

-ING CLAUSES AND THEIR FUNCTIONS ACROSS LEGAL ENGLISH CORPORA: A COMPARATIVE GENRE-BASED STUDY

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Abstract. The submitted paper aims to detect and examine any regularities in the employment of *-ing clauses* classified into two functional varieties (*present participial* and *gerundial*) across two corpora of British *legal English*: Acts of Parliament and Appellate Judgments. The main purpose of the presented genre-based descriptive study is to analyse *-ing clauses* and their minor structural and semantic variants taking into account their *syntactic functions* in the respective genre of legal English as well as the *communicative purpose* of their immediate co-text. The analysis shows that *-ing clauses* are used in highly genre specific ways, both formally and functionally speaking.

Keywords: *gerund, present participle, legal English, linguistic communication*

Resumen. Oraciones subordinadas encabezadas por gerundios y participios presentes y sus funciones en el corpus de inglés jurídico. Un estudio comparativo.

El objetivo de este artículo es analizar el funcionamiento de oraciones subordinadas encabezadas por las *formas no personales del verbo*, más específicamente por *gerundios* y *participios presentes*. El análisis se ha llevado a cabo en dos géneros de *inglés jurídico*: *leyes parlamentarios* y *sentencias de segunda instancia*. El análisis elaborado dentro de una perspectiva de género trata las oraciones subordinadas encabezadas por gerundios y participios desde la perspectiva sintáctica y textual, tomando en cuenta sus variantes construccionales y semánticos y al mismo tiempo tratando de averiguar si existen algunas correspondencias entre las oraciones subordinadas encabezadas por gerundios y participios y otras *características* lingüísticas y *comunicativas* del texto. El análisis ha demostrado que las funciones de las oraciones subordinadas encabezadas por gerundios y participios se desempeñan de maneras específicas en los géneros de textos analizados en este estudio. Asimismo, las coocurrencias de ciertas características de la oración se adecuan a los objetivos retóricos del género indicado.

Palabras clave: *gerundio, participio presente, inglés jurídico, comunicación lingüística*

1. Introduction¹

Legal English in general has traditionally been labelled as linguistically highly nominal and informationally densely packed and elaborate (Crystal and Davy 1969; Hiltunen 1984, 1990; Biber et al. 1999; Tiersma 1999; Williams 2007; Hafner 2014; a.m.o.). With respect to syntactic structure of legal English, these characteristics are often attributed to a conspicuously high incidence of non-finite clauses in this register (Crystal and Davy 1969: 205; Tiersma 1999: 26; Sánchez Febrero 2003: 21).

With regard to a specific subtype of non-finite clauses, i.e. -ing clauses, studies dealing with syntax of legal English tend to group all clauses headed by -ing verb forms into a single category (Tiersma 1999; Sánchez Febrero 2003; Gotti 2008; a.m.o.) and do not distinguish between their two functional varieties: gerunds and present participles. In consequence, there is very little information about the relevant functional shades of the respective types of -ing clauses in the contexts in which they are used. The present analysis² attempts to apply this distinction to the specialized register of legal English by analyzing the distribution and functions of gerundial and present participial clauses. The analysis starts from the premise that *the employment of particular linguistic structures in contexts* provides a reliable indicator of variation between different text types, genres and registers³ (Hafner 2014: 187, emphasis added). In addition, in the words of Gotti, the investigation of syntax is extremely useful for understanding specialists' behaviour because the syntactic construction of a language provides key evidence of its organization of logical thought (2008: 102).

The special status of nominalizations⁴ in syntactic structure of legal English was highlighted by many researchers (Bhatia 1994; Tiersma 1999; Alcaraz and Hughes 2002; Sánchez Febrero 2003; Gotti 2008; Godz-Roszkowski 2011; a.m.o.):

¹ Abbreviations:

- L1 - Legislation 1: Postal Services Act 2011
(http://www.legislation.gov.uk/ukpga/2011/12/pdfs/ukpga_20110012_en.pdf).
- L2 - Legislation 2: Wildlife and Natural Environment Act (Northern Ireland) 2011
(http://www.legislation.gov.uk/ukpga/2011/5/pdfs/ukpga_20110005_en.pdf).
- L3 - Legislation 3: European Union Act 2011
(http://www.legislation.gov.uk/niu/2011/15/pdfs/niu_20110015_en.pdf).
- J1 - Appellate Judgment 1: R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents)
(<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg.pdf>).
- J2 - Appellate Judgment 2: Austin (FC) (Appellant) & another v Commissioner of Police of the Metropolis (Respondent)
(<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090128/austin.pdf>).
- J3 - Appellate Judgment 3: R v. Abdroikof (Appellant) and another (On Appeal from the Court of Appeal (Criminal Division))
(<http://www.publications.parliament.uk/pa/ld200607/ldjudgmt/jd071017/abdro.pdf>).
- J4 - Appellate Judgment 4: Golden Strait Corporation (Appellants) v. Nippon Yusen Kubishka Kaisha (Respondents) (<http://www.publications.parliament.uk/pa/ld200607/ldjudgmt/jd070328/golden.pdf>).

² The submitted study presents partial results of a more extensive research into syntactic characteristics of legal English aimed at formal and functional properties of syntactic structures headed by non-finite verb forms (present participles, past participles, gerunds and infinitives).

³ The present analysis uses the term *genre* as defined by Swales, i.e. as “a set of communicative events characterized by a common communicative purpose and parent discourse community as well as shared structure, content, style and intended audience“ (Swales 1990: 58). Following Biber (1995), the term *register* is used as referring to situational variation, i.e. a general kind of language associated with a domain of use.

⁴ The term *nominalization*, as used in this study, refers to the process of conveying a verb-related meaning by a noun phrase with an underlying clausal structure, as well as to the constructions resulting from this process.

It should be pointed out that even though no single isolated feature can adequately account for linguistic variation across the different text genres, in this case, nominalization, unlike nouns, is a fairly good indicator of variation found in legal genres. (Godź-Roszkowski 2011: 202).

The present study attempts to find out whether the legal genres under analysis differ in terms of their employment of gerundial and present participial clauses and subsequently to account for the detected differences by considering the functions of the -ing clauses in the contexts in which they are used. Carter et al. associate genre approach with studying the impact of the communicative aims and context of the discourse on the overall textual organization and on the *syntactic strategies* adopted by the writers and speakers (2014: 64). The analysis therefore focuses on but is not limited to selected aspects of syntactic structure of the analysed legal genres which are expected to contribute to differences between the analysed corpora, stemming from different communicative requirements of the analysed genres: (i) syntactic functions of -ing clauses, (ii) subject of -ing clauses, (iii) compliance of -ing clauses with the attachment rule and (iv) distribution of supplementary -ing clauses.

2. Conceptual and Terminological Bases for Analysis

2.1. Finite and Non-finite Clauses

The general structural and functional characteristics of non-finite clauses can be briefly summarized as follows. Unlike finite clauses, non-finite clauses do not contain tense markers and modal auxiliaries (in Huddleston's words, they are 'unmarked for tense and mood' (2005: 205)), i.e. they are "intrinsically structurally incomplete clauses which are therefore hypotactically dependent" (Greenbaum 1996: 266). In addition, they frequently lack a subject and a subordinating conjunction, and consequently they are used as "a valuable means of syntactic compression" (Quirk et al. 1985: 995) or in other words, they function as *sentence condensers*.⁵

The most frequent term used by most Anglophone linguists to refer to these dependent and intrinsically structurally incomplete clauses is *non-finite clause*. On the other hand, linguists whose work bears on the Prague syntactic tradition use the terms *semi-clause* or *semi-clause/semi-sentence construction* (Vachek 1968; Mathesius 1975; Dušková 1988; Janigová 2008)⁶. The aim of using this term is to emphasize the transitory structural status of the constructions headed by non-finite verb forms functioning as semi-predicators. Their status is perceived as "a matter of syntactic gradience between the phrase and the clause rather than that of syntactic ambiguity between the phrase and the clause" (Janigová 2008:44). The status of non-finite clauses as transitory structures between a phrase and a clause is also reflected in the terms used to refer to them by many American linguists: *clausoid* (Allerton 1979) and *clausoidal phrase* (Lockwood 1992).

The most important function of such clauses is to establish "a dependency relation, by which a clause or a nominal group functions as a constituent of another clause or a nominal group" (Downing-Locke 2006: 26), i.e. embedded non-finite clauses enable to package the

⁵ The term *complex condensation* is used by many linguists working within the tradition of Prague School of Linguistics and refers to "the introduction into a sentence of a nominal element or phrase (*condenser* for short) enabling the said sentence to do without a hypotactically or paratactically arranged clause the use of which would otherwise be indispensable" (Hladký 1961: 113).

⁶ The emphasis on studying morphological and syntactic features in relation to the functions that they fulfill in language as well as the emphasis on investigating the variation of linguistic features across different textual genres has been among the main tenets of the Prague School of Linguistics.

maximum information in the most economical way, a quality which is highly desirable in legal discourse. The tendency to compress maximum information into as few words as possible is frequently associated with the term *nominalization*, which is frequently listed among the characteristic features of legal English (Biber et al. 1985; Tiersma 1999; a.m.o.) and is associated with attempts to achieve maximum precision and accuracy of expression.

2.2. Criteria and Tests Applied for Delimiting the Distinction Between Gerundial and Present Participial Clauses

The distinction between gerunds and present participles was delimited according to criteria drawn from relevant literature dealing with the distinction between the two constructions as specified below (heads of -ing clauses are in boldface font and non-finite clauses headed by the respective -ing verb forms are underlined):

The status of -ing clauses is recognized as undoubtedly **gerundial** in the following cases:

(a) if they are introduced by a preposition and if they syntactically operate as prepositional objects of verbs or complements of adjectives (Vachek 1968: 103; Dušková 1988: 575; Greenbaum 1996: 352, Janigová 2008: 91) (the abbreviations J1, J2, J3 and J4 stand for the four analysed texts of Appellate Judgments):

(1) ...a juror who was convicted of drug dealing and was sentenced to four years in prison in the early 1990s may sympathise with a defendant accused of supplying drugs. [J1, p.17]

... P was capable of appearing open to doubt... [J1, p. 11].

(b) if they are realized as prepositional phrases conveying syntactic functions of adverbials and postmodifiers of nouns (Dušková 1988: 578-580; Janigová 2008: 115):

(2) ...a CPS solicitor has a particular expertise in weighing up the evidence and deciding whether it is sufficient to justify prosecution, let alone conviction. [J1, p. 23]

...The fair-minded and informed observer, in deciding whether there was a real possibility of unconscious bias,... [J1, p.30]

(c) if they convey nominal syntactic functions, i.e. if they syntactically operate as subject or direct object (Dušková 1988: 571-574):

(3) ... Allowing police officers or solicitors employed by the Crown Prosecution Service to serve on juries is in itself incompatible with the right of the accused under article... [J1, p. 21]

... a mere suspicion of bias was insufficient to justify quashing a verdict, [J1, p.10]

(d) if they are preceded by a subject in the genitive case (Dušková 1988: 572; Janigová 2008: 115):

(4) This view is consistent with Parliament's lifting the ban upon members of the DPP's staff serving on juries, [J1, p. 24]

On the other hand, there is a general agreement about the status of -ing clauses as **present participial** if they are found in the following structures:

(a) if they are preceded by a conjunction (Mathesius 1975: 149; Dušková 1988: 586; Janigová 2008: 75):

(5) In my view, while recognising that there was a possibility of bias on the part of the juror concerned, the informed observer would also realise that the risk was actually no greater than in many of the other situations that occur every day [J1, pp. 18-19]

(b) if they can be paraphrased by a relative clause (Dušková 1988: 582; Janigová 2008: 91).

The unambiguous classification of -ing clauses preceded by a subject in the genitive (possessive) case as gerundial can be exemplified by the term *full gerunds* that is applied to gerunds preceded by prepositions or by possessive case subject, in contrast with the terms *half gerund* and *fused participle* applied to -ing clauses with a subject in a common case (accusative case). American linguists also use the terms *Poss-ing* and *Acc-ing constructions* to refer to these formally distinct gerundial clauses (Hudson 2000: 419).⁷

However, in the analysed corpora, there were identified numerous cases of present participial and gerundial clauses in certain syntactic positions that posed considerable difficulties in terms of drawing distinctions between them.

The first problematic type of -ing clauses from the point of view of determining their status as gerundial or present participial that was found in the analysed corpora is exemplified below:

(6) It involves *the assessor assuming that what has not occurred and never will occur has occurred or will occur.*

In this example the clause headed by -ing verb form could be interpreted either as a gerundial clause (the whole italicised part) with a nominal subject in common case syntactically operating as direct object of the matrix clause or as a present participial postmodifier (the underlined part) of the direct object of the matrix clause. The interpretation of the whole underlined structure as gerundial direct object with the subject in common case can be supported by the following tests:

T1) the common case subject can be replaced by a possessive case subject (It involves *the assessor's* assuming that...). The acceptability of application of this transformation is considered to be a clear indication of the gerundial status of -ing form by Sweet (1999: 121).

T2) The whole gerundial object can be referred to by *the fact that* (It involves *the fact that* the assessor assumes that...VS *It involves the assessor *who* assumes that...). The possibility to replace the construction by a content clause introduced by the phrase *the fact that* is associated with the gerundial status of the construction (Dušková 1988: 572).

T3) The possibility to express aspectual contrasts, which is impossible in case of postmodifying present participial semi-clauses (Dušková 1988: 581).

T4) The impossibility to omit the underlined part of the construction without semantically altering its meaning: **It would involve the assessor* is not semantically

⁷ The terms *full gerund* and *half gerund* were introduced by Henry Sweet (1999: 121) and were adopted from this source by Duffley in his work *The English Gerund-Participle* (2006). The term *fused participle* is used by Dušková to refer to the indeterminate status of the the -ing form preceded by a common case noun: it could be classified as a gerund on the account that it determines the form of the predicative verb and as a participle on the account of its dependent status (of a participial modifier) in relation to the common case subject (1988: 572), i.e. formally it is a participle but functionally a gerund. However, the scope of Sweet's term *half gerund* is broader than the scope of Dušková's term *fused participle* since Sweet also applies it to what Dušková treats as present participle functioning as transgressive: *He tears his clothes climbing trees. She got cold sitting on the damp grass.* (1999: 121). Sweet treats these cases as half gerunds in which the preposition preceding them has been omitted and therefore they resemble participles. They can be made either into full gerunds by supplying the preposition or into full participles by changing their position: *She, sitting on the damp grass, got cold* (1999: 122).

Despite the problematic status of -ing forms in several syntactic positions illustrated above, the present analysis preserves this distinction between the two functional varieties of -ing forms as a convenient tool for determining the differences between the analysed legal genres in terms of syntactic functions conveyed by the employed -ing forms and in terms of their degree of nominality.

equivalent to *It would involve the assessor assuming that...*, since it is both *the assessor* and *his assuming* that is the object of the verb *involve*.

Test nr. 4 can be applied to distinguish gerunds from present participles in postmodifying function as well. In the example below, the -ing form forms one semantic unit with its head noun (*a juror being unconsciously prejudiced*) and the deletion of the -ing form would semantically alter the NP (**the danger of a juror*), therefore it is interpreted as an absolute gerundial postmodifier of the head noun *the danger*:

(7) We, of course, accept the danger of a juror being unconsciously prejudiced. [J1, p.11]

In the category of present participial clauses, the corpus of Judgments contained several clauses that were indeterminate between supplementive clauses in final position and postmodifiers:

(8) This letter was passed to defending counsel, who sought to challenge Mr McKay-Smith, contending that the court should not only do what is right but should be seen to have done what is right. [J1, p. 3]

The underlined present participial clause could have several interpretations: It could be interpreted either as an optional adverbial supplementive clause indicating temporal relation or relation of means (a) or as a present participial clause functioning as a postmodifier of direct object (b).

a) The letter was passed to defending counsel, who sought to challenge Mr. McKay-Smith, *while contending that.....* [supplementive clause]

b) The letter was passed to defending counsel, who sought to challenge Mr. McKay-Smith *who was contending that the court.....* [postmodification]

According to Quirk et al., “these two constructions may merge in that it is impossible (and semantically unimportant) to decide whether the participial clause is to be regarded as functionally equivalent to the nonrestrictive relative clause or a subjectless supplementive clause” (1985: 1125). Quirk et al. further assert that in sentence initial position, these clauses are unambiguously supplementive, and -ing clauses containing auxiliary verbs or the verb *be* can also be unambiguously labelled as supplementive (1985: 1125) therefore in the present analysis, these types of clauses were included among supplementive clauses.

Since *gerunds* and *present participles* differ in terms of their nominal and verbal features, -ing clauses in the two corpora of legal English were analysed along the dividing lines between these two functional categories and the term *-ing clause* was used as a general “umbrella term” referring to their common form.

2.3. *Genre-related Communicative Characteristics of Acts of Parliament and Appellate Judgments*

The analysed legal genres represent different levels of specialist communication and serve different communicative purposes. Acts of Parliament represent *normative* or *operative* texts (Tiersma 1999) and serve the most fundamental function of ‘constructing the law’ (Hafner 2014: 350), i.e. they serve the function of creating the law through the formulation of legal rules. Judgments, on the other hand, represent an ‘expository genre’ (Tiersma 1999) with the main function “to interpret the law” (Hafner 2014: 349), i.e. they provide an objective legal interpretation and opinion relating to a particular situation.

In terms of linguistic communication, the main difference between the two genres is aptly reflected in Black’s categorization of legal genres based on classification of linguistic communication into five levels (Black 2000: 10): *descriptive level*, *narrative level*,

prescriptive level, explanatory level and argumentative level. In the resulting characterization of legal genres, Black treats *legislation* as a typical example of *prescriptive level* of linguistic communication while *Appellate decisions* rank among *narrative communication* with a more complex character, in which “evaluation is embedded into narration to make the text argumentative“ (2000: 13). On the other hand, prescriptive legal genres are characterized as genres having “a relatively uniform and standardized underlying linguistic structure, since their basic function is that of laying down rules for present and future behaviour with respect to a particular area of human activity“ (Williams 2007: 166). Vázquez Orta (2010) adds that judgments represent a genre with a multi-layered narrative structure in which the essential narrative of fact is embedded within a procedural narrative of what different judges have decided. In other words, narrative of facts is embedded in texts which are prevalently argumentative in nature and which explain and apply principles, entertain possible solutions and reach definitive resolutions that address the narrated facts. Legal narrative in judgments is always subordinate to other communicative purposes, mainly to logical argument (Breeze 344-354).

The above exemplified perception of legal register as consisting of genres with different, albeit related communicative characteristics makes the intended comparative study of -ing clauses highly compatible with the method of corpus analysis.

Turning to methodology, the first step of analysis consisted in identification of all the -ing verb forms in the analysed legal texts and subsequent selection of those constituting heads of non-finite clauses. All the sentences containing -ing clauses were then extracted from the texts and copied into a separate file. The individual types of -ing clauses in every text were numbered and classified in terms of their syntactic functions.

The quantitative part of analysis consisted in comparison of syntactic functions of the respective types of -ing clauses in the analysed genres. The qualitative part of analysis was aimed at interpretation of the detected differences concerning types, distribution and functions of -ing clauses and at their subsequent comparison with similar findings from available literature (Hiltunen 1984; Biber et al. 1999; Dontcheva-Navratilova 2005; Janigová 2008).

3. Objectives of Research

The aim of the present analysis is twofold. Firstly, it aims at establishing form-function pairings of gerundial and present participial clauses identified on the basis of the criteria specified in subchapter 2.2. This aim was partially accomplished through detecting the differences between the two analyzed genres in terms of compliance of non-finite clauses with the attachment rule and in terms of overt expression of logico-semantic relations between the matrix clause and -ing clause (which can be implied, thus yielding so-called supplementive clauses). Particular attention was paid to the communicative function of the passage in which the analysed -ing clauses were found. Secondly, after detecting the quantitative and qualitative differences in the employment of -ing clauses between the two corpora, their subsequent functional interpretation should reveal whether they can be seen as factors contributing to the characteristic communicative functions of the analysed genres.

4. Corpus Characteristics and Methodology

In order to conduct the present research, two corpora of legal English were compiled, each amounting to approximately 50 000 words. The corpora under analysis represent two genres of authentic legal texts: legislation and Appellate Judgments. These two legal genres were

selected in accordance with their central role in legal practice: “Law essentially depends on the two most conventionally standardized disciplinary genres, i.e. legislation and judgments to realize its disciplinary goals“ (Bhatia 2004: 55). The selected genres thus represent two fundamental, yet functionally differentiated levels of specialist legal communication with their respective characteristics and goals. These differences were expected to be reflected by the morphological and syntactic characteristics of the analysed genres, including the employment of -ing clauses.

The corpus of Acts of Parliament consists of three texts: Wildlife and Natural Environment Act (Northern Ireland) 2011, EU Act 2011 and Parts I-V of Postal Services Act 2011. The corpus of Appellate Judgments comprises four Judgments of the Lords of Appeal issued by The House of Lords between 2007 and 2009. The analysed texts were chosen randomly, with no previous knowledge about the types and frequencies of -ing clauses that they contain. The -ing clauses extracted from the two corpora were subjected to a detailed qualitative analysis centered around the following questions: 1. In what respects do the two genres of legal English differ in terms of their employment of -ing clauses? 2. What type of -ing clauses is more frequent in a particular legal genre relative to the other genre? 3. Do -ing clauses and their specific subtypes tend to have different functions in particular parts of the analysed texts?

The analysis thus combines quantitative approach with an in-depth functional analysis of -ing clauses in their relevant contexts.

The general data concerning the analysed corpora are summarized in table 1 below.

	Acts of Parliament	Appellate Judgments
Nr. of pages	121 pages	115 pages
Nr. of words	43 116 words	50 082 words
Nr. of -ing clauses	527	532
-ing clauses per 1000 words:	12.22	10.62

Table 1 : Distribution of -ing clauses in the corpora of Acts of Parliament and Appellate Judgments.

A glance at data in table 1 reveals that in legislation, the ratio of -ing clauses per 1000 words is significantly higher (12.22) than in the corpus of Judgments (10.62). Further differentiation between the two functional varieties of -ing clauses and their minor structural variants will show that the analysed corpora exhibit interesting differences in their employment.

5. Results and Discussion: -Ing Clauses and Their Functions in Legal Texts

The following subchapters summarize the most significant quantitative and qualitative findings arrived at by the analysis of gerundial and present participial clauses.

Table 2 below provides quantitative overview of the distribution of gerunds and participles across the analysed corpora:

	Acts of Parliament	Appellate Judgments
# gerundial clauses (% of the overall nr. of -ing clauses)	263 (49.9%)	316 (59.4%)

# present participial clauses (% of the overall nr. of -ing clauses)	264 (50.1%)	216 (40.6%)
# gerundial clauses per 1000 words	6.09	5.95
# present participial clauses per 1000 words	6.12	4.07

Table 2. Distribution of gerundial and present participial clauses across the analysed genres of legal English.

Table 2 provides the percentage of each category of -ing clauses across the legal genres. The figures in brackets show the proportion of clauses from a given category against the total number of -ing clauses in the respective corpus. In the corpus of legislation, the incidence of gerundial vs. present participial clauses is almost identical (0.99:1) while in the corpus of Judgments, gerundial clauses are significantly more numerous than present participial clauses (1.46:1). At the same time, in the corpus of legislation, the incidence of both gerundial and present participial clauses per 1000 words was higher than in the corpus of Appellate Judgments: 6.09 gerundial clauses/1000 words and 6.12 participial clauses/1000 words in legislation vs. 5.95 gerundial clauses/1000 words and 4.07 clauses/1000 words in Judgments. This finding demonstrates that in terms of incidence of -ing clauses, legislation is both a more condensed and a more nominal genre.

Previous research (Janigová 2008)⁸ has revealed that prescriptive and argumentative legal genres, represented by Acts of Parliament and Law Reports, significantly differ in terms of incidence of present participles and gerunds and in terms of their distribution and syntactic functions. Interestingly, even if the ratio of gerundial vs. present participial clauses across the analysed genres turned out to be different from the findings hinted at in footnote 7, the distribution of syntactic functions across the analysed genres (appendix 1) seems to be very similar, which can be seen as a proof of the typicality of syntactic functions conveyed by gerunds and present participles in the analysed genres of legal English.

In the corpus of legislation, gerundial clauses functioned most frequently as adverbials (the ratio of gerundial vs. present participial adverbial clauses being 8.9:1) whereas present participles were more frequent than gerunds in postmodifying syntactic function (3.4:1). The most typical syntactic function of gerundial clauses in the corpus of Judgments is adverbial function (the ratio of gerundial vs. present participial adverbial clauses is 1.4:1) and present participles were more frequent than gerunds in postmodifying function (1.42:1) and in the function of prepositional subject complement (0:12) (viz appendix 1). Interestingly, with respect to distribution of syntactic functions, these results tally with findings of analysis conducted in generically similar corpora of legal English described in footnote 7.

The following subchapters focus on differences between the two analysed corpora in terms of employment of seemingly minor syntactic variants of the analysed types of clauses.

⁸ In *Syntax of -Ing Forms in Legal English* (Janigová 2008), the author's findings indicated a higher ratio of gerunds vs. present participles in the corpus of Acts of Parliament compared to Law Reports (1.12:1.0 in Acts of Parliament and 1.06:1 in Law Reports). The most typical syntactic function of gerundial clauses in this corpus was adverbial function (the ratio of gerundial vs. present participial clauses with adverbial function was 7:1). A higher incidence of present participles to gerunds in the corpus of legislation was found for the following syntactic functions: prepositional subject complement (the ratio was 16.5:1) and postmodifiers in noun phrases (3.8:1). In the corpus of Law reports, gerunds were more frequent than participles in the adverbial syntactic function (the ratio of gerundial vs. present participial adverbials was 1.16:1) and present participles were more frequent than gerunds in the postmodifying function (1.5:1) (2008: 140).

5.1. -Ing Clauses in Appellate Judgments

5.1.1. Present Participial Clauses

In the macrostructure of the analysed judgments, the following elements can be roughly identified: 1. *Introduction*, describing the parties involved and the legal case under appeal, 2. *The Facts*, or *The History of the Case*, predominantly narrative in nature and presenting the basic data about the case under appeal, claims of the parties involved and legal procedures conducted 3. *Arguments* or *Discussion* (sometimes including *The Appearance of Bias*) presenting the facts already proven and legal precedents (*ratio decidendi*) along with the judge's comments (*obiter dicta*) 4. *The Decision*, stating the final decision and sometimes *Conclusion*.

Judgments of appellate courts represent a multidimensional textual genre, characterized by a complex `narrative dimension` (Breeze 2013; Ruiz Moneva 2013), `argumentative function` (Black 2000; Mazzi 2007; Breeze 2013; Ruiz Moneva 2013), `impersonal and interpersonal aspects` (Maley 1985; Vázquez Orta 2010; Ruiz Moneva 2013), `intertextual and interdiscursive character` (Vázquez Orta 2010) and even `didactic purpose` (Ruiz Moneva 2013), etc.

The present subchapter offers some observations about the employment of -ing clauses in the corpus of Judgments in relation to the above enumerated communicative dimensions. Table 3 below summarizes quantitative data concerning the syntactic functions conveyed by participial clauses in the corpus of Appellate Judgments:

Syntactic Functions of Present Participial Clauses	<i>Appellate Judgments</i> Nr. (percentage)
Postmodifier	126 (58.33%)
<i>Prepositional Subject Complement</i>	6 (2.77%)
<i>Prepositional Object Complement</i>	5 (2.31%)
Adverbial	79 (36.57%)
<i>Adv.-time</i>	9
<i>Adv.-result</i>	1
<i>Adv.-reason</i>	4
<i>Adv.-concession</i>	2
<i>Supplementive Clauses</i>	65
<i>Total nr. of Clauses</i>	216 (100%)

Table 3. Syntactic functions of present participial clauses in Appellate

ate Judgments (syntactic functions with the highest incidence are in bold).

In the above described structure of Judgments, certain regularities in the use of the respective types of present participial clauses could be noticed (the abbreviations J1, J2, J3 and J4 stand for the four analysed texts of Appellate Judgments).

a) throughout the texts, the most frequent syntactic function of present participial clauses was postmodification in noun phrases, with the aim to specify details, mostly relating to legal instruments and their parts as well as persons or particular types of behaviour involved:

(9) At present, there are no statutory provisions **prohibiting** a police officer, for example, whose name happens by mistake to be marked on the register as eligible for jury service, from actually serving... [J1, p. 27]: *present participial postmodifying clause*

(10) If confinement amounting to deprivation of liberty and personal security is established, good intentions cannot make up for any deficiencies in justification of the confinement under one of the exceptions listed in article 5(1)(a) to (f), which are to be strictly construed. [J2, p. 21]: *present participial postmodifying clause*

b) the most frequent syntactic function of present participial clauses in narrative passages entitled *Facts* and *Issues* was adverbial function: the most numerous group of adverbial present participial clauses was represented by supplementary clauses defined by Quirk et al. (1985) as optional adverbial participial and verbless clauses that are not introduced by a subordinator and that consequently implicitly convey either a particular semantic relation that has to be inferred from the text or several overlapping semantic relations. Supplementary clauses were mostly concentrated in the initial passages with narrative concerns giving the history and details of the case under consideration.

Breeze defines legal narrative as a specific type of narrative, characterized by emphasis on material facts and by absence of descriptions and explanations found in other types of narrative (2013: 343) “[In legal narrative], narration is paved down to the *bare minimum of actions* told *impersonally*, with an insistence on *significant details*“ (2013: 349, emphasis added).

In line with this observation, the most frequent semantic function of adverbial present participial clauses, including both supplementary clauses and clauses with a subordinator, was the expression of temporal sequence of events, followed by semantic relations of manner, reason, and result:

(11) If the cordon had remained in place for only 20 minutes, the event would have no legal consequences, there being no need for deprivation of liberty. – [J2, p. 12] *absolute present participial supplementary clause (reason)*

(12) Employees summoned to attend court for jury service were required to notify the court in advance, alerting it to the fact that they were CPS employees and ascertaining where there were any cases to sit on where the CPS was not the prosecuting authority. [J1, p. 7]: *present participial supplementary clause (temporal relation)*

As table 4 indicates, in the vast majority of cases supplementary clauses convey temporal semantic relations:

Present Participial Supplementary Clauses	<i>Appellate Judgments</i>
Time/reason blends	23
Means/reason blends	1
Time/means blends	9
Time	17
Manner	8
Reason	6
Result	1
Total nr. of supplementary clauses:	65

Table 4: Distribution of supplementary clauses in the corpus of Appellate Judgments.

With respect to the semantic relations conveyed by supplementary clauses, Quirk et al. identify clauses with verbs used dynamically as implying a temporal relation and clauses with stative verbs as implying causal relation (1985: 1124). As shown by table 5 above, the number of clauses implying pure reason (in all cases the verb form was *being*) is

outnumbered by clauses implying temporal relations or mixed temporal/reason relations, which shows that most verbs in these clauses were used dynamically.

In the corpus of Judgments, 65 out of 79 adverbial present participial clauses were supplementive. The percentage of occurrences of supplementive clauses in the group of adverbial present participial clauses in both corpora varied significantly: 82.27% in the corpus of Judgments and 46.6% in the corpus of Acts of Parliament (7 instances of supplementive clauses out of 15 adverbial clauses). Thus in terms of occurrence of supplementive clauses, the corpus of Judgments resembles fiction, where according to Biber's findings 90% of adverbial clauses are supplementive while Acts of Parliament stand closer to academic prose, where 75% of adverbial clauses are supplementive (Biber 1999: 839). The high incidence of present participial clauses labelled as "clauses that reflect greater stylistic simplicity and naturalness of language than gerundial clauses" (Hladký 1961: 110) in the narrative passages of Judgments goes hand in hand with characterization of 'plain' judicial narrative as "having relatively simple syntax" (Alcaraz 1994; Ruiz Moneva 2013).

In the whole corpus of Judgments, there were only 16 instances of dangling present participial clauses i.e. clauses that do not comply with the attachment rule, defined as "the rule that the notional subject of a subjectless subordinate clause has the same referent as the subject of the superordinate clause" (Chalker and Weiner 1994: 38).

(13) I agree, in particular, that, when deciding whether a confinement or a restriction of movement imposed on an individual by some public authority constitutes a deprivation of liberty for the purposes of article 5.1 of the European Convention^a, the purpose of the confinement or restriction and the intentions of the persons responsible for imposing it rank very high in the circumstances to be taken into account in reaching the decision^b. [J2, p. 19]: ^a *dangling present participial adverbial clause of time*, ^b *dangling gerundial adverbial clause of time*

(14) The charterers contend that the quantification should be made as of the date on which the damages actually fall to be assessed, taking account of any event which has by then occurred which affects the value of what the owners lost as a result of his repudiation. [J4, p. 1] – *dangling present participial supplementive clause (means/result)*

In example (13), the dangling present participial clause is embedded in a sentence in which the speaker explicitly indicates his attitude to the facts he is reporting by using the expression *I agree* and at the same time, the content of proposition with which he concurs in opinion is introduced by a dangling present participial clause which makes the statement more indirect and less personal. A similar effect can be ascribed to the dangling present participial clause in (14).

In the corpus of legislation, a higher number of dangling clauses was found among gerundial clauses, i.e. clauses which are structurally realized as prepositional phrases and the adverbial semantic relation conveyed by them is therefore overtly expressed by a preposition. In syntactic terms, this finding suggests a relationship of complementarity between overt expression of the agent of an -ing clause and the degree of nominality of an -ing verb form constituting the head of the clause. On the other hand, in the corpus of Judgments, the percentage of dangling clauses in the overall number of adverbial present participial and gerundial clauses was almost identical (viz table 5):

	Acts of Parliament			Appellate Judgments		
	Nr. of dangl. clauses	Total nr. of adverb. clauses:	% of dangl. cl. in the total nr. of adv. cl.:	Nr. of dangl. clauses:	Total nr. of adv. clauses:	% of dangl. cl. in the total nr. of adv. cl.:

Present Part. Clauses:	1	15	6.67%	16	79	20.25%
Gerundial Clauses:	45	134	33.58%	18	110	16.36%
Total nr. of dangling clauses:	46			23		

Table 5. Distribution of Dangling Semi-clauses in the Corpora of Legislation and Judgments.

5.1.2. Gerundial Clauses

The main function of gerundial clauses in the corpus of Judgments seems to be different, which is reflected by their structural characteristics, by the sentential contexts in which they are used and by the passages of texts in which they were found with greatest frequency.

<i>Syntactic Function of Gerundial Clauses</i>	Appellate Judgments (Nr./percentage)
Subject	3 (0.95%)
Subject (extraposed)	1 (0.42%)
Direct Object	20 (6.32%)
Prepositional Object	77 (24.34%)
Postmodifier	89 (28.13%)
Complement of Adjective	11 (3.48%)
Apposition	5 (1.59%)
Adverbial	110 (34.77%)
Adv.-time	48
Adv.-means	31
Adv.-purpose	6
Adv.-reason	7
Adv. – accompanying circumstances	13
Adv. – respect	5
Total nr. of gerundial clauses:	316

Table 6. Gerundial Clauses in the corpus of Appellate Judgments (syntactic functions with the highest incidence are in bold).

(a) In argumentative passages (entitled *Principle* and *The Argument*), a very high incidence of gerundial clauses was found in modal and conditional contexts:

(15) Saadi (Application no 13229/03) is also important in the present context, because it seems to make it clear that, contrary to the appellant's contention, the state of mind of the person responsible for the alleged detention can be a relevant factor in **deciding** whether article 5 has been infringed. [J2, p. 24] – *dangling gerundial clause of time*

(16) The Strasbourg Court has frequently made clear that all the surrounding circumstances may be relevant in **determining** whether there is a deprivation of liberty: see for instance *HM v Switzerland* (2004) EHR 314, para 42. [J2, p.20]: *dangling adverbial gerundial clause of time*

(17) This was a case, he said, where the answer to the question whether what was done was within the scope of article 5(1) was to be determined by **striking** a fair balance between the rights of the individual and the interests of society. [J2, p.20]: *dangling adverbial gerundial clause of means*

All of the above sentences with embedded gerundial clauses were found in argumentative passages in which the judges are presenting their reasoning supported by existing law and precedents relevant for the case under consideration. As the above sentences illustrate, dangling

gerundial clauses in these contexts were found predominantly in sentences containing not only necessity and possibility modals but also passive and impersonal constructions. Their objectivity rests on the assumption that the conclusions and rules presented by the speaker are derived from other binding legal texts and legal precedents. The syntactic realization of these characteristics is accomplished by suppressing the human element in the syntactic structure of the sentence, reflected by the use of dangling gerundial clauses.

The high incidence of dangling gerundial and participial clauses in argumentative passages of Appellate Judgments can also be ascribed to the requirement of objectivity. The agent of the action denoted by the gerundial verb form is shifted into the background, thus turning the propositions conveyed by dangling gerundial clauses into statements with general validity and applicability. The implied agent of such dangling adverbial clauses was always *one* or *we*.

(18) They cannot in the same breath be put back into priority need by adjudging that they do not require accommodation at all when clearly they do. [J3, p. 11]: *dangling gerundial adverbial clause of means*

(19) The damages can be assessed at the date of repudiation by valuing the chance that the contingency would occur and that the charter would be cancelled, an approach accepted by Lord Mance at paragraph 23 of his judgment. [J4, p. 33]: *dangling adverbial gerundial clause of means*

Examples (18) and (19) illustrate typical occurrences of impersonal constructions and dangling adverbial clauses, namely formulations in which judges are expressing their agreement or disagreement with previous decisions.

The effort to support their argumentation by impersonal and indirect language contrasts with the presence of the individualistic or personal tone of British Judgments, noticed by Maley (1985), Mazzi (2007), Ruiz Moneva (2013), and others. In the analysed Judgments, the personal tone (conveyed by using the first person pronoun *I* or *we*(10)) was often used in combination with the above exemplified impersonal forms which can be viewed as a manifestation of argumentative strategy combining assertion of personal stance with objectivity and factitiveness implied by impersonal forms and dangling gerundial clauses.

The persuasive dimension of Appellate Judgments is often associated with their interdiscursive or intertextual character (Mazzi 2007; Vázquez Orta 2010). In order to support their argumentation, judges use numerous references to previous judgments and other legal texts.

(20) In *HM v Switzerland* (2004) 38 EHRR 17, para 42, the court explained that, in deciding “whether there has been a deprivation of liberty, the starting point must be the specific situation of the individual concerned” [J2, p. 24] : *dangling adverbial gerundial clause of time*

(21) The issue was whether there was a duty to provide the whole family with accommodation, either under section 17 of the 1989 Act or, if the section 20 duty had arisen, by making arrangements to enable the children to live with their mother, under section 23(6). [J3, p. 10] – *dangling adverbial gerundial clause of means*

In (20) and (21), dangling gerundial clauses introduce statements issued by the judges in support of their stance. These clauses with unexpressed agents enable to avoid a conceptualization which would be too authoritative, i.e. that of a speaker as a source of instruction.

By virtue of their high frequency in the above exemplified contexts, dangling gerundial clauses in Judgments can be seen as a frequent syntactic structure in the construction of argumentative dimension of discourse enabling to put emphasis on arguments and facts presented in a depersonalized way. An additional frequently occurring strategy for conveying

personal views was presenting them as pertaining to personalized legal authorities (e.g. *the law would hold*) and to previously defined ideal `objective observer` (22).

(22) A fair-minded and rational observer might just think that such a person would be capable ^a of bringing his realism, objectivity and skills to bear when ^b acting as a juror. [J1, p. 20] – ^a gerundial complement of adjective, ^b present participial adverbial clause of time

On the other hand, adverbial gerundial clauses with agents overtly expressed in the matrix clause were found predominantly in narrative contexts, embedded in sentences containing past tense verbs and third person pronouns:

(23) On 14 December 2001 the charterers repudiated the charter by redelivering the vessel to the owners. [J4, p. 2]: *adverbial gerundial clause of means*

(24) The charterers met this claim by contending that the owners would have lost their Mobil approval on 27 January 1998 and would not have been able to regain it within 30 days, namely 26 February. [J4, p. 12] : *adverbial gerundial clause of means*

Such a frequent employment of gerundial adverbial clauses in various passages of the corpus of Judgments is an illustration of the same syntactic structure co-occurring in its minor structural varieties with different linguistic features in contexts with different communicative functions. Most importantly, an interesting conclusion about the general characteristics of gerundial clauses can be drawn: The high incidence of dangling gerundial clauses in the above exemplified contexts indicates that gerunds, being non-finite verb forms with a more nominal character than present participles, can be readily used for the purpose of conveying actions without the necessity to overtly express their agents. This quality of gerundial clauses makes them a very suitable syntactic structure for certain specific contexts, as exemplified above.

5.2. -Ing Clauses Clauses in the Corpus of Acts of Parliament

5.2.1. Gerundial Clauses

A more formal and more nominal nature of the texts of Acts of Parliament can be seen by comparing the quantitative data concerning the incidence of gerundial clauses in both genres: 263 occurrences in legislation representing 6.09 occurrences per 1000 words vs. 316 occurrences in Judgments amounting to 5.95 occurrences per 1000 words. Present participial clauses in Acts of Parliament are represented by 264 occurrences, i.e. 6.12 present participles per 1000 words and in Judgments, the same type of clauses amounts to 216 occurrences, the ratio per 1000 words is 4.07.

In the individual sections of the analysed Acts of Parliament, legal rules initially stated in a succinct manner were followed by more elaborate and detailed passages specifying the details of terms, provisions or accompanying circumstances introduced in legal rules. Tables 7 and 8 below specify the distribution of syntactic functions conveyed by gerundial and present participial clauses in the corpus of Acts of Parliament.

<i>Syntactic Functions of Gerundial Clauses</i>	Acts of Parliament Nr . (percentage)
Subject	4 (1.52%)
Direct Object	9 (3.42%)
Prepositional Object	43 (16.35%)
Postmodifier	69 (26.24 %)
Complement of Adjective	3 (1.14%)
Apposition	1 (0.38%)

Adverbials	134 (50.95%)
Adv. –time	54
Adv.-means	1
Adv. – purpose	65
Adv. – result	1
Adv. - reason	3
Adv.- accompanying circumstances	9
Adv. - respect	1
Total of Ger. clauses	263 (100%)

Table 7. Gerundial Clauses in the corpus of legislation (syntactic functions with the highest incidence are in bold).

The most frequent semantic relation conveyed by gerundial clauses was adverbial relation of purpose followed by temporal semantic relation, which can be related to the importance of correct expression and interpretation of logical relations between propositional elements in legal definitions.

(25) Article 12A(1)(a) does not apply to anything done for the purpose ^a of **enabling** a spring trap to be developed or tested with a view ^b to its **being approved** under Article 12A(3) [L2, p. 7] – ^a *dangling gerundial adverbial clause of purpose*, ^b *absolute gerundial adverbial clause of manner*

While in the corpus of Judgments gerundial clauses in modal contexts most frequently co-occurred with passive or impersonal constructions, the corpus of legislation contained numerous occurrences of sentences with overtly expressed agents and modals conveying obligation. These co-occurrence patterns are clearly differentiated in terms of conveying different communicative functions. While the main function of the co-occurrence pattern of gerundial clauses and modal verbs in matrix clauses with overtly expressed agents is to convey the authoritative stance, dangling adverbial gerundial clauses in Judgments co-occurring in modal contexts with impersonal and passive constructions were used to convey authorial distance. These dangling gerundial clauses were used in Appellate Judgments to imply a universal, general human agent of the verbal action conveyed by the construction, which can be perceived as a manifestation of attempts by the judges to support their reasoning with arguments formulated as statements with a universal validity. On the other hand, legislation, striving at a more prescriptive and a more instructional form of communication than the genre of Judgments, contained two frequent contexts of gerundial adverbial clauses: in (26), the result is emphasized over the agent of action by using a dangling gerundial clause, the implied agent being the legislative body in charge of the action and in (27) the gerundial adverbial clause has an overtly expressed agent in the matrix clause:

(26) The additional seat allocated to the West Midlands electoral region by virtue of section 16 is to be filled by **applying** subsections (5) to (9) of section 2 of the 2002 Act voting system in Great Britain and Gibraltar to the results of the poll at the general election of members of the European Parliament held on 4 June 2009, as if the seat had been allocated to the region at that date. [L3, p. 11] – *dangling adverbial gerundial clause of means*

(27) **In exercising** the power the Secretary of State must ensure that the relevant provision in respect of each person who is or has been a member of the RMPP is, in all material respects, at least as good immediately after the exercise of the power as it is immediately before the exercise of the power. [L1, p. 11] – *gerundial adverbial clause of time*

The co-occurrence pattern of active sentences containing the obligation modal *must* and the adverbial gerundial clauses with overtly expressed agents exemplified in (27) was found as many as 47 times in the corpus of Acts of Parliament, which is an illustration of the predominant employment of this syntactic construction in contexts with prescriptive function. Overall, the most frequent modal verbs used in the above described sentential contexts were

the necessity modals *must* and *may*, specifying obligatory steps in legal procedures: *must* expresses logical necessity resulting from following the legal procedure and *may* expresses discretionary powers vested to a legal person or entity.

Dangling adverbial gerundial clauses in Acts of Parliament were predominantly found in factual contexts in which the implied agent was a universal human agent (*one*):

(28) In this Part “access point” means any box, receptacle or other facility provided for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission by post... – [L1, p. 17] - *dangling gerundial clause of purpose*

(29) For the purposes of this section—

(a) there is a shortfall in the property available ^a for meeting the costs of a postal administration if the property available (apart from this section) ^b for meeting relevant debts is insufficient ^c for meeting them, and

(b) amounts are applied ^d in making good that shortfall if they are paid ^e in or towards discharging so much of a relevant debt as cannot be met out of the property otherwise available ^f for meeting relevant debts. [L1, p. 53] – ^{a,b,c} *dangling adverbial gerundial clauses of purpose*, ^d *dangling adverbial clause of time*, ^{e,f} *dangling adverbial clauses of purpose*

The second most frequent syntactic function conveyed by gerundial clauses in legislation was multiple postmodification, a characteristic function of legislation enabling “to deal with every possible future contingency” (Tiersma 1999: 63):

(30) To achieve the purpose in question there is no satisfactory alternative to taking and killing the deer of the species and description to which the application relates during the close season prescribed by Schedule 10; [L2, p. 10] – *gerundial postmodifying clause*

(31) In the Game Act 1831 (c. 32), section 4 offence of buying, selling or possessing birds of game after 10 days after expiration of season for killing, etc. shall cease to have effect. [L2, p. 11] - *gerundial postmodifying clause*

The most frequently occurring syntactic functions of gerundial clauses in legislation, i.e. adverbials of purpose and postmodifiers tally with greater emphasis on explanation and specification in legislation compared to the genre of Judgments. -Ing postnominal clauses, characterized as clauses indicating informational focus and a careful integration of information in a text (Biber and Conrad 2001: 24) were used as valuable sentence condensers, enabling to convey maximum information in a succinct and elaborate manner.

Gerundial postmodifying clauses were mostly concentrated in passages specifying details of legal provisions:

(32) In this section references ^a to conveying postal packets from one place to another include—

(a) the incidental services ^b of receiving, collecting, sorting and delivering them, and

(b) ^c conveying them to places outside the United Kingdom. [L1, p. 21] – ^{a, b} *gerundial postmodifying clause*, ^c *gerundial direct object*

Besides the condensing capacity of these gerundial postmodifiers, they serve the purpose of specification, with the aim to clarify the identity of the concepts expressed by head nouns in order to avoid any misunderstanding or misapplication of the legal provision.

5.2.2. Present Participial Clauses

With respect to syntactic functions of present participial clauses in the corpus of legislation, the postmodifying function by far outnumbers all the other syntactic functions conveyed by this type of clauses in this corpus.

Syntactic Function of Present Part. Clauses	<i>Acts of Parliament</i> Nr. (percentage)
<i>Postmodifier:</i>	235 (89.01%)
<i>Prepositional Subject Complement:</i>	12 (4.55%)
<i>Adverbial:</i>	15 (5.68%)
<i>Adv.-time:</i>	2
<i>Adv.-respect</i>	3
<i>Adv.-manner</i>	2
<i>Adv.-concession</i>	1
<i>Supplementive clauses</i>	7
Total Nr. of Pres. Part. Clauses:	264 (100%)

Table 8. Present Participial Clauses in the corpus of legislation (syntactic functions with the highest incidence are in bold).

The head nouns of present participial postmodifying clauses in this corpus represent a limited semantic group of nouns: *statutory instrument, period of ... years, provision, order, application, statement, amount, term, appointee, decision, condition, payment, notice, person, fine, constable*, etc. and their present participial postmodification contributes to the explanatory and descriptive effect of the passage.

(33) The Secretary of State or the Treasury may by order make such other provision **amending, repealing, revoking** or otherwise **modifying** any enactment as they consider necessary or expedient in consequence of any provision made by this Act. [L1, p. 58] –*present participial postmodifying clause*.

The rest of the syntactic functions conveyed by present participles in the corpus of legislation was quite evenly distributed between prepositional subject complement (12 occurrences) and adverbials (15 occurrences).

Supplementive clauses in the corpus of AP were quite uniform both in terms of the conveyed semantic relation and in terms of the present participles conveying this semantic relation. There were 6 instances of time/reason blends (conveyed by only two present participles: *having regard* (4x) and *disregarding* (2x)) and a single instance of the semantic relation of means (conveyed by the present participle *using*).

(34) The returning officer must ascertain from the qualifying party's list of candidates the name and address of the person whose name appears highest on that list ("the first choice"), **disregarding** the name of any person who has been returned as an MEP or who has died [L3, p. 15] *supplementive adverbial present participial clause of manner*

A research of supplementive clauses in resolutions was conducted by Dontcheva-Navratilova (2005). The prevailing semantic relations conveyed by supplementive clauses in the author's study are similar to the detected occurrences of supplementive clauses in the corpus of legislation analysed in the present study. In both cases, time/reason blends conveyed by present participial clauses with verbs used dynamically represented the most frequent type of supplementive clauses (81,1% in the author's research of resolutions vs. 85,7% in the present analysis). On the other hand, time/reason blends in the corpus of Judgments represented only 35.38% of the total number of supplementive clauses and the implied semantic relations in this corpus were more versatile and also more difficult to categorize.

6. Conclusion

In the present analysis, two functional varieties of -ing clauses were distinguished: gerundial and present participial clauses. The analysis has revealed that gerundial and present participial clauses represent an interesting indicator of variation in legal genres in terms of frequency of occurrence of -ing forms, the sentence structures in which they occur and their functions across the analysed types of legal writing. The differences can be found both in qualitative and in quantitative terms. Quantitatively, the corpus of Appellate Judgments contained 5.95 -ing clauses labelled as gerundial per 1000 words and 4.07 clauses functioning as present participial per 1000 words. The corpus of legislation makes use of a higher number of -ing gerundial clauses (6.09 per 1000 words) and present participial clauses (6.12 per 1000 words). Another significant quantitative difference concerns the incidence of dangling clauses: 45 dangling gerundial clauses and 1 dangling present participial clause in legislation and 16 dangling present participial and 18 dangling gerundial clauses in Judgments. This difference in the employment of -ing clauses might indicate that the higher nominal character of legislative texts is reflected in the more nominal use of gerunds, which leads to the possibility of using them in a way that does not require an agent or a referent in the immediate syntactic environment. This capability of dangling gerundial clauses to express implied agent is frequently employed in the argumentative passages of Appellate Judgments with the purpose to depersonalize the discourse and thus to increase objectivity and factitiveness of propositions.

The form-function pairings are more firmly established in the genre of legislation, where a particularly strong co-occurrence was observed (i) in active sentences containing gerundial adverbial clauses of time and means and modals expressing obligation (ii) between present participial clauses and postmodifying function in noun phrases. In the corpus of Appellate Judgments, the following form-function correlations were established: (i) present participial clauses most frequently functioned as adverbial supplementive clauses occurring in narrative contexts and specifying temporal sequence of events, (ii) gerundial clauses in this corpus most frequently functioned as dangling adverbial clauses and were found in sentences containing modal verbs and passive or impersonal forms, i.e. they were used to introduce a statement attributed to someone else than the writer. Such sentence structures were frequently used in argumentative passages of Judgments to signal depersonalization and objectivity. The narrative or argumentative elements are absent in legislation, where the focus was on transmitting information in the most succinct and precise manner. This aim was accomplished by frequent employment of multiple gerundial postmodifiers and gerundial adverbial clauses.

The analysis shows that the analysed -ing clauses have different distribution across the two genres of legal English. However, the two genres converge in making use of a high number of -ing forms which make them more economical and condensed by being able to convey a number of syntactic functions in a sentence. The presented analysis thus proves that the fundamental distinction between *operative genres* (legislation) and genres that can be characterized as *expository and persuasive* (Appellate Judgments) in terms of their communicative functions which can be corroborated by their syntactic characteristics exemplified by the employment of -ing clauses frequently used in certain fixed patterns in a genre-specific function.

The findings summarized above suggest a considerable degree of genre specificity in terms of how the analysed categories of -ing clauses are distributed and used across the analysed genres of legal English.

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Appendix 1

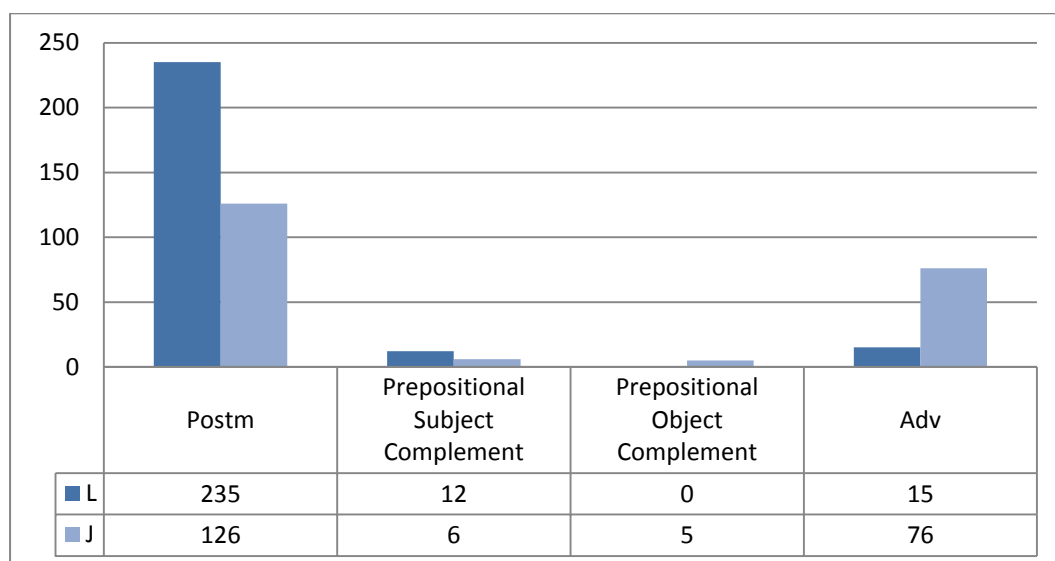


Figure 1. Syntactic Functions of Present Participial Clauses in the Corpora of Acts of Parliament (L) and Appellate Judgments (J). The graph demonstrates a higher incidence of present participial clauses functioning as postmodifiers in the corpus of L relative to the corpus of J and a higher incidence of present participial clauses with adverbial functions in the corpus of J relative to the corpus of L.

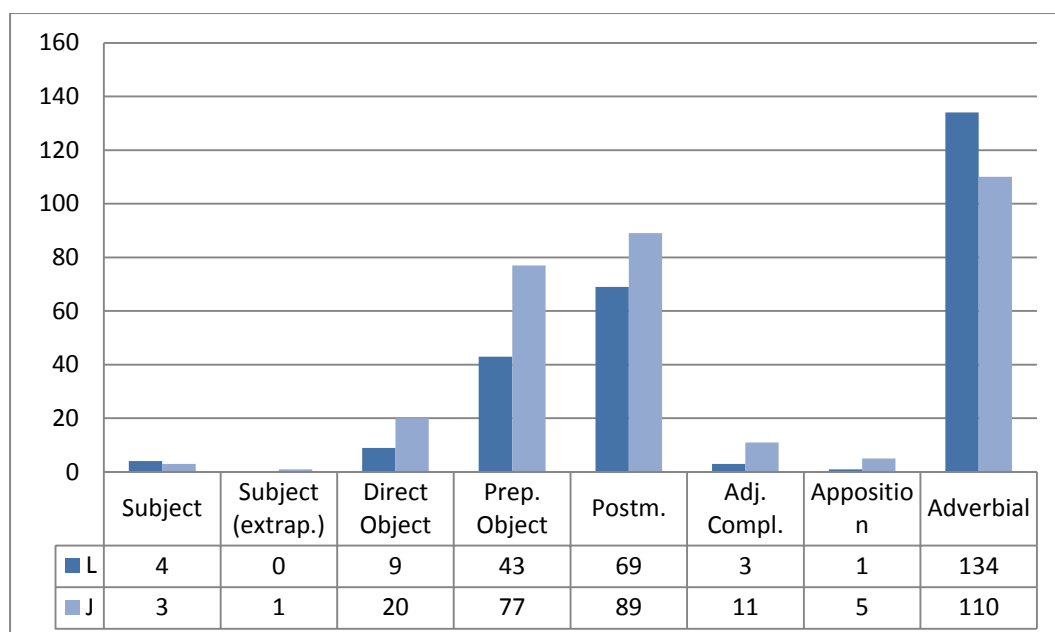


Figure 2. Syntactic functions of gerundial clauses in the corpora of Acts of Parliament (L) and Appellate Judgments (J). The data in graph 2 prove that in the corpus of L, the syntactic functions of adverbial and subject are conveyed by gerundial clauses more frequently than in the corpus of J. The corpus of J, on the other hand, contains higher incidence of gerundial clauses syntactically operating as direct object, prepositional object, and postmodifier.