
Comparative Studies of the Peculiarities of Legal and Religious Language

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Abstract

There are a lot of ways an individual uses language. Language is seen as a function of the situation. What we mean here is that the situation determines the kind of language used. Linguists have various ways of assessing language-one of which is stylistic. Stylistics generally studies the peculiar ways in which language is applied in various situations and disciplines. In this paper we attempt a comparative study of the peculiarities of legal and religion language. Various issues were looked at the lexis, grammar, punctuations and semantics. It is concluded that there are seemingly different choice of words in both the language of religion and law.

Many English speakers control several diatypic varieties; that is they are able to function appropriately in different situations. The term ‘register’ which means roughly the same thing as diatypic variety is used to refer to each adaptation of language distinguished according to use. Each use of the language has its register, that is, its linguistic and non linguistic characteristic. Registers constitute the linguistic reflections of user’s use of language in situations. They cover the total range of activities in a linguistic community and so when we examine the register of language we are in effect accounting for what people do with their language. Registers include those of

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chemistry, law, commentary, advertising, linguistics, politics and so on. Each of these is an activity of which language is a party. For each of there is a fixed set of lexical items and grammatical patterns.

The Legal of Language

A legal text is a piece of composition or a proceeding that is concerned with law. The law includes many different activities, from the drawing up of status to the contracting of agreement between individuals, all of which need to be recorded in written form. In spite of their diversity, it is perhaps not too far from the truth to say that each of these activities is connected with the imposition of obligations and conferring of rights. A field of discourse such as law has its respective sets of linguistics features (i.e. register) to which the language user must have recourse if he wishes to operate in this field. Its tenor is impersonal and formal. The language is written for experts' use i.e. it is written to allow one expert to register information for security by another. The language of law is written to be read but it is largely non-speakable. Other peculiarities of this language are: the regular use of passive voice, lengthy pre-and post modifications of nominal for the purpose of definition and precision, archaic adverb, preposition, colligations, stereotyped phrase, complex grammar, rarity of punctuation, etc. Which render the text turgid and prolix. The language is removed from language of daily conversation and it is strictly written mode. The language of law is supposed to be characterized by unambiguous usages, thus there is the use unbroken formulae format which we must conform. It is nonspeakable because of its very long convoluted sentences. There is copious use of subordinators which are grammatically distinct. The language of law is highly nominal with long complicated hypertactic structure. The range of vocabulary that may be met in legal language is extremely wide, since almost anything may become the subject of legislation or legal tabulation in some way or the other.

Legal language is highly conservative because of the enhance on form which were established in the past and the reluctance to take risk by adopting new and untested modes of expression. The fact that some legal documents have been drafted without paragraph division and sometimes with long, thinly punctuated sentences, and sometimes with Gothic characters, constant capitalization of words and phrase etc, are indications of its graphological distinctiveness.

At the level of lexis, the use archaic words is prominent in legal language. Moreover, preposition like words are frequently suffixed this together with archaisms adds a touch of formality to legal language. There is a constant repetition of lexical items, and there is the use of Latin words and Latin expressions. There is plenty of exaggeration. The collocation geography is limitless but the most characteristics

Vero-Ekpris Glandstone Urujzian and Okpongette Alexander Sam

conclusion or response and many have a fixed framework. Adjective are frequently used.

The excerpts in Appendix B (1,2,3) are used to highlight the peculiarities of religious language. These excerpts are: David's lamentation over Saul and Jonathan's death (11 Samuel 1:19-27 and Psalms 23, 85 and 136).

Analysis of David's Lamentation

A look at the excerpt reveals that David's lamentation is a kind of monologue. Monologuing is the speaking by one individual in such a way as to exclude the possibility of interruption by others. The language is removed from the language of daily conversation and is therefore not colloquial but strictly liturgical in nature. David's lamentation clearly brings a memory of Saul and Jonathan into people's mind in a pleasant way because of the highly evocative nature of the language e.g.

"Saul and Jonathan were lovely and pleasant in their lives, and in the death they were not divided: they were swifter than eagles; they stronger than lions..."

At the level of graphology, the excerpt is divided into verses to ease readability and slow the rate of progression. Punctuation marks are used idiosyncratically. The particular use of colons and commas and interjection marks at strategic places are mode markers that this text was written with its speakability in mind. The use of capital letters within the sentence and in the initial letters of each verse, capitalization of proper nouns and pronouns, e.g. Israel, Gath, Jonathan, Saul, As-ke-lon and 'O' are conventionally written in capital letters. Interjection marks is used twice while commas and colons are used eight and three times respectively, and this is an indication of dense punctuation. Numerous periods also appear at the end of every verse.

The dominant lexical items are archaic words like 'thy' thee, lest, thou, ye, hast etc. And some technical religious terms like: offering, shield, anointed, blood, scarlet etc. these words enter into unique collocation to mark this diatype. Example are: field/offering, anointed/oil, ornament/gold, cast/away, stronger/lion, swifter/ eagles etc. All these come together to make the language of religion distinctive.

