

Rhetoric in Europe
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Rhetoric Strategies in Legal Discourse on the basis of European Union Treaty of Accession 2003

The aim of the presented thesis is to introduce selected rhetoric strategies in legal discourse on the basis of the Treaty of Accession 2003. Since, there is a need in searching for the traces of an ancient art of formulating opinions in the contemporary topic, a European legal document may constitute not only a source of legal discourse, but also a study of rhetoric strategies, conducted by the authority (e.i. European Union) with certain intentions.

The real objectives of this paper is to present the study of discourse, with further exposition of legal discourse as separate and as well specific type, standing in opposition to political, medical, educational, or artistic discourse.

Despite its broad scope, and various analyses, the status of discourse as social phenomenon corresponds with recent trends, according to which its perception is redirected from interdisciplinary or intercultural approach to even transcultural or transdisciplinary domain of research studies. Henceforth, the popularity of discourse in the perspective of intercultural communication process encompasses not only contemporary socio- psycho- linguistic theories, but also ought to be embedded in the ancient art of argumentation, namely rhetoric. The prevailing role of rhetoric is noticeable in all levels of education, political issues, and as well legal matters, in which it serves as strengthening for legislator's position in enforcing certain aims (the addressee's behavior).

The analysis shall concern the function of rhetoric strategies in legal discourse in The Treaty of Accession 2003, on the basis of specific terminology, determining legal language, exposing however the professionally acknowledged vocabulary, used in all legal texts. Furthermore, the analysis shall expose the effect upon the addressees resulting in their way of understanding legal regulations, norms, and directives and subsequently fulfilling the will of the legislator as expected.

The importance of examining the intentionality of rhetoric strategies in the particular legal act, shall provide the conclusions about the current effectiveness of various strategies, used by the authority in the process of international communication, and as well about the problem of proper forms of enforcing citizen's attitudes towards the imposed obligations. The question, which may be raised, is concerned with the way of realization of rhetoric in modern legal acts, and as well with probable obstacles, the addressees may encounter in the process of legal documents comprehension.

Polish version:

Strategie Retoryki w dyskursie prawnym, na podstawie Traktatu Akcesyjnego 2003 Unii Europejskiej

Celem prezentowanego artykułu, jest omówienie wybranych strategii retoryki w dyskursie prawnym na podstawie Traktatu Akcesyjnego z 2003r. Z uwagi na istnienie konieczności poszukiwania śladów starożytnej sztuki formułowania opinii, czy sądów w kontekście współczesnego zagadnienia badawczego, Europejski akt prawny, można stanowić nie tylko

źródło dyskursu prawnego, lecz także studium strategii Retoryki, stosowanych intencjonalnie przez Ustawodawcę (Unię Europejską)

Istotnym założeniem pracy, jest przedstawić badania nad dyskursem, wraz wyodrębnieniem dyskursu prawnego, jako odrębnego i szczególnego typu dyskursu, będącego w opozycji do innych typów dyskursu: edukacyjnego, medycznego, politycznego, czy artystycznego. Pomimo, szerokiego zakresu badawczego oraz rozmaitych analiz, status dyskursu jako zjawiska społecznego koresponduje ze współczesnymi podejściami, zgodnie z którymi, postrzeganie dyskursu może być przekierowane z interdyscyplinarnego, czy interkulturowego rozumienia do transdyscyplinarnego, czy transkulturowego zakresu badawczego. Zatem popularność dyskursu, w procesie komunikacji interkulturowej obejmuje współczesne socjo- psycho- lingwistyczne teorie, lecz powinno być zanurzone w Retoryce.

Dominująca rola retoryki jest zauważalna na wszystkich poziomach edukacji, w zagadnieniach polityki, oraz prawa, w których służy wzmocnieniu roli ustawodawcy w egzekwowaniu określonych celów (zachowań odbiorców)

Analiza zorientowana jest na funkcje strategii retorycznych, retorycznych w dyskursie prawnym, w Traktacie Akcesyjnym z 2003r, na podstawie specyficznej terminologii determinującej język prawa, obecnej w tekstach aktów prawnych.

