HANOI NATIONAL UNIVERSITY
UNIVERSITY OF LANGUAGES AND INTERNATIONAL STUDIES
POST GRADUATE DEPARTMENT
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NGUYỄN THỊ HUYÊN

SUMMARY OF MINOR MA THESIS

NOMINALIZATION IN LEGAL DISCOURSE:
A SYSTEMIC FUNCTIONAL ANALYSIS

DANH HÓA TRONG VĂN BẢN LUẬT PHÁP:
PHÂN TÍCH THEO QUAN ĐIỂM CHỨC NĂNG HỆ THỐNG

M.A THESIS

English Linguistics

60 22 15

HANOI – 2011

Part A: Introduction

1. Rationale

Nominalization is one of the most prominent features of formal written discourses. As one type of very formal written discourse, English legal discourse is noted for its high frequency of nominalization. Apart from the roles of nominalization in constructing the specific characteristics for this genre, nominalization is also one of the grammar structures causing a higher degree of ambiguity in legal discourses. Therefore, understanding the nature and characteristics as well as the roles of nominalization in English legal discourse will make great contribution to the perception of this discourse genre, which is very necessary in today's world when globalization and integration has become an inevitable trend. Thus, it is of great necessity to conduct a study on the phenomenon of nominalization in legal discourses if we want to learn more about this important variety of English and benefit the reading and writing of English legal discourses as well as help translators much easier in translating Vietnamese legal discourses into English and vice versa. Using the theory of systemic functional grammar which is considered a satisfactory explanation of the phenomenon of nominalization as developed by Halliday (1994) and some other systemic linguists, this thesis attempts to explore how nominalization is realized in English legal discourse with the hope that it will help readers to recognize the importance of nominalization for the comprehension and manipulation this specific genre.

2. Aims of the study

The aim of the study is to make an inquiry into how nominalization is realized in English legal discourse. To achieve the aim of the study, the main research question needs to be raised for exploration is:

How is nominalization realized in English legal discourse?

However, to find the answer for this main question, two following questions must be investigated first:

1. What is nominalization?

2. What are the main characteristics of English legal discourse?

3. Scope of the study

The scope of this study is just to investigate the typical realization of nominalization in one genre of English legal discourse - A prescriptive legal text*: "Convention on the Rights of the Child" (1989).*

4. Method of the study

This is a case study using systemic functional grammar as the theoretical framework. To achieve the goal of the study, both quantitative and qualitative method will be employed.

Part B: Development

Chapter 1: Theoretical background

1. Grammatical metaphor

Definition

The concept of grammatical metaphor arose from the ancient time by the Ancient Greek philosopher - Aristotle. For him, metaphor was defined as "one word for a concept used to refer to another one". To Halliday (1994), metaphor is also a transference, which uses a kind of grammar means to replace another, but expresses the same grammatical meaning.

According to Halliday and Martin (1993: 79) cited in Wang (2002), a grammatical metaphor (GM) is a substitution of one grammatical class, or one grammatical structure, by another. Thompson (1996) defined grammatical metaphor as the expression of a meaning through a lexical-grammatical form which originally evolved to express a different kind of meaning.

1.2. Types

Halliday (1994: 343) classifies grammatical metaphor into two main types: metaphors of mood (including modality) and metaphors of transitivity. In terms of model of semantic functions, these are, respectively, interpersonal metaphors and ideational metaphor.

When classifying grammatical metaphor, Martin (1992) divided it into ideational (logical and experiential), interpersonal and textual metaphor. In this thesis, Halliday's view in classifying grammatical will be adopted.

Chapter 2: Nominalization: A general description

2.1. Definition

Scholars from different linguistic schools present different points of view toward nominalization. According to Quirk (Quirk et al. 1985), nominalization is a process of turning a verb or an adjective into a noun. In a somewhat similar manner, nominalization is defined as the grammatical process of forming nouns from other parts of speech, usually verbs or adjectives (Longman Dictionary of Language Teaching and Applied Linguistics,

2002). Chomsky (1968) believes that "nominalization is a process by which a stem, verb phrase or sentence is transformed into a nominal".

Thompson (1996: 167) argues that "nominalization is the use of a nominal form to express a process meaning". He adds that "nominalization can also be used to express an attributive meaning – a relational process together with the Attribute". To Mathews (1997), nominalization is "any process by which either a noun or a syntactic unit functioning as a noun phrase is derived from any other kind of unit". As one of the most famous systemic linguists, Halliday (1985) points out that nominalization refers to any element or group that can function as nouns or noun groups in a clause, including clauses, nominalized adjectives or verbs, etc.

2.2. Functions

- One important function of nominalization in encapsulation. By "nouning" a process, the writer can reflect a fact that he has negotiated and established the meaning of the clause centred around the process – in other words, that meaning can now be treated as existing, as a kind of abstract "thing". It makes it possible to develop an argument step by step, using complex passages "packaged" in nominal form as Theme.

- Nominalization helps create the sense of objectivity for the text. Nominalization is used for ideological control as a "masking device" for they allow the withholding of the identity of the actors. It not only obscures the participants but also the time, space and modality to make the expression more objective and non-negotiable.

- Nominalization can add another semantic dimension to what already exists in the congruent form. According to Halliday (1994: 353), the piece of wording that is metaphorical has as it were an additional dimension of meaning: it means both metaphorically and congruently.

- The use of nominalization has changed people's perception of the world, or the world of experiences. Nominalization is a tool used to name things in certain forms in different ways, as though the identities have been transformed into different things.

- Nominalization makes the text more ambiguous. In a text packed with nominalizations, when clausal patterns or congruent forms are replaced by nominalized ones, some of the information is lost. The writer presumably knows exactly what they mean; but the reader

may not so this kind of highly metaphorical discourse tends to mark off the expert from those who are uninitiated.

2.3. Types

Basing on the systemic functional approach, we can divide nominalization into two main types: lexical nominalization and clausal nominalization

2.3.1. Lexical nominalization

Lexical nominalization is a derivational process that creates nouns from lexical verbs and adjectives, and the resulting nouns become the head nouns in a noun phrase (Comrie & Thompson, 1995).

2.3.1.1. Derivational nominalization

According to Biber, Conrad and Leech (1992), derivational nominalizations are ones derived from verbs and adjectives. Most derived nouns are abstract in meaning. This type of nominalization is formed by adding suffixes to the roots.

2.3.1.1.1. Deverbal nominalization

According to (Biber et al. 1992: 89), frequently seen nominalizing suffixes in English include: -ability, -age, -al, -ance, -ant, -cy, -dom, -ee, -ence, -ent, -er, -ery, -an, -ibility, -ion, -ism, -ist, -ity, -ive, -ment, -ness, -or, -side, -ure, etc.

2.3.1.1.2. Deadjectival nominalization

Adding suffixes to adjectives is another way to create nominalizations, which refer, among other things, for example: *ability, ness, dom…*

2.3.1.2. Zero derivational nominalization (conversion)

In this type, no affix is added to the base but the base itself is converted into a different word class, usually from a verb or adjective into a noun. (Biber et al. 1992: 91). For example: *catch, walk…*

2.3.2. Clausal nominalization

Clausal nominalization is a process by which a prototypical verbal clause […] is converted into a noun phrase (Givón, 1990: 498) cited in (Carmen, 2008). According to Givón (1990: 498), clausal nominalization refers to any finite or non-finite clause which functions as a nominal clause. There are four major types of complement clauses: ***that-clauses*** and ***wh-***

clauses are finite complement clauses; *to*-*clauses* and *ing*-*clauses* are non-finite complement clauses.

2.3.2.1. That-clauses

That-clauses are finite. Therefore, they are marked for tense and modality, and they have a subject. For example: "*I think Stuart's gone a bit mad."*

2.3.2.2. Wh-clauses

There are three basic types of wh- complement clauses: ***Interrogative clauses, nominal relative clauses and exclamatives.*** For example: "*Jill was asking what happened."*

2.3.2.3. To-clauses

Eg: I am trying to get away early.

2.4.2.4. Ing-clauses

Eg: I remember reading this book.

Chapter 3: Realization of nominalization in legal discourse: Convention on the rights of the child

3.1. English legal discourse

3.1.1. Clasification

Sarcevie (2000: 9) cited in William (2007: 28) divides written legal discourse into three main types: ***prescriptive, descriptive and hybrid legal texts***.

3.1.2. Characteristics of English legal discourse

The main linguistic features of English legal discourse will be summarized in terms of lexical, syntactic and textual features.

3.1.2.1. Lexical characteristics

- ➢ Technical vocabulary
- ➢ Use of modal verbs to establish rights and obligations
- ➢ Archaic or rarely used words and expressions
- ➢ Foreign words and expressions, especially Latinisms

3.2.2.2. Grammatical characteristics

- ➢ Nominalization
- ➢ Binominal and multinominal features

➢ Complex prepositional phrases

➢ Lengthy and complex sentences

➢ Syntactic discontinuity

➢ Frequent use of passive constructions

➢ Impersonal constructions

3.2.2.3. Textual characteristics

➢ Repetition of particular words, expressions and syntactic structures

➢ Use of anaphoric and cataphoric reference

3.3. Realization of nominalization in prescriptive legal text "Convention on the Rights of the Child"

3.3.1. Frequency of occurance of nominalization

The ratio between the total number of nominalized processes and the total number of words in the text is defined as the frequency of occurrence of nominalization. In legal text "*Convention on the rights of the child*", out of 7561 words, nominalization occurs 748 times. It means that nominalization occurs approximately once every 10 words. This is a very high ratio in comparison with that of some other genres such as news reports (once every 19 words). The frequency of nominalization in the sample legal text explains why this genre is highly condensed, and really difficult to understand. It can be concluded that nominalization is prevail in English legal discourse and is considered a prominent characteristic for this type of discourse

3.3.2. Typical types and characteristics of nominalization

3.3.2.1. Typical types

Basing on classification of types of nominalization presented in the previous section, we have found that in English legal discourse, there exist all types of nominalization with the transition from *process, clause or attribute…* into *Thing*. However, nominalization is created mostly by the drift from process with 75.4% into *Thing* and the most frequently used form of nominalization is the category of *deverbal* nominalization which makes up for 53.9%. Ranking second is *clausal* nominalization with 15.9% in which *To*-clause has the highest percentage with 7.6%. *Deadjectival* nominalization with the drift from *attribute* and *quality* into *Thing* only accounts for 8.7% ranking at the last position.

By using nominalization instead of processes, it makes the overt processes disappear and more often than not, the actors of the processes are invisible. Thus, by using

nominalization, writer can obscure not only the participants but also the time, the space, and the modality to help the utterance achieve the sense of objectivity and non-negotiability.

3.3.2.2. Characterisitcs of nominalization

- The most frequent type of nominalization used in this legal text is *deverbal* nominalization in which the most typical suffixes can be found are "*ion*" which occurs 99 times such as *foundation*, *protection*, *provision*, *adoption*, *discrimination*, *consideration*, *implementation*…and "*ment*" which occurs 65 times such as *development*, *punishment*, *imprisonment*, *agreement*, *involvement*, *enjoyment*…. The suffixes "*ion*" and "*ment*" refer to the state, action or instance of verbs, which indicates either the process of making or doing. The states, process or instances are what legal discourse takes best advantage of, and that explains the high frequency of suffixes "*ion*" and "*ment*" used in this legal text.

- Nominalized processes are used continuously in parallel, which makes the text more convincing and strong. It intensifies the tempo for this legal text and makes it full of power. If congruent forms were chosen as an alternative, there would be more subjects and predicates, as well as losing the effect of parallelism. For example,

*(1) States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of **neglect**, **exploitation**, or **abuse; torture** …..(line 498-500).*

- There are some nominalization which are repeated throughout this legal text such as *care* (27 times), *protection* (18 times), *development* (18 times), *assistance* (17 times), *need* (13 times), *freedom* (15 times) and *responsibility* (8 times)…Basing on the frequent use of the nominalization above, the ideology of the whole text is revealed - that is responsibility of all States Parties to ensure the basic rights of the child so that all children can live in care, freedom, protection, assistance…

3.3.3. Semantic roles of nominalization realized in terms of ideational, interpersonal, and textual metafunction

3.3.3.1. In terms of ideational metafunction

When a *process*, a *clause* or an *attribute* are transferred into *Thing*, they can play different roles in a clause. Nominalization can be or a constituent of *goal*, *circumstance*, *qualifier*, or

identifier… Different role of nominalization in a clause will reveal different functions for the text. In terms of ideational metafunction, nominalization mostly plays the role of *goal* in a clause with 29.5%. *Circumstance* and *qualifier* rank second and third with 26.5% and 24.7% respectively. According to Halliday (1994: 110), material process is the process of "*doing*". They express the notion that some entity "does" something – which may be done "to" some other entity. The term *goal* implies "directed at". Legal discourse often directs what people must or must not do something or something must or must not be done. The text - "*Convention on the right of the child*" is an international convention in which all the States Parties signed in this convention have to obey and follow some rules to protect the child. Thus, "*States Parties*" mostly plays the role of actors in material processes throughout the text. In this legal text, most of nominalization is realized in *goal* and it is what the actor must direct at. The frequent use of circumstances and especially qualifiers makes this legal text lengthier and more complex. This is also a prominent characteristic of legal discourse, which explains why understanding legal discourses seem to be very challenging to almost all of the readers.

3.3.3.2. In terms of interpersonal metafunction

In terms of interpersonal metafunction, mostly nominalization is realized as *complement* with 271 times of occurrence accounting for 51.5% - nearly half of the total. *Adjunct* ranks second with 37.7% and 10.9% is the percentage of *subject*.

According to Halliday & Matthiessen (2004: 122-123), a *complement* is an element within the *residue* that has the potential of being *subject* but is not; in other words, it is an element that has the potential for being given the interpersonally elevated status of modal responsibility - something that can be the nub of the argument and it is typically realized by a nominal group. For example,

	States Parties	*recognize*		*the rights of the child…assembly.*
TRANS.	Actor	Process: *meterial*		goal
MOOD	Subject	Finite (present)	Predicator	Complement
	Mood		Residue	

(Line 155, 156)

3.3.3.3. In terms of texutal metafunction

a large amount of nominalization (87.6%) is founded in *rheme* in terms of textual metafunction. *Theme* is the starting point for the message - the element which the clause is going to be 'about' and realized by whatever element comes first. *Rheme* is the rest of the message, which provides the additional information added to the starting point and which is available for subsequent development in the text (Halliday, 1994). *Rheme* often carries new information, which needs to be judged by readers. However, by using nominalization in *rheme*, the new information becomes something abstract and non-negotiable, which helps create a sense of power and authority for legal discourse. With a very large amount of nominalization realized as *rheme* in this legal text, it can make the text more authoritative and powerful. For example,

*States Parties / recognize the rights of the child to **freedom** of **association** and to **freedom***

      Theme   *Rheme*

of peaceful assembly. *(line 186,187)*

In the example above, when being realized in *rheme*, "*freedom of association*" and "*freedom of peaceful assembly*" become undeniable right of children – something that is non-negotiable and already admitted by all readers.

Part C: Conclusion

1. Recapitulation

It can be said that nominalization is a prominent feature in legal discourses. It occurs about once every 10 words. Results show that nominalization is created mostly by the drift from process with into Thing with the most frequently used form is the category of *deverbal* nominalization. Because of a large amount of nominalization realized as *goal*, *complement* and *rheme* in terms of ideational, interpersonal and textual metafunctions, nominalization can make the text more lengthy, complex, objective, concise, authoritative, and cohesive

2. Implications

2.1. To teachers

Teachers should remind students of these things and provide them with necessary knowledge of nominalization and legal discourses so that students can develop greater autonomy to comprehend and manipulate this genre.

In addition, knowledge of nominalization proves effective in helping students develop their arguments in writing tasks. Function of nominalization provides a means of building up the objectivity, conciseness, descriptive potential and cohesiveness in written texts. Therefore, nominalization should be taken into consideration in developing writing material for students.

2.2. To translators

As can be seen from the study, the more nominalization existing in the text, the more complicated and ambiguous that text is. In other words, nominalization creates maximum distance between technical knowledge and the experience of daily life. Thus, translating legal discourses is always a big challenge to all the translators. As the results, an insight into the nature of nominalization in English legal discourse will certainly help translators solve problems that may occur when they decode a legal discourse and encode it into a translated version in the target language.

3. Limitations and suggestions for further studies

First of all, this study aims to make both a qualitative and quantitative study on the phenomenon of nominalization in legal discourses. Although the author tries the quantitative method, the data used in the study is still limited. If possible, the further studies should make the use of corpus to enrich the data and thus, make the study more reliable.

Secondly, nominalization also bounds in Vietnamese legal discourses. Thus, the next studies should explore the similarities and differences between English legal discourses and Vietnamese ones. This will be of great significance to Vietnamese linguists, lawyers, teachers and students especially ones majoring in law in understanding and translating legal documents.

Besides, since the focus of the study is on the phenomenon of nominalization in legal discourses. Therefore, further studies of nominalization in other genres such as journalism or advertising would be of great value.