The main area of grammatical distinctiveness in David's lamentation is the verbal group where the old third person singular (wast, hast) is common. Closely connected with verbal group is the use of archaic pronominal forms: (te, thou, thee, thy, etc.). Then the structures are highly complex for instance, the whole of verse twenty (20), the whole of verse twenty one (21) is one complex sentence:

"Ye mountains of Gil-bo-a; Let there be no dew, neither let there be rain, upon you, nor fields of offerings; for here the shield of the mighty is vilely cast

lord' or 'God'. Psalm 136 is characterized by restricted set of formulaic conclusion: "for his mercy endureth for ever" which is repeated in all the twenty six verses of these verses of the psalm.

The repetition of similar structures in psalm 136 enhance readability and rhythm, examples are:

*O give thanks unto the God of gods
For his mercy endureth for ever.
O give thanks to the Lord of lords: for his mercy
endureth for ever.*

Other grammatical facts are the dominant use of the initial coordinator (and) in verses 11, 14, 18, 20, 21, 24, of Psalm 136. Psalm 85 and Psalm 136 have some imperative structures examples:

*Turn us, O God of our salvaion, and
Casue thine anger towards us to case.
O Give thanks unto God. Etc.*

Indeed, the language of religion like that of law is distinguished at all levels of linguistics analysis.

Conclusion and Recommendations

Having examined these two diatypes, it is fair to conclude that there are points of contrast and point of similarities. Like the language of law, the use of latinic expressions, archasim, and constant use of complex structures are peculiar to the language of religion. Captial letters are also used witin sentences in the language of law and religion.

The two languages are removed from the language of daily conversation thus colloquialism is abolished. Both languages are highly formal. The use of distinctive pronominal paradigms (whoever) is also common to these languages i.e. religion and law. These are constant repetition of phrases and formulaic structures in both diatypes.

On the contrary, religious language is densely punctuated to enhance readability and speakability while legal language is thinly punctuated. Also, there is no room for absurdities in legal circle while there is frequent use of absurdities in religious language. The language of religion is highly evocative and liturgical in nature because there is a strong concern for speakability, appropriateness and intelligibility. One needs a balance between intelligibility, pronounce-ability, relative dignity and formality; a balance between the ordinary and the obscure... (Crystal and Davy 1996:150).

References

Crystal D. & Davy, D. (1969). *Investigating English Style*. London.

The law of Akwa Ibom State (Criminal Law Cap 38 vol. 2 section 533). 2000 Psalms 23, 88, 136.

Appendix A

- a) ... Public purpose is hereinafter defined insofar as such purpose relates to any matter with respect to which the Government of the Religion has power to make laws...
- b) If the owner of any animal, the court upon his conviction thereof, any if it thinks fit, addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as it may think fit.
- c) Whoever gives or offers and whoever accepts or obtains, and whoever agrees to accept or obtain, for himself or for any other person, any advantage, bribe or reward, whether in money or otherwise, for inducing by any corrupt or illegal means or by corrupt personal influence, any member or officer or servant of any customary court to so or forbear to do any act which the said member, officer or servant, as the case may be of a customary court is authorized to do in the exercise of the jurisdiction, authority or function of such member, officer or servant or to show favour or disfavour to any person guilty of a felony and liable on conviction before the High Court or a magistrate's court, as the case may be, to imprisonment for seven years.

In the examples above, characteristic features of the language of law that renders it unspeakable include passive verbal groups (... is authorized, is defined) colligation (... whatsoever, insofar as, hereinafter, whether) and stereotype phrase (within the meaning...upon his conviction). All these terms and the syntactic structure suffice almost by themselves to identify the register of law.

Analysis of Text

Three linguistic categories: graphology, syntax and lexico-semantics are examined across the texts.

On graphology, the stylistic significance of space management and presentation of graphic substance such as lineation, capitalization, punctuation, print type and size and characters are examined. In the excerpt above there is no paragraph division and it is thinly punctuated.

Veru-Ekpris Glandstone Urujian and Okpongette Alexander Sam

At the level of lexis what is dominant in these excerpts is the use of archaic words and preposition words are suffixed. Examples are: insofaras, hereinafter. There is the prominent repetition of some lexemes e.g. whoever is repeated five times and such, it persons, whether are equally repeated. Near synonyms are characteristically collected with the use of a co-ordination's e.g. accept or obtain, advantage/bribe or reward, corrupt/illegal means, to do or to forbear to do, jurisdiction or authority or function.

At the level of grammar the sentence below exemplifies the fact that legal languages have hypotactic structures with occasional introduction of adverbials which clusters at the beginning of the sentence.

If the owner of any animal guilty of cruelty within the meaning of this chapter to any animal, the court upon his conviction thereof, may if it thinks fit in addition to any other punishment, deprive such of the ownership of the animal ...

This excerpt like every other legal document is highly nominal e.g. of nominal group are: animal, owner, chapter, punishment, person, bribe, servant, customary court, officer, magistrate, imprisonment, member etc. Verbal groups are few but these few verbal groups are passive e.g. (is authorized, is defined etc. Collocations are prominent) whatsoever, insofaras, hereinafter etc. All these terms and the syntactic structure suffice almost by themselves to identify the register of law.

The language of religion is distinguished at the phonological and graphological level through a number of features: rhythmical framework is carefully controlled. The structures are balanced and progression is slow through the splitting up of the texts into verses and the frequent use of commas and other punctuation devices e.g. colon uniquely used too.

Another area of grammatical distinctiveness is the verbal group where the use of the old third person singular (hath) and the inflected 2nd person singular (maketh, speakest, leadeth) is common. Closed connected with the verbal group of archaic pronominal forms, e.g. (ye, thou). David's lamentation over Saul and Jonathan's death (11 Samuel 1:18-27).

The beauty of Israel is slain upon thy high places: how are the mighty fallen! tell it not in Gath, publish it not in the streets of As-ke-lon; lest the daughters of the Philistines rejoice, lest the daughters of uncircumcised triumph.

Ye mountain of Gil-bo-a, let there be no dew, neither let there be rain, upon you, nor few of offspring: for there the shield of the mighty is vilely cast away, the shield of Saul, as though he had not been anointed with oil. From the blood of the slain, from fat

Comparative Studies of the Peculiarities of Legal and Religious Language

of the mighty theboe of Jonathan turned not back, and the sword of Saul returned not empty.

Saul and Jonathan were loved their pleasant in their lives, and their death they wee not divided; they were swifter than eagles, they wee stronge than lions.

Ye daughters of Israel weep over Saul, who clothed you in scarlet, with other delights, who put on ornaments fo gold uponb your apparel. How are the mighty fallen in the midst of the battle! O Jonathan, thou wast slain in thy high places.

I am distresd for thee, my brother Jonathan: very peasant hast thou been unto me: thy to me was wonderful, pasing the love of women. How are the mighty fallen, and of the war perished!

Psalm 23

1. The Lord is my Shepherd ; i shall not want
2. He maketh me to lie down in a green pastures;
He leadeth me beside the still wates
3. He restoreth my soul: he leadeth me in the path of righthoueness for his name's sake.
4. Yea, though i walk through the vally of shadow of death, i will fear no vil; for thou art with me; thy rod they staff they comfort me .
5. Thou preparest a table before me in the presence of mine enemies; thou anoitest my head with oil; mycup runneth over.
6. Surely goodness and mercy shall follow me all the days of my life; and i will dwell in the house of the Lord forever.

Psalm 85

1. Lord, thou hast been favourable unto thy land: thou hast brought back the captivity of Jacob.
2. Thou hast forgiven the iniquity of thy people; thou hast covered all their sins. Selah.
3. Thou hast taken away all thy wrath: thou hast turned thyself from the fierceness of thine anger
4. Turn us, O God of Salvstion, and cause by anger toward us to cease
5. Wilt thou be anger with us forever? Wilt thou draw out thine anger to all generation?
6. Wilt thou not reive us again; that thy people may rejoice in thee?
7. Show us thy mercy, O Lord, and grant us thy Salvaion.

Psalm 136

1. O give thanks unto the Lord; for he is good: for his mercy endureth forever
2. O give thanks unto the God of god: for his mercy endureth forever
3. O give thanks unto the Lord of lord: for his mercy endureth forever
4. O him who alone doeth great wonders: for his mercy endureth forever
5. To him that by wisdom made the heavens: for his mercy endureth forever
6. To him that stretched out the earth above the waters: for his mercy endureth forever
7. To him that made great lights: for his mercy endureth forever
8. The sun to who by day: for his mercy endureth forever
9. The moon and stars to rule by night: for his mercy endureth forever
10. To him that smote Egypt in their first born: for his mercy endureth forever
11. And brought Israel from among them: for his mercy endureth forever
12. With a strong hand, and with the stretched out arm: for his mercy endureth forever
13. To him which divided the red sea into parts: for his mercy endureth forever
14. And made Israel to pass through the midst of it: for his mercy endureth forever
15. But overthrew Pharaoh and his host in the red sea: for his mercy endureth forever
16. To him who led his people though the wilderness: for his mercy endureth forever
17. To him which smote great Kings: for his mercy endureth forever
18. And slew famous Kings: for his mercy endureth forever
19. Si-hon King of the Am-o-rites: for his mercy endureth forever
20. And of the King Ba-shan: for his mercy endureth forever
21. And gave their land for heritage: for his mercy endureth forever
22. Even an heritage unto Israel his servant: for his mercy endureth forever.