

Participle based “-edly” Adverbs in Legal Discourse

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-edly副詞、副詞類、付加詞、離節詞、司法英語
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Abstract

Participle based “-edly” adverbs are derived from the equivalent verbs and used to express discursal and meta-language information on the phrase or the clause they are attached to in a compact way. I extracted all the “-edly” adverbs from my four legal corpora of more than one million words each and examined how they are used in legal discourse. The ones I closely examined are the three most frequent “-edly” adverbs, i.e. *undoubtedly*, *repeatedly*, and *allegedly*, and two others peculiar to legal discourse, i.e. *admittedly* and *impliedly*. I found that they are used 1) as a modifier to intensify the meaning of the following adjective or 2) as an adjunct to modify the verb or 3) as a disjunct to modify the entire clause. As for the analysis of “-edly” adverbs, two observations are compared: performative analysis proposed from the viewpoint of transformational generative grammar and a lexical rule analysis proposed from the meta-linguistic point of view.

1. Introduction

Adverbs are very diverse in their semantics and complicated in their functions. Consequently, grammarians have had a hard time dealing with them. *A Comprehensive Grammar of the English Language* (1985: 438) (hereafter *CGEL* for short) comments on the difficulty of classifying adverbs as follows:

Because of its great heterogeneity, the adverb class is the most nebulous and puzzling of the traditional word classes. Indeed, it is tempting to say simply that the adverb is an item that does not fit the definitions for other word classes.

However, it is also true that adverbs are an effective linguistic tool for the speaker and writer to add communicatively important information to the message in a convenient way. We often observe that one adverb drastically changes the sentence meaning or dynamically expresses the truth value of the sentence. The following example of an *-edly* adverb in [4] below indicates that one adverb works as lexically equivalent to two or three words and more importantly functions as syntactically comparable to the main clause of [2] and [3]:

- | | |
|--|-----|
| The victims were women and children. | [1] |
| <u>They reported</u> that the victims were women and children. | [2] |
| <u>It was reported</u> that the victims were women and children. | [3] |
| The victims were <u>reportedly</u> women and children. | [4] |

The first sentence [1] appears to describe the fact (that the victims were women and children) objectively. The second sentence makes it clear that the information in the subordinate clause is the information conveyed from some other people. The third sentence is the passivized version of the second sentence, indicating that the *that* clause is second hand information. The last sentence by using the *-edly* adverb suggests that the entire sentence is reported information, and therefore not 100 percent reliable. Adverbs on participle bases like “reportedly” appear to be increasingly becoming popular in modern English because of their compactness. I would like to examine how *-edly* adverbs are used in present English discourse, particularly in legal discourse which needs to condense a huge amount of information into a limited space.

2. Objectives, Data, and Methodology

The objectives of this paper are: to explore how *-edly* adverbs are used in legal discourse and discuss the grammatical structure and the communicative functions of these adverbs in legal discourse.

The data I am going to use in this paper are the ones Professor TAMARUAY Masayuki and I collected for the project of compiling a production oriented English legal dictionary for the Japanese students of law, supported by the Japanese government funding for scientific research (#90180207). The legal corpora I am going to use are as follows:

UK Supreme Court Judgments in 2008 (UK 2008 JDG): 1,451,263 words
 UK Law Journals in 2008 (UK 2008 LJ): 1,267,048 words
 US Supreme Court Judgments in 2008 (US 2008 JDG): 1,574,403 words
 US Law Journals in 2008 (US 2008 LJ): 1,303,223 words

We downloaded the above UK Supreme Court Judgments and US Supreme Court decisions from the government official sites below respectively:

<http://www.supremecourt.gov.uk/>

<http://www.supremecourt.gov/>

We downloaded the following UK and US Law Journals:

US 2008 Law Journals

Harvard Law Review (2008), Stanford Law Review (2008), Columbia Law Review (2008), Yale Law Journal (2008), The University of Chicago Law Review (2008), New York University Law Review (2008), Michigan Law Review (2008), University of Pennsylvania Law Review (2008), California Law Review (2008), Virginia Law Review (2008), Duke Law Review (2008), Northwestern University Law Review (2008), Cornell Law Review (2008), Georgia Law Review (2008)

UK 2008 Law Journals

Cambridge Law Journal (2008), Oxford Journal of Legal Studies (2008), Law Quarterly Review (2008), Edinburgh Law Review (2008), Modern Law Review (2008)

I am going to compare the above four legal corpora with the British National Corpus (BNC) by using the corpus software *Sketch Engine*.

3. Adverbs and adverbials

Adverbs are traditionally classified as one of parts of speech in English grammar whose primary function is to modify verbs, adjectives, and adverbs. But other parts of speech also perform the same functions. In the following examples a prepositional phrase and a *to* infinitive clause perform the function of the equivalent adverbs.

John opened the box carefully

John opened the box with care. (prepositional phrase)

Frankly, I don't like our new manager.

To be frank with you (*to* infinitive clause), I don't like our new manager.

In order to avoid confusion and to be more precise, *CGEL* adopts the term "adverbial" to refer to the functions in the clause typically performed by adverbs but not always so.

Adverbs can be morphologically very complex grammatical items. Some adverbs are considered adverbs from the very beginning (eg: *again, not, often, very, soon, well*) whereas some adverbs are derived from other category words by typically adding an *-ly* suffix (eg: *carefully, fully, slowly, undoubtedly, unhappily*). *CGEL* classifies adverbs into three major morphologically different categories as follows:

(a) simple adverbs, eg: *just, only*

(b) compound adverbs, eg: *somehow, somewhere, therefore*

(c) derivational adverbs. The majority of derivational adverbs have the suffix *-ly*, by means of which new adverbs are created from adjectives (and participial adjectives)

The topic of the present paper, *-edly* adverbs, belongs to the category (c), the ones derived from participial adjectives.

The grammatical functions of adverbs are also complex. *CGEL* lists the four grammatical functions of adverbs: adjuncts, subjuncts, disjuncts, and conjuncts. Adjuncts are explained in *CGEL* (p. 504) as the grammatical elements "that closely resemble other sentence elements such as S [subject], C [complement], and O [object]". *CGEL* (p. 504) lists five grammatical tests to distinguish adjuncts from others. They are:

1) adjuncts can be the focus of a cleft sentence.

eg: It was *because of his injury* that Hilda helped Tony.

- 2) adjuncts can be contrasted in alternative interrogation or alternative negation.
 eg: Did Hilda help Tony *because of his injury* or (did she help him) *to please her mother*?
 Hilda didn't help Tony *because of his injury* but (she helped him) *to please her mother*.
- 3) adjuncts can be the focus of focusing subjuncts.
 eg: Hilda only helped Tony *because of his injury*. [= 'Hilda helped Tony only *because of his injury* ']
- 4) adjuncts can come within the scope of predication ellipsis or pro-forms.
 eg: *In 1981*, Grace became a teacher and so did Hamish.
 Grace *became a teacher in 1981* and Hamish *became a teacher in 1981*.
- 5) adjuncts can be elicited by question forms.
 eg: *Why* did Hilda help Tony? (*Because of his injury*)

All the above tests strongly suggest that adjuncts are a closely integrated part of the sentence.

Subjuncts are, on the other hand, less integrated to the core structure of the sentence. They give additional and peripheral meaning to a part of the sentence which they are attached to. Thus, the above five syntactic tests do not apply to the subjuncts. *CGEL* explains subjuncts as the adverbials that “have, to a greater or lesser degree, a subordinate role...in comparison with other clause elements.”(p. 566) The following are example sentences of subjuncts (italicized) quoted from *CGEL* with its semantic classification.

<i>Architecturally</i> , it is a magnificent conception.	[viewpoint]
He <i>kindly</i> offered me a ride.	[courtesy]
<i>Sadly</i> , she wandered through the library.	[subject orientation]
I <i>still</i> like him.	[predication]
I <i>just</i> can't understand it.	[emphasizer]
She <i>entirely</i> agrees with him.	[amplifier]
I <i>kind of</i> like him.	[downtoner]
We judge them <i>purely</i> on the final examination.	[focusing]

Compared with adjuncts and subjuncts, disjuncts are different again in that they are not an integrated part of the sentence or a subordinate part of the sentence but they are in the superordinate status. *CGEL* summarizes how these three adverbials are different as follows:

ADJUNCTS are similar in the weight and balance of their sentence role to other sentence elements such as subject and object.

SUBJUNCTS have in general a lesser role than the other sentence elements; they have for example less independence both semantically and grammatically and in some respects are subordinate to one or other of the sentence elements.

DISJUNCTS, by the same analogy, have a superior role as compared with the sentence elements; they are syntactically more detached and in some respects 'superordinate', in that they seem to have a scope that extends over the sentence as a whole. (p. 613)

According to *CGEL*, disjuncts can be divided into two groups: style disjuncts and content disjuncts. Style disjuncts are defined as follows: (p. 615)

Style disjuncts convey the speaker's comment on the style and form of what he is saying, defining in some way under what conditions he is speaking as the 'authority' for the utterance. Content disjuncts (also known as attitudinal disjuncts) make observations on the actual content of the utterance and its truth conditions.

Style disjuncts are further subcategorized into Type (a): Modality and Manner and Type (b): Respect, and content disjuncts are subcategorized into Type (a): Degree of truth and Type (b): Value judgment.

Conjuncts are unique in that they suggest a relationship between clauses or sentences or even between paragraphs. *CGEL* (pp. 631-2) explains the nature of conjuncts as follows:

they [conjuncts] have the function of conjoining independent units rather than one of contributing another facet of information to a single integrated unit... we relate conjuncts to the speaker's comment in one quite specific respect: his assessment of how he views the connection between two linguistic units. The units concerned may be very large or very small...

The Longman Grammar of Spoken and Written English (1999) (hereafter *LGSWE* for short), on the other hand, classifies adjuncts, subjuncts, disjuncts, and conjuncts in different ways using different names. *LGSWE* combines adjuncts and subjuncts and calls them "circumstance adverbials". *LGSWE* calls disjuncts "stance adverbials", and conjuncts "linking adverbials". *LGSWE* defines the three adverbials as follows:

Circumstance adverbials add information about the action or state described in the clause, answering questions such as ‘How, When, Where, How much, To what extent?’ and ‘Why?’. They include both obligatory adverbials,...and optional adverbials... (p. 763)

Stance adverbials convey speakers’ comments on what they are saying (the content of the message) or how they are saying it (the style). Stance adverbials fall into three categories: **epistemic**, **attitude**, and **style**. (p. 764)

Linking adverbials have a more peripheral relationship with the rest of the clause than circumstance adverbials typically do. Rather than adding additional information to a clause, they serve a connective function. They make explicit the relationship between two units of discourse,... (p. 765)

The Cambridge Grammar of the English Language (2002) (hereafter *CamGEL* for short) uses the term “adjunct” instead of “adverbial” which *CGEL* adopted. Instead of classifying adjuncts into the four discrete categories; adjuncts, subjuncts, disjunct, and conjuncts as *CGEL* does, *CamGEL* lists 26 semantic subcategories of adjuncts, ranging from the ones that are more “tightly integrated into the structure of the containing clause” such as “manner” (pp. 665-6) to ones less tightly integrated such as “connective”. *CamGEL* also introduces seven criteria called “descriptive parameters” to argue the nature of various types of adjuncts (pp. 666-70). These descriptive parameters are summarized as follows:

Focus potential

Most adjuncts can be a focused element in alternative questions, contrastive negation, and *it*-clefts. In terms of focus potential, *CamGEL* explains the differences of broadly similar grammatical categories: complements, adjuncts, modifiers, and supplements as follows:

The cleft construction allows a narrower range of elements to be focused than alternative questions and contrastive negation. ... Elements that cannot be focused in any of these constructions are adjuncts rather than complements, and in many cases are supplements rather than modifiers. (p. 667)

Restrictiveness

CamGEL classifies [1] as the case of complements and [2] as the case of adjuncts.

He returned yesterday. [1]
He returned, fortunately. [2]

Then, *CamGEL* argues that if he in [1] did not return yesterday but he returned the day before yesterday, the truth value of [1] is false. In this sense complements restrict the truth value of the sentence. But if he in [2] did not return, we are not arguing if it was fortunate or not. Adjuncts are not strong enough to restrict the truth value of the sentence.

Questioning

“Most types of adjunct can be questioned.” (p. 667)

Relative scope

CamGEL defines scope as “the semantic analogue of constituent structure in syntax: it has to do with the way the meaning of the whole sentence is built up from the meanings of its parts.” (p. 668) and says that frequency adjuncts have narrower scope and adjuncts listed toward the end such as evaluation and modality adjuncts have wider scope.

Bounding potential

Some adjuncts only allow other adjuncts to co-occur.

Syntactic realisation

Adjuncts are realised by adverb phrases, prepositional phrases, noun phrases, finite clauses, non-finite clauses, and verbless clauses.

Linear position

Three positions of adjuncts in the sentence are: front, central, and end.

We have reviewed how the adverbs and other grammatical structures functionally compatible to the adverbs are classified and discussed in three major grammar books. Based on the above exploration we will examine the semantic and pragmatic nature of *-edly* adverbs in legal discourse in the following section.

4. -edly adverbs in legal discourse

4. 1. Frequencies of -edly adverbs in legal discourse

How frequently are -edly adverbs used in legal discourse? In order to answer this fundamental question, I extracted -edly adverbs occurring more than once per million words from our four legal corpora and listed them in Table 1. I also added to the table the -edly adverbs used more than once per million in the BNC for reference.

Undoubtedly, *repeatedly*, and *allegedly* are among the three most frequent -edly adverbs in the four legal corpora and the BNC. (These top three are shown in bold type in table 1.) They account for 70.0% in the UK 2008 DJ, 48.2% in the UK 2008 LJ, 63.7% in the US 2008 JD, 53.6% in the US 2008 LJ, and 40.6% in the BNC, followed by *admittedly*, *supposedly*, and *markedly*. (These three adverbs are shaded in Table 1.) The latter three -edly adverbs account for 10.2% in the UK 2008 DJ, 32.7% in the UK 2008 LJ, 8.9% in the US 2008 JD, 17.9% in the US 2008 LJ, and 20.1% in the BNC. *Impliedly* and *purportedly* are two unique -edly adverbs which only appear in legal discourse and not in the BNC in Table 1.

The average of the overall normalized frequency counts of all -edly adverbs among the four legal corpora, 136.3, is higher than the overall normalized frequency counts of all

Table 1 Frequencies of -edly adverbs per million words in the legal corpora and the BNC

	UK 2008 JD	UK 2008 LJ	US 2008 JD	US 2008 LJ	BNC				
undoubtedly	42.8	undoubtedly	32.3	repeatedly	49.0	repeatedly	30.8	undoubtedly	20.9
repeatedly	24.8	admittedly	24.4	allegedly	32.5	undoubtedly	23.8	reportedly	13.0
allegedly	17.9	repeatedly	16.5	undoubtedly	19.1	allegedly	19.2	repeatedly	11.3
impliedly	13.8	allegedly	12.6	assuredly	8.9	admittedly	13.1	allegedly	9.3
admittedly	8.3	supposedly	10.2	impliedly	6.4	supposedly	8.5	supposedly	8.3
purportedly	3.4	markedly	7.1	markedly	5.7	pointedly	7.7	unexpectedly	7.8
unexpectedly	2.8	pointedly	4.7	supposedly	5.1	purportedly	5.4	admittedly	6.3
markedly	2.8	decidedly	3.9	belatedly	5.1	relatedly	5.4	markedly	5.9
uninterruptedly	1.4	impliedly	3.9	purportedly	5.1	concededly	4.6	hurriedly	3.9
confessedly	1.4	belatedly	3.1	concededly	5.1	reportedly	3.1	decidedly	3.8
advisedly	1.4	avowedly	2.4	reportedly	3.2	markedly	3.1	excitedly	2.4
supposedly	1.4	hurriedly	2.4	admittedly	3.2	decidedly	3.1	pointedly	1.9
		purportedly	2.4	evenhandedly	2.5	wholeheartedly	2.3	belatedly	1.8
		reportedly	1.6	decidedly	2.5	impliedly	2.3	reputedly	1.6
				assertedly	1.9	singlehandedly	2.3	wholeheartedly	1.6
				unexpectedly	1.3	confessedly	1.5	determinedly	1.4
				relatedly	1.3	unexpectedly	1.5	contentedly	1.0
total frequencies	122.2		127.5		157.9		137.7		102.2
top three %	70.0%		48.2%		63.7%		53.6%		40.6%
next top three %	10.2%		32.7%		8.9%		17.9%		20.1%

-edly adverbs in the BNC, 102.2. The average percentage of the top three *-edly* adverbs occupied among the four legal corpora, 58.9%, is also higher than the percentage of the top three *-edly* adverbs occupied in the BNC, 40.6%. However, the average percentage of the next top three *-edly* adverbs among the four legal corpora, 17.4%, is lower than the average percentage of the next top three *-edly* adverbs in the BNC, 20.1%. These research results indicate: 1) *-edly* adverbs are more frequently used in legal corpora than in the BNC as a large general reference corpus of English, 2) a small number of *-edly* adverbs are more intensively used in legal discourse than in the BNC.

4. 2. The nature of typical *-edly* adverbs in legal corpora

As Table 1 shows, some *-edly* adverbs are more intensively used than others in legal corpora. I will examine closely the nature of these *-edly* adverbs in this section. Examined are: *undoubtedly*, *repeatedly*, *allegedly*, *admittedly* and *impliedly*.

4. 2. 1. *Undoubtedly*

Table 2 shows the frequencies of *undoubtedly* in the four legal corpora.

Table 2 Row frequencies of *undoubtedly* in the four legal corpora

UK JD		UK LJ		US JD		US LJ	
<i>undoubtedly</i>	62	<i>undoubtedly</i>	41	<i>undoubtedly</i>	30	<i>undoubtedly</i>	30

I examined all these 163 usages of *undoubtedly* and found that all of them except one are used as Type (a) content disjunct. *CGEL* explains Type (a) content disjuncts as follows:

Type (a): Degree of truth

These disjuncts present a comment on the truth value of what is said, expressing the extent to which, and the conditions under which, the speaker believes that what he is saying is true. Here belong the great classes of hypothetical clauses on which closely reasoned discourse depends. (p. 620)

CGEL (p. 620) further divides Type (a) content disjuncts into Group (i) which “express conviction, either as a direct claim (eg: *undeniably*) or as an appeal to general perception (eg: *evidently*)” and Group (ii) which “express some degree of doubt”. *Undoubtedly* in Extract 1 below is an example of Type (a) Group (i) disjuncts, expressing the speaker’s conviction as an appeal to general perception.

Extract 1

It is undoubtedly a rough and ready system. (UK 2008 JD)

In Extract 2, *undoubtedly* attaches to a verbless clause, “a required element”. This example can be interpreted as an abbreviated version of a clausal structure; “which is undoubtedly a required element”.

Extract 2

Immediately following the word “element,”...refers to the use of force (undoubtedly a required element) and thereafter to the relationship between aggressor and victim, e.g., a current or former spouse. (US 2008 JD)

Extract 3 below is the only one example in which *undoubtedly* is used as a modifier.

Extract 3

Having changed my view more than once on this undoubtedly problematic issue, I have finally come to prefer the conclusion reached by Lord Hoffmann and Lord Scott of Foscote. (UK 2008 JD)

The *undoubtedly* in the above example intensifies the meaning of the following adjective “problematic” in the noun phrase. *CGEL* explains this type of adverb use as follows:

An adverb may premodify an adjective. Most commonly, the modifying adverb is a scaling device called an intensifier, which cooccurs with a gradable adjective. ... AMPLIFIERS scale upwords from an assumed norm, *eg* ‘a very funny film’, as compared with ‘a funny film’. (p. 445)

Another fundamental question we may have is: how should we associate the adverb realization of content disjuncts with the clausal realization of content disjuncts? Let us look at Extract 4 below. Extract 4 is an example of an adverb realization of a content disjunct. It can be re-written by using a comparable clausal disjunct structure like [5].

Extract 4

In July 2006, Mrs B undoubtedly assaulted S in the street. (UK 2008 JD)

It is undoubted that in July 2006 Mrs B assaulted S in the street. [5]

The above re-writing process is a reversal of the process shown in the examples in 1. Introduction. I reintroduce them below.

The victims were women and children. [1]

- They reported that the victims were women and children. [2]
It was reported that the victims were women and children. [3]
The victims were reportedly women and children. [4]

If we re-write [5] in the reverse way as we did from [3] to [2] and from [2] to [1], the consequences would be like [6] and [7] below.

- XXX do (es) not doubt that in July 2006 Mrs B assaulted S in the street. [6]
In July 2006 Mrs B assaulted S in the street. [7]

Then, a question arises: what is the subject XXX of [6], or who thought without doubt that in July 2006 Mrs B assaulted S in the street? When we consider the fact that Extract 4 is a part of the Judgment written by the Law Lord of the UK Supreme Court, it is natural to conclude that the Law Lord who wrote this sentence is the subject of [6].

Whether we use the disjunct, *undoubtedly*, as in Extract 4 or we use the equivalent clausal structures as in [5] they can be considered as a kind of “thought presentation” device. This concept of “thought presentation” was originally presented by Leech and Short (2006). They argue thought presentation from the viewpoint of fiction as follows:

...many leading novelists of the nineteenth and twentieth centuries have been deeply concerned with the portrayal of ‘internal speech’...The modes of speech and thought presentation are very similar formally, but it should always be remembered that the representation of the thoughts of characters, even in an extremely indirect form..., is ultimately an artifice. We cannot see inside the minds of other people,

In the case of legal discourse, or at least in the case of disjunct use of *undoubtedly* which we have been examining in this section, the above argument on thought presentation in fiction does not apply. The thought presented by the disjunct, *undoubtedly*, or the semantically equivalent clausal structure is not “artifice”, nor the thought of other people we cannot see. What is being expressed there is what the Law Lord himself thought and presented. In legal discourse the Law Lord himself expresses his own thought in his own words. This is where the Judgments written by the Law Lords and the fictions written by novelists differ.

4. 2. 2. *Repeatedly*

According to *CGEL* (p. 542) *repeatedly* is a time-frequency adjunct, indicating high frequency. The frequency counts of *repeatedly* in each legal corpus are shown as follows

in Table 3 below:

Table 3 Frequency counts of *repeatedly* in the four legal corpora

UK JD		UK LJ		US JD		US LJ	
repeatedly	36	repeatedly	21	repeatedly	77	repeatedly	40

I examined all the above 174 usages of *repeatedly*. The conclusion is: they are all used as an adjunct. *Repeatedly* is a typical adjunct in legal discourse.

The way *repeatedly* is used is interesting from the viewpoint of legalese. Characteristics of legal English have been pointed out by many linguists (Mellinkoff; 1963, Solan; 1993, Wydick; 2005, Freedman; 2007), but the way *repeatedly* is used with other adjective based -ly adverbs, as shown in Extract 5 and 6, represents one of the features of legalese well.

Extract 5

It is hard to know what to make of this point since the plurality also concedes that we have explicitly and repeatedly reserved decision on today’s question. (US 2008 JD)

Extract 6

They did so repeatedly and eloquently. (US 2008 LJ)

The above two extracts seem to show how the past participial -edly adverbs are different from the adjective based -ly adverbs. The adjective based -ly adverbs, *explicitly* and *eloquently* express that the way “we have reserved decision on today’s question” is explicit, and that the way “They did so” is eloquent. Meanwhile, *repeatedly* strongly indicates that “we” repeated the action of “reserving decision on today’s question”, and “They” repeated the action of “doing so”. There still remains a sense of a transitive verb in the use of -edly adverbs.

I will list below all the pairs of *repeatedly* co-occurred with an adjective based -ly adverb coordinated by *and* or *or* in the four legal corpora.

Extract 7

a monologue that deliberately and repeatedly uttered the expletives (US 2008 JD)

the trial judge repeatedly or deliberately misapplied the law (US 2008 JD)

the majority expressly and repeatedly grounds its finding of standing on its

conclusion (US 2008 JD)
 Brillion “repeatedly and adamantly demanded to be tried, (US 2008 JD)
 or has repeatedly or deliberately failed to maintain such records (US 2008 JD)
 a proposition expressly and repeatedly contradicted by Mogul. (UK 2008 JD)

It is interesting that all the co-occurring adjective based *-ly* adverbs express manner while *repeatedly* expresses high frequency.

4. 2. 3. *Allegedly*

Allegedly is used 118 times in total in the four legal corpora as Table 4 below shows.

Table 4 Frequency counts of *allegedly* in the four legal corpora

UK JD		UK LJ		US JD		US LJ	
<i>allegedly</i>	26	<i>allegedly</i>	16	<i>allegedly</i>	51	<i>allegedly</i>	25

Among these 118 *allegedly* examples, 67 of them are used as a modifier and 51 of them as a disjunct.

Extract 8 and 9 are the examples of *allegedly* used as a modifier. Grammatically, in Extract 8 *allegedly* modifies the following adjective *unconstitutional*, and in Extract 9 *allegedly* modifies the following *unlawful*.

Extract 8

the allegedly unconstitutional acts of subordinate official... (US 2008 JD)

Extract 9

a victim of an allegedly unlawful killing by the police (UK 2008 JD)

In Extract 10 and 11 *allegedly* is used as a Type (a) Group (ii) content disjunct, expressing “some degree of doubt” according to *CGEL* (p. 620). In Extract 10 *allegedly* applies to the entire clause, while in Extract 11 *allegedly* applies to the non-finite clause appearing after *allegedly*.

Extract 10

petitioner and others allegedly made false and misleading statements about the value and performance of the EIN project. (US 2008 JD)

Extract 11

a widow sued the defender for having materially contributed to asbestosis allegedly contracted by her husband. (UK 2008 LJ)

The base form of *allegedly* is the verb, *allege*, which is one of the most frequent reporting verbs in legal discourse (Torikai; 2007). The reporting verb, *allege*, is typically used as follows in legal discourse.

Defendant/Plaintiff ALLEGE XXX (in the court)

The subjects are usually either the defendant or the plaintiff, and what they said which is indicated as XXX in the above structure is the reported discourse uttered by the defendant/plaintiff in the court to support or strength their argument. When Law Lord or Justice quotes the argument made by the defendant or the plaintiff, the reporting verb *allege* is typically used.

When *allegedly* is used as in Extract 10, the reported discourse is the rest of the sentence or clause because the disjunct is in the superordinate position and the rest of the sentence or clause is within its scope as *CGEL* explains (p. 613). This is also evident from the argument we made in sections 1. Introduction and 4.2.1. *Undoubtedly*. Then, what about the case where *allegedly* is used as a modifier as in Extracts 8 and 9? Let’s use Extract 9 as an example. Extract 9 “a victim of an allegedly unlawful killing by the police” is a compressed nominalized phrase. If we express the same propositional content in the unmarked full sentence structure, it would be like [8] below.

XXX alleged that the police unlawfully killed a victim. [8]

The reported discourse, or the discourse XXX alleged, is expressed in the *that* clause. If we passivize [8], we obtain [9].

It was alleged that the police unlawfully killed a victim. [9]

If we passivize the *that* clause, we obtain [10].

It was alleged that a victim was unlawfully killed by the police. [10]

If we change the main clause to the disjunct, *allegedly*, we obtain [11].

Allegedly a victim was unlawfully killed by the police. [11]

Finally, if we nominalize the above sentence which was formerly the subordinate *that* clause of [10] and move *allegedly* before *unlawfully*, we have Extract 9. All the above process of nominalizing [8] into [11] strongly suggests that in Extract 9 the entire noun phrase is under the scope of the modifier, *allegedly*, and can be considered as the reported discourse introduced by *allegedly*. Thus, Extract 8 and 9 can be interpreted as follows. ([...] indicates the scope of *allegedly*)

Extract 8

[the allegedly unconstitutional acts of subordinate official] (US 2008 JD)

Extract 9

[a victim of an allegedly unlawful killing by the police] (UK 2008 JD)

These reporting verb based *-edly* adverbs are sometimes called reporting adjuncts (Thompson; 1994) or reporting adverbs (Torikai; 2007). Nominalization, i.e. condensing a clause structure into a noun phrase structure, is far more common in present day legal discourse than most other genres, and nominalization characterizes one of the main stylistic features of today's legal discourse (Torikai; 2009).

4. 2. 4. *Admittedly*

Admittedly is used 65 times in total in the four legal corpora as Table 5 below shows.

Table 5 Frequency counts of *admittedly* in the four legal corpora

UK JD		UK LJ		US JD		US LJ	
admittedly	12	admittedly	31	admittedly	5	admittedly	17

Among these 65 examples, 49 of them are used as a disjunct and 16 of them are used as a modifier. Extract 12 is an example of *admittedly* being used in the initial position, and Extract 13 is an example of the same adverb being used in the middle of the sentence. Both are, in the *CGEL* classification, used as a Type (a) Group (i) content disjunct, expressing conviction as a direct claim. Extract 14 is an example of *admittedly* being used as a modifier.

Extract 12

Admittedly, their analysis may seem to be broad-brush rather than refined. (UK

2008 JD)

Extract 13

For the rest of us, the harm is admittedly not as obvious. (US 2008 LJ)

Extract 14

This was particularly clear in the (admittedly under-developed) territoriality analysis in the case. (UK 2008 LJ)

Admittedly also expresses a sense of concession. *Collins COBUILD Advanced Learner's English Dictionary* (2006) defines this pragmatic meaning of *admittedly* well:

You use **admittedly** when you are saying something which weakens the importance or force of your statement.

Indeed, all the three above examples from the legal corpora imply a sense of reluctance that things are not as good as expected or imagined before. Consequently, we see in each example that two different levels are being compared, and that the lessor one (the one indicated before <) is being reluctantly or unwillingly accepted.

Extract 12: broad-brush < refined.

Extract 13: not as obvious < obvious

Extract 14: under-developed < developed

This sense of concession or reluctance can be recognized in other examples. In Extract 15 the subjunctive mood is used to compare the reality with the could-be-better situation.

Extract 15

Admittedly, she would qualify for those benefits if she were to work for an authorized employer for a further uninterrupted period of 12 months. (UK 2008 JD)

4. 2. 5. *Impliedly*

Impliedly is used 38 times in the four corpora. All of them are used as a manner adjunct.

Table 6 Frequency counts of *impliedly* in the four legal corpora

UK JD		UK LJ		US JD		US LJ	
impliedly	20	impliedly	5	impliedly	10	impliedly	3

The base form of *impliedly* is the verb *imply*. This verb is defined by *Collins COBUILD Advanced Learner's English Dictionary* (2006) as follows:

- 1 VERB If you **imply that** something is the case, you say something which indicates that it is the case in an indirect way.
- 2 VERB If an event or situation **implies** that something is the case, it makes you think it likely that it is the case.

Black's Law Dictionary (1999) defines *imply* as follows:

1. To express or involve indirectly; to suggest

The above definitions indicate that *imply* is used to try to prove that something is true indirectly. This basic sense of *imply* is well articulated in Extract 16.

Extract 16

petitioners contend that respondents' claim is impliedly pre-empted because, if allowed to proceed, it would present an obstacle to a longstanding policy of the FTC. (US 2008 JD)

Impliedly is quite often used with other *-ly* adverbs. I list all the 17 examples below.

Extract 17

(UK 2008 JD)

the victim of the assault had neither expressly nor impliedly consented which expressly or impliedly appears to prevent a tenant, negotiations as evidence of anything expressly or impliedly admitted the other party's letters written (expressly or impliedly) without prejudice, the fact which is thereby expressly or impliedly asserted or admitted. negotiations as evidence of anything expressly or impliedly admitted a judgment which expressly or impliedly confirmed their title. the correspondence was...neither expressly nor impliedly without prejudice. the decision-maker has, whether expressly or impliedly, previously given

Representations made by the officials..., whether expressly or impliedly,
 representing either expressly or impliedly
expressly or impliedly, or, in standing-by cases, tacitly

(UK 2008 LJ)

he party involved have expressly or impliedly agree
 arising expressly or impliedly out of the deceased’s contract
 a body corporate that ‘expressly, tacitly, or impliedly authorized or permitted

(US 2008 JD)

neither expressly nor impliedly pre-empts respondents’ fraud claim.
 unless it expressly or impliedly consents to surrender its jurisdiction

In all 17 examples *impliedly* co-occurs with *expressly*. This strongly suggests that these two adverbs are not only used as a set phrase but are also complementary in meaning. In this sense, the set phrase “expressly or impliedly” is different from another set phrase we examined in 4.2.2 “explicitly and repeatedly” or “repeatedly and eloquently”. The former is a coordination of manner adjuncts indicating alternation, while the latter is a coordination of a manner adjunct and a high frequency adjunct indicating combination.

5. Conclusion

I have been examining the five most frequently used participle based *-edly* adverbs in legal discourse in order to explain the nature of these adverbs. I tried to explain the discursual nature of these *-edly* adverbs by showing the process of compression that starts from the full unmarked clause structure where the base of *-edly* adverb is used as a verb. This is also a simple and plain way to explain the semantic function of these *-edly* adverbs. But it is uncertain that this is the way we actually derive these participle based *-edly* adverb in the course of writing or comprehending a written text.

There are two main observations concerning the analysis of *-edly* adverbs as Arai & Yasui (1992) explain. One observation is based on the performative analysis originally proposed by Ross (1970). The performative analysis postulates that the declarative sentence has in its deep structure a performative clause consisted of the first person singular pronoun *I* and a performative verb. When we use the sentence, we often delete the performative clause. Based on this performative analysis, transformational grammarians like Schreiber (1972) argue that style disjuncts are a part of the performative clause in the deep structure and when the speaker utters the sentence he deletes the performative clause except the adverb. Thus, we have a sentence with a style disjunct in the surface structure as shown below.

I tell you frankly (that) I am tired.	(deep structure)
Frankly, I am tired.	(surface structure)

The other observation is metalinguistic analysis proposed by Leech (1974). Leech criticizes the performative analysis as follows:

the wastefulness of postulating underlying performatives for all sentences, only to delete them in the vast majority of the sentences which people actually produce, is avoided. (p. 356)

Leech counter proposes a "lexical rule" and argues as follows:

On the other hand, these speech-act adverbials are also compatible with the pragmatic analysis, if we treat the extension of (say) *frankly* from the function of an ordinary manner adverb to that of a speech-act adverb as an instance of a lexical rule of secondary conversion... (p. 357)

Leech explains the advantage of adopting a lexical rule to explain the style disjunct use as follows:

The effect of this lexical rule is roughly to derive the meaning 'I tell you--ly' from the base meaning '---ly' (= 'in a ---manner').

The reason why the relation between these two uses of adverbs is best dealt with by means of a lexical rule is that it exhibits the phenomenon of partial productivity which we have seen elsewhere... to be characteristic of lexical rules. Not all semantically appropriate adverbs of manner can be used as *frankly* and *briefly* are used...; rather, there is a scale of acceptability on which adverbs can be placed,... (p. 358)

Leech concludes as follows:

My conclusion, then, is that the pragmatic analysis promises to do better than the performative analysis not only on grounds of economy..., but also in being able to give an account more readily of certain facts, such as the limited and variable acceptability of speech-act adverbs.(p. 360)

CGEL also argues about the metalinguistic use of language as follows:

adverbials lend themselves very conveniently to incorporating metalinguistic comment into a sentence whose purpose is not itself merely metalinguistic. ... But the style disjunct lends itself peculiarly well to such a role:

Hawkins was not, strictly speaking, a traitor.

In this sentence, we should notice that we are concerned both with the issue of whether or not Hawkins was a traitor and also with the issue of whether the word ‘traitor’ is a fitting term to express his behavior. (p. 618)

Whether it is by means of a style disjunct or a content disjunct we do comment on our own language use and the messages we exchange in our linguistic communication. It is true that there are many kinds of disjuncts in English. I do not think it is productive or practical to postulate a deep structure for every disjunct and derive the actual disjunct from it. The participle based *-edly* adjectives could be an analogous way of creating a new type of *-ly* adverbs from the participial forms just as we create a new *-ly* adverbs from adjectives. This is another example that we use our own language in a creative way to meet the demand of efficient and economical use of language from the actual language use.

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