (CQP).

² <http://www.europa.eu.int/eur-lex/en/search/index.html>.

³ POS tagging may be an aid to lemmatisation (the grouping together of different forms of the same word) as it allows the researcher to locate combinations (e.g. verb or adverb pairs) and facilitates syntactic queries.

⁴ Access to the online EUSLEX corpus is from the site of Bologna University: <http://sslmit-dev-online.sslmit.unibo.it>.

The Advanced query interface allows the user to enter queries by using the CQP Query Language Tutorial (Evert 2005) and have results displayed on the terminal screen.

The EUSLEX corpus has been initially constructed by the Naples research unit in order to explore recurrent patterns in EU legislative texts as well as the pragmatics of prescriptive and performative modality expressing different degrees of obligation in EU legislation (see Caliendo / Di Martino / Venuti 2005). Previous studies⁵ carried out by the members of our local research unit have highlighted variation in the use of SHALL in the different text types depending on the different relationships existing between the EU and the addressees of the legal provisions. They have shown differences in intentionality, acceptability, and context features from a universal to a local application of legislative provisions according to differences in the nature of the text types, i.e. Regulations and Decisions vs. Directives and Framework Decisions. In particular, these studies have revealed different pragmatic purposes of EU legislative text types and how modality mediates the communicative interaction between the legal authority and its addressee, i.e. EU institutions and Member States.

1.1. The contents of EUSLEX on line

In order to investigate a genre-driven use of prescriptive and performative modality within the corpus, EU text types have been classified according to their pragmatic purposes and degree of obligation. The groupings have been made on the basis of the opposition outlined by Carcaterra (1994: 224-225) between ‘constitutive’ and ‘prescriptive’ rules with regard to characteristics deriving from the type of imposition:

- entirely / not entirely binding;
- having *ipso iure* effect / instructing the addressee(s);
- imposing an obligation /a final target;
- directly applicable / requiring procedures of national transposition.

⁵ Previous research work on the EUSLEX corpus by the Naples research unit was carried out with the support of *WordSmith Tools* (Scott 1998) and examined through comparison with the BNC corpus (Caliendo 2004; Caliendo / Di Martino / Venuti 2005).

Constitutive rules are self-performative, since they perform a command which has immediate legal effects. The indicators of performativity are lack of reference to a specific addressee and use of passive voice. The function of constitutive rules is to assert a legal condition which corresponds to its own performance.

Prescriptive rules, instead, are normative and require procedural stages (imposition, recognition, implementation). The language is regulatory and prescriptive, instructing the addressee(s), and is characterised by the presence of the animate recipient of the obligation (e.g. "Member States shall"). The function of prescriptive rules is to point to the final goal within a given time (deadline).

Figure 1 exemplifies the characteristics of Regulations and Decisions following Carcaterra's (1994) distinction between constitutive and prescriptive rules, which can be a useful start to highlight the type of message in relation to the type of obligation imposed upon the addressee, in an attempt to identify the role of regular patterns, lexical choices and values of modal auxiliary verbs in a specific sub-corpus.

REGULATIONS and DECISIONS: CONSTITUTIVE RULES

- a straightforward procedure
- a self-performative message
- imposition of inviolable obligation
- lack of reference to a specific addressee

Figure 1. Distinctive features of Regulations and Decisions.

Like constitutive rules, Regulations and Decisions are characterised by a straightforward procedure, which means direct applicability in Member States producing immediate legal effects, and thus requiring no need for national implementation. Like constitutive rules (Carcaterra 1994: 225), Regulations and Decisions are self-performative, since the formulation of the norm simultaneously performs a command. They lay inviolable obligations upon the addressee which accounts for the absence of an explicit recipient. Being binding in their entirety, they require no national implementation procedures to enter into force. Regulations, though, are addressed to all Member States, whereas Decisions can be binding on individuals, firms or Member States, as exemplified by Figure 2.

