
NOMINALIZATION IN ENGLISH AND ITALIAN NORMATIVE LEGAL TEXTS

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Abstract

This paper investigates nominalization in English and Italian legal discourse. In particular, it inspects the syntactic structure of complex noun phrases in the two languages and identifies their crucial pragmatic functions and effects in a textual dimension and in relation to the type of discourse.

The investigation of English and Italian data taken from normative legal texts will show that, although in Italian there is a greater tendency towards a nominal style than there is in English, nominalization is a common feature of both legal Italian and legal English (Altieri Biagi 1974; Cortelazzo 1990; Gotti 1991; Williams 2004b; Di Renzo Villata 2007; Garzone 2008). Data will also show that, in both languages, nominalization meets many of the requirements of legal writing (Bhatia 1993). Firstly, it contributes to the formal register and highly impersonal style of legal documents. Secondly, it prevents ambiguity and favours precision. Lastly, it may sacrifice concision, generality and simplicity to gain all-inclusiveness, specificity and complexity.

In legal discourse, nominalization gives actions and concepts ontological relevance, emphasizing the authoritativeness of the law and increasing its control over the addressee. Furthermore, it creates a network of lexico-semantic references allowing the writer to refer back to previously introduced ideas, and the reader to follow the logical progression of the text and to compensate for his/her interpretative difficulties with the continuity and stability of reference of the text.

1. Introduction

Legal discourse has been extensively investigated in the literature. In particular, much attention has been devoted to the study of mood and modality in legal English texts (Kimble 1992; Calboli 2001; Foley 2001; Garzone 2001; Gotti 2001; Williams 2005, 2006) and, from a cross-linguistic and cross-cultural perspective, to the most common finite verbal constructions in legal texts, namely the *shall* construction in English and the present indicative form in Italian (Williams 2004a). On the other hand, nominalization still constitutes a little studied area of investigation, although it is frequently used in both English and Italian legislative writing (Bhatia 1983, 1993; Jottini 2002; Haigh 2004; Williams 2008).

In this paper I shall explore nominalization in English and Italian legal discourse. In particular, I shall examine the structure of complex noun phrases in the

two languages and identify their crucial pragmatic functions and effects in a textual dimension and in relation to the type of discourse.

The texts taken into consideration in this paper comprise a small corpus of parallel texts of legal documents, all available online, in English and Italian, constituting an overall total of about 30,000 words. All the texts examined are “normative” (Šarčević 2000: 11), in that they belong to European Union legislation, including laws, regulations, treaties and international agreements¹.

They consist of the same articles in both the English and the Italian versions which, according to some scholars (e.g. Williams 2004a: 219), are equally “authentic but not necessarily based on translations from one or the other”².

The analysis of this relatively homogeneous corpus intends to demonstrate that:

- in legal discourse, nominalization can provide different functions, ranging from the promotion of cohesion and interpretability of the text to the condensation of information, or to imposition on the addressee;

- in spite of the abstractness that nominalization obtains by the use of non-concrete agents (e.g. *the protection of human rights*), and in spite of the difficulty of disambiguation it provokes because of the richness and semantic density of complex NPs, such as *appointment by the Council of Europe of an independent person to sit on the Agency’s Management and Executive Boards*, it gives actions a stable semantic reference (e.g. *developing the overall policy* → *policy development*), thus facilitating textual progression (Gotti 1991: 78) and assuring continuity and stability of reference.

Data in the two languages will be analysed to test the functions and effects of verbal vs. nominal constructions in legal discourse. In particular, we shall verify whether such functions/effects are shared by the two languages under investigation, and whether both English and Italian nominalizations meet the requirements of legal writing.

¹ In particular, the texts selected for the corpus include:

- the Treaty on European Union in force since 29 July 1992 (henceforth 1TEU);
- the Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union in force since 9 May 2008 (2CONS);
- the Agreement between the European Community and the Council of Europe for the purpose of establishing close cooperation between the Centre and the Council of Europe in force since 10 February 1999 (3AGR);
- the Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe in force since 18 June 2008 (4AGR);
- the Commission Decision No. 379/84/ECSC of 15 February 1984 (5COMD);
- the Communication of the Commission of the European Communities on agricultural product quality policy of 28 May 2009 (6APQP).

Some of these texts belong strictly to legal discourse. Others – especially 6APQP – are borderline between argumentative economic and legal discourse.

² EU texts qualify as typically hybrid since they may undergo possible interferences on the part of their original drafting in the source language. Yet, as Garzone (2008: 48) claims, translated texts are “autonomous texts destined to function in the context of the target culture without regard for their relation to the source text”.

2. The main features and purposes of legal writing

Legal writing has acquired a vast degree of notoriety among scholars and experts of ESP (see, e.g., Mellinkoff 1963; Maley 1987; Bhatia 1993; Gibbons 1994, 2003; Rossini Favretti 1994; Tiersma 1999; Williams 2004b). It has long been criticized for its obscure expressions, complex syntactic constructions and enormous use of repetitions, archaisms, Latinate words, etc. However, as Bhatia (1993: 101-102) remarks, “To the specialist community these are indispensable linguistic devices which bring in precision, clarity and unambiguity and all-inclusiveness”.