Analiza winna także wskazać bezpośrednio adresatów (tekstów prawnych), których sposób pojmowania i rozumienia regulacji prawnych, norm, dyrektyw, obowiązków będzie również skutkiem realizacji woli Ustawodawcy.

Istotne dla analiza jest zbadanie intencyjności strategii retorycznych, oraz wskazanie wniosków w kwestii efektywności omawianych strategii komunikacji międzynarodowej oraz właściwych form egzekwowania postaw adresatów stosowanych strategii. Należy zatem postawić pytanie o realizację Retoryki we współczesnych aktach prawa, oraz prawdopodobnych przeszkód w procesie pojmowania i rozumienia dokumentów prawa.

Abstract:

Key words: legal discourse, the language of law, modal attitude, European Union Treaty

1. Introduction

Although the notion of discourse is still under consideration with the scope of interests within variety of disciplines, until recently the explanatory process of discourse has not fulfilled the possible aspects of its perception. Moreover discourse may be understood both as a process and as a product containing written text, or a text with its all implications.

In this paper the author recognizes the need of discourse studies presentation as a fundamental approach toward subsequent concept of legal discourse within the context of The Treaty of Accession, signed in 2003, coming into force in 2004.

2. On the concept of discourse within linguistic approaches.

The concept of discourse, (which, as Piotr Paweł Chruszczewski mentions, 2011:204, ought to be introduced from Michel Foucault) especially within the perspective of linguistic studies, has been widely discussed and argued. The disputable aspect of the scope of discourse stems from the acknowledgement of discourse in relation to text and argumentation concerning additional limitations. The contemporary discourse approaches mention the speech event (Anna Duszak 1998), the stretch of language (David Crystal, 1992), the information flow (Wallace Chafe, 1994), or language in use (Brown, Yule 1983). Stanisław Grabias (2003/1997/1994: 231) relates the notion of discourse to social interaction taking place with the use of language, subsequently defined as the sequence of linguistic behaviors, the figure of which is dependent on who states what to whom, in what situation, and for what purpose. Nevertheless, the meticulous discourse analysis is concerned with text arrangement (Wallace Chafe, 1994), which, although being referred to as a term, used interchangeably with discourse (Piotr Paweł Chruszczewski, 2002), might as well stem from its processual character, but also “constitutes social practice and at the same time is constituted by it (Ruth Wodak, de Ceilia & Reisgl 1999:157). Hence discourse ought not to be limited only to written text samples.

On the contrary, the analysis of spoken texts is inevitable in order to provide the accurate discourse definition. However, at this point the sources of spoken texts are necessary to be mentioned. While text linguistics in its traditional approach recognizes the notion of text within the framework of written text, conversational analysis deals with such terms as: utterance, speech, or discourse. The analysis of contextual conditions in verbal communication is to be traced in John Gumperz *Discourse Strategies* (1982), in which the author analyzes the notion of *contextualization cues*, as obligatory elements of act of communication, with further reference to contextual knowledge of language users (or communication participants), which in turn enables proper situating and understanding of the intentions of the speaker in the process of discursive communication.

The origin of the spoken analysis in its basic form is embedded in the ancient art of speaking, namely rhetoric. Although the classical rhetoric was based on the persuasive aspects of discourse, the emphasis was put on both effective dimensions of speech within the political and juridical context. Duszak (1998: 22) underlines the historical perspective of rhetoric evaluation, stating that the aspects of logical argumentation enabled the subsequent discourse formation in the context of the communication purposes.

Thus discourse shall be perceived as the concept of written communicational event, with its former development of spoken units. The concept of written text as the source of discourse studies shall not be limited in terms of:

- (1) the text length, (since it may vary from several sentences to longer pieces of text);
- (2) syntactic completeness of the utterance (the understanding of text may require implementing formal links among text elements)
- (3) the form of transmission (the communication is possible in various forms: both the graphic and audio ones)

Still Norman Fairclough (1992) postulates the manner of studying discourses not directly, but rather through texts constituting them.

