

Cohesion in Legalese, with Special Reference to a United Nations

Document and its Translated Version

An M.A. Thesis Submitted to the Department of English Language and
Literature in Partial Fulfillment for the Requirements of a Master's Degree in
Linguistics

Submitted by

Dina Hassan Sayed Frekhto

Under the Supervision of

Prof. Neveen Hassan Khalil

Dr. Ahmad Awad Elezabi

Professor of Linguistics

Lecturer in Linguistics

Department of English

Department of English

Faculty of Arts

Faculty of Languages and Translation

Ain Shams University

Al-Azhar University

2020

Abstract

This study is a qualitative analysis testing the validity and applicability of Michael Halliday and Ruqaiya Hasan's model of cohesion (1976) to texts written in legalese. This validity check is carried out by applying the model to five excerpts from a well-written United Nations document, namely the *United Nations Convention against Corruption* (2004), the *UNCAC*, being a representative of legal texts, with the aim of exploring the text's lexical and grammatical cohesive relations and finally deciding if certain modifications are needed to be proposed to the 1976 cohesion taxonomy to ensure its FULL applicability to legal texts. The study's contribution to text analysis lies not only in enhancing the understanding of the challenges faced when applying the 1976 model to the legal context, but also in deducing the modifications which the model requires and this, in turn, fills a number of unbridged gaps which are found in the existing literature on cohesion. The study's major goal is to propose an INTEGRATED model of cohesion that combines both the cohesive devices of the 1976 model applicable to the legal discourse in addition to the proposed amendments. A second major contribution lies in the study's investigation of the translation techniques used to translate cohesive devices from English into Arabic which seeks to investigate how texture and integration are achieved in the target (translated) version of the *UNCAC* and how it is a well-connected text rather than a series of separate or unrelated sentences.

Keywords: *Cohesion, Legalese, Systemic Functional Grammar, Text, Texture, Text Analysis*

Acknowledgments

First and foremost, all thanks are due to God for giving me the strength, persistence and patience to write my thesis. The list of people who helped me is long and my gratitude cannot be sufficiently conveyed in words. My earnest thanks and my sincerest gratitude go to late Prof. Jeanette W. S. Attiya, Emeritus Professor of Linguistics at the Faculty of Arts, Ain Shams University, for helping me choose the topic of this thesis and guiding me throughout the earliest stages of writing.

I am also profoundly grateful to Prof. Neveen Hassan Khalil, Professor of Linguistics at the Faculty of Arts, for being my inspiring mentor on both the academic and personal levels and for her generous contributions to both my research and my personality. As the famous American writer Mark Twain once said: "To be good is noble; but to teach others how to be good is nobler." On the academic level, she continuously helped me reach heights that I could have not reached alone by making me look at things from various angles and in a more organised manner which in turn enabled me to avoid superficiality. Her support was totally unstoppable and her patience was endless. She also left a large room for discussing with her means to resolve any problems I encountered while writing so as to ensure our visions meet at some point. Her inspirational tutoring sessions enriched my background not only about the topic of my thesis but also about the way to produce a well-written paper. It was thanks to her very useful methods of research sessions in the postgraduate studies course that I learnt how to avoid many mistakes in writing. On the personal level, she taught me how to focus when expressing ideas, how to explain my point of view more professionally, and how to argue with evidence. Furthermore, her words and discussions played a significant role in easing my worries and pushing me forward.

Moreover, I would like to thank Dr Ahmad Awad Elezabi, Lecturer of Linguistics at the Faculty of Languages and Translation, Al-Azhar University, for his invaluable and fruitful feedback on my research. He always showed great generosity by spending much of his precious time writing down every single remark to ensure all his comments are clearer to me. I was lucky to have him supervising my thesis since his wide, hands-on experience is considerably rich as he makes a unique combination of a meticulous academician, a professional translator, and a competent proofreader.

No expressions of thanks would be sufficient to show gratefulness to my professors at both the Faculty of Arts and the Faculty of Al-Asun who taught me how to acquire the sense of the English language. Indeed, every one of them added to my language experience and enriched my linguistic competence. Also thanks are due to the cooperative librarians at the two faculties for offering me great help while searching for relevant references. Thanks to my friends, particularly those working at the United Nations, including Dr Nabil Abdel Al and Mr Tarek El Sherbeni, whose help was sought to ensure less subjectivity of findings.

I would like to extend a big word of thanks to my parents, brother and sister for their unlimited help and support and for giving me the strongest reason to succeed; that is, to make them feel proud. They spared no effort in helping me write my research and I will always remember hearing them wishing me the best of luck in whispers in their prayers. My dearest husband cannot be thanked enough and I will always be indebted to him because he courageously shouldered the responsibility with me and encouraged me when I most needed a push forward. I will certainly miss our interesting discussions of several arguments in the thesis. Now I think we have plenty of good memories to share with our two kids, Muhannad and Lanah. Although they took much of the time that I could have spent on the research, they gave me a reason to be up to the challenge and to be a role model for them.

Table of Contents

Abstract	i
Acknowledgments	ii
Table of Contents	iv
List of Figures	ix
List of Tables	ix
Introduction	1
0.1 Introduction.....	1
0.2 Background of the Study	1
0.3 Theoretical Foundations of the Study.....	5
0.4 Definitions of Key Terms	6
0.5 Statement of the Problem.....	6
0.6 Research Questions and Purpose of the Study	9
0.7 Methodology	11
0.8 Structure of the Study	12
0.9 Significance of the Study	13
0.10 Scope and Limitations of the Study.....	14
0.11 Conclusion	14
Chapter One: Review of the Literature	15
1.0 Introduction.....	15
1.1 Review of the Literature	15
1.1.1 Djamila (2010).....	15
1.1.2 El-Farahaty (2011).....	16
1.1.3 Al-Kashef (2011).....	17
1.1.4 Jenei (2014)	17
1.2 Five Advantages of the Present Study over the Reviewed Literature	18
1.3 Legalese	19
1.3.1 Syntactic Features.....	20

1.3.2 Lexical Features.....	21
1.3.3 Textual Features	23
1.4 Plain English Movement.....	23
1.5 Theoretical Framework.....	24
1.5.1 Lexical Cohesion	27
1.5.2 Grammatical Cohesion	27
1.5.2.1 Reference	28
1.5.2.2 Substitution	29
1.5.2.3 Ellipsis	29
1.5.2.4 Conjunctions	30
1.6 Arabic Grammarians' and Critics' Treatment of Cohesion.....	31
1.7 Conclusion	32
Chapter Two: Methodology	33
2.0 Introduction.....	33
2.1 Accounting for the Selection of the Topic of the Present Study	33
2.2 Accounting for the Selection of Halliday and Hasan's Model of Cohesion (1976)	34
2.3. Data under Analysis.....	37
2.4 Accounting for the Selection of a Legal Text.....	37
2.5 Accounting for the Selection of a UN Document.....	38
2.6 Accounting for the Selection of the <i>UNCAC</i> and <i>IUMMF</i>	38
2.7 Data Collection	39
2.8 Samples	39
2.8.1 The Selected Excerpts	39
2.8.2 Accounting for the Selection of Excerpts.....	41
2.9 Research Method	43
2.10 Analysis Procedures.....	44
2.11 Limitations of the Study	46
2.12 Conclusion	47

Chapter Three: Analysis of Cohesion in the <i>UNCAC</i>	48
3.0 Introduction.....	48
3.1 Features of Legalese in the <i>UNCAC</i>	48
3.2 Cohesion in the <i>UNCAC</i>	49
3.2.1 Grammatical Cohesion in the <i>UNCAC</i>	49
3.2.2 Lexical Cohesion in the <i>UNCAC</i>	54
3.2.3 General Overall Conclusion	56
3.3 Conclusion	59
Chapter Four: Modifications Proposed to Halliday and Hasan’s Model of Cohesion (1976)	61
4.0 Introduction.....	61
4.1 Modifications Proposed to Halliday and Hasan’s Model of Cohesion (1976)	61
4.1.1 Grammatical Modifications.....	62
4.1.1.1 Modification One: Considering Intra-Sentential Relations as Cohesive Devices	62
4.1.1.1.a The Modification	62
4.1.1.1.b Evidence for the Modification.....	63
4.1.1.2 Modification Two: Including Grammatical Parallelism as a Cohesive Device in the Legal Discourse.....	66
4.1.1.2.a The Modification	66
4.1.1.2.b Evidence for the Modification.....	66
4.1.1.3 Modification Three: Adding to the 1976 Model the Conjunctions Recurrently Used in the Legal Discourse.....	71
4.1.1.3.a The Modification	71
4.1.1.3.b Evidence for the Modification.....	71
4.1.1.4 Modification Four: Omitting Categories of Ellipsis and Substitution from the 1976 Model	74
4.1.1.4.a The Modification	74
4.1.1.4.b Evidence for the Modification.....	75
4.1.2 Typographical Modifications	75

4.1.2.1 Modification One: Considering the Typographical Features of Legal Texts as Cohesive Devices	75
4.1.2.1.a The Modification	75
4.1.2.1.b Evidence for the Modification.....	76
4.2 The Proposed INTEGRATED Model of Cohesion.....	79
4.3 Conclusion	80
Chapter Five: Translation of Cohesive Devices in the <i>UNCAC</i>	82
5.0 Introduction.....	82
5.1 Significant Contribution of Halliday’s Functionalism to Translation Studies.....	82
5.2 Accounting for the Significance of Examining the Relation Between Cohesion and Translation	83
5.3 Translation Errors in the Section Entitled تصدير in the <i>IUMMF</i>	84
5.3.1 First: Inappropriate Equivalence Errors	85
5.3.2 Second: Cohesion-Related Errors	85
5.4 Analysis of the Translation of Cohesive Devices in the <i>UNCAC</i>	88
5.4.1 Methodology of Analysis	88
5.4.2 Findings	90
5.4.2.a Translation of Grammatical Cohesive Items.....	90
5.4.2.b Translation of Lexical Cohesive Items.....	91
5.5 Deduced Translation Techniques.....	93
5.5.1 Deduced Grammatical Cohesion Translation Techniques	94
5.5.1.1 Reference	94
5.5.1.2 Ellipsis	95
5.5.1.3 Conjunction	95
5.5.2 Deduced Lexical Cohesion Translation Techniques.....	96
5.5.2.1 Reiteration	96
5.5.2.1.a Repetition of the Same Word	96
5.5.2.1.b Synonyms and Near-Synonyms	97
5.5.2.1.c General Words and Superordinate.....	97

5.5.2.2 Collocation.....	97
5.6 Conclusion	98
Conclusion	99
6.0 General Comment	99
6.1 The Results of the Study	103
6.2 Suggestions for Further Research	107
References	108
Appendices	118
Appendix A: The Five Excerpts under Analysis in the <i>UNCAC</i>	118
Appendix B: The Five Excerpts under Analysis in the <i>IUMMF</i>	127
Appendix C: The Stylistic, Syntactic, Lexical and Textual Features of Legalese in the <i>UNCAC</i>	137
Appendix D: Conjunctions Proposed to be Added to the 1976 Model of Cohesion.....	140
Appendix E: Translation Mistakes Detected in تصدير in the <i>IUMMF</i> (2004, pp. iii-iv).....	145
English Summary of the Present Study	149
Arabic Summary of the Present Study	152

List of Figures

Figure (0.1): A tree situating the present study in Text Analysis and Systemic Functional Grammar (figure mine, author of the present study)	1
Figure (1.1): Lexical cohesion, based on Halliday and Hasan's taxonomy (1976, pp. 274-292)	25
Figure (1.2): Grammatical cohesion, based on Halliday and Hasan's taxonomy (1976, pp. 31-273).....	26
Figure (4.1): The modifications proposed to be added to Halliday and Hasan's model of cohesion (1976) to be appropriate for the analysis of texts written in legalese (figure mine, author of the present study)	62
Figure (4.2): The distinctive typographical features in the General Assembly's Resolution 58/4 of 31 October 2003	77
Figure (4.3): The Integrated Model of Cohesion the present study proposes (figure mine, author of the present study)	79
Figure (5.1): Mona Baker's (1992) taxonomy of translation strategies based on her model in <i>In Other Words</i> (1992, pp. 26-42)	94
Figure (6.1): The INTEGRATED Model of Cohesion the present study proposes (figure mine, author of the present study).....	104

List of Tables

Table (1.1): Types of reference, based on Halliday and Hasan's model of cohesion (1976, pp. 43-86)	28
Table (1.2): Additive, adversative, causal and temporal conjunctions, based on Halliday and Hasan's taxonomy (1976, pp. 249-267)	31
Table (3.1): Sample analysis of reference in the excerpts under analysis (table mine, author of the present study)	50
Table (3.2): Sample analysis of substitution in the excerpts under analysis (table mine, author of the present study)	50
Table (3.3): Sample analysis of ellipsis in the excerpts under analysis (table mine, author of the present study)	51
Table (3.4): Sample analysis of conjunctions in the excerpts under analysis (table mine, author of the present study)	51

Table (3.5): Sample analysis of reiteration in the excerpts under analysis (table mine, author of the present study)	54
Table (3.6): Sample analysis of collocation in the excerpts under analysis (table mine, author of the present study)	55
Table (3.7): Samples of the non-cohesive grammatical items in the <i>UNCAC</i> (table mine, author of the present study)	58
Table (3.8): Samples of the non-cohesive lexical items in the <i>UNCAC</i> (table mine, author of the present study)	59
Table (4.1): Examples of grammatical parallelism at the word level in the <i>UNCAC</i> (table mine, author of the present study)	67
Table (4.2): Examples of grammatical parallelism at the phrase level in the <i>UNCAC</i> (table mine, author of the present study)	67
Table (4.3): Examples of grammatical parallelism at the clause level in the <i>UNCAC</i> (table mine, author of the present study)	68
Table (4.4): Examples of grammatical parallelism at the sentence level in the <i>UNCAC</i> (table mine, author of the present study)	69
Table (4.5): Examples of grammatical parallelism at the supersentential level in the <i>UNCAC</i> (table mine, author of the present study)	70
Table (4.6): The list of the conjunctions proposed to be added to Halliday and Hassan's model of cohesion (1976) (table mine, author of the present study) ..	72
Table (5.1): Translation errors of inappropriate equivalence detected in the تصدير in <i>IUMMF</i> (table mine, author of the present study)	85
Table (5.2): Cohesion-related translation errors in the تصدير (table mine, author of the present study)	86
Table (5.3): Samples showing how grammatical cohesive items in the <i>UNCAC</i> are translated in the <i>IUMMF</i> (table mine, author of the present study)	89
Table (5.4): Samples showing how lexical cohesive items in the <i>UNCAC</i> are translated in the <i>IUMMF</i> (table mine, author of the present study)	90
Table (6.1): The translation techniques used to translate grammatical cohesive devices in the <i>UNCAC</i> (table mine, author of the present study)	106
Table (6.2): The translation techniques used to translate lexical cohesive devices in the <i>UNCAC</i> (table mine, author of the present study)	106

Introduction

Introduction

0.1 Introduction:

This introduction foregrounds the topic of the present study, the theoretical foundations, the key terms involved, the statement of the problem, the research questions, and the methodology. The structure, purpose, significance and scope of the study are also highlighted in detail below. The study applies Michael Halliday and Ruqaiya Hasan's model of cohesion (1976) to five excerpts from the *UN Convention against Corruption*, with the aim of analysing cohesion in the text and deducing modifications that the model needs to be more appropriate for the study of cohesion in legal texts. It also seeks to deduce the mechanisms followed to translate the cohesive relations in that UN document from English into Arabic. The study comprises FIVE chapters: 1) Review of the Literature, 2) Methodology, 3) Analysis of Cohesion in the *UNCAC*, 4) Modifications Proposed to Halliday and Hasan's Model of Cohesion (1976), and 5) Translation of Cohesive Devices in the *UNCAC* [more details about the scope and content of each chapter are provided under the Structure of the Study section below].

0.2 Background of the Study:

The present study falls under the field of Text Analysis and it applies the approach of Systemic Functional Grammar (as evident in the tree in Figure 0.1):

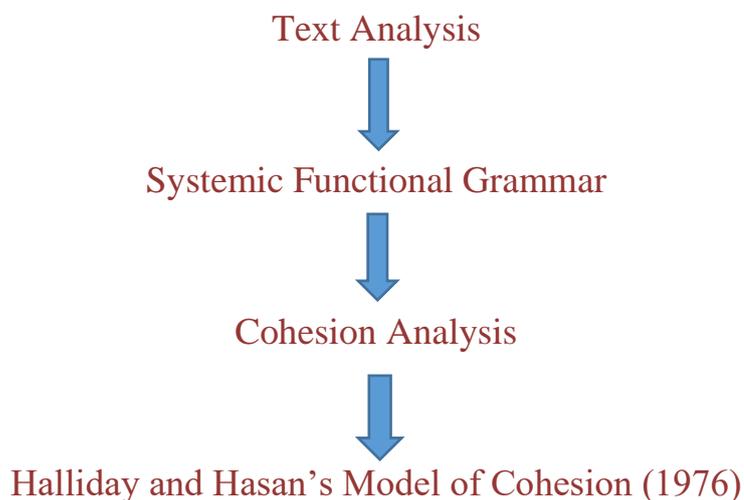


Figure (0.1): A tree situating the present study in Text Analysis and Systemic Functional Grammar (figure mine, author of the present study)

Text can be defined as "any passage, spoken or written, of whatever length, that does form a unified whole" through texture. **Texture** is "what holds the clauses of a text together to give them unity" and "the property that distinguishes

text from non-text" (as cited in Eggins, 2004, p. 24). The present study falls under the field of **Text Analysis** which helps readers/listeners understand the meanings they think the writer/speaker is making in the text. Thus, text analysis is an *explanatory* activity rather than an *interpretive* one. While interpreting a text means uncovering and stating "*what* a text means," analysing a text means uncovering and stating "*how* a text means." According to Michael Halliday (1994), text analysis seeks to contribute an evaluation of the text. He further explains that "the linguistic analysis may enable one to say why the text is, or is not, an effective text for its own purposes"; that is, "in what respect it succeeds and in what respects it fails, or is less successful." This means that text analysis involves "an interpretation not only of the text itself but also of its context (context of situation, context of culture), and of the systematic relationship between context and text" (Eggins, 2004, p. 329).

Prevalent in text analysis studies is the application of the **Systemic Functional Grammar (SFG)** which is an approach developed by Michael Halliday to explore what grammar reveals about meaning and to "construct a grammar for purposes of text analysis" by explaining "why a text means what it does, and why it is valued as it is" (Eggins, 2004, p. 2). It is used to analyse texts, distinguish among certain semiotic systems, and develop educational curricula and computational systems (Matthiessen, 2009, p. 12). This approach of grammar focuses on the paradigmatic relations in a language – "those between an element and what could have occurred in place of it (but did not), e.g., positive/negative ('yes/no') and first/second/third person ('me/you/him, her, it')." These relations "enable languages to be described and compared in terms of their meaning potential" (Halliday & Webster, 2009, p. 63). While many approaches to linguistics focused on the structure and the syntagmatic relations, SFG focuses on the paradigmatic relations. Thus, SFG is both semantic (concerned with meaning) and functional (concerned with the language in use). This grammar explores language from three angles: the ideational, interpersonal, and textual (Armstrong, 2009, p. 144), with the aim to help people understand how language functions and "construct a grammar for purposes of text analysis: one that would make it possible to say sensible and useful things about any text, spoken or written, in modern English" (Eggins, 2004, p. 2).

The concept of *cohesion* is embedded in Michael Halliday's approach to Systemic Functional Grammar. **Cohesion** "elevates a random collection of sentences to the status of a text, and in the process imparts meaning, insight, and

purpose to those sentences" (Markels, 1984, p. 4). It is like "the 'glue' that sticks the elements and therefore meanings together in a text" (Eggins, 2004, p. 51). According to Michael Halliday and Ruqaiya Hasan's model of cohesion, "the INTERPRETATION of some element in the discourse is dependent on that of another, the one PRESUPPOSES the other, in the sense that it cannot be effectively decoded except by recourse to it" (Halliday & Hasan, 1976, p. 4). Texts which lack cohesion "can hardly be said to exist at all, for cohesion provides the textual means for initiating comprehension or sense" (Markels, 1984, p. 4). Several models of cohesion have been proposed by linguists; the earliest attempt to examine cohesion in English was made by Roman Jakobson (1960) in his investigation of some literary texts. The first classification of cohesion into grammatical cohesion and lexical cohesion was proposed by Halliday in 1964.

Cohesion Analysis is meant to identify "the set of resources for constructing relations in discourse which transcend grammatical structure." Cohesion can thus be defined as "the process whereby meaning is channelled into a digestible current of discourse 'instead of spilling out formlessly in every possible direction'" (Schiffrin, Tannen & Hamilton, 2001, p. 35). Cohesion analysis investigates the reasons why some people might fail to achieve cohesion, these reasons include: aphasia, traumatic brain injury, dementia, linguistic difficulties, and autism (Armstrong, 2009, p. 145). To explain, having difficulties in maintaining cohesion may reflect a "poor variety of lexical items and links throughout the text, excessive repetition, and the use of pronouns without clear referents" (Armstrong, 2009, pp. 145-146). Such problems can be treated by helping those people to create "identity and similarity chains" among other elements of the texts and asking them to train themselves to avoid saying pronouns without referents and to increase their lexical variety (Armstrong, 2009, p. 146). Cohesion analysis can also contribute to developing text comprehension abilities, enhancing writing competence and improving translation quality. It was after the publication of Halliday and Hasan's *Cohesion in English* (1976) that cohesion was widely applied to several fields including "stylistics, discourse analysis, language teaching and learning, translation studies, psycholinguistics and sociolinguistics" (as cited in Xi, 2010, p. 141).

It is noteworthy to mention that there is an argument over the importance of cohesion analysis, with a group of linguists advocating it and another group arguing that it is not as significant as it is claimed. Supporters of the significant role of cohesion analysis [such as Grake & Kaplan (1996) and Ferris &