Exploring the Local Grammar of Evaluation: The Case of Adjectival Patterns in American and Italian Judicial Discourse[1]

Gianluca Pontrandolfo
University of Trieste, Italy
gpontrandolfo@units.it

Stanisław Goźdź-Roszkowski
University of Łódź, Poland
gozdz.roszkowski@gmail.com

Abstract
Based on a 2-million word bilingual comparable corpus of American and Italian judgments, this paper tests the applicability of a local grammar to study evaluative phraseology in judicial discourse in English and Italian. In particular, the study compares the use of two patterns: *v-link + ADJ + that* pattern / *copula + ADJ + che* and *v-link + ADJ + to-infinitive* pattern / *copula + ADJ + verbo all'infinito* in the disciplinary genre of criminal judgments delivered by the US Supreme Court and the Italian *Corte Suprema di Cassazione*. It is argued that these two patterns represent a viable and efficient diagnostic tool for retrieving instances of evaluative language and they represent an ideal starting point and a relevant unit of analysis for a cross-language analysis of evaluation in domain-restricted specialised discourse. Further, the findings provided shed light on important interactions occurring among major interactants involved in the judicial discourse.

Keywords: evaluation, judicial discourse, legal language, local grammar, pattern, phraseology

1. Introduction

Recent research suggests that evaluation is ubiquitous in virtually all types of communication (e.g. Hunston & Thompson 2000, Hunston 2011, Partington *et al.* 2013: 44). It turns out that there are relatively few instances of linguistic interactions which would be confined to conveying only the ideational component of a message. Evaluation

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[1] This paper stems from the ideas of both authors. However, Sections 1, 5.1.1, 5.2.1 and 6 were written by Stanislaw Goźdź-Roszkowski, whereas Sections 2, 3, 4, 5.1.2 and 5.2.2 were written by Gianluca Pontrandolfo. This contribution is based on conference papers given during the conference *Meaning Context Cognition* held in Łódź between 11-13 April 2013 and the 19th European Symposium on Languages for Special Purposes, 8-10 July 2013 held at the University of Vienna.

understood in its most fundamental form as "the indication that something is good or bad" (Hunston 2004:157) is arguably the driving force behind virtually all communication (Thompson & Hunston 2000). A broader and more nuanced definition of evaluation will inevitably involve a plethora of different research perspectives and methodologies, including (without any claim to being exhaustive) appraisal (Martin and White 2005), stance (e.g. Biber 2006), metadiscourse (e.g. Hyland and Tse 2004), modality (e.g. Palmer 1987), sentiment (e.g. Taboada and Grieve 2004), evaluative, attitudinal or affective language (e.g. Ochs 1989), evidentiality (e.g. Chafe and Nichols 1986) and evaluation (e.g. Hunston 1994; 2011).

For the purpose of this study, a rather reductionist and dualistic sense of evaluation has been adopted, according to which evaluation refers to the good or bad dichotomy, disregarding other aspects such as significance, (un)certainty, (un)expectedness, etc. Evaluation is expressed through language "which indexes the act of evaluation or the act of stance-taking. It expresses an attitude towards a person, situation or other entity and is both subjective and located within a societal value system" (Hunston 1994: 210).

The present analysis is based on the premise that specialised communication occurring in domain-specific discourses is no exception to the pervasiveness of evaluation. Consequently, we examine judicial discourse, and more specifically, judgments with a view to uncovering the way(s) in which the phenomenon of evaluation is handled linguistically by the professional community of judges. Evaluation in judicial discourse remains an under researched area. The few existing studies related to evaluation in judicial discourse include e.g. Heffer 2007, who examines the linguistic construal of evaluating witnesses and defendants by trial lawyers and judges and Mazzi 2007, 2010) who analyses the pattern 'this/these/that/those + labelling noun' in US Supreme Court Judgments (2010).

We believe that creating evaluative meanings is crucial to legal communication in judicial settings because indicating an attitude towards a legal argumentation, or process is inherent in the acts of persuasion and argumentation, which in turn appear to be an integral part of judicial discourse. Moreover, examining how evaluation is effected in comparable genres cross-linguistically should result in obtaining invaluable insights into the respective legal institutions and cultures.

This paper documents preliminary and selected findings obtained in the course of an on-going project aiming at mapping out the linguistic construal of evaluative meanings embedded in the common-law culture of the US *Supreme Court* Opinions and the civil law culture of the Italy's *Corte Suprema di Cassazione* judgments (cf. Goźdź-Roszkowski & Pontrandolfo, 2013). There is some evidence to suggest that the way evaluative meanings are created in judgments is far from being idiosyncratic or accidental. On the contrary, evaluative language tends to be highly patterned and it is argued that it could be effectively and systematically described by relying on the concept of local grammar. Consequently, the study seeks to probe the efficiency of applying a corpus-based approach to identify and quantify the pattern(s) employed to express evaluative meanings in judicial discourse. The present study is also innovative because it attempts to address the issue of evaluative meanings from a cross-linguistic perspective by examining specialist discourse across two different languages and professional cultures. One of the basic research problems encountered in comparative cross-language analysis is to determine the unit of analysis. This question seems particularly relevant in

the case of evaluation, which is regarded as an extremely elusive and context-dependent linguistic and communicative phenomenon that can be manifested by means of widely diverse language items (see, for example, Hunston 2011).

In this paper, we adopt a corpus-based approach and draw upon the concept of a local grammar of evaluation (Hunston & Sinclair 2000) to examine two patterns: the *v-link + ADJ + that* pattern and the *v-link + ADJ + to-inf* pattern. It is argued that these two patterns represent a viable and efficient diagnostic tool for retrieving instances of evaluative language in judicial language. Moreover, such patterns represent an ideal starting point and a relevant unit of analysis for a cross-language analysis of evaluation in domain-restricted specialized discourse of judicial decisions.

2. Setting the scene: key concepts

Before delving into the methodological issues regarding this paper, it is important to set out the conceptual boundaries of the research, focusing on what we think the key notions underpinning the project are.

As already mentioned, one of the claims made in this study is that evaluation in judgments is not expressed in a purely haphazard way. The link between specific language patterns and evaluation was established in Hunston & Sinclair (2000), where the authors draw upon the concept of "local grammar" (Gross 1993) and "sublanguage" (Harris 1991) to find a viable analytical framework for studying evaluation. Even though it has been generally demonstrated that evaluation does not have its own grammar and it can be explored lexically, the close analysis of the items and structures involved in expressing evaluative meanings can reveal a systematic and coherent picture, hence the idea of a "local grammar of evaluation" (Hunston & Sinclair 2000). Rather than describing a language as a whole, corpus grammarians, more specifically parsers, developed the idea that particular areas of language can be examined separately as they seem to show patterning of their own which hardly fits the generalised categories provided by general grammar.

If we look at the criteria mentioned in the literature (Lehrberger 1986, Harris 1991: 272-277, Pearson 1998, Hunston & Sinclair 2000: 77) to assess whether a language can be regarded as satisfying the requirement of the sublanguage model, we realise that our domain (legal/judicial language), as typified in our genre (judgments), perfectly conforms to the sublanguage prototypical features:

1. Limited subject-matter
2. Lexical, syntactic and semantic restriction
3. "Deviant" rules of grammar
4. High frequency of certain constructions
5. Text structure
6. Use of special symbols

One of the overall research goals of the project is testing the applicability of a local grammar of evaluation to judicial language. The idea is that many recurrent features in our genre may fit lexico-grammatical categories which are not limited to the single text,

but widespread across an entire genre. This paper shows some trends confirming our ideas.

From a pure methodological point of view, the present study is not framed within the computational and technical side adopted in many studies carried out by local grammarians mainly for lexicographic purposes (see the studies pioneered by Gross 1993 as Barnbrook 2002), but rather draws heavily from the theoretical considerations with a view to conducting a full-blown corpus-based study (in line with, for example, Bednarek 2007), in particular, a "corpus-assisted discourse study", borrowing Partington et al (2013)'s terminology.

In line with that strand of research which rejects the distinction between lexis and grammar – the philosophy behind the Collins COBUILD project (cf. 1992; Francis et al. 1996, 1998) – this papers adopts a pattern-grammar approach (Hunston & Francis 2000), where the basic unit of analysis is the "pattern", understood as "all the words and structures which are regularly associated with the word and which contribute to its meaning" (Hunston & Francis 2000: 37).

3. Data and tools

In order to answer the research questions we rely upon our bilingual comparable corpus of judgments (see also Goźdź-Roszkowski & Pontrandolfo, 2013).

Parameters	
Type of corpus	Bilingual (EN-IT), comparable, POS-tagged
Corpus size	c. 2m tokens
Subcorpora	US subcorpus: c. 1m tokens IT subcorpus: c. 1m tokens
Genre	Criminal judgments
Judicial bodies	US Supreme Court Corte Suprema di Cassazione
Time span	US: 1999-2012 IT: 2005-2012
Software for the analysis	WordSmith Tools v. 5.0 AntConc 3.2.1

Table 1: Corpus for the analysis

Despite the differences between the common law and the civil law system, the Supreme Courts of both US and Italy share important roles and functions, which is the rationale behind the compilation of the corpus.

Both are the ultimate appellate courts in the respective criminal systems. The US Supreme Court rules over a limited number of cases usually involving questions about the Constitution and the federal state law, which explains the disproportion in the time span: the IT Court of Cassation (Criminal Division) is asked to deliver around 28,000 judgments per year. When it comes to the IT Court of Cassation, its duty is to ensure the correct application of the law and its uniform interpretation: it always decides on points

of law (*quaestio iuris*) rather than on the *quaestio facti* (the "merits" of the case), dealt with by lower courts.

The corpus represents a fertile test bed for the study of evaluation. As mentioned in the introductory section, judges delivering the judgments have to employ evaluative resources to convince their audience (judges from the same or lower bench, eventual readers of the text, etc.) of what should be seen as right and proper and what not, despite the Montesquieuian idea[2] that judges should be "bouche de la loi", mere translators into practices of legal norms. As pointed out by Mazzi (2010: 374), "although judges are expected to draft linear lines where the formulation of the decision merely reflects the application of the relevant legal norms to the facts of the case, the articulation of the judges' argumentation presupposes a certain degree of subjectivity". Evaluation is the engine of persuasion (Partington et al. 2013: 46) and judges have to persuade that their grounds are right or that the arguments adduced by the defendants or their counsel for defences are wrong.

The play of evaluative "voices" in judicial discourse is really complex, as we will attempt to demonstrate in the following sections.

4. Methodology

The present paper combines the quantitative corpus analysis with the qualitative study (close reading of the texts of our corpus), traditional to discourse studies, with the final aim of studying the interplay of evaluation not only in our corpus and discourse.

As far as the quantitative side of the analysis is concerned, we have queried our corpus in searching of the two above-mentioned patterns:

1. *v-link + ADJ + that* pattern / *copula + ADJ + che*
2. *v-link + ADJ + to-infinitive* pattern / *copula + ADJ + verbo all'infinito*

In the former case, the adjective is followed by an appositive *that*-clause (with our without "that") – e.g. It is true that, It is evident that / è impossibile che, è indubbio che, etc. – whereas in the latter the adjective is followed by an infinitive clause – e.g. it is difficult to see, it is necessary to decide / è necessario considerare, è opportuno intraprendere, etc.

As far as the qualitative side of the analysis is concerned, through the close reading of the co(n)texts and patterns extracted from our corpus we attempted to distinguish between evaluative and non-evaluative meanings.

The methodological steps followed for the qualitative analysis are the following ones: firstly, the patterns carrying evaluative meanings have been selected and retrieved, leaving aside the non-evaluative ones; secondly, they have been classified according to Hunston & Sinclair (2000)'s categories and, finally, they have been interpreted in terms

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[2] "Les juges de la nation ne sont que la *bouche qui prononce les paroles de la loi*, des êtres inanimés, qui n'en peuvent modérer la force ni la rigueur" (emphasis added) (Montesquieu 1748) [Judges are no more than the *mouth that pronounces the words of the law*, mere passive beings, incapable of moderating either its force or rigour, 2001 [1752]: 180).

of interactions between the discourse participants. Tab. 2 exemplifies the categories of analysis used for classifying the instances.

Evaluation carrier	Hinge	Evaluative response	Thing evaluated
noun group	*link verb*	*adjective group*	*that clause* *to-infinitive clause*
The Court The Court	is is	correct wrong	that many mental […] to prohibit that
-	È	indubbio [undoubted]	che le indagini [that investigations]
La Corte [The Court]	[is] ha ritenuto [holded]	corretto [correct]	concedere le attenuanti [to grant mitigating circumstances]

Table 2: Descriptive categories for evaluative patterns (based on Hunston & Sinclair 2000)

The first category refers to the subject or thing that bears someone else's evaluative comments. The hinge is the linking verb (generally, *to be* but also *appear, become, look, seem*, etc.) which connects the subject of the verb (the evaluative noun group) to additional information about that subject, that is the evaluative adjective group which realises the evaluative content. Following Hunston & Sinclair, "these adjectives usually indicate that a particular form of behaviour is morally right or wrong, foolish or wise, and the person who carries out that behaviour is only instantly good or bad, foolish, or wise, not inherently so" (2000: 87). Finally, the that-clause or the to-infinitive clause realises the "thing evaluated", that is to say the object of the evaluation.

As we will see in the results sections, it is useful to distinguish between evaluations which are "averred", that is, affirmed by the author/speaker as his/her own, and those which are "attributed", that is, where the author/speaker assigns evaluation to other voices (Sinclair 1988 in Partington et al. 2013: 54). The instances retrieved from our corpus reveal that evaluation in judicial discourse is mostly attributed and, in many cases, the "evaluator" is an implicit one (cf. Section 5), which shed light on some dynamics and interactions between legal participants in judicial discourse.

From a mere qualitative point of view, we interpret the results in terms of positive or negative polarity.

5. Results

As mentioned in Section 4, the focus of this section is on two patterns typically used to express evaluation: the *v-link + ADJ + that* pattern (5.1) and the *v-link + ADJ + to-infinitive* pattern (5.2), which will be tackled both from a quantitative and qualitative perspective.

5.1 The *v-link + ADJ + that* pattern / *copula + ADJ + che*

v-link + ADJ + that clause	
US SC subcorpus	IT CSC subcorpus
Total adjectives (types): **48**	Total adjectives (types): **41**
Total adjectives (tokens): **238**	Total adjectives (tokens): **287**
Total evaluative adjectives (types): **198**	Total evaluative adjectives (types): **245**
198/238 = **83%** of the adjectives occurring in this pattern are evaluative	245/287 = **85%** of the adjectives occurring in this pattern are evaluative

Table 3: *v-link* + ADJ + *that* pattern / *copula* + ADJ + *che* (quantitative results)

v-link + ADJ + that clause	
US SC subcorpus	IT CSC subcorpus
clear (50)	vero [true] (43)
true (49)	evidente [evident] (32)
correct (23)	necessario [necessary] (27)
aware (13)	sufficiente [sufficient] (31)
undisputed (13)	dubbio [dubious] (13)
possible (12)	pacifico [obvious] (11)
unlikely (7)	possibile [possible] (11)
likely (5)	irrilevante [irrelevant] (10)
certain (4)	chiaro [clear] (7)
evident (4)	noto [lit. known] (7)
apparent (3)	indispensabile [indispensable] (5)
conceivable (3)	verosimile [plausible/likely] (4)
confident (3)	pensabile [lit. thinkable] (3)
implausible (3)	indubbio [undoubted] (3)
noteworthy (3)	impossibile [impossible] (3)
[…]	[…]

Table 4: *v-link* + ADJ + *that* pattern / *copula* + ADJ + *che* (qualitative results)

Tab. 3 shows the quantitative results of the corpus queries which confirm that the pattern under investigation is an excellent diagnostic for retrieving evaluative items. 83% of the adjectives occurring in the *v-link + ADJ + that* pattern are evaluative in the US subcorpus, 85% in the IT one. If we look at the qualitative results, shown in Tab. 4, we discover that there is a wide range of adjectives which can be classified according to Francis et al. (1998: 480-498)'s system of classification (cf. Goźdź-Roszkowski 2007). The most frequent adjectives refer to the validity of the theses adduced in judicial argumentation (e.g. *clear*, *true*; *vero*, *evidente*), but there are also adjectives which are used to express strong positive (e.g. *undisputed*, *correct*; *indubbio*, *pacifico*) or negative (e.g. *implausible*, *unlikely*; *dubbio*, *irrilevante*) polarity, as shown in the following sections.

5.1.1 Findings in the US subcorpus

Tab. 4 above shows that an overwhelming majority of adjectives found in the *v-link + ADJ that clause* appear to be inherently positive, however there are a few counter-examples indicating negative evaluation. In what follows, we examine the use of two adjectives: *correct* and *implausible* to illustrate how positive and negative evaluation can be expressed in US judgments. Selected, representative examples are provided in Tab. 5 and 6 below.

Entities evaluated	Hinge	Evaluative category	Proposition evaluated
Noun group	*Link verb*	*Adjectival group*	*that clause*
the Illinois Supreme Court	is	correct	that General Order 92-4 is not a <u>sufficient</u> limitation on police discretion.
The Court	is	correct	that many mental diseases are <u>difficult</u> to define and the subject of great debate
Respondent	is	correct	that some crimes <u>must be charged</u> with greater specificity than an indictment parroting a federal criminal statute's language
The majority	is	correct	that rigid adherence to such an approach could conceivably produce <u>absurd</u> results
Clark [Petitioner]	is	correct	that applying the moral incapacity test (telling right from wrong) <u>does not</u> necessarily require evaluation of a defendant's cognitive capacity to appreciate the nature and quality of the acts charged against him

Table 5: Examples of positive evaluation in the *v-link* + ADJ *that* pattern (US subcorpus)

As Tab. 5 shows, the subject positions in the clauses with *correct* are filled by a number of different entities representing the key interactants in the judicial appellate process: the Illinois Supreme Court as an example of a lower court (with regard to the federal US Supreme Court), the Court and majority referring basically to the prevalent opinion of the US Supreme Court judges, the Respondent and Petitoner as the two major parties to a legal dispute. All the entities are named explicitly as the target of evaluation effected by the whole range of evaluative voices occurring in the opinion part of judgments given by the US Supreme Court, namely judges expressing majority, dissenting or concurring opinions. In the examples provided above, the expression of evaluation is fairly straightforward and unequivocal. The judges, as evaluators, support the arguments put forward by the counsel representing the litigants, the lower courts or their fellow judges. However, positive evaluation of a particular point raised by a given interactant does not necessarily correspond to an overall positive evaluation of a disposition given in a particular case. For example, the sentence starting with *the majority* provided in Tab. 5 above comes from a dissenting opinion. The seemingly positive evaluation of an

argument adduced in the majority opinion does not warrant that the entire argumentation and reasoning leading to a particular holding is accepted.

There is evidence (see also Section 5.2.1 below) of the phenomenon of 'embedded evaluation" . i.e. "items of intrinsically favourable evaluation which are found embedded in expressions of overall unfavourability" (Partington *et al*., 2013: 61-62). An inherently positive word or phrase may be embedded in a larger unit (e.g. at a sentence or paragraph level) which may be imbued with the opposite polarity.

> [1] Though <u>Clark</u> is <u>correct that</u> applying the moral incapacity test (telling right from wrong) does not necessarily require evaluation of a defendant's cognitive capacity to appreciate the nature and quality of the acts charged against him, <u>his argument fails to recognize</u> that cognitive incapacity is itself enough to demonstrate moral incapacity, so that evidence bearing on whether the defendant knew the nature and quality of his actions is both relevant and admissible.

Excerpt [1] shows how the positive evaluation of Clark, the Petitioner (*Clark is* correct) found in a subordinate concessive clause, is embedded in the negative evaluation phrased in the main clause: *his argument fails to recognize.* This simple example signals the complexity of expressing evaluation in judicial discourse and the need for studying longer contexts beyond concordance lines.

Tab. 6 demonstrates the use of the negatively charged adjective *implausible* to express negative evaluation. Unlike in the case of *correct,* the use of *implausible that* entails a different variant of the *v-link + ADJ that clause* pattern where the *that-clause* is preceded by IT + link verb (the verb BE in our examples). The entity evaluated is often indicated directly in the clause following the adjective. In the examples in Tab. 6, these include the jury, this Court, and the Framers (of the American Constitution). As in the case of *correct,* the evaluation comes from a range of evaluative voices.

It link verb	adjective group	Thing evaluated
It is	implausible	that a 14-year-old's mandatory prison sentence--of any length, with or without parole (…)
It is	implausible	that the jury supposed that past deeds pointing to a constructive future could not "extenuat[e] the gravity of the crime,"
It is	implausible	that this Court could set aside entire portions of the United States Code as outside Congress' power in Lopez and Morrison,
It is	implausible	that the Framers intended to defer to legislatures as to what satisfies the Public Use Clause,

Table 6: Examples of positive evaluation in the *v-link* + ADJ *that* pattern (US subcorpus)

The excerpt provided below is interesting because, while it indicates the thing evaluated, i.e. a *14-year-old mandatory sentence,* the entity evaluated needs to be inferred.

[2] It is therefore <u>implausible that</u> a 14-year-old's mandatory prison sentence--of any length, with or without parole--would have been viewed as cruel and unusual.

Here, the dissenting judge (Justice Alito) in *Miller vs. Alabama* disagrees with the ruling of his colleagues to reverse the decision of the Court of Criminal Appeals of Alabama to sentence a 14-year-old to life imprisonment without the possibility of parole. There seems little doubt that the *it v-link +ADJ +that* pattern is an effective diagnostic of evaluative adjectives in judicial discourse.

5.1.2 Findings in the Italian subcorpus

As far as the IT subcorpus is concerned, most of the patterns begin without an explicit subject – as in the case of the English introductory or anticipatory *it* – followed by a link verb, an adjective group, and a that or to-infinitive clause. Tab. 7 shows some examples of the pattern v-link followed by adjective group and the that-clause. As for the English subcorpus, there are cases of negative (Tab. 7) and positive (Tab. 8) polarity.

Entity evaluated	Hinge	Evaluative category	Restriction on Evaluation
Noun group	*Link verb*	*Adjectival group*	*that* clause
-	-	-	-
It link verb	**adjective group**	**Thing evaluated**	
È [it is]	(del tutto) *irrilevante* [(fully) irrelevant]	*che* quegli stessi elementi si possano, teoricamente, prestare ad una differente lettura [that those same elements could, theoretically, be read differently]	
È [it is]	*irrilevante* [irrelevant]	*che* le persone offese permangano nell'errore in cui erano cadute [ai fini della sussistenza del reato di truffa] [that the victims keep on repeating the same error (for the definition of fraud as offence)]	
È [it is]	*irrilevante* [irrelevant]	*che* l'attività illecita potesse essere svolta anche altrove ai fini della confisca [that the illegal activity could have been carried out also in a different place for the purposes of the confiscation]	

Table 7: Examples of negative evaluation in the *copula* + ADJ *che* pattern (IT subcorpus)

The first example is taken from the final part of the judgment: the (implicit) evaluators are the Supreme Court judges who are dismissing the appellant's arguments. The fact that those elements could be read differently – adduced by the appellant to maintain his innocence – is absolutely irrelevant for the judges sitting at the Supreme bench. Negative evaluation is therefore expressed by means of the adjective "irrilevante", intrinsically negative per se.

The other two excerpts epitomise the function of the Italian Supreme Court judges, who are not asked to discuss the facts of the case (the "merits"), but the points of law

and their correct interpretation and application. It is not surprising that these statements are found in the legal background's section of the judgment in which the judges have to explain the grounds of their decisions based on legal rules. In both examples, the judges are interpreting the legal definition of "offence" and "confiscation", excluding specific circumstances for being "irrelevant". The specific cases - i.e. the restrictions on evaluation, "that the victims keep on repeating the same error" and that "the illegal activity could have been carried out elsewhere" – are actually the arguments adduced by the lawyers of the appellant to defend their clients. Negativity is expressed to subtle and implicit references.

The examples in Tab. 8 show how complex is evaluation in judicial discourse. The focus is on the adjective "indubbio" (undoubted, obvious, true), having clear positive connotation.

Entity evaluated	Hinge	Evaluative category	Restriction on Evaluation
Noun group	*Link verb*	*Adjectival group*	*that* clause
-	-	-	-
It link verb	**adjective group**	**Thing evaluated**	
È [it is]	*indubbio* [undoubted]	*che* le indagini non avessero offerto alcun elemento obiettivo [that the investigations did not offer any objectives elements]	
È [it is]	*indubbio* [undoubted]	*che* il percorso argomentativo del decidente è infondato e illogico [that the argumentative path adopted by the judge [lit. decider] is groundless and illogical]	
È [it is]	*indubbio* [undoubted]	*che* […] fornisce un ulteriore tassello all'impianto accusatorio [that […] represents a further 'piece' to the accusation framework]	

Table 8: Examples of negative evaluation in the *copula* + ADJ *che* pattern (IT subcorpus)

The evaluator of the first two examples is the appellant – by means of his lawyer – who is contesting the decision of the lower-court judges who found him guilty: no doubts that the investigations did not offer any objective elements and that the grounds of the judges who decided the case are illogical. A positive adjective, which usually displays a favourable evaluative priming, is embedded in negative contexts (cf. Partington et al. 2013: 61-63).

However, in the following example, the evaluator changes: the Supreme Court judges are backing the decision of their colleagues from the lower-court bench who found the appellant guilty.

[3] Se, però, la suddetta dichiarazione viene letta, come si deve, insieme a tutte le altre, è *indubbio* che, come hanno rilevato entrambi i giudici di merito, fornisce un ulteriore

tassello all'impianto accusatorio perché è una dichiarazione che, ancora una volta, individua il L.G. come un soggetto orbitante nell'ambito dell'associazione mafiosa […]

   [If, however, such statement is read, as it should be, together with the other ones, it is *undoubted* that, as both lower-court judges have noted, it represents a further 'piece' to the accusation framework since it is a statement that, once again, considers L.G. as a subject moving around the area of mafia-type associations […]

Again, a positive adjective is embedded in a context of negative evaluation (the accusation of the appellant). The notion of "trueness" is of course subject to subjectivity, especially in the dialectics of the parties that play a pivotal role in our genre.

5.2 The *v-link + ADJ + to-inf* pattern / *copula + ADJ + v-inf*

v-link + ADJ + that clause	
US SC subcorpus	IT CSC subcorpus
Total adjectives (types): **61**	Total adjectives (types): **41**
Total adjectives (tokens): **662**	Total adjectives (tokens): **241**
Total evaluative adjectives (types): **525**	Total evaluative adjectives (types): **223**
525/662 = **79%** of the adjectives occurring in this pattern are evaluative	223/241 = **92%** of the adjectives occurring in this pattern are evaluative

Table 9: *v-link* + ADJ + *to-inf* pattern / *copula* + ADJ + *v-inf* (quantitative results)

v-link + ADJ + to-inf clause	
US SC subcorpus	IT CSC subcorpus
likely (70)	possibile [possible] (52)
necessary (52)	necessario [necessary] (34)
difficult (45)	sufficiente [sufficient] (24)
sufficient (43)	opportuno [convenient/appropriate] (19)
unable (41)	agevole [easy] (16)
insufficient (29)	illogico [illogical] (11)
hard (27)	impossibile [impossible] (7)
correct (23)	equo [fair] (6)
unlikely (18)	difficile [difficult] (5)
willing (16)	utile [useful] (5)
important (16)	irrilevante [irrelevant] (4)
appropriate (16)	inutile [useless] (4)
wrong (14)	indispensabile [indispensable] (3)
reluctant (13)	decisivo [crucial] (3)
impossible (10)	facile [easy] (2)
[…]	[…]

Table 10: *v-link* + ADJ + *to-inf* pattern / *copula* + ADJ + *v-inf* (qualitative results)

The quantitative and qualitative results of the corpus queries confirm that also this pattern is highly evaluative. In particular, 79% of the adjectives occurring in the *v-link + ADJ + to-inf* pattern are evaluative in the US subcorpus, 92% in the IT one. The quantitative results are similar to those obtained in the previous pattern (cf. Tab. 3 in 5.1), with the exception of the higher frequency of adjectives conveying necessity or importance (e.g. *necessary*, *important*; *necessario*, *opportuno*). The following sections contextualise a selected number of adjectives used with positive or negative polarity.

5.2.1 Findings in the US subcorpus

Entity evaluated	Hinge	Evaluative category	Proposition evaluated
Noun group	*Link verb*	*Adjectival group*	*to-infinitive* clause
The Sixth Circuit	was	wrong	to hold that
The majority	is	wrong	to say that
The Court	is	wrong	to suggest
The dissent	is	wrong	to read
	is	wrong	
It link verb	**adjective group**	**Thing evaluated**	
It is	quite wrong	to invite state court judges to discount…	
It is	wrong	to assume that his petition by itself failed to alert the Oregon Supreme Court to the federal nature of	

Table 11: Examples of negative evaluation in the *v-link* + ADJ + *to-inf* pattern (US subcorpus)

Tab. 11 illustrates how the pattern *v-link* followed by adjective group and the *to-infinitive* clause contains instances of negative evaluation directed at a range of interactants appearing in the judicial discourse. As can be seen, the pattern *v-link + ADJ + to-inf clause* pattern can be realized as two variants. The first one, shown in the upper part of Tab. 2, identifies explicitly a legal interactant as a subject of the main clause and the target of evaluation. The noun group slot can be filled in by a range of entities including a lower court (the Sixth Circuit), a majority opinion of the US SC (referred to as *the Court*), a dissenting judge or judges, and a respondent. The other variant shown in the lower part of Tab. 11, consists of *it v-link* followed by *to-inf clause*.

> [4] The Sixth Circuit was also wrong to hold that prosecutorial inconsistencies between the Stumpf and Wesley cases required voiding Stumpf 's guilty plea.

Example [4] comes from the holding of the *Bradshaw, Warden vs. Stumpf* judgment in which the Supreme Court unanimously rejected the decision by the United States Court of Appeals for the Sixth Circuit to reverse an earlier judgment given by a District Court. In this case, there is a negative evaluation of the lower court's, i.e. the Sixth Court's judicial action which correlates with the Supreme Court overall negative decision encapsulated in its disposition: "reversed in part, vacated in part and remanded". Negative evaluation can also be averred by judges sitting on the same bench.

Importantly, a Supreme Court judge can write a dissenting opinion in which he or she is joined by other judges. Predictably, such opinion is replete with negative evaluation of argumentation put forward by the majority of judges. A good illustration is provided in [5]:

> [5] The majority is also wrong to say that this Court has "narrowed" Parden in its "subsequent opinion[s]," ante, at 12, at least in any way relevant to today's decision.

In [5] the dissenting judge Justice Breyer (*Expense Board* et al. on writ of certiorari to the United States Court of Appeals for the Third Circuit) finds a perceived flaw in the argumentation expounded in the majority opinion. Although a dissenting opinion has no bearing on the disposition, it provides an extremely useful insight into legal reasoning. Examples [4] and [5] represent an explicit averral of evaluation by means of the variant *noun group + v-link + adjective + to-inf clause*. In contrast, the *it v-link + to-inf clause* variant is used as more covert form of expressing evaluation. Example [6], provided below, is a case in point.

> [6] It is quite wrong to invite state court judges to discount the importance of such guidance on the ground that it may not have been strictly necessary as an explanation of the Court's specific holding in the case.

In the above excerpt [6] from *Thomas L. Carey, Warden, Petitioner V.Mathew Musladin,* Justice Stevens concurs in the judgment albeit with serious reservations. While it is easy to identify the judge as the evaluator, the same does not apply to the entity evaluated. The preceding context suggests that the evaluation is directed at the Ninth Circuit by pointing out the consequences of its decision and the impact this decision may have had on state court judges. At the same time, the evaluation also implicates the Supreme Court by referring to its past holdings.

The pattern *v-link + ADJ + to-inf clause* can also contain positive evaluation. This is illustrated by looking at the adjective *adequate* in Tab. 12. If we compare Tab. 11 and 12, it becomes immediately clear that apart from a change in polarity, i.e. from negative to positive, there is also a change in the type of subjects of the main clause and their relationship with the to-inf. clauses. For one, subject positions for the clauses with *adequate* are filled by non-animate concrete objects denoting specific legal documents, such as *terms of the Force Resolution, the record of a plea proceeding, the summary judgment evidence.* Second, the verbs found in to-infinitive clauses are different. Tab. 11 shows that the adjective *wrong* is used with verbs belonging to the semantic category of communication, e.g. *say, suggest, hold,* etc. There seems to be a relationship of a close proximity between the subject of the main clause and the verb in the to-infinitive clause, i.e. a given interactant (e.g. court) is directly responsible for a particular act of 'holding' or 'suggesting'. In contrast, Tab. 12 shows instances of positive evaluation where the concrete nouns acting as subjects of a clause cannot be held accountable for the actions indicated by the verbs in the to-infinitive clause.

Entity evaluated	Hinge	Evaluative category	Restriction on evaluation
Noun group	*Link verb*	*Adjectival group*	*to-infinitive* clause
the issues presented	are	adequate	*to deserve* encouragement to proceed further
(…) the terms of the Force Resolution	are	adequate	*to authorize* detention of an enemy combatant
the record of a plea proceeding	is	fully adequate	*to enable* discretionary review and,
the summary judgment evidence	is	at least adequate	*to entitle* MGM to go forward

Table 12: Examples of positive evaluation in the *v-link* + ADJ + *to-inf* pattern (US subcorpus)

For example, it can be argued that the terms of the Force Resolution are evaluated positively as having the necessary quality of adequacy which makes is possible for a different duly authorized entity to detain an enemy combatant. In other words, it is not the subject of this clause that will be directly involved in authorizing the detention. The legal instrument serves as a mere basis for the subsequent action:

> [7] Next, there is the Government's claim, accepted by the Court, that the terms of the Force Resolution are adequate to *authorize* detention of an enemy combatant under the circumstances described, [a claim the Government fails to support sufficiently to satisfy §4001(a) as read to require a clear statement of authority to detain]

Importantly, excerpt [7] provides an example of the phenomenon of embedded evaluation, and it shows that interplay of evaluative voices can be indeed quite complex, especially in the case of attributed evaluation. The adjective a*dequate* is intrinsically positive and as such is used to evaluate the terms of the Force Resolution. It should be noted that this instance of positive evaluation is attributed to the Government by the author of this opinion (Justice Souter concurring in the judgment of *Yaser Esam Hamdi and Esam Fouad Hamdi, as Next Friend of Yaser Esam Hamdi, Petitioners V. Donald H. Rumsfeld, Secretary Of Defense,* et al.). The positive evaluation is embedded in the wider context (marked in Example 4 in square brackets) of negative evaluation – *a claim the Government fails to support* – unequivocally signalled in the opinion. Interestingly, it turns out that the seemingly positive evaluation of a legal instrument relied upon by one interactant (the Government) can be in fact used against this interactant.

It appears that positive evaluation of a legal document can also be used in much less explicit terms as in Example [8]:

> [8] Furthermore, as I have explained, the record of a plea proceeding is fully adequate to enable discretionary review and, in turn, to permit the correction of errors in the factfinding process when necessary.

This excerpt comes from a dissenting opinion of Justice Thomas in *Antonio Dwayne Halbert, Petitioner v. Michigan*. There is a positive evaluation of the quality of the

record of a plea proceeding as meeting the requirements to carry out a review leading to the correction of errors found in the fact-finding process. Unlike in [7], there is a single evaluative voice without a clear indication of any legal interactant involved in this case.

5.2.2 Findings in the IT subcorpus

The *v-link + ADJ + to-infinitive* pattern shows similar results in term of evaluative polarity. Adjectives are used in contexts characterised by both polarities and the interplay between judicial voices retain its complexity.

Entity evaluated	Hinge	Evaluative category	Restriction on Evaluation
Noun group	*Link verb*	*Adjectival group*	*to-infinitive* clause
-	-	-	-
It link verb	**adjective group**	**Thing evaluated**	
È [it is]	(certamente) *illogico* [(certainly) illogical]	**collegare** l'omicidio alla lite in cui quello stesso pomeriggio rimasero coinvolti la vittima ed il T.. [to link the murder to the quarrel occurred the same afternoon between the victim and T.]	
Sarebbe [it would]	*illogico* [illogical]	**individuare** il movente della azione omicidiaria nella necessità di vendicare l'attentato subito da P.F. [to identify the motive for the crime with the need to avenge the offence suffered by P.F.]	
Era [it was]	*illogico* [illogical]	**sostenere** da parte dei giudici di merito che le "false" dichiarazioni dell' A.N. erano di fatto inutilizzabili ai fini della ricostruzione dell'omicidio [for the lower-court judges to maintain that the 'false' statements made by A.N. were actually not usable for the purposes of the murder's reconstruction]	

Table 13: Examples of negative evaluation in the *copula + ADJ + v-inf* pattern (IT subcorpus)

The excerpts show cases of negative polarity expressed by an introductory it-link verb, followed by an intrinsically negative adjective ("illogico", illogical), and by an infinitive clause.

The evaluator of the three examples is the appellant, by means of his lawyer, who is contesting the decision of the lower-court judges who found him guilty. The grounds adduced by the judges are illogical, according to them: there is no correlation between the murder and the quarrel in the first example, nor between motive for the crime and revenge in the second example. Illogical is also the interpretation of the lower-court judges in the latest example. Negativity is also stressed by the use of the inverted commas (quotation mark) in 'false' which expresses a strong disagreement between the accusation and the defence: according to the appellant's lawyer the declarations of his client are obviously not 'false'.

Tab. 14 exemplifies cases of positive polarity in the *v-link + ADJ + to-inf* pattern.

Entity evaluated	Hinge	Evaluative category	Restriction on Evaluation
Noun group	*Link verb*	*Adjectival group*	*to-infinitive* clause
La Corte [The Court]	ha ritenuto che fosse stata [sic] [believed it was]	*corretto* [correct]	concedere le attenuanti generiche solo equivalenti [to grant exclusively the equivalent generic mitigating circumstances]
It link verb	**adjective group**	**Thing evaluated**	
È [it is]	(del tutto) *corretto* [(fully) correct]	**concludere** che nella specie la norma di legge è stata violata [to conclude that the rule of law has been violated]	
è [it is]	*corretto e legittimo* [correct and lawful]	**fare ricorso** alla verosimiglianza ed alle massime di esperienza [to resort to the similarity and the maxims of experience]	
È [it is]	*corretto* [correct]	**utilizzare** la nozione di giudicato parziale [to adopt the notion of partial decision]	

Table 14: Examples of positive evaluation in the *copula* + ADJ + *v-inf* pattern (IT subcorpus)

In the examples provided in Tab. 14, the Supreme Court judges are (positively) evaluating how their colleague from the lower benches dealt with the case. In particular, in the first excerpt they are backing the decision of the lower-court judges ('la Corte') who ruled in favour of the defendant, granting him a 'discount' on his sentence, as it is evident from the following lines:

[9] La Corte, quindi, ha valutato la complessiva personalità dell'imputato e, proprio in considerazione di tale complessivo giudizio, ha ritenuto che fosse stata corretto concedere le attenuanti generiche solo equivalenti. La suddetta motivazione, deve ritenersi <u>ampia</u>, <u>congrua</u> e <u>logica</u> e, quindi, <u>non censurabile</u> in questa sede di legittimità, <u>essendo stato correttamente esercitato</u> il potere discrezionale spettante al giudice di merito in ordine al trattamento sanzionatorio.
[The Court has therefore evaluated the overall personality of the accused person and, in consideration of such overall judgement, believed it was correct to grant exclusively the equivalent generic mitigating circumstances. Such grounds should be considered as <u>wide</u>, <u>congruous</u> and <u>logical</u>, and therefore <u>not demolishable</u> in this Court of legitimacy, as the discretional power of the lower-court judge related to the entity of the penalty <u>has been exercised correctly</u>].

In the other three patterns, evaluation concerns legal interpretation: the lower-court judges, according to their Supreme Court colleagues, have rightly interpreted the law. If in the first excerpt the entity evaluated is explicit (the Court), in the other two patterns, as in most of the cases in the Italian subcorpus, the evaluator and the first entity to be evaluated are implicit, which could be interpreted in terms of politeness strategies. This

is a further demonstration of the complexity ineherent in the study of evaluation in judicial discourse.

6. Concluding remarks

In this paper, an attempt was made to check the validity and applicability of a local grammar exemplified by two patterns the *v-link + ADJ + that* pattern and the *v-link + ADJ + to-inf* pattern to identify evaluation in judicial texts. While there is already ample evidence to suggest that these patterns are an effective way to detect evaluative adjectives (Hunston & Sinclair 2000: 84), it was not at all certain that this claim could be equally valid for the highly specialised judicial language. Now our quantitative findings provided in Tab. 3 and 9 corroborate the observation that these patterns are indeed very often employed to express evaluation not only in US judgments but they have a relatively similar distribution in Italian texts. Our brief analysis of the patterns demonstrates that their applicability goes beyond English and it could be used as a viable unit of analysis in cross-linguistic contrastive or comparable analysis of evaluative meanings. Both English and Italian adjectives found in the patterns display striking similarities not only in terms of frequency of occurrence in the respective datasets but also with regard to the semantic property of being evaluative. While not hundred per cent of adjectives are evaluative and some manual analysis is necessary to determine the status of a given word, the proportion of evaluative adjectives is very high, ranging from 79% in the case of English adjectives to 92% for Italian adjectives in the *v-link + ADJ + to-inf / copula + ADJ + v-inf* pattern. The adjectives identified in both patterns are marked by the fundamental and inherent property of carrying either favourable or unfavourable evaluation.

Apart from using the patterns to locate instances of evaluation, the analysis focused on identifying two sides of the evaluation process: evaluators, i.e. interactants expressing evaluation and interactants evaluated. Our findings provide evidence of a complex interplay between evaluative voices and a varying degree of explicitness present in the expression of evaluation. The level of explicitness in attributing evaluation to a particular interactant depends on a given adjective. In the case of the *v-link + ADJ + that* pattern for English data, some adjectives as in the example of *correct* are preceded by a nominal group in subject position. The same high degree of explicitness can be observed in the case of the *v-link + ADJ + to-inf* pattern / *copula + ADJ + v-inf.* In both cases, these patterns enable one to detect evaluation at two levels: that of the proposition contained in the *to-inf* and *that-clauses* e.g. *that many mental diseases are difficult to define, to assume that his petition by itself failed to alert the Oregon Supreme Court to the federal nature of...*) and the evaluation directed at the range of interactants to whom evaluation is attributed (e.g. *the Court, respondent*, *dissent,* etc.). However, evaluation can be less explicitly attributed. The *v-link + ADJ + that* pattern / *copula + ADJ + che* is frequently realised by means of the introductory or anticipatory *it* followed by verb in both English and Italian texts. This obviously results in an obfuscated subject and evaluation averred by the writer (evaluator). One difference between the Italian and American texts is that, in this last pattern, only US Supreme Court judges are the

evaluators, while in Italian judgments, the appellant (through his or her legal counsel) can also express evaluation directed at a particular instance of judicial argumentation.

This brief contribution is intended as a tentative introduction offering a tantalising glimpse into the potential of using a corpus-based approach (i.e. predefined evaluative patterns searched in comparable corpus data) to ascertain the extent to which this methodology could be applied in the narrowly defined and a highly specialist genre of Supreme Court judgments. The findings obtained so far give reasons for cautious optimism. Not only is it possible to identify quickly considerable portions of evaluative language but the categories used make it possible to shed light on important interactions occurring among major interactants involved in the judicial discourse. Equally important is the potential of employing patterns as a unit of analysis in cross-lingual research. Obviously, much more work is needed, both in terms of scope and breadth, to verify the claims posited in this paper. For example, other patterns involving adjectives as well as other parts of speech should be considered. This study has been envisaged as small step towards achieving this goal.

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