Whether written or spoken, all discourses serve its communicational purposes, and as such might be considered with respect to the effectiveness of a single situation. Hence the interactional model of discursive communication shall be underlined. With respect to the concept of discourse as a process, there is a need to include both the processes within the communicative phenomena, and the stages of forming the structure of discourse. Yet, the meanings and interpretations may vary, depending on the user, and context of a particular situation.¹ The model of communicative discourse ought to be oriented on further pragmatic aspects such as intentions, purposes, encoding the text functions (irony, persuasion, volition), and developing into speech acts (conversational maxims, politeness). Deborah Schiffrin² (1994) argues however, that the concept of interactional model of communication is represented by the interactional socio-linguistics as an alternative for traditional code model and inferential model of communication. Furthermore the interactional model of communication, might take into consideration:

- (1) communication as a result of purposeful transmission of information
- (2) communication as a result of the act – against the will of participating agent

Such division would mean the possibility of communication occurrence(s), in the context of interactional situation, in which the main role is constituted by the external observation.

¹ Anna Duszak (1998:118) views the interactional model of communication within the perspective categorical aspects, referring the models of communicational events to the probability of its occurrences, depending on its participants and situational, encoded context.

² Schiffrin (1994) regards the notion of interactional model as the impossibility of communicative occurrences, pointing out the existence of communication as such even without the intention of the communicating message.

Such statement implies the effective communication even if one's behavior enables the interpretational processes of another participant.

Schiffrin (1994:403) postulates the term discourse strategy instead of communicative intention, stating no direct examination of intentions and strategies, the effect of the latter should be the criterion for further evaluation of the receiver's behavior. Yet, Schiffrin believes that the balance between the receiver's reactions (that might be observed) and the strategy, or intention (impossible to observe) is constituted by the general conclusions on the behavioral paradigms. Hence the discourse strategies (as well as the intentions) are concluded on the basis of human behaviors possible to observe. Since Schiffrin's conclusions are up to a point, the threats of associating too general conclusions through the perspective of schematic behaviors may prevail, leading to unjustified stereotypes. The functional aspect of discourse is thus reflected in the process of transferring the decoded information onto the ground of thought processes, enabling further conclusions of the character of discursive communication. As a phenomenon, discourse may be examined on the surface of verbal structure, and as well in relation to action and social interaction (Teun Van Dijk 1997), or as a distinction between discourse as a process or as a product in the context of communication (Maria Teresa Lizisowa 2006). Nonetheless, van Dijk (1997) is in favor of functional discourse perception via three dimensions:

- the use of language
- transferring ideas
- social interaction

all of which influence the scopes of research domains, aiming at ultimate integration of these factors.

As Chafe (1994) points out, the method of discourse analysis requires introducing the exponents such as: theme organization, topicality, with respect to the focus of attention.

Furthermore, Chafe states, there are certain aspects of discursive organization of texts within the process of its formation, yet including:

- (1) rhetorical management (the participants of communication need the awareness of purposes and intentions of interaction, which clarify the contents of information transfer and the interpretation of the received message)
- (2) referential management (the participants are required to present their modal attitudes towards: common subjects of reference and judgments)
- (3) thematic management (the central elements of discourse are respected by its participants)

- (4) focus management (the participants of communication are required to have the control over the referred objects of attention, and their activities ought to be focused on common matters)

The meticulous text analysis may be dependent on the type of text, the discursive patterns guiding the analysis, and the type of discourse in relation to certain contextual aspects.

3. The typology of discourse

In order to discuss types of discourses, it is essential to point out the criteria for typology in comparison to the classification criteria, the former more accurate in terms of inter-discourse relations. Both typology and classification are the notions that evolved from the ancient divisions, based on the ways of thinking in connection with systematizing names.³

Systematization thus preceded classification and typology as well. There is an obvious distinction between classification and typology.