Unlike descriptive legal texts, which have a merely informative function, normative ones have a primarily prescriptive function, i.e., they prescribe a course of action to be conformed to.

Their primary purpose is that of ordering human relations. Hence, their general illocutionary force is directive, namely to impose obligations, give permission and confer rights³.

As a consequence, the register of normative legal texts is usually formal and their style of writing is highly impersonal, which “helps to reinforce the idea of impartiality and authoritativeness” (Williams 2004b: 114). To non-experts, the language may appear pompous, verbose and circumlocutory, and the technical vocabulary used may be regarded as a way of keeping them at a distance, while creating cohesion and maintaining solidarity among the members of the specialist community.

The drafters of legislative acts do not address the general public with their documents, although such documents are of general interest and application. The real readers are judges and lawyers who have to interpret the documents for ordinary citizens (see Bhatia 1993: 102-103). In order to restrict free interpretability, legislative writing has to be precise, clear and unambiguous on the one hand, and all-inclusive on the other hand (cf. Bhatia *et al.* 2005).

All the aforementioned requirements of legal discourse – and, in particular, of normative legal texts – are met by means of specific linguistic resources. Indeed, the legal draftsman uses lexical, syntactic and discoursal strategies to render this type of text not only accessible to both expert and ordinary readership, but also authoritative and reliable.

The typical features of this type of discourse in legal English and legal Italian are well-known (see, e.g., Mellinkoff 1963; Bhatia 1993; Williams 2004b; Di Renzo Villata 2007). Among them is the tendency to nominalize verbs and use nouns in their place (see Tiersma 1999: 77-79; Williams 2004b: 115)⁴. A typical example of nominalization is reported in Bhatia (1993: 107): “No will shall be revoked by *any*

³ According to Šarčević (2000: 11), “Normative texts prescribe how the members of a given society shall act (command), refrain from acting (prohibition), may act (permission) or are explicitly authorized to act (authorization)”.

⁴ Halliday (1989: 72-73) states that there are two main sources of pressure towards nominalization: one is “the structure of the nominal group”, in which lexical material tends to be packaged, the other is “the structure of the clause”, in which the theme or ‘what the message is about’ tends to be expressed by a nominal element.

presumption of an intention on the ground of an alteration in circumstances". This linguistic device contributes to the high level of formality of legal writing, and to render it "both precise and all-inclusive" (Bhatia 1993: 154), although this may be at the expense of concision (see Williams 2004b: 115). One may hypothesize that if nominalization is closely respondent to the requirements of the legal type of discourse, it should also be a commonly shared feature cross-linguistically.

3. Definition and structure of nominalization

In the literature, nominalization has been viewed as either a lexical or a syntactic device. In the lexical sense, it has been defined as "a process whereby a verb or adjective is converted into a noun" (Givón 1993: 287), whereas in a broader – syntactic – sense, it is "the process via which a prototypical verbal clause, either a complete one (including the subject) or a verb phrase (excluding the subject), is converted into a noun phrase" (*ibid.*).

Quirk *et al.* (1985) include nominalization in the vast category of noun phrases. However, as Bhatia (1993: 148-149) observes, it has to be kept distinct from other nominal expressions, such as complex nominal phrases, which are significantly used in advertisements (e.g. *The world's first packless, cordless, lightweight, compact, integrated video light*), and nominal compounds, which are traditionally associated with scientific writing (e.g. *pulmonary artery mean pressure electrocardiogram VI lead*).

Nominalization typically exhibits "a systematic correspondence with a clause structure" (Quirk *et al.* 1985: 1288), which is not present in other nominal expressions, and "is overwhelmingly used in legislative provisions" (Bhatia 1993: 148).

In the language of legal documents clauses are often nominalized. Thus, (1a) below is less common than (1b):

(1a) If you *advance* in economic integration you can also *progress* in other fields...
/ Se si *progredisce* sulla via dell'integrazione economica si può anche *progredire* in altri settori...

(1b) *Advances* in economic integration are accompanied by parallel *progress* in other fields... / I *progressi* compiuti sulla via dell'integrazione economica si accompagnano a paralleli *progressi* in altri settori... (2CONS).

The head noun of the nominalized noun phrase is normally related morphologically to a verb, either as a derived deverbal noun (e.g. E. *integration* ← *to integrate* / It. *integrazione* ← *integrare*), or as a converted one (e.g. E. *advance* ← *to advance*, *progress* ← *to progress*; cf. It. *progresso* ← *progredire*). However, deadjectival nouns are also possible, as in the following case, drawn again from 2CONS:

(2) the *safety* and *security* of their peoples ← their peoples are *safe* and *secure* / la *sicurezza* dei loro popoli ← i loro popoli sono *sicuri*.

Noun phrases arising through nominalization are often complex. In general, their complexity reflects the complexity of the clauses from which they arise. The relationship between a nominalization and a corresponding clause structure can be more or

less explicit, according to how far the nominalization specifies, through pre- or post-modifiers and determiners, the nominal or adverbial elements of a corresponding clause (Quirk *et al.* 1985; Castelli 1988; Giorgi 1988). In this respect, compare (3) with (3a-e), modified from 1TEU:

(3) The Treaty irrevocably *fixed* the exchange rates. / Il Trattato *ha* irrevocabilmente *fissato* i tassi di cambio.

(3a) the Treaty's irrevocable *fixing* of exchange rates / la *fissazione* irrevocabile dei tassi di cambio da parte del Trattato.

(3b) the Treaty's *fixing* of exchange rates / la *fissazione* dei tassi di cambio da parte del Trattato.

(3c) the Treaty's *fixing* / la *fissazione* da parte del Trattato.

(3d) its *fixing* / la sua *fissazione*.

(3e) the *fixing* / la *fissazione*.

These NPs are ordered from the most explicit (3a) to the least explicit (3e) depending on the amount of information included. Interestingly, the nominalization in (3a) does not reformulate the underlying clause more concisely⁵, but rather serves to shift the focus from the agent (*the Treaty / il Trattato*) to the action of *fixing the exchange rates*. This shift is typical of nominal style in legal discourse.

4. The complexity of nominal style

The use of nominal style (see Altieri Biagi 1974)⁶ in legal discourse affects the behaviour and relevance of the various syntactic classes. In particular, it influences the syntactic-semantic functionality of:

(i) *Adjectives*. In legal discourse, adjectives (or past participles having an adjectival function) can contribute to give semantic stability to relevant concepts or operations, especially when they are nominalized: e.g., *environmental protection / protezione ambientale* (← *The environment is protected / L'ambiente è protetto*), *il rafforzamento della coesione* (← *La coesione (si) è rafforzata*, cf. *E. reinforced cohesion*).

(ii) *Prepositions*. In legal writing, complex prepositional structures of the type P-N-P are preferred over their corresponding simple counterparts. On the one hand, they facilitate the use of long all-inclusive sentences and contribute to confer semantic relevance and precision on the concepts that follow. On the other hand, they load sentences with complex nominal structures which may slow down the receiver's interpretative process. Nevertheless this tendency is evident both in Italian (e.g. *in conformità di, ai sensi di, in virtù di, ai fini di*) and in English (e.g. *for the purpose of, in accordance with, by virtue of, in order to*).

⁵ Williams (2004b: 115) notices how a verbal construction can reformulate a nominal one using fewer words. In (3a) the number of words used in the two English constructions coincides, but, in the Italian version, the nominal construction uses eleven words instead of nine.

⁶ By 'nominal style' we mean not only the use of nominalizations but of other complex nominal expressions as well (see Bhatia 1993).

(iii) *Verbs*. In legal discourse, verbs are deprived of part of their semantic content, and they are often reduced to copular function (Altieri Biagi 1974: 74). As noticed by Cortelazzo (1990: 17), in legal writing there is a prevalence of semantically generic and polyvalent verbs (e.g. *to act / agire, to mark / segnare, to provide / fornire*). In legal Italian, more general verbs, such as *fare, mettere, tenere* can be followed by nouns specifying their semantic role, as in *fare riferimento, mettere a disposizione* and *tenere conto*. By contrast, English tends to concentrate semantic information on the verb (e.g. *to refer, to provide with*), with rare exceptions (e.g. *take (into) account, draw inspiration*).

The complexity of nominal style has consequences on the accessibility of legal texts and on the difficulties the non-specialist receiver is supposed to encounter when reading legal documents. If, on the one hand, nominal style favours precision, all-inclusiveness and unambiguity, on the other hand, it may slow down the reader's access to information. Nominal style commonly involves expansion rather than concision, complexity rather than simplicity, specificity rather than generality and vagueness. These may be some of the reasons why legal Italian definitely exhibits a tendency towards nominal style, whereas legal English, in line with other Germanic languages (Ross 2004), often keeps the simplicity and explicitness of verbal style⁷, or, in texts translated from Italian, tends towards de-nominalization⁸.

The English tendency towards verbal rather than nominal constructions is exemplified by various cases scattered throughout the whole corpus. Compare, for instance, the following English constructions with their Italian corresponding forms:

(4) In view of further steps to be taken *in order to advance European integration...* / In previsione degli ulteriori passi da compiere *ai fini dello sviluppo dell'integrazione europea...* (2CONS).

(5) *by establishing an area of freedom, security and justice...* / *con l'istituzione di uno spazio di libertà, sicurezza e giustizia...* (1TEU).

(6) It [...] shall ensure *that Europe's cultural heritage is safeguarded and enhanced.* / Essa [...] *vigila sulla salvaguardia e sullo sviluppo del patrimonio culturale europeo.* (2CONS).

These examples corroborate that the Plain Language movement, i.e., a movement devoted to encouraging plain language use also in legal terminology⁹, is producing a gradual change towards efficiency and simplification in many English-speaking

⁷ Garzone (2008: 59) observes that "although legal English is characterized by a style which is potentially more nominal than other varieties of the language, the frequency of nominal constructions (noun phrases or nominal verb forms) in legal Italian [...] tends to be higher than in legal English".

⁸ In her study of translated arbitration texts, Garzone (2008: 61) notes that the "recourse to nominalization/de-nominalization procedures is amongst the 'norms' customarily followed by legal translators". In particular, de-nominalization procedures are especially frequent in translations from Italian into English, while the shift from a non-nominal form to a nominal one in English is rarely found.

⁹ Williams (2004b) discusses at length the proposals for reforming legal English as suggested by the Plain Language movement.

countries. On the other hand, the analogous Italian initiative ('Progetto Chiaro!') has not led to radical changes yet, as the large quantity of Italian nominal constructions in normative legal texts seems to confirm¹⁰. However, the small dimension of my corpus of data does not allow for a thorough quantitative analysis. Hence my focus in this paper will be on the pragmatic and textual aspects of nominalization.

5. Typical uses of nominalization in English and Italian normative legal texts

Nominalization is commonly viewed as a traditional characteristic of the language of the law (Altieri Biagi 1974; Cortelazzo 1990; Gotti 1991; Williams 2004b; Di Renzo Villata 2007; Garzone 2008). It has even been considered a genre-specific feature. In particular, Bhatia (1993: 156) claims that such features of grammar as complex nominal phrases, nominal compounds and nominalization carry genre-specific restricted values. One of the aims of this paper is to verify whether, in English as well as in Italian, nominalization complies with the primary requirements of normative legal texts.

Corpus analysis provides evidence of the massive use of nominalizations in the titles of legal documents. Consider, for instance, the following title, taken from 4AGR:

(7) Exchange of information and data / Scambio d'informazioni e di dati.

Here nominalization appears as an isolated NP which is meant to introduce the topic of the next section. Hence, it can be viewed as a cataphoric anticipation (Baicchi 2003) of the predication from which it is obtained: viz., *the Agency and the Council of Europe shall provide each other with information and data / l'Agenzia e il Consiglio d'Europa provvedono a scambiarsi le informazioni e i dati*.

Another common use of nominalizations in legal texts is in lists. Below is a series of nominalizations indicating the activities of the Community established by 1TEU, Article 3:

- (8) (a) the elimination, as between Member States, of customs...; / l'abolizione, tra gli Stati membri, dei dazi doganali...; [...]
- (h) the approximation of the laws...; / il ravvicinamento delle legislazioni...; [...]
- (l) the strengthening of the competitiveness...; / il rafforzamento della competitività...;
- (m) the promotion of research...; / la promozione della ricerca...;
- (n) encouragement for the establishment...; / l'incentivazione della creazione...

Lastly, preambles are often marked by nominalizations, as the following extract from 2CONS demonstrates:

- (9) Desiring to enhance further the democratic and efficient functioning of the in-

¹⁰ See Williams & Milizia (2007) for a comparison between the English and Italian versions of the European Constitution.

stitutions... / Desiderando rafforzare ulteriormente il funzionamento democratico ed efficiente delle istituzioni...

Resolved to achieve the strengthening and the convergence of their economies... / Decisi a conseguire il rafforzamento e la convergenza delle proprie economie...

Determined to promote economic and social progress for their peoples... / Determinati a promuovere il progresso economico e sociale dei loro popoli...

Through nominalization, information is extremely condensed in titles, lists and preambles, and it is systematically arranged as a series of nominal expressions so as to fit well with the organized structure of parliamentary acts and articles. From this viewpoint, nominalization conforms to some of the primary requirements of legal writing, namely efficiency and concision on the one hand (Gotti 2003), and condensation and all-inclusiveness on the other hand (Bhatia 1993). However, as we will see, these are not the only requirements of legal discourse.

6. Pragmatic functions of nominalization in normative legal texts

The predominant use of nominal constructions in written normative legal texts is generally connected with the formal register and pompous style employed in legal jargon. Yet the pragmatic functions of nominalization are not necessarily negative. Bhatia (1993: 155), for instance, specifies that the legislative draftsman uses nominalization for two practical reasons, namely, “to refer to the same concept or idea repeatedly” and “to be able to incorporate as many qualificational insertions as necessary at various syntactic points in the legislative sentence”.

From an analysis of the corpus of parallel texts selected, it is possible to identify at least three primary functions. First, nominalizations have a text-oriented function, in that they promote textual cohesion. Secondly, they have an addresser-oriented function, in that they favour the condensation of information and consequent textual efficiency, so that the addresser can convey a precise and perspicuous message by using fewer words. Thirdly, they have an addressee-oriented function, in that they contribute to increase the degree of imposition on the addressee.

6.1. Promotion of textual cohesion

Consider the following English extract from 6APQP:

(10a) An essential goal of agricultural quality policy is *to inform* buyers and consumers about product characteristics and farming attributes. Unless buyers and consumers have accurate, useful and guaranteed *information* about these characteristics and attributes, they cannot be expected to pay a fair price.

Agricultural quality policy *has evolved* over time. However, *this evolution* has taken place on a piecemeal basis – instrument by instrument, sector by sector. Combining the various instruments into a more coherent whole and *developing* the overall policy would help it to deliver even stronger results. *This further development* must be sufficiently flexible, take account of the private and national schemes that dominate the market and ensure innovation.

This extract shows how nominalization can serve to promote lexical cohesion,

while avoiding the redundancy of mere repetition. In particular, lexical cohesion is created by the shift from various verbal forms (i.e., *to inform, has evolved*) to the corresponding nouns (i.e., *information, evolution*), or from verbal to deverbal nouns (*developing* → *development*). Moreover, it is supported by the use of anaphoric determiners, such as *this*, which confirms the lexico-semantic relationship between the nominalization and some previous verbal clause.

Creating connectedness at the level of expression, nominalizations also facilitate text interpretability. As noted by Merlini Barbaresi (1984: 69) for nominalized paraphrases in economic discourse, “besides being key steps in the semantic progression of the text, they also have an important pragmatic function: they represent acts of clarification”. This statement can be extended to general nominalizations. Although nominalizations are not reformulations with alternative lexis, they “offer the decoder a second opportunity for interpretation, especially when the encoder inserts into the complex nominal new elements of denotation or evaluation” (*ibid.*). For instance, in the first nominalization (*accurate, useful and guaranteed information*), the encoder adds pre-modifying adjectives/participles which make the nominalization more explicit and clarify the author’s position.

Let us compare (10a) with its Italian version:

(10b) Uno dei principali obiettivi della politica di qualità dei prodotti agricoli è *informare* l’acquirente e il consumatore circa le caratteristiche del prodotto e le modalità di produzione. Non si può esigere dall’acquirente e dal consumatore che paghi un prezzo equo se non dispone di *informazioni* precise, utili e garantite su tali caratteristiche e modalità.

La politica di qualità dei prodotti agricoli *ha subito un’evoluzione* nel corso degli anni, *evoluzione* che però ha avuto luogo in maniera frammentaria – uno strumento dopo l’altro, settore per settore. Si potrebbero ottenere risultati ancora migliori raggruppando i vari strumenti in un insieme più coerente e *sviluppando* la politica nel suo complesso. Per *un ulteriore sviluppo* della politica occorre adottare una linea flessibile, tenere conto dei regimi nazionali e privati che dominano il mercato e incoraggiare l’innovazione.

Unsurprisingly, in the second paragraph, Italian substitutes a verbal construction (*si è evoluta*) with a nominal one (*ha subito un’evoluzione*). It therefore enhances lexical cohesion by means of repetition rather than partial recurrence. However, the general cohesive function is also kept in the Italian text by other internal echoes (*informare* → *informazioni*, *sviluppando* → *sviluppo*), which constitute the heads of Italian NPs, and therefore confirm the cohesive function of nominalization.

Both versions of the text taken into consideration exhibit textual progression connected with the shift from verbal to nominal constructions. They also exhibit an increase in perspicuousness and precision due to the possibility of nominal constructions being specified via extra adjectives, which, as mentioned in Section 4, play an essential role in nominal style.

6.2. Condensation of information and all-inclusiveness

Bhatia (1993: 156) defines nominalization as “a very ancient and trusted linguistic device used by the legal expert to achieve condensation and all-inclusiveness in

his writing”. Condensation is especially useful in lists, as the following example shows:

- (11) (a) the preparation of the Agency’s Annual Work Programme; / la preparazione del programma di lavoro annuale dell’Agenzia;
 (b) the preparation of the Agency’s Annual Report on fundamental rights issues covered by the areas of the Agency’s activity; / la preparazione della relazione annuale dell’Agenzia sulle materie attinenti ai diritti fondamentali che rientrano nei suoi settori di intervento;
 (c) cooperation with civil society, in particular association of the Council of Europe with the establishment and functioning of the Agency’s Fundamental Rights Platform. / la cooperazione con la società civile, in particolare la partecipazione del Consiglio d’Europa alla creazione e al funzionamento della piattaforma dei diritti fondamentali dell’Agenzia (4AGR).

In (11), the legislative writer condenses information about the Agency’s activities into precise, all-inclusive nominal constructions. These constructions do not present any verb, but incorporate all types of possible details that may be necessary for the interpretation of the agreement between the Agency and the Council of Europe.

The next part of the agreement, reported in (12) below, confirms the importance of nominal style to include as much detail and as many qualifications as possible:

- (12) *Cooperation between the Agency and the Council of Europe* may be further promoted through grants awarded by the Agency to the Council of Europe. *The 2004 Framework Administrative Agreement between the European Commission and the Council of Europe on the application of the financial checks clause to operations administered by the Council of Europe and financed or co-financed by the European Community* shall apply. / *La cooperazione tra l’Agenzia e il Consiglio d’Europa* può essere ulteriormente sostenuta con sovvenzioni dell’Agenzia al Consiglio d’Europa. In tal caso si applica *l’accordo quadro amministrativo del 2004 tra la Commissione europea e il Consiglio d’Europa sull’applicazione della clausola di verifica finanziaria alle operazioni gestite dal Consiglio d’Europa e finanziate o cofinanziate dalla Comunità europea.*

Here complex nouns prevail over verbs and, especially in the English version, they are given a prominent (i.e. subject) position. These complex nouns serve, on the one hand, to avoid the unnecessary redundancy of longer verbal constructions (cf. Williams 2004b) and, on the other hand, to increase precision and reduce ambiguity. In other words, nominalizations save the legislative writer from repeating lengthy descriptions and, at the same time, they help him/her to specify his/her sentence with a series of pre- and post-modifications¹¹.

In (12), both English and Italian noun modifiers appear in various forms: e.g., nouns (*framework* / *quadro*), adjectives (*administrative* / *amministrativo*), prepositional phrases (*between... / tra..., on... / su...*), participial forms (*administered... fi-*

¹¹ Referring to the language of science, Halliday (1989: 73) claims that “there are a lot of things that can only be said in nominal constructions” as they normally contain lexical information either in the head, which he calls the “Thing”, or in the pre-/post-modifiers, which generally include epithets, classifiers and qualifiers. On the other hand, verbal groups “contain only one lexical element: the verb itself” (*ibid.*).

nanced or co-financed / gestite... finanziate o cofinanziate). Although they are meant to denote the referring nouns including as much information as possible, their function is not that of expanding the text, but rather to render it more efficient, therefore facilitating communication with a minimum expenditure of effort by the participants. Of course, packing information into complex nominal expressions may, and often does, involve a greater effort in the receiver's interpretation process. This point will be touched upon in Section 7.2.

6.3. Imposition on the addressee

Gaeta (2002: 41) argues that nominal constructions carry out a pragmatic strategy of 'typification' of the predicate, which is deprived, through deverbal nominalization, of part of its illocutionary force¹². In his view, the predicate's loss of illocutionary force allows speakers to express content without openly expressing their opinion of it. As a consequence, nominalization should reduce the speaker/writer's commitment. Yet we have seen in Section 6.1. that the insertion of new elements of denotation or evaluation into the complex nominal generally clarifies the writer's position. For instance, qualifying adjectives are often introduced into a nominalization to make the writer's view more explicit.

Furthermore, in legislative texts, the writer (i.e., the parliamentary draftsman) does not coincide with the addresser, which is generally the law itself. Hence, the writer is responsible for the expressive choice of nominal constructions, but the addresser has no actual commitment in such a choice, nor in the content expressed. Hence, in legislative writing, nominalization is not so much meant to reduce the addresser's commitment as to express the degree of the law's imposition on the addressee.

Consider the following examples, taken from 4AGR:

(13) As a general rule, Council of Europe Secretariat representatives shall be invited by the Agency's Executive Board to attend meetings of the Agency's Management Board as observers. *This [a] shall not extend to particular agenda items for which, on account of their internal nature, such attendance [b] would not be justified. / Come regola generale, l'ufficio di presidenza dell'Agenzia invita i rappresentanti del segretariato del Consiglio d'Europa ad assistere in qualità di osservatori alle riunioni del consiglio di amministrazione dell'Agenzia. L'invito [c] non si estende ai punti dell'ordine del giorno di carattere puramente interno che non giustificano tale partecipazione [d].*

(14) Representatives of the Agency shall be invited to attend as observers in meetings of those Council of Europe intergovernmental committees in which the Agency has expressed an interest. Upon *invitation by the relevant committee [e]*, representatives of the Agency may attend meetings or exchanges of views organised by Council of Europe human rights monitoring committees or committees set up under partial agreements as observers. / I rappresentanti dell'Agenzia sono invitati ad assistere in qualità di osservatori alle riunioni dei comitati intergovernativi del Consiglio d'Europa per i cui lavori l'Agenzia ha espresso interesse. Su *in-*

¹² For a related position see Dardano & Puoti (2005).

vito del comitato pertinente [f], i rappresentanti dell’Agenzia possono assistere in qualità di osservatori alle riunioni o agli scambi di vedute organizzati dai comitati di sorveglianza dei diritti dell’uomo del Consiglio d’Europa o dai comitati istituiti da accordi parziali.

These examples exhibit intriguing cases of anaphoric references in both languages. Firstly, there are proper nominalizations: for instance, [b]-[c]-[e]-[f] are nominalizations of the predications we find at the beginning of each paragraph (*Council of Europe Secretariat representatives... / Come regola generale, l’ufficio di presidenza..., Representatives of the Agency shall be invited... / I rappresentanti dell’Agenzia sono invitati...*). Secondly, there is a case of what Merlini Barbaresi (1984: 68) has called “nominalized paraphrases”: the segment *tale partecipazione* in [d] reformulates the previous sentence. Lastly, there is an elliptic nominalization: the determiner *This* in [a] is an anaphoric reference with a nominal ellipsis which stands for *This invitation*.

Overall, these forms of nominalization contribute to emphasize the value or degree of importance of the law, which imposes its own will on the addressee by giving actions and concepts ontological relevance. Concise reference to previous material shows that the original predication is accepted or taken for granted. In speech acts terms, nominalization specifies that the illocutionary force of the directive speech act is that of an obligation in (13) and of permission in (14), rather than an invitation or a suggestion. This is indeed confirmed by the use of the *shall* construction in English (*shall be invited*), corresponding to the present indicative form in Italian (*invita*) (see Williams 2004a), and by the use of modals (*may, possono*) in both languages.

7. Textual effects of nominalization

The pragmatic functions of nominalization are connected with its textual effects. For instance, the function of imposing the law’s power on the addressee is generally connected with textual abstractness, the aspects of condensation of information and all-inclusiveness may have difficulty of disambiguation as their main consequence, while the promotion of textual cohesion creates continuity and stability of reference within the text. Let us explore each textual effect in more detail.

7.1. Abstractness

A common characteristic of English and Italian nominalization is the tendency towards abstractness, viz. the use of abstract head nouns to replace entire predications with explicit (often concrete) agents. Consider Article 3a from 1TEU:

(15a) For the purposes set out in Article 2, the activities of the Member States and the Community shall include [...] *the adoption of an economic policy* which is based on *the close coordination of Member States’ economic policies*, on the internal market and on *the definition of common objectives...* / Ai fini enunciati all’Articolo 2, l’azione degli Stati membri e della Comunità comprende [...] *l’adozione di una politica economica* che è fondata sullo *stretto coordinamento delle politiche*

economiche degli Stati membri, sul mercato interno e sulla definizione di obiettivi comuni...

The segments highlighted in (15a) represent nominalizations of predications having the Member States and the Community as their subjects, as in (15b):

(15b) The Member States and the Community *shall adopt an economic policy, closely coordinate their economic policies and define their common objectives.* / Gli Stati membri e la Comunità *adottano una politica economica, coordinano strettamente le loro politiche economiche e definiscono i loro obiettivi comuni.*

The shift from verbal constructions with overtly expressed subjects, as in (15b), to complex nominal constructions with subjects which are left unexpressed, or which are transformed into noun modifiers, as in *the close coordination of Member States' economic policies* / *lo stretto coordinamento delle politiche economiche degli Stati membri*, gives greater abstractness to the text.

In legal discourse, abstractness is connected with both formality and objectivity. The addresser, as has been said, is the law, or the norms, regulations, etc. established by the law. Hence, the abstractness obtained through nominalizations contributes to render the general tone more official, even ceremonial, as required by authoritative documents. Furthermore, since in legal discourse the focus is on human behaviour, abstractness gives prominence to nouns denoting phenomena, processes or activities rather than to people or other types of entities (members, unions, communities, etc.), who/which are left in the background¹³.

7.2. *Difficulty of disambiguation*

In normative legal texts, nominalization often represents a loss in terms of conceptual transparency, in that it is often viewed as an element of interpretative difficulty for the receiver. As has been seen, legal documents are made more abstract by replacing verbal constructions with nominal ones and information is condensed into complex noun phrases rather than into explicit predications. However, a highly nominal style is bound to create difficulties in the unpacking of such expressions, especially for the non-specialist reader. Consider, for instance, the beginning of Article B of 1TEU:

(16a) The Union shall set itself the following objectives: to promote economic and social progress which is balanced and sustainable, in particular through *the creation of an area without internal frontiers*, through *the strengthening of economic and social cohesion* and through *the establishment of economic and monetary union...* / L'Unione si prefigge i seguenti obiettivi: promuovere un progresso economico e sociale equilibrato e sostenibile, segnatamente mediante *la creazione di*

¹³ Halliday (1990: 74) likewise notes that, in scientific writing, words representing processes (e.g. *production, extinction, succession*) are often nominalized, in that "the nominalization picks up the preceding argument and presents it in this 'objectified' form as something now to be taken for granted".

uno spazio senza frontiere interne, il rafforzamento della coesione economica e sociale e l'instaurazione di un'unione economica e monetaria...

Difficulty is here due to the large number of noun phrases (e.g. *the creation of an area without internal frontiers / la creazione di uno spazio senza frontiere interne*), which make the decoding process slower and harder.

Bhatia (1993: 149) observed that legislative writing is “notorious for being nominal in character”. However, the prevalence of nouns over verbs, and especially of complex nouns referring to processes and activities, might pose difficulties for non-expert readers (e.g. ordinary citizens), as they do not have any background knowledge of the subject-matter involved. This is why, in any other genre, a more typical verbal version would be used:

(16b) The Union shall set itself to promote economic and social progress which is balanced and sustainable. It *shall create an area without internal frontiers, strengthen economic and social cohesion and establish economic and monetary union...* / L'Unione si prefigge di promuovere un progresso economico e sociale equilibrato e sostenibile. In particolare, *si prefigge di creare uno spazio senza frontiere interne, di rafforzare la coesione economica e sociale e di instaurare un'unione economica e monetaria...*

Yet, in legal discourse, the above-average use of nominalization is justified by the fact that the actual readers are usually judges and lawyers, and therefore specialists both of the topics of legal documents and of the jargon used by the legislative writer.

7.3. Continuity and stability of reference

Finally, let us focus on the textual effect of continuity and stability of reference. As already discussed in the previous section, legislative writing must be both cohesive and all-inclusive. The use of nominalization commonly reconciles these two requirements, as it creates a network of lexico-semantic references allowing the writer to refer back to previously introduced concepts, and the reader to follow the logical textual progression. This is illustrated by (17) below, drawn from 4AGR:

(17) *Appointment by the Council of Europe of an independent person to sit on the Agency's Management and Executive Boards / Nomina di una personalità indipendente in seno al consiglio di amministrazione e all'ufficio di presidenza dell'Agenzia ad opera del Consiglio d'Europa*

The Committee of Ministers of the Council of Europe *shall appoint* an independent person to sit on the Management and Executive Boards of the Agency, together with an alternate member. *The Council of Europe appointees* shall have appropriate experience in the management of public or private sector organisations and knowledge in the field of fundamental rights. / Il comitato dei Ministri del Consiglio d'Europa *nomina* una personalità indipendente quale membro del consiglio di amministrazione e dell'ufficio di presidenza dell'Agenzia, e relativo supplente. *Le persone designate dal Consiglio d'Europa* devono aver maturato un'esperienza adeguata nel settore della gestione di organizzazioni pubbliche o private e possedere conoscenze nell'ambito dei diritti fondamentali.

The Council of Europe shall notify the Agency and the European Commission of

the appointments made. / Il Consiglio d'Europa notifica *le designazioni* all'Agenzia e alla Commissione europea.

The person appointed by the Council of Europe to the Management Board shall be invited to participate in the meetings of the Executive Board. / *La persona nominata dal Consiglio d'Europa a membro del consiglio di amministrazione* è invitata a partecipare alle riunioni dell'ufficio di presidenza.

Although anaphora is the most frequent directionality, in (17) cataphora occurs as well. Expectedly, titles are meant to introduce the topic which follows. Hence, the English nominalization *Appointment by the Council of Europe...* and its Italian counterpart *Nomina di una personalità indipendente...* refer forward to the entire predications *The Committee of Ministers of the Council of Europe shall appoint...* / *Il comitato dei Ministri del Consiglio d'Europa nomina...*

All the other segments highlighted in (17) illustrate cases of anaphoric nominalization. In the English text, nominalization occurs as a derivation from the verb *to appoint* to the corresponding agential noun (*the Council of Europe appointees*)¹⁴, to abstract noun (*the appointments made*), or to past participle used as noun post-modifier (*the person appointed...*). The Italian text not only nominalizes the verb *nominare* (e.g. *la persona nominata dal Consiglio d'Europa...*), but also its synonym *designare*. Nominalized paraphrases occur as either abstract nouns (*le designazioni*), or noun post-modifiers (*le persone designate*). Yet these cohesive devices have a common function: they give actions a stable semantic reference, thus obtaining nominal expressions to be used for further reference. As Halliday (1990: 62) states, nominalization refers back to an earlier formulation “in such a way as to make it the starting point for a new piece of information explaining how it is brought about”.

In legislative writing, therefore, the need for nominal constructions arises from the fact that legislative writers must refer repeatedly to very precise and complex phenomena, processes, actions, etc. In order to facilitate concise reference, they regularly create noun phrases and use proper nominalizations or nominalized paraphrases, which not only promote discourse cohesion but also give rise to stable concepts denoting phenomena which regularly occur, or activities which are commonly performed in the legal domain. The general effect obtained is, as anticipated, that of continuity and stability of reference.

8. Conclusions

To the specialist community nominalization is a useful linguistic device to condense information and enhance textual cohesion (Bhatia 1993), facilitating stable reference to technical concepts already mentioned. However, to the non-specialist it may create difficulty in textual access and comprehension, as it commonly entails a certain degree of abstractness and all-inclusiveness.

¹⁴ Quirk *et al.* (1985: 1289) specify that “The term nominalization may apply not only to noun phrases with an abstract noun head, [...] but also to concrete noun phrases with an agential noun head” (e.g. She is a good *writer* ← She *writes* well).

My English and Italian corpus of parallel texts has shown that, although in Italian there is a greater tendency towards nominal style than there is in English (see Section 4 for examples), nominalization is a common feature of legal Italian as well as legal English. Furthermore, the investigation conducted here has confirmed that, in both languages, nominalization meets many of the requirements of legal writing. Firstly, it contributes to the formal register and highly impersonal style of legal documents, which are generally meant to reinforce the idea of impartiality and authoritativeness. Secondly, it prevents ambiguity and favours precision. It can be even considered an act of clarification, especially when additional adjectives are inserted into the NP by the encoder to clarify his/her position and to offer the decoder a second opportunity for interpretation. Lastly, it may sacrifice concision, generality and simplicity to gain all-inclusiveness, specificity and complexity.

The complexity of nominal style may have consequences on the accessibility of specialized texts and on the difficulties the non-specialist receiver (e.g. a common citizen) is likely to encounter when reading legal documents. However, since the actual readers of legal texts are generally experts, namely judges and lawyers, the complexity of nominalization can be viewed as a means to maintain cohesion among the members of the specialist community and, as a consequence, to exclude outsiders.

This investigation has also confirmed Bhatia's (1993) claim that nominalization is a genre-specific feature of legal discourse, as in legal texts it acquires functions and obtains effects which are not normally associated with other genres. As far as pragmatic functions are concerned, nominalization has turned out to be an essential means to express the degree of the law's imposition on the addressee. It gives actions and concepts ontological relevance, emphasizing the power and authoritativeness of the law and increasing its control over the addressee's behaviour.

As far as textual effects are concerned, nominalization turns out to be a useful lexical device creating a network of lexico-semantic references. Such references give rise to stable concepts denoting phenomena which regularly occur, or activities which are commonly performed in the legal domain. Thus, they allow the writer to refer back to previously introduced ideas, or forward, cataphorically, to some topic to be expanded. Moreover, they allow readers to follow the logical progression of the text and to compensate for their interpretative difficulties with the continuity and stability of reference of the text.

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