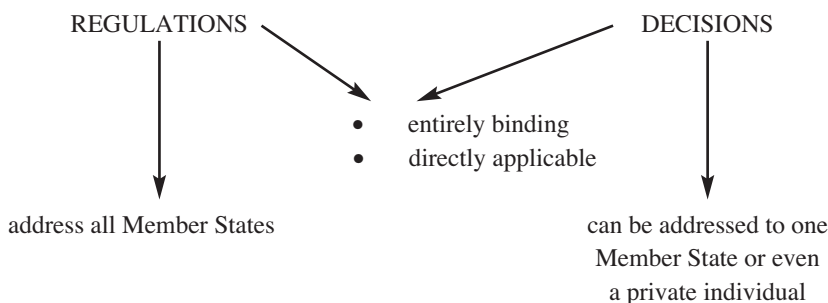


Figure 2. Features of Regulations and Decisions with regard to the recipient.

Directives and Framework Decisions, aiming at reconciling EU Community law with the different legal systems of the Member States, instruct Member States about the objectives to be achieved within a specified deadline, thus conceding a margin of manoeuvre as to what instruments of national transposition should be employed. Figure 3 exemplifies the distinctive characteristics of Directives and Framework Decisions according to the type of imposition.

DIRECTIVES and FRAMEWORK DECISIONS: PRESCRIPTIVE RULES

- a final goal prescribed by the Authority to be performed by a given deadline
- a normative message
- requiring national implementation
- allowing the Member State to choose the legal instrument

Figure 3. Distinctive features of Directives and Framework Decisions.

Directives and Framework Decisions, therefore, are characterised by no direct applicability. Like prescriptive rules, Directives and Framework Decisions require additional steps of national implementation through which obligation is prescribed by the authority, recognised by the recipient of the legal message, and performed. The national transposition is the second step corresponding to the legislative intervention of the relevant Member State, as exemplified by Figure 4.

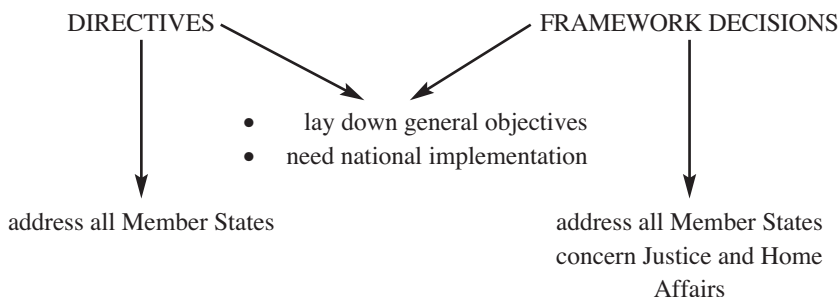


Figure 4. Features of Directives and Framework Decisions with regard to the recipient.

2. EUSLEX on line *as a research tool*

This study is mainly based upon a quantitative method exploiting the concept of frequency in order to provide examples of possible uses of the EUSLEX corpus on line as a research tool with a view to finding what is significant in terms of patterns of regularity and typicality. Starting from the distinction between performative and prescriptive text types outlined in 1.1. and the results of previous research conducted by our Naples research group on the EUSLEX corpus (Caliendo 2004; Caliendo / Di Martino / Venuti 2005), the items selected for the present study are meant to allow further exploration of the relationship between text types and the use of specific patterns.

2.1. *Hereby*

The adverbial *hereby* is generally associated with performativity. It can be found to collocate with the present indicative; it can also be found to collocate with *SHALL* signalling implicit rather than explicit performativity, in that “the law authorizes or formally declares the performance of an illocutionary act but does not actually perform the act itself” (Williams 2005: 57-58). Table 2⁶ shows the number of occurrences of *hereby* obtained by entering the query command for *be hereby*⁷ in the

⁶ Tables 2 to 8 include values normalized to 100,000.

⁷ The query command “be hereby” retrieves all inflections of lemma “to be”.

four sub-corpora. The highest frequency has resulted in the performative / constitutive text types:

| | <i>hereby</i> + past participle forms |
|---------------------|---------------------------------------|
| Regulations | 28.1 |
| Decisions | 38.4 |
| Directives | 5.1 |
| Framework Decisions | 2.7 |
| TOTAL | 74.3 |

Table 2. Frequency distribution of *hereby* + past participle forms per text type.

A high preference for passive constructions has been observed in the Regulations sub-corpus. Only 0.9 out of the 28.1 occurrences found are in the impersonal form '*it is hereby* + past participle forms'. In the Decisions and the Directives sub-corpora, instead, no impersonal construction has been found, as all instances display the sequence '*NP + is / are hereby* + past participle forms'. Passive constructions as indicators of performativity underline the function of Regulations and Decisions as constitutive rules conveying a self-performative message.

| <i>Verbs in past participle form</i> | <i>Regulations</i> | <i>Decisions</i> | <i>Directives</i> | <i>Framework Decisions</i> |
|--------------------------------------|--------------------|------------------|-------------------|----------------------------|
| adopted | | 5.7 | / | / |
| amended | 1.3 | / | 1 | / |
| appointed | / | 10.4 | / | / |
| authorised | / | 7 | | / |
| confirmed | 13.9 | / | / | / |
| established | 1.2 | 3.6 | | / |
| imposed | 4.4 | / | / | / |
| repealed | 2.9 | 1.3 | 3.4 | 2.7 |
| set (at) | | 3.4 | / | / |
| TOTAL | 23.7 | 31.4 | 4.4 | 2.7 |

Table 3. Frequency distribution of 'activity' verbs in the past participle form collocating with *hereby* in text types.

Table 3 shows ‘activity verbs’⁸ in the past participle forms in the sequence expressing the actions to be accomplished by the agents in order to comply with the legislative provision.

| | | |
|---------------------------|-------------------|--------------------------|
| 89/622/EEC and 90/239/EEC | <i>are hereby</i> | repealed, without preju |
| d in Annex III, part A, | <i>are hereby</i> | repealed, without preju |
| d in Part A of Annex VIII | <i>are hereby</i> | repealed, without preju |
| ted in Annex V, part A, | <i>are hereby</i> | repealed, without preju |
| ectives listed in Annex B | <i>are hereby</i> | repealed. 2. References |
| EC and Directive 95/19/EC | <i>are hereby</i> | repealed. Article 38 Im |
| d in Annex VII, Part A, | <i>are hereby</i> | repealed as from 1 July |
| and Directive 71/161/EEC | <i>are hereby</i> | repealed with effect fro |
| Directives and Decisions | <i>are hereby</i> | repealed with effect fro |
| out in Annex V, Part A, | <i>are hereby</i> | repealed without prejudi |
| sted in Annex II Part A, | <i>are hereby</i> | repealed without prejudi |
| 00 units . “ 2. Article 4 | <i>is hereby</i> | amended as follows : (a |
| e dates . “ 6. Article 10 | <i>is hereby</i> | amended as follows : (a |
| irective . “ 4. Article 9 | <i>is hereby</i> | amended as follows : (a |
| s 1. Directive 92/100/EEC | <i>is hereby</i> | amended as follows : (a |
| 97/7/EC Directive 97/7/EC | <i>is hereby</i> | amended as follows : 1. |
| icle 1 Directive 97/68/EC | <i>is hereby</i> | amended as follows : 1. |
| le 1 Directive 90/394/EEC | <i>is hereby</i> | amended as follows : 1. |
| le 7 Directive 70/156/EEC | <i>is hereby</i> | amended as follows : 1. |

Figure 5. Concordance lines for ‘NP + *is / are hereby* + past participle forms of *repeal* and *amend*’ in Directives.

A comparative analysis of the results reveals the most frequently used verbs in the different text types included in the EUSLEX corpus. In the Regulations sub-corpus, the verb with the highest number of occurrences is *confirm* (13.9), followed by *impose* (4.4) and *repeal*

⁸ Only verbs with normalized occurrences higher than 1 are shown in the Table. A blank line has been left when the number of occurrences is lower; / indicates that no occurrence of the sequence has been found.

(2.9); in the Decisions sub-corpus, the most frequent verbs are *appoint* (10.4), *authorise* (7) and *adopt* (5.7); the Directives sub-corpus has shown a higher frequency for *repeal* (3.4). The verb *repeal* has thus resulted to occur in all the different sub-corpora signalling the use of the verb in performative and prescriptive text types. The highest frequency for *repeal* has, however, been recorded in the Directives sub-corpus (3.4), although quite a number of occurrences of the sequence have been found in the Regulations sub-corpus (2.9), signalling the use of the verb in performative and prescriptive text types. Moreover, the Directives have resulted to be characterized by the verbs *repeal* and *amend* which concordance analysis has shown to occur in a similar structure and after the grammatical subject (Cfr. fig. 5).

| | | |
|--|-------------------|--|
| [...] Since no new arguments were put forward by any interested party, the findings as set out in recitals 244 and 245 of the provisional Regulation | <i>are hereby</i> | confirmed. [...] |
| [...] As no comments were received regarding these undercutting calculations, the undercutting margins | <i>are hereby</i> | confirmed. [...] |
| [...] A definitive countervailing duty | <i>is hereby</i> | imposed on imports of certain ring-binder mechanisms, falling within CN code ex 8305 10 00 (TARIC codes 8305 10 00 10 and 8305 10 00 20) and originating in Indonesia. [...] |
| [...] A definitive anti-dumping duty | <i>is hereby</i> | imposed on imports of colour television receivers with a diagonal screen size of more than 15.5 cm, whether or not combined in the same housing with a radio [...] |

Figure 6. Concordance lines for 'NP + *is / are hereby* + past participle forms of *confirm* and *impose*' in Regulations.

As can also be observed in Table 3, a higher frequency of occurrence has been found for *confirmed* and *imposed* (respectively 13.9 and 4.4) both in the Regulations sub-corpus, whereas no occurrence of these ‘activity’ verbs has been found in the other text-types; 10.4 occurrences of *appointed* have been found in the Decisions sub-corpus while no occurrence has been found in the other text types. Furthermore, of all the ‘activity’ verbs in the Table, only *confirm*, *impose* and *appoint* have been found to occur in one text type: specifically, *confirm* and *impose* in the Regulations sub-corpus, and *appoint* in the Decisions sub-corpus. Nearly all the occurrences of *adopted* have been found in the Decisions sub-corpus (5.7 in the Decisions sub-corpus vs. 0.1 in the Regulations sub-corpus).

The findings show that the choice of ‘activity’ verbs in the Regulations sub-corpus is dependent upon the specific function of the text type. Regulations have a much wider scope as all Member States are recognised as the recipient of the legal message; the formulation of the norm simultaneously performing an entirely binding command on all Member States appears to account for the choice of lexical verbs expressing authoritativeness in obligation (Cfr. fig. 6).

Decisions, instead, although sharing distinctive features with Regulations, can include private individuals and firms among their target recipients, and thus appear to adapt language to the addressee:

| | | |
|----------------------------|-------------------|--------------------------|
| Article - Mr H.F.M. EVERS | <i>is hereby</i> | appointed a full member |
| DEMANS , - Ms C.W. JACOBS | <i>is hereby</i> | appointed a full member |
| Mr Carlos HERNÁNDEZ PEZZI | <i>is hereby</i> | appointed a member of th |
| ticle 2 Mr MARTÍNEZ CHAPA | <i>is hereby</i> | appointed a member of th |
| A-BELLIDO GARCÍA DE DIEGO | <i>is hereby</i> | appointed an alternate m |
| e Article Ms Janet DAVIES | <i>is hereby</i> | appointed an alternate m |
| EMPERMAN , - Mr P. JANSEN | <i>is hereby</i> | appointed an alternate m |
| icle Mr Dieter SCHIFFMANN | <i>is hereby</i> | appointed an alternate m |
| icle Mr Michael SCHNEIDER | <i>is hereby</i> | appointed an alternate m |
| JACOBS , - Mr G.D. DALES | <i>is hereby</i> | appointed an alternate m |
| rticle Mr Carlo ANDREOTTI | <i>is hereby</i> | appointed an alternate m |
| persons named in the Annex | <i>are hereby</i> | appointed as members of |
| e) on 27 December 1949, | <i>is hereby</i> | appointed chairman of th |

| | | |
|---------------------------|-------------------|--------------------------|
| Germany) on 9 May 1951, | <i>is hereby</i> | appointed chairman of th |
| en) on 4 February 1941, | <i>is hereby</i> | appointed chairperson of |
| Italy) on 8 June 1938, | <i>is hereby</i> | appointed chairperson of |
| : Article 1 The following | <i>are hereby</i> | appointed full member an |
| : Article 1 The following | <i>are hereby</i> | appointed full members a |
| ven Christian FREDERIKSEN | <i>is hereby</i> | appointed Head of Missio |
| : Article 1 The following | <i>are hereby</i> | appointed members and al |
| : Article 1 The following | <i>are hereby</i> | appointed members and al |
| ain) on 24 August 1951, | <i>are hereby</i> | appointed members of a B |
| e) on 21 November 1953, | <i>are hereby</i> | appointed members of a B |
| : Article 1 The following | <i>are hereby</i> | appointed members of the |
| he Annex to this Decision | <i>are hereby</i> | appointed members of the |
| om) on 10 October 1949, | <i>are hereby</i> | appointed members of the |
| R , born on 27 May 1948, | <i>is hereby</i> | appointed President of t |
| ingdom of the Netherlands | <i>is hereby</i> | authorised, by derogate |
| 88/EEC Germany and France | <i>are hereby</i> | authorised, in the case |
| 28(g) thereof , Austria | <i>is hereby</i> | authorised, with effect |
| Article 1 The Netherlands | <i>is hereby</i> | authorised to apply a di |
| ION : Article 1 1. Sweden | <i>is hereby</i> | authorised to apply a di |
| ISION : Article 1 Denmark | <i>is hereby</i> | authorised to apply a di |
| of the Treaty , Portugal | <i>is hereby</i> | authorised to apply a ra |
| ctive 92/81/EEC , Denmark | <i>is hereby</i> | authorised to apply a re |
| e 1 1. The United Kingdom | <i>is hereby</i> | authorised to apply diff |
| e following Member States | <i>are hereby</i> | authorised to apply the |
| nd the Kingdom of Denmark | <i>are hereby</i> | authorised to apply the |
| C , the Hellenic Republic | <i>is hereby</i> | authorised to apply unti |
| deral Republic of Germany | <i>is hereby</i> | authorised to conclude a |
| Article 1 The Commission | <i>is hereby</i> | authorised to conclude w |
| e Member States concerned | <i>are hereby</i> | authorised to continue t |
| oils(9) , Member States | <i>are hereby</i> | authorised to continue t |
| cle 28g thereof , Germany | <i>is hereby</i> | authorised to designate |
| President of the Council | <i>is hereby</i> | authorised to designate |
| 90 of the Treaty , France | <i>is hereby</i> | authorised to extend the |
| eof . Article 2 1. France | <i>is hereby</i> | authorised to grant perm |

Figure 7. Concordance lines for ‘NP + *is / are hereby* + past participle forms of *appoint* and *authorise*’ in Decisions.

2.2. *Shall*

Predictably, modality plays a key role in the institutional language of EU legislation. In previous analyses (Caliendo 2004; Caliendo / Di Martino / Venuti 2005), *SHALL* has emerged as the most prominent modal, which is in line with previous studies on deontic modality in legislative texts (Garzone 2001: 156). This modal auxiliary has appeared slightly predominant in EU Directives and Framework Decisions.

SHALL appears to have either a performative or prescriptive value according to the text type in which it occurs. Obligative *SHALL* expresses the illocutionary force of an order: the addresser, i.e. the legislator, instructs the addressee to perform a certain action. Thus, the addressee is required to act in accordance with the command. The illocution is frequently constructed by the application of passivisation with agent deletion and/or use of a non-human subject (Diani 2001: 183). Obligative/Deontic *SHALL* imposes an obligation on an agent to whom completion of action is entrusted. However, although *SHALL* implies that the source of authority guarantees the fulfilment of obligation, there always remains some degree of potential failure. Performative *SHALL*, instead, implies the contextual fulfilment of the action predicated. For this reason, the use of the simple present indicative in Italian is preferred to modals. Being in a constitutive rule (i.e. Regulation or Decision) *SHALL* has a performative value and the legal message has *ipso iure* effect (Carcattera 1994: 222-223). When it collocates with a verb in the passive voice, this is a marker of performativity (Austin 1962: 37). Syntactic and lexical elements may constitute useful clues for tracing the pragmatic value of the modal.

Bowers (1989: 294) argues that *SHALL* is generally “used as a kind of totem, to conjure up some flavour of the law”. However, although until recently it has been viewed as a word of authority that confers rights, obligations and prohibitions, *SHALL* has been observed with a different value in British statutes by Trosborg (1997: 105-106), who has found that “65% of the observed instances of *Shall* occurred with non-human subjects which could not be given orders or assigned obligations”. From the viewpoint of genre analysis, *SHALL* has been regarded as a way to

“sustain the myth of precision in legal language and also perpetuating a style and language that differentiates the genre from that of other professions” (Bhatia 1993: 101-102).

The presence of SHALL in prescriptive legal texts seems to be accounted for by its original meaning as conveying obligation and thus expressing deontic modality which implicitly covers futurity. Obligation plus futurity and depersonalisation / impersonalisation (Šarčević 2000: 176) seem to have conferred to SHALL its precise legal flavour. The highly impersonal style of writing – as mainly provided in legislative texts by the use of the third person (singular or plural), and of passive forms to avoid specifying the agent(s) – reinforces the idea of ‘impartiality and authoritativeness’ of the law (Williams 2005: 114). Moreover, by highlighting its deontic values, SHALL expresses authoritativeness both in affirmative (obligation) and negative constructions (prohibition) (cf. Williams 2005: 116).

According to Mellinkoff (1963: 294), the use of SHALL in legal language seems to be due “in considerable measure to tradition”, as “a reluctance to depart from tried and true formulae” and “a fear of change”.

SHALL is invariably used to express “what is to be the obligatory consequence of a legal decision and not simply as a marker of future tense which is the main function in other varieties” (Crystal / Davy 1969: 206-207).

The following examples show a peculiar behaviour of *hereby*-sequences in conjunction with SHALL-forms. SHALL appears to follow an ‘*is / are hereby* + past participle forms’ sequence, with the legal decision being expressed by this pattern and the modal auxiliary being used to convey future obligation deriving from the legal decision and signalling impersonality vs. personalisation. Figures 8 and 9 display examples taken from the Regulations and Directives sub-corpora; the *hereby*-structure can be seen to represent the authoritative voice of Law, while SHALL provides future time reference to legal decisions and thus implies human intervention.

| | | |
|---|-------------------|---|
| [...] Regulations (EEC) No 805/68, (EEC) No 989/68, (EEC) No 98/69 and (EEC) No 1892/87 | are hereby | repealed . 2. References to Regulation (EEC) No 805/68 shall be construed as references to this Regulation [...] |
| [...] 3. Council Regulation EC No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables(26) | is hereby | amended as follows : (a) Article 15(6) shall be replaced by the following: [...] |
| [...]: Article 1 Annex II to Regulation (EC) No 1164/94 | is hereby | amended as follows: 1. Article A shall be replaced by the following: “Article A Designation of projects, of stages or groups of projects 1. [...] |
| [...] 3. Article C | is hereby | amended as follows: (a) paragraph 2 shall be amended as follows : i) in the second subparagraph of point (a), the second sentence shall be replaced by the following: [...] |
| [...] 4. Article D | is hereby | amended as follows: (a) in paragraph 1, the second sentence shall be replaced by the following: [...] |
| [...] 5. Article E | is hereby | amended as follows: (a) in the title and in paragraphs 1 to 4, “ecu(s)” shall be replaced by “euro” where required; [...] |
| [...] 6. Article F | is hereby | amended as follows: (a) the following subparagraph shall be added to paragraph 4: “This report shall include: [...] |

Figure 8. Concordance lines for ‘NP + *is / are hereby* + past participle forms of *repeal* and *amend*’ followed by *SHALL* in Regulations.

| | | |
|--|-------------------|--|
| [...] Article 1 Directive 90/394/EEC | is hereby | amended as follows: 1. Article 1(4) shall be replaced by the following: “(4) As regards asbestos , which is dealt with by Directive 83/477/EEC(8) the provisions of this Directive shall apply when they are more favourable to health and safety at work.” [...] |
| [...] Article 11 Technical adaptations 1. Directive 92/100/EEC | is hereby | amended as follows: (a) Article 7 shall be deleted; (b) Article 10(3) shall be replaced by the following: “3. The limitations shall only be applied in certain special cases [...] |
| [...] The Directives listed in Annex III, part A, | are hereby | repealed, without prejudice to the obligations of the Member States concerning the deadlines for transposition of those Directives, as set out in Annex III, part B. 2. References to the repealed Directives shall be construed as references to this Directive [...] |
| [...] Article 12 Directive 88/166/EEC | is hereby | repealed with effect from 1 January 2003 . Article 13 1. Member States shall bring into force the laws, regulations and administrative provisions , including any penalties, necessary to comply with this Directive not later than 1 January 2002 [...]. |

Figure 9. Concordance lines for ‘NP + *is / are hereby* + past participle forms of *repeal* and *amend*’ followed by *SHALL* in Directives.

2.2.1. *Member State(s) shall*

In previous research (Caliendo / Di Martino / Venuti 2005), SHALL was shown to be the most frequent modal auxiliary in the Directives sub-corpus with the key word analysis of SHALL displaying *Member State(s)* as its main collocate expressing agency. Table 4 shows the results of the query concerning the occurrences of the string *Member State(s) shall* in the whole EUSLEX corpus on line.

| | <i>Member State(s) shall</i> |
|---------------------|------------------------------|
| Regulations | 43.6 |
| Decisions | 44.6 |
| Directives | 188.9 |
| Framework Decisions | 365.9 |
| TOTAL | 643.0 |

Table 4. Frequency distribution of the string *Member State(s) shall* in sub-corpora.

The higher frequency of the sequence in Framework Decisions and Directives is attributable to the fact that these text types require national implementation and thus imply the involvement of the Member State(s) in the political dialogue with the European Community. Being in a prescriptive text type, and thus performing a normative function, SHALL has a deontic value. Thus, the obligative/deontic value of the modal auxiliary implicitly covering futurity can be seen to confer a legal flavour on a normative message which needs to be implemented along domestic routes to enter into force.

2.2.2. *Shall ensure*

Tables 5 to 7 focus on the use of *shall ensure* in the sub-corpora. Table 5 shows that the highest number of occurrences of the pattern *shall ensure* is in prescriptive text types.

| | <i>shall ensure</i> |
|---------------------|---------------------|
| Regulations | 10.7 |
| Decisions | 20.5 |
| Directives | 53.6 |
| Framework Decisions | 40.4 |
| TOTAL | 125.2 |

Table 5. Frequency distribution of *shall ensure* in sub-corpora.

Discrepancy in relation to text type has once again been observed. As shown in Table 5, the number of occurrences of *shall ensure* is much higher in the Directives and the Framework Decisions sub-corpora, both containing prescriptive text types, and relatively high in the Decisions and the Regulations sub-corpora, both performative in nature.

Furthermore, searching the corpus for the string *shall ensure that*, the findings have confirmed the higher frequency in the Directives and Framework Decisions sub-corpora as shown in Table 6.

| | <i>shall ensure that</i> |
|---------------------|--------------------------|
| Regulations | 7.3 |
| Decisions | 14.0 |
| Directives | 48.5 |
| Framework Decisions | 37.7 |
| TOTAL | 107.5 |

Table 6. Frequency distribution of *shall ensure that* in sub-corpora.

Since the findings in Tables 5 and 6 have shown the predominance of the pattern *shall ensure* (125.2 occurrences in the whole corpus in Table 5) over the pattern *shall ensure that* (107.5 occurrences in the whole corpus in Table 6), a further step has involved searching the whole corpus on line for the sequence *shall ensure* + NP, which, although predictably low, might be indicative of a behaviour in patterning with regard to text type. As a matter of fact, the highest

number of occurrences has been recorded in the Decisions and the Directives sub-corpora, the former containing performative and the latter prescriptive text types; the lowest number of occurrences has been found in the Framework Decisions sub-corpus (see table 7).

| | <i>shall ensure</i> + NP |
|---------------------|--------------------------|
| Regulations | 3.4 |
| Decisions | 6.5 |
| Directives | 5.2 |
| Framework Decisions | 2.7 |
| TOTAL | 17.8 |

Table 7. Frequency distribution of the sequence '*shall ensure* + NP' in sub-corpora.

2.3 Collocational patterning

Patterning can be found to have a recurrent pragmatic function, that of underlining the importance of the proposition that follows. Query results have shown recurrent trends in collocational patterning. As a matter of fact, searching the EUSLEX corpus on line, some collocational aspects have been highlighted as regards the verbs most frequently used in the sequence '*is / are hereby* + past participle forms' (Tables 2 and 3). In 3.6 out of the 5.7 occurrences of '*is / are hereby adopted*' in the Decisions sub-corpus, for instance, the immediate collocate of the string is the temporal structure *for the / a period* and in 0.8 *as appropriate [...]*; in 4.4 out of the 7 *authorised*-occurrences, the string is followed by a *to*-infinitive structure.

Collocational patterns can also be observed in the Framework Decisions sub-corpus: a high percentage of occurrences of *Member State(s) shall* (164.1 out of the 365.9 found in the sub-corpus), show the modal auxiliary collocating with the verb *take* followed by variants of the same pattern with the highest number of occurrences (123.8) being recorded for *take the necessary measures*. Table 8 also highlights the preference for the pattern *take the necessary measures* over the other variants.

| | <i>Number of occurrences</i> |
|-------------------------------|------------------------------|
| take all necessary measures | 2.7 |
| take the necessary measures | 123.8 |
| take the appropriate measures | 5.4 |
| take the necessary steps | 10.8 |
| take the measures possible | 2.7 |
| take the measures necessary | 18.8 |
| TOTAL | 164.2 |

Table 8. Collocational frequency of patterns with *shall* in the Framework Decisions sub-corpus.

3. *Concluding remarks*

The present study has highlighted possible uses of *EUSLEX* on line as a tool in language research in specialised discourse. Searching the *EUSLEX* corpus on line has allowed us to identify some regular and typical patterns with regard to text type. It has also made it possible to highlight collocational patterns which could be explored in language teaching to help learners carry out investigations into language use in specialized contexts as far as recurrent patterning and distinctive features of EU legal language are concerned.

As Partington (2001: 84) remarks, the corpus user develops predictions which need further testing and revising in the light of new experience of language in its appropriate contexts of use. Corpus data observation of the *EUSLEX* corpus on line can prove a useful ground for teachers and learners to explore different aspects of lexical, syntactic, semantic and pragmatic features as well as textual organization. Furthermore, since the components of the *EUSLEX* corpus on line pertain to two main different text types, it is possible to attempt generalizations from a comparative analysis of the findings.

A further step will be the alignment of the online corpus, which will make it possible to retrieve all concordances of the specified search

term in both English and Italian and explore corresponding patterns. Thus, the aligned corpus will allow, for instance, to systematically verify the ways in which modal values have been encoded in the Italian version. The analysis will also allow identification of the syntactic / lexical patterns used in the Italian sub-corpus to convey the performative / constitutive value or the deontic / prescriptive value of SHALL in the English sub-corpus. The findings might also be utilized in LSP teaching in order to help students understand values and functions of language patterning in the appropriate contexts of use.

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