Classification is perceived as a method of organizing terminology, and may be defined as the result of set division into sub-classes.⁴ Typology on the other hand, is recognized a more flexible term, not demanding the traits of identicalness or homogeneity from the units included into a particular set. Crucially, it is the group of features (the degree of its intensity in particular) that would confirm the model of typology, which in turn would adjust the scopes of notions. It implies the broad range of typological research, which stands in opposition to classification, permitting the adjunction to a given group only those terms, which meet the classification criteria.

According to the classical typology, discourses were primarily divided into formal and functional, however most if not all types of discourses are functional, serving however opposite functions. The essential, within the discourse typology, ought to be the examination of relations between the form and content of separate discourses, with respect to the language, used in its formations. The discourse typology is related to the function of language in use, (Brown, Yule, 1993/1983) on the basis of both social and linguistic criteria and linguistic functions in discourse. Separate types of discourse are dependent on the domains represented, yet the basic criterion of typology is related not only to the functionality but also to the degree of formalism, provided in each discourse type.

The discourse typology would include many types, all of which might be referred to as social discourses, since participants are one of the most important factors for the possibility of

³ It was Aristotle, who proposed using the most basic terms instead of the complex ones in order to clarify the message hidden behind the terms, and behind the points of reference. Thus systematizing of the terms, was the basic and yet primary way of organizing the terms, and subsequently literary genres.

⁴ The notion of classification was further discussed by Gajda, 1993:252 in relation to functional aspects of text.

discourse existence. The most commonly discussed discourse types include: educational discourse, religious discourse, medical discourse, political discourse, and legal discourse. Each of the enlisted types deserves to be recognized as separate, being governed by its own criteria, of which the most crucial is the function and the language of each.

Whereas educational, or religious or medical discourse might be identified through its participants, both political and legal discourses are based on the principle of discursive strategies, in which the importance of the speaker, producing the message requires special attention.

Educational discourse

The descriptive features of educational discourse are related to inter and intra studies cognition, enabling the information flow towards its addresses, with their possible response. Hence van Dijk associates educational discourse with the manifestation of social interaction process of general education of the world.

Religious discourse

Taking into consideration the point of reference in discourse, it is essential to underline the notion of text as a main factor of the analysis. Religious texts differ in terms of stylistic and linguistic genres, nonetheless, Lizisowa (2006) perceives the common point is the subject of the utterance or statement, and yet characteristic lexis.⁵ The manifestation of religious discourse is possible through the language of religion, including theoretical considerations over the register, and yet the unification of religious discourse. Chruszczewski (2002) views religious discourse through the contextual embedding of texts, and with respect to determinants of time, situational uniqueness. “In religious discourse it would be liturgy books for priests allowing them particular verbal and non-verbal behaviour due to particular situation. Prototypical behaviors would differ from religion to religion, and from denomination to denomination as well as from culture to culture (Chruszczewski, 2002:103). And yet religious discourse is to be understood in terms of “religious discourse as a way of upholding forms of written communication” (Chruszczewski 2006:18).

Medical discourse

The definition of medical discourse may be followed by Michael Karlberg’s proposal: For instance, in the case of Western medical discourse, holistic concepts such as “health maintenance” and “prevention” have until recently been eclipsed by reductionist concepts such as disease management and intervention. (...) modern medical discourse has been defined as much by what is absent within it as by what is present (Karlberg, 2004:13) In the context of medical discourse, the role of discursive partner ought to be mentioned. The doctor-patient relation shall not be viewed as unilateral. On the contrary, the usually passive patient (in the role of receiver of the message), may in turn take an active role, while making

⁵ As an extra-linguistic criterion of religious discourse, M.T. Lizisowa (2006) proposes the feeling of separate religious and secular identity (named as *sacrum vs profanum*)

an attempt to question the doctor for the purpose of gaining relevant feedback. However, medical discourse ought to consider as well wide scope of scientific articles, consultations, or academic lectures.

Political discourse

Both political and legal discourses ought to be treated as separate discourse types.

The principles of political discourse are associated with the preliminary rhetoric as an example of speech event⁶ With regard to political discourse, Chruszczewski makes the comparison to social heteronomy of language, which evolves into the autonomy, and additionally is supported by the proneness to socio-cultural changes.

