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Applying legal narratives. Some comments on Bernard Jackson's sociolinguistic approach in legal semiotics

Marcin Pieniążek

Abstract: In the article some applications of the concept of legal narrative are undertaken in the perspective of Bernard Jackson's legal semiotics. The analysis are developed in the perspective of Polish social and economical changes of recent decades. The leitmotif is constituted by remarks on sociolinguistic aspects of teaching legal narratives in changing reality. In this context a notion of "legal grapholect" is introduced to discuss possible influence of "deep layer" of legal language on evolving Polish lawyers' language and vernacular. Additionally, issues of semiotic group of lawyers and legal register are discussed on the basis of the sociolinguistic paradigm. Reasoning is enriched by remarks of possible merger of Jackson's legal semiotics and Ch. Perelman's theory of legal argumentation.

Keywords: legal semiotics, sociolinguistics, legal narrative, theory of argumentation, teaching law, Bernard Jackson, Chaïm Perelman

Introduction

It is assumed in this article that natural tendency of the man is to make sense – also legal – in the narrative way.[1]

[1] Compare Anna Burzyńska, *Idee narracyjności w humanistyce* [*Ideas of narrative in humanites*], in: Bernadetta Janusz, Katarzyna Gdowska, Bogdan de Barbaro (eds), *Narracja. Teoria i praktyka*, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2008, pp. 21–28.

* Krakowska Akademia im. Andrzeja Frycza Modrzewskiego
pieniazekm@poczta.onet.pl

Following it in the perspective of Bernard S. Jackson's[2] legal semiotics I analyze some applications of the concept of narrative to the field of legal language.[3] The reasoning is developed in the perspective of Polish social and economical changes of recent decades. Another crucial concepts of legal semiotics are presented in this context; *inter alia* a notion of "legal grapholect" is introduced to discuss possible influence of "deep layer" of legal language on evolving Polish lawyers' language and vernacular. Subsequent part of reasoning presents cognitive value of a merger of Jackson's legal semiotics and Ch. Perelman's theory of legal argumentation. Furthermore, on the basis of the chosen paradigm issues of semiotic group of lawyers and legal register are discussed. Some pivotal questions refer to professional experiences of the author working as the academic teacher of introduction to jurisprudence and logic for lawyers. Consequently, the leitmotif of the article is constituted by remarks on sociolinguistic aspects of legal education.

[2] Bernard S. Jackson (born 1944) holds degrees from Liverpool (LL.B. (Hons), 1965), Oxford (D. Phil., 1969), Edinburgh (LL.D., 1987) and Hebrew Union College, Cincinnati (D.H.L., *honoris causa*, 1998). He has held posts at the Universities of Georgia (USA), Edinburgh, Liverpool Polytechnic, Kent, Liverpool (Queen Victoria Professor of Law, 1989-1997) Manchester (Co-Director of the Centre for Jewish Studies, 1997–2009; Director of the Agunah Research Unit, 2004–2009), and Liverpool Hope University (Part-time Professor of Law and Jewish Studies, 2009–2015) and Visiting Appointments in Jerusalem, Oxford, Harvard, Paris, Bologna and Brussels. He is now a Professor Emeritus at the University of Manchester. His research interests are in the legal semiotics and the history and philosophy of Jewish law. He was a founder member of the International Association for the Semiotics of Law and of its journal, *the International Journal for the Semiotics of Law*; founder editor of *The Jewish Law Annual*; past President and Chairman of The Jewish Law Association. His bibliography includes 10 books, 239 articles and 15 books' editing (Quotation from http://www.legaltheory.demon.co.uk/lib_biblioBSJ1.html [accessed: 10.09.2019]).

[3] On the notions of legal language and lawyers' language see Bronisław Wróblewski, *Język prawny i prawniczy* [*Legal language and lawyers' language*], PAU, Prace Komisji Prawniczej No. 3, Kraków 1948, p. 54ff. Compare Zygmunt Ziembiński, *Le langage du droit et le langage juridique: les critères de leur discernement*, in: *Archives de philosophie du droit XIX*, 1974, pp. 25–31; Tomasz Gizbert-Studnicki, „Czy istnieje język prawny?" [Is there a legal language?], *Państwo i Prawo* 1979, nr 3, pp. 49–60.

Semiotics and constructing legal senses

Jackson's thought is a derivative of the „Paris school" of semiotics established by Algirdas J. Greimas, developing mostly from linguistic and empirical researches.[4] According to Jackson, semiotics is the study of how sense, also legal, is constructed.[5] Following Greimas Jackson looks for "basic structures of signification", and finds them on the level of sense construction based upon the concept of narrative. Undertaking fundamental sociolinguistic[6] perspective Jackson claims that certain sense is not constructed in the abstract but is rather mediated through acts of communication. Sense is, then, a quality inherent in what we interpersonally perceive, whether it is an object, text or piece of behavior.[7]

In this context one may say that the academic teacher's work in the province of law is to create legal senses, through proper acts of communications, with usage of various, such as textual or behavioral communicative methods. Considering preferred by Jackson classical model of communication teaching legal issues would involve the following elements:

1) the people between whom messages are exchanged – the sender (teacher) and receiver[8] (student);
2) the choice of the medium or the channel of communication – suitable for internalization of legal meanings

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[4] Compare Algirdas Julien Greimas, *Structural Semantics: An Attempt at a Method*, University of Nebraska Press, Lincoln 1983; idem, „On Meaning", *New Literary History* 1989, vol. 20, no. 3, *Greimassian Semiotics*, pp. 539–550; idem, "Description and Narrativity: «The Piece of String»", *New Literary History* 1989, vol. 20, no. 3, pp. 615–626; A.J. Greimas, Joseph Courtés, *The Cognitive Dimension of Narrative Discourse, New Literary History* 1989, vol. 20, no. 3, pp. 563–579.

[5] Bernard S. Jackson, "Semiotics of Law", in: *The 2005 Annual Publication of the Australian Legal Philosophy Students' Association*, p. 135.

[6] Sociolinguistics is defined as the study of language in relation to society. See Ronald Wardhaugh, *An Introduction to Sociolinguistics*, Blackwell Publishing, Oxford 2006, p. 13.

[7] Bernard S. Jackson, *Making Sense in Law*, Deborah Charles Publications, Liverpool 1995, p. 1.

[8] On the concepts of sender an receiver in legal relationships see T. Gizbert-Studnicki, *Język prawny z perspektywy socjolingwistycznej* [*Legal language from a sociolinguistic perspective*], PWN, Warszawa 1986, pp. 47–52.

(for example of binding force of legal norms, normative system of law, etc.);

3) the code in which the message is expressed (adjusted to sociolinguistic abilities of the audience of students).[9]

The task for academic teachers during legal studies is not only to participate but also to moderate the process of communicative constructing of legal senses. As far as the students are concerned, those senses should be both understandable and acceptable in the degree sufficient for their internalization. Some possible obstacles to this process will be indicated with the example of the legal notion of "tort".

Paraphrasing Jackson one may say that neither the sound "t-o-r-t" nor written characteristic of "tort" inherently bear the legal sense of institution of the tort, belonging to English legal language – and consequently – to English law itself.[10] "Tort" even needn't sound natural for some English speakers not being familiar with more advanced legal terminology, such as alumni of high schools starting their legal studies. Here is the natural field of activity of teachers of law, responsible for internalization legal meanings.[11] It seems to be a complicated task since legal institutions usually do not possess any substantial, physical designates.[12]

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[9] B.S. Jackson, *Studies in the Semiotics of Biblical Law*, Sheffield Academic Press, Sheffield 2000, p. 117.

[10] Following the thesis of identity of the language and the facts.

[11] Patrick S. Atiyah in his handbook constructs following narrative legal sense of tort: "a breach of contract […] is normally regarded as legal wrong and so may plausibly be described as a tort («tort» being another word for «wrong»)", Patrick S. Atiyah, Stephen A. Smith, *Atiyah Introduction to the Law of Contract*, Clarendon Press Clarendon Press, Oxford 2005, p. 2. For another legal narratives constructing the legal sense of "tort" see Geoffrey Samuel, *Law of Obligations*, Edward Elgar, Cheltenham 2010, pp. 156–157; William Lucy, *Philosophy of Private Law*, Oxford University Press, Oxford 2007, pp. 280–281; Roger Brownsword, *Contract Law: Themes for the Twenty-first Century*, Butterworths, London 2000, p. 164; Hugh Collins, *The Law of Contracts*, Cambridge University Press, Cambridge 2003, p. 212; Stephen A. Smith, *Contract Theory*, Oxford University Press, Oxford 2007, pp. 378–379; Michael J. Trebilcock, *The Limits of Freedom of Contracts*, Harvard University Press, Cambridge, MA 1997, p. 105.

[12] This is the case since legal institutions are understood as a sets of related legal norms based on a common legal principle that regulate

On the primary level of teaching law such designates are useful for correct process of internalization; the Roman concept of *vinculum iuris*[13] in case of obligation may be a good example.[14] It is worth mentioning that the legal institutions may also have symbolic designates, such as Themis in case of impartial court. Cultural existence of (more) physical or (more) symbolic designates of legal institutions allow to develop narratives presenting conventional legal senses. This is the case since in discussed perspective if we think about Themis, we think of the story of Themis, being the narrative way of presenting judicial impartiality to the students' audience.

Narrative and three levels of sense construction

Having that in mind it is considering-worthy whether legal education generally may be understood as internalisation of narrative legal senses. Jackson relying on the heritage of the „Paris School" claims that in legal studies the narrative models are used for a number of different purposes. For example, future lawyers use them to justify some of the inferential processes of fact-finding; they also study the rhetorical implications of narrative presentation of facts.[15] One may notice that both examples of such usage of narrative have much to do with the theory of argumentation of Ch. Perelman described in "*La nouvelle rhétorique*" and other publications[16] (this similarity will be discussed below).

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an important legal relationship typical for a given branch of law (e.g. ownership, company, marriage). See Tatiana Chauvin, Tomasz Stawecki, Piotr Winczorek, *Wstęp do prawoznawstwa* [*Introduction to jurisprudence*], C.H. Beck, Warszawa 2016, p. 159.

[13] *Obligatio est iuris vinculum quo necessitate adstringimur alicuius solvendae rei secundum nostrae civitatis iura.*

[14] Compare William W. Buckland, *The Main Institutions of Roman Private Law*, Cambridge University Press, Cambridge 2011, p. 236.

[15] B.S. Jackson, *Making Sense in Law*, pp. 140–141.

[16] Chaïm Perelman, *Logique juridique. Nouvelle rhétorique*, Dalloz, Paris 1976. See also idem, *L'empire rhétorique. Rhétorique et argumentation*, Librairie Philosophique J. VRIN, Paris 1977; Ch. Perelman, Lucy Olbrechts-Tyteca, *Traité de l'argumentation. La nouvelle rhétorique*, Éd. de l'Université de Bruxelles, 2008.

The "deep level"

One should discuss here the way of constructing senses in a narrative way. Jackson is committed to the idea of Greimas that sense construction involves interaction between three different levels: "the universal level of meaning", "the thematic level" and "the level of manifestation". The first one is "The «deep level» […] of the «basic structures of signification» themselves. This is part of the equipment we deploy in making sense of the world. However, these basic structures do not derive from the environment, in which we live, but are claimed to be universal."[17] Therefore this is the level of "elementary structures of signification", being generally derived from empirical observations, and composed of two axes: syntagmatic and pragmatic. Jackson explains that the syntagmatic axis is semio-narrative, which means that on "the deep level" actant establishes the goal of performing the action, together with instituting oneself as the subject of this action. Here the concept of recognition of performed (or unperformed) goals plays a foremost role. Also, this is the level of abstractive patterns of "goal-oriented" actions, in which conscious (or unconscious) goals may form a type of paradigm. The actants playing in such patterns may be understood as abstract actors, such as Sender and Receiver, or Helper and Opponent. In this context one should revoke the theory of Perelman according to which the structure of judicial argumentation has a paradigmatic character for every argumentation. Another words, the judicial reasoning, understood as communicative action is a model pattern for every practical reasoning, aiming to achieve some communicative goals. Also, one may say that Perelman presents typical couple of actants: the judge (the Sender) and the universal or particular audience that is going to be convinced by the argumentation (the Receiver).[18]

[17] B.S. Jackson, *Making Sense in Law*, p. 143.

[18] In Perelman's theory argumentation is the derivative of the notion of audience (universal and particular), that, simplifying, should be convinced by "the force of better argument". According to Perelman universal audience establish "all persons considered to be reasonable and competent". After: Ch. Perelman, *Logika prawnicza. Nowa retoryka* [*Legal logic. New rhetoric*], PWN, Warszawa 1984, p. 166.

Legal narrative as pattern of communicative action

If we merge the standpoints of Perelman and Jackson we get to conclusion that judicial (legal) reasoning could be the source of standardized, abstract patterns of communicative actions featured by high level of efficacy. Furthermore, creating such patterns can be seen as typical, presupposed goal of judicial reasoning and argumentation. One may say that judicial (legal) argumentation, rooted in ancient rhetoric, was improved by centuries of training in achieving those goals; in the meantime patterns of oral behaviors were standardized. That is why "legal narratives" are often socially considered as "transparent", clear and efficient, making it possible to realize communicative goals.[19] Moreover, the concept of "natural" for law, quasi-logical and efficient reasoning (narrative) is coherent with the abovementioned concept of pragmatic axis. This is especially the case for Greimas' semiotic square[20], being according to Jackson the remedy for processing too big amount of possibilities as well as a framework in which sense relations acquire its meanings. The idea of semiotic square and its application goes again with Perelman's vision of paradigmatic judicial argumentation.[21]

Task for the teachers of law

On this basis one may say that crucial task that should be realised by teachers of law is to enable the students to apply and evaluate typical "legal patterns" lying in the deepest level of constructing legal senses. This task is

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Cf. Jolanta Jabłońska-Bonca, *Prawnik a sztuka negocjacji i retoryki* [*Lawyer and the art of negotiation and rhetoric*], LexisNexis, Warszawa 2003, p. 50.

[19] Compare Ch. Perelman, *Logika prawnicza*…, pp. 177–178. See also J. Jabłońska-Bonca, *O prawie, prawdzie i przekonywaniu* [*About law, truth and conviction*], Wydawnictwo Uczelniane Bałtyckiej Wyższej Szkoły Humanistycznej, Koszalin 1999, p. 135.

[20] Compare John J. Corso, "What Does Greimas's Semiotic Square Really Do?", *Mosaic: An Interdisciplinary Critical Journal* 2014, vol. 47, no. 1, pp. 69–89.

[21] Cf. B.S. Jackson, *Making Sense in Law*, p. 150.

foremost not only because of narrow professionalism, but also because of some sociolinguistic aspects of legal narratives. Especially one may argue that legal narratives are socially considered as linguistical "clichés" of argumentatively efficient actions (this question will be discussed below).

The "thematic level" and narrative typifications of legal actions

With this observation one may get to the second indicated level of constructing senses in the narrative way. Following Jackson "The «thematic level» is the stock of social knowledge, itself organized in narrative terms, which is implicit within and helps us to make sense of the data presented at the [third – M.P.] «level of manifestation». It is a part of the equipment we deploy in making sense of the world. This knowledge derives from the environment in which we live."[22]

Jackson indicates that the "thematic level" is socially, culturally and professionally contingent since it represents what others call "schemas" "stereotypes", or the "social knowledge" which is used in order to attribute specific meaning to the raw sense-data presented to us. Such social knowledge, according to Jackson, is internalised by members of the group concerned and is often deployed unselfconsciously.[23] Following it on this level we may presuppose existence of legal actions' narrative typifications. This is the case since narrative typifications are paradigms, capable of generating judgements of relative similarity.[24] One should clarify that they are not neutral descriptions, but they come laden with a form of certain evaluations.[25] Furthermore, what may referred also to legal professions

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[22] B.S. Jackson, *Studies in the Semiotics of Biblical Law*, p. 25. Jackson quotes here Greimas.

[23] B.S. Jackson, *Making Sense in Law*, p. 153.

[24] Ibidem.

[25] Compare theory of locutionary, illocutionary and perlocutionary speech acts as proposed by J.L. Austin. See John L. Austin, *How To Do Things with Words (Lecture VIII)*, Oxford University Press, Oxford 1962, pp. 94–107.

and corporations, some typifications are relative to particular social and professional groups called "semiotic groups" (the concept of semiotic group is presented below).

Task for the teacher of law

On the "thematic level" the task for the teacher of law is to attribute students with narrative legal typifications. After such internalisation students should be able both to recognise themselves as lawyers "*in statu nascendi*" and to be recognised as members of a social group of future judges, attorneys, or bailiffs, i.e., people using specialised narratives. The aforementioned skill has much to do with the ability of recognition of the "thematic level" of legal texts, and – at the same time – of using so called "legal grapholect". Some consequences of such internal (corporal) and external (social) sociolinguistic recognition will be discussed below.

The "level of manifestation" and legal education

Moving to the third level of sense constructing Jackson defines it as follows: "The «level of manifestation» [is where] the sense data [are] actually presented to us, and the particular sense [is] attributed to it. The data includes both the content of the text (or behavior) and its manner of expression — whether oral or written. This «level of manifestation» is sometimes termed the «surface» (v. «deep») level of the text."[26] One may say that this level embraces typical zone of educational activity of teachers of law. This is the case since students of law should be familiar with standard textual-legal manifestations, starting from the structure of legal texts itself, through legal procedures (merging linguistic and "empirical" aspects of communicative legal actions) and finishing on social meanings of such manifestations. Such knowledge is deepened during

[26] B.S. Jackson, *Studies in the Semiotics of Biblical Law*, pp. 24–25. Jackson quotes here Greimas.

apprenticeship in certain bar, where the level of manifestation is enriched *inter alia* by "expressions" of professional legal ethics.[27]

Some sociolinguistic aspects of teaching "legal narratives"

In proposed perspective in the process of legal education basic linguistic conventions should be introduced to the students on three levels of sense constructing by well-trained teachers. But what may it means – from the perspective of legal semiotics – to be well-trained teacher of law? In my opinion, it means at least to be able to recognize and control common processes of legal senses' construction and to use proper narratives for presenting legal topics. Paraphrasing Jackson, the teacher must be aware how to develop "the story of teaching law" and "the story in teaching law." What is connected with, the teacher's task – in every branch of law – is to transform and adjust "natural" narratives of students to the province of law. Hence, for basic level of professionalism some interdisciplinary training in linguistic, semiotics and psychology is required, in addition to practical legal knowledge.

[27] Compare narratives of codifications of professional legal ethics in Poland, in: *Zbiór Zasad Etyki Zawodowej Sędziów i Asesorów Sądowych* [*Set of Professional Ethics of Judges and Court Assessors*], appendix to Resolution No. 25/2017 National Council of the Judiciary of January the 13th, 2017; *Zbiór Zasad Etyki Zawodowej Prokuratorów* [*Collection of Rules of Professional Ethics for Prosecutors*] appendix to the resolution of National Council of Prosecutors At the Attorney General of December the 12th, 2017; *Zbiór Zasad Etyki Adwokackiej i Godności Zawodu (Kodeks Etyki Adwokackiej)* [*Rules of Ethics for Advocates and the Dignity of the Profession (Code of Ethics for Advocates)*], appendix to the resolution of the Polish Bar Association No. 32/2005 of 19.11.2005 as amended; after *Kodeks Etyki Radcy Prawnego* [*Code of Ethics for Attorneys at Law*], appendix to the resolution No. 3/2014 of the Extraordinary National Congress of Legal Counsels of 22.11.2014; *Kodeks Etyki Zawodowej Komornika* [*The Code of Professional Ethics of Bailiffs*], appendix to the resolution of the National Bailiffs' Council, No. 909/IV of 8.02.2012 as amended; *Kodeks Etyki Zawodowej Notariusza* [*Notary's Code of Professional Ethics*], resolution no. 19 of the National Notary Council of December the 12th, 1997 as amended.

Consequently, the teacher of introduction to legal theory and logics for lawyers should do a preliminary work presenting basic legal institutions and the ways of reasoning, as well as patterns lying on the deep level of constructing legal senses. He ought to attribute the audience with the sense of the concept of law itself in the context of fundamental legal questions, such as (following B. Jackson): "By «law» do we mean the law in the books, or the law as practiced? And if so, which books and whose practice? By the books, do we mean the «primary sources» of law: in England and Wales, statutes and precedents set by the appellate courts? Do we include textbooks, and if so which textbooks? Do some textbooks possess more «authority» than others? What do we mean by such «authority» and how is it recognized? If, on the other hand, we identify law with behavior recognized as legal, we have to ask: (a) whose behavior (judges, lawyers, police, citizens?), (b) what do we mean by «legal» (according to the books, or according to the practice of particular groups, whether lay or professional), and (c) what are the marks of such behavior, by which it may be «recognized» as legal?"[28] Teachers' work aiming to make understandable senses of the legal concepts for the students is also derivative of basic jurisprudential perspectives attributed with suitable, diversified patterns. (This is the case since form the sociolinguistic perspective studying law means studying patterns to which legal meaning is attached.) Therefore the teacher of legal theory, quoting Jackson, should also narrate "conflicting theories, for instance positivist theories which define law in terms of the official, authoritative sources; naturalist theories which include universals of morality or human nature, or realist theories which identify the law with particular forms of legal behavior."[29] Familiarizing students with narrative senses of the basic concepts of law is the step to develop their linguistic abilities, rendering possible future participation in speech communities of the lawyers and applying their professional registrars.[30]

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[28] B.S. Jackson, *Making Sense in Law*, pp. 4–5.

[29] Ibidem, p. 5.

[30] On broad and narrow understanding of concept of register and its consequences for legal language see T. Gizbert-Studnicki, *Język prawny z perspektywy socjolingwistycznej*, p. 94.

Here we are faced with one of the "social aspects" of specialized narratives, developed by members of legal professions. One may speculate that in recent years in Poland internalizing abovementioned patterns had also additional sociolinguistic consequences. This standpoint will be presented below together with introducing the notion of "legal grapholect".

"Legal grapholect" and its possible influence on language – remarks on Polish experiences

Let me express the thesis as follows: broadly understood textual „legal language" (studied at law faculties) has some features of grapholect for lawyers' languages of different legal professions. Moreover, it may have paradigmatic character for every written and spoken language since it is logical, coherent, standardized, etc. The academic teachers, then, have a great task ahead of them in making students familiar with "legal grapholect" understood in this way.

Explaining the notion of grapholect Jackson quotes W. J. Ong's suggestion that the standard forms of the language (the "national language") develop always from a particular dialect.[31] In England according to Jackson it happened to the upper-class London English dialect. A particular regional dialect becomes that form of the language used in written documents – the grapholect – and thereby it gains the status of the standard form of the language as the whole. For where grapholects exist, "correct" grammar and usage are properly interpreted as the grammar of the grapholect itself, to the exclusion of the grammar and usage of other dialects. Moreover, it also causes far-going influence on vernacular. It is symptomatic that in Poland after a century of Russification and Germanization the grapholect was standardized by Polish Academy of Learning in the year 1918 and 1936 (by its Orthographic Committee).[32]

[31] See Walter J. Ong, *Orality and Literacy: The Technologizing of the Word, Routledge*, New York 2002; Compare B.S. Jackson, *Making Sense in Law*, p. 85.

[32] Zygmunt Saloni, "In the Centenary of Independence of Poland and of «fixed» Polish Spelling" [W stulecie niepodległości i "ustalonej" pisowni polskiej], *LingVaria* 2018, R. XIII, no. 2/26, https://doi.

Consequently, the "codifications" of numerous rules of written language gave the shape for modern spoken Polish. It confirms Jackson's observation that writing brings a greater capacity for precision and objectivity.

This theory may be fruitfully applied to the province of teaching law. Let me summarize here some of my professional observations. In Polish law faculties for five years[33] thousands of students deal mostly with texts of acts of law, commentaries, etc. Later they take practical training during their apprenticeships[34] aiming to achieve full memberships in corporations. This "community of lawyers" still increases, participating in the economic growth and development of free market.[35]

A brief sociohistorical comment should be made in this context. During fifty years of communistic propaganda[36], realized in the layer of written and spoken language (also lawyers' one[37]), a sort of newspeak[38] (being the derivative of ideological narrative) was developed, affecting numerous

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org/10.12797/LV.13.2018.26.09, pp. 129–132; Stanisław Jodłowski, *The fate of Polish ortography* [*Losy polskiej ortografii*], PWN, Warszawa 1979, p. 69 ff. Compare Kazimierz Nitsch, "Ortography reform" [*Reforma ortografii*], *Język Polski* 1935, vol. XX, p. 30 ff.

[33] Pursuant to the *Regulation of the Minister of Science and Higher Education* of September the 27th 2018, law in Poland is a field of study conducted as uniform (i.e. five-years-long) master's studies (§ 8.1.7).

[34] It is three-years-and-six-months-long for notaries; three-years-long for judges, prosecutors, advocates, attorneys; two-years-long for bailiffs.

[35] According to data presented by journal *Rzeczpospolita* the rapid increase of number of practicing attorneys and advocates began in 2008. By the year 2017 the growth was of 87% (with a 7.2% cumulative annual growth rate). The number of practicing attorneys and advocates in 2018 approached 52 000 people, which means that in Poland there is twice as many representatives of these professions on the market as in 2000. See https://www.rp.pl/Rankingi/305019990-Co-wynika-z-Rankingu-Kancelarii-Prawnych-Rzeczpospolitej-z-ostatnich-10-lat.html [accessed: 10.09.2019].

[36] See Jerzy Bralczyk, *O języku polskiej propagandy politycznej* [*About the language of Polish political propaganda*], in: Halina Kurkowska (ed.), *Współczesna polszczyzna. Wybór zagadnień* [*Contemporary Polish language. Selected issues*], PWN, Warszawa 1981, pp. 336–354.

[37] On the notions of lawyers' language see T. Gizbert-Studnicki, *Czy istnieje język prawny?*, pp. 49–60.

[38] Compare Leszek Bednarczuk, "Władza nad mową (nowomowa)" [*Power over speech (newspeak)*], *Pismo* 1981, nr 2, pp. 93–102.

spheres of everyday life.[39] Then, after the breakage of the political system in the year 1989, a restoration of social life brought refreshment of the language and its adjustment to the new circumstances. Parallelly, economical and social changes got tremendous, what caused necessity of finding both legal and linguistic clues, for ordering running spontaneous processes.

One may say that "legal grapholect" and its teaching played here an important role. To some extent it worked as linguistic dynamo of economical and social changes. New order would not be created without "patronizing" legal language, *inter alia* applicable by actants in everyday market operations. On this basis "legal grapholect" started to shape vernacular of new "free market generation."[40] It is mentioning worthy that faculties of law, economics or business in Poland were overcrowded for recent three decades and thousands of students were internalizing legal narratives.[41] Consequently, one may claim that "legal grapholect" became for many an important cliché of written and oral communication. In similar context Jackson mentions that a particular style of legal documents was a matter of interest to linguists, since the work of D. Crystal and D. Davy from the year 1969.[42]

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[39] See Janusz Barański, *Ideologia i historia albo epos ideologiczny* [*Ideology and history or ideological epic*], in: idem, *Socjotechnika, między magią a analogią. Szkice o masowej perswazji w PRL-u i III RP* [*Social engineering, between magic and analogy. Sketches of mass persuasion in the Polish People's Republic and the third Republic of Poland*], Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2001, pp. 41–62.

[40] Belonging partly to so called „Y generation". See http://www.businessdictionary.com/definition/Generation-Y.html [accessed: 10.09.2019]; see also Carolyn A. Martin, Bruce Tulgan, "Managing Generation Y: Global Citizens Born in the Late Seventies and Early Eighties", *Human Resource Development* 2001, pp. 1–15.

[41] According to *The Central Statistical Office in Poland in the academic year 2017/18* there were 73,694 graduates in the area of law, administration and business. Za: *Higher education in the academic year 2018/2019 – 14/06/2019 (preliminary results)*, p. 3, https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5488/8/6/1/szkolnictwo_wyzsze_w_roku_akademickim_2018_2019.pdf [accessed: 10.09.2019].

[42] See David Crystal, Derek Davy, *Investigating English Style*, Indiana University Press, Bloomington 1969; compare B.S. Jackson, *Making Sense in Law*, p. 90.

Having in mind abovementioned processes it is still essential to teach "legal grapholect" together with making students aware of different registers of the language. That is how the proper legal education may possibly cause growth of coherent reasoning and argumentation in everyday communicative actions.

"Legal grapholect" and Perelman's theory of argumentation

In this context it is worth revoking Perelman's theory considering judicial reasoning as a pattern for every reasoning.[43] One may say that in discussed perspective "legal grapholect" constitutes deepest level of judicial (legal) argumentation. This is the case *inter alia* because legal language is considered as particularly precise among different registers of the language.[44] Consequently, since judicial decisions (being narratives written in lawyers' language) are rooted in "legal grapholect" one may claim that it constitutes argumentative pattern for every social discourse.

In this context one should recall the Greimasian concept of narrative (as referred by Jackson). It was already mentioned that according to Greimas it is possible to indicate basic, "deep level" of making sense in communicative actions. So, if we merge perspectives of Greimas and Perelman we may state that lawyers analyse consciously the "deep level" of legal narratives searching for specific linguistic features that cause their high convincible force. It means that the case of legal argumentation constitutes exception to the generally unaware specificity of patterns staying on "the universal level of meaning" of social discourse. Another words, since efficacy is the foremost feature of legal argumentation related to application of legal procedures (being also narratives *per se*) judges and other lawyers – in opposition to different "storytellers" – dig in "deep level" of their reasoning, revealing structures of their narratives. This mindful approach could turn Perelman's attention to judicial reasoning as paradigmatic for every reasoning expressed in language. Presented

[43] Ch. Perelman, *Logika prawnicza*…, p. 163.

[44] Compare T. Gizbert-Studnicki, *Język prawny z perspektywy socjolingwistycznej*, pp. 126–127.

standpoint is coherent with Jackson's observation that "language presupposes communication, communication presupposes persons, persons presuppose social (inter alia, legal) relationships within which language is uttered, and these social relationships create the importance of meaning."[45]

Sociolinguistic aspects of the register of Polish legal professions

Above I discussed sociolinguistic aspects of presumed influence of "legal narrative" and "legal grapholect" on Polish vernacular. Now the perspective will be narrowed to some questions arising around language of domestic "legal community" (in the meaning proposed by Jackson). These questions are worth undertaking, considering evolution of lawyers' language under pressure of mentioned social and economic processes. The analysis will be focused on notions of "register" and "sociolinguistic group".

It was already concluded that written legal language (with discussed assumptions) may be treated as the influential "grapholect" for vernacular. Nonetheless, it does not exclude possibility of development on its basis of specialized "registers" of legal professions.[46] Jackson defines register as a set of terms used by a particular group, which distinguishes its language from that of other groups.[47] "«Register» thus belongs to the area of semantics: it is a study of lexicon in use within a particular group. The concept is not difficult to apply to in the legal context: lawyers have their own jargon (sometimes called argot)."[48] Similar meaning has the term "genre" used by V. Bhatia for such collections of different types of language feature, which collectively characterize the use of language in a particular context or by a particular group.[49] Following Jackson, such language

[45] B.S. Jackson, *Making Sense in Law*, p. 86.

[46] Compare T. Gizbert-Studnicki, *Język prawny z perspektywy socjolingwistycznej*, pp. 93–95.

[47] B.S. Jackson, *Making Sense in Law*, p. 89.

[48] Ibidem, p. 90.

[49] See Vijay Bhatia, "Applied Genre Analysis: A Multi-perspective Model", *Ibérica: Revista de la Asociación Europea de Lenguas para Fines Específicos (AELFE)* 2002, vol. 4, pp. 3–19.

variations indirectly serve to distinguish the groups associated with different activities and thus to express their identity as against other groups. According to him "This applies to lawyers as to other occupational groups; it also serves to distinguish different forms of legal activity, and the personnel associated with them. Jackson claims that Even within the legal community, there exist many different occupational groups, each with its own version of legal language. What we conventionally call «the legal system» in fact consists of a set of several different groups: legislators, superior court judges, inferior court judges, doctrinal writers, city solicitors, high street solicitors, police, crown prosecutors, court administrators, clients of different types, etc. The systems of signification used by each of these groups reinforce their self-identity in relation to other groups within the legal system. While the legal languages of these groups have enough in common to make possible a basic level of communication, differences in their systems of signification often surface as barriers to mutual comprehension (e.g. between police and the Crown Prosecution Service)."[50]

One may say that in Poland, comparing to England, internal distinctiveness of legal professions' registers seems to be much less significant. This is the case since all future lawyers participate in five-years-long studies, internalizing common "legal grapholect" and coherent legal narratives. It is also caused by lack of far-going diversification of everyday legal practice of attorneys and advocates, constituting the most numerous legal corporations.[51] Furthermore, future judges and prosecutors take unified education at National School of Judiciary and Public Prosecution.[52] Additionally, some "interprofessional" transfers of lawyers are possible; for

[50] B.S. Jackson, *Making Sense in Law*, p. 97.

[51] For example, according to the *National Register of Advocates and Advocates' Applicants* there is, respectively, 19017 practicing advocates and 5419 applicants in Poland (https://rejestradwokatow.pl/adwokat/ewidencja [accessed: 10.09.2019]).

[52] "Inter alia, the School is in charge of judicial and prosecutorial training to provide trainees with the indispensable knowledge and practical skills necessary for their future work as judges, judge's assessors, prosecutors and prosecutor's assessors". After Main Tasks (https://www.kssip.gov.pl/angielski [accessed: 10.09.2019]).

example, judge, prosecutor or notary may apply for enrollment to the registrar of attorneys or advocates.[53] That is why the thesis according to which layers share in Poland relatively amalgamated register finds its justification.

Polish lawyers as a semiotic group

Having that in mind it is worth considering whether Polish lawyers constitutes one "semiotic group". According to Jackson "if the language of a particular profession has sufficient peculiarities to form a barrier to comprehension by those who are not members of the group, then we are in the presence of a semiotic group, i.e. the group defined by a language."[54] Jackson indicates that some sociolinguists do not regard professional language as a phenomenon of the same kind as a class language, ethnic language or regional dialects. It is the case because of different modes of acquisition (man is born into a class, ethnic or regional language, but not into professional one). Nonetheless, Jackson quotes G. Kress who defines "semiotic group" in terms of an "institutional group" with all the values that are attached to that social institution.[55] This approach seems to fit to Polish lawyers, whose professional ethics is based on set of coherent values (such as rule of law, justice, etc.) embodied in corporative institutions. Furthermore, according to Jackson, "An alternative approach might be to adopt the simple criterion of intelligibility: people whose speech behavior is mutually intelligible belong to the same semiotic group; people whose speech behavior is not mutually intelligible do not belong to the same semiotic group."[56] Even though there are some borderline categories of subjects (such as lawyers' clients, clerks, some prisoners, etc.) this sociolinguistic approach allows to differentiate lawyers from other institutionalized

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[53] Compare art. 66.1.3 of *The bar law* on May the 26th, 1982 (with amendments) and art. 25.1.3 of *The law on attorneys at law* on July the 6th 1982 (with amendments).

[54] B.S. Jackson, *Making Sense in Law*, p. 96.

[55] Compare Gunter Kress, *Linguistic Processes in Socio-cultural Practice*, Deakin University, Geelong 1985, pp. 5–13.

[56] B.S. Jackson, *Making Sense in Law*, p. 96.

semiotic groups of professionals, such as medical doctors, artists, computer specialists, etc.

Legal education and its influence on semiotic group of lawyers

In this context one should indicate that proper teaching during the studies provides internal, professional intelligibility among future lawyers. At the same time it is the *sine qua non* condition for establishing and maintaining a set of professional values typical for their "institutional group". Introducing such values as rule of law or justice (having their expression in narratives developed during studies) is essential for creation of the semiotic group of lawyers.

Perspective of legal semiotics, then, allows to confirm that systematized legal education plays foremost role in creating speech communities of lawyers through enriching of professional language and reasoning of the students. Such an education, understood as controlled process of internalization of legal narratives, can not be replaced by any informal ways of familiarization with legal register, taken – for instance – by a child born in a "legal family" (where one or two parents are lawyers). According to Jackson, "even where a child grows up in a «legal family» and hears a great deal of legal talk at home, while the child acquires a good deal of grasp of the «sense» of the words of legal language, it lacks an appreciation of the use of that language in referring to the phenomena of legal practice. The illocutionary force of such talk, moreover, will be different in the office from its use at home. Much the same problems are faced by the law school student on entering practice."[57] In spite of this studying at law faculties and apprenticeship in Polish bars constitutes consequent stages of systemized process of including a man to the semiotic group of l lawyers. This is a process, developing (as Jackson claims) legal "elaborated codes" in the meaning of B. Bernstein.[58] Moreover, legal education provides

[57] B.S. Jackson, *Making Sense in Law*, p. 95.

[58] Basil Bernstein, "Elaborated and Restricted Codes: Their Social Origins and Some Consequences", *American Anthropologist* 1964, vol. 66, no. 6, Part 2: *The Ethnography of Communication*, pp. 55–69.

ability of a conscious switching from vernacular to professional registrar. This seems to be one of the crucial skills achieved by the students in the result of legal education.

Summary

Jackson's approach to legal semiotics provides theoretical foundations for understanding how legal narratives based on textual "legal patterns" establish "deep layer" of everyday written and spoken language. It was claimed that in this process legal education contributes to transfer of "basic structures of signification" typical for legal language to the vernacular. That is why sociolinguistic theory according to which legal narrative and "legal grapholect" founds rational and efficient argumentation seems to be interesting not only for the members of legal community but for all the participants of social discourse. Here more detailed comparisons of theories of B. Jackson and Ch. Perelman could possibly give further cognitive results. Nonetheless, considering some speculative aspects of presented reasoning it would be even more important to develop research on empirical applicability of legal narrative and legal grapholect – both in lawyers' language and in the vernacular. This is also the case for investigating the phenomenon of semiotic group of lawyers and its register. Collecting sociolinguistic knowledge related to the abovementioned issues could be profitable for practicing lawyers, teachers of law, students and finally for all the speaking society.

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