Legal discourse

As well as political, the legal discourse is a separate subject of considerations. Although the functional aspect of legal discourse is oriented onto the form of communicating intentions, the social aspect of legal discourse situates the type both as a heteronomy of language and as specific discourse type. The definition of legal discourse needs to consider all utterances or statements, the purposes of which are contextually embedded in the framework of the domain of law. Hence the discourse constituted by the spoken occurrences is to be distinguished from the legal texts, concerning agreements, acts or any law books: “In legal discourse examples of constitutive elements would be law books and manuals, which describe prototypical situations and tell lawyers how they can behave in a number of legal discourse situations”

(Chruszczewski, 2002:103)

All aspects of legal discourse, including the prototypical behaviors, might be evaluated via constituted norms of behavior with the intention direct people onto the path of proper and accurate (in accordance with the anticipated by the legislator) rules. The constitutive feature of legal discourse is focused on the legislator’s monologue, with the lack of any will to negotiate with the receiver (usually a citizen).

The purpose of legal discourse shall bring such reaction of its receiver, that it modifies the way of legal articles perception and directs the attention to accurate and in accordance with law behavior of its addressees.

4. The language of law

The considerations over the language of law ought to be preceded by underlining the idea of language as such, which according to Grabias (2003/1997/1994) is dependent on the lowest surface structure of language division, “w tzw. społecznych odmianach języka (nazywanych później rozmaicie: odmianami specjalnymi, dialektami socjalnymi, gwarami środowiskowymi,

⁶ The notion of speech event as well as the communicative occurrence, are presented and widely discussed by A. Duszak (1998), who perceives the general discourse definition through occurrences within the process of communication

żargonami itp.) powstających w grupach osób połączonych określonym rodzajem więzi społecznej” [in social types of languages (being subsequently referred to as: specific types, social dialects, jargons), which are created in communities being integrated by certain social ties] (Grabias 2003/1994:27).

The issue of legal language, or more accurately the language of law is a separate theme of consideration. Malinowski (2006) notices the need of underlining the distinction between the language of legal texts and documents, and the language used by lawyers to talk about law, and legal issues. Furthermore, the proposal of Malinowski reflects the variety of terms for legal language, some of which are:

- register
- language code
- legislator's idiolect
- professionally acknowledged style of the society

However, Malinowski (2006) is in favor of perceiving these terms not as opposite ones, but rather as synonymous expressions. Since legal language might be associated with certain branches of law, still it might serve different functions in the process of communication.

Urszula Żydek-Bednarczuk (2005:198), taking into consideration both external factors of language and its interaction proposes the functions of text:

- persuasive (aims at changing the propositional attitude towards the external world)
- cognitive (the psychic realization of an aim, by the speaker, the reference is with the speaker's awareness of the utterance)
- informational (sending information, realization is in the source texts)
- phatic (of the contact gr. *phatos* – said), manifested by the contact with the partner in the process of communication)
- esthetic (in the world of literature)
- Strategic (influences the behaviors and actions of the receiver)

Nevertheless these functions might as well be ascribed to legal texts (or more precisely to language that one ought to encounter while investigating all documents or acts dealing with law). Another aspect of legal language is the perception of language styles, which according to Antoni Furdal (2000/1994: 141-168) are:

- scientific (lexis is reserved only for professionally acknowledged scholars or group)
- colloquial (the language of everyday use, not paying attention to clarity, accuracy)
- artistic (in literature, poetry)

Yet the most meaningful and by the same token of enormous importance is legal style of language, which in turn prevails in all legal articles, books of law, codes, concerned with

broad law discipline, both from the theoretical – academic articles, and practical – legal practice perspective). Meticulous analysis of legal language ought to include not only functions and style of the language of law, but also the features of legal language, which play an important role in the process of establishing its position and as well effective communication. The most truthful criterion for examining successful communication might be evaluated from the perspective of the aim achieved, which in the case of legal language need to be constituted by certain changes in perceiving obligations or permissions directed to its addressees. Depending on the variety of criteria, used to distinguish the features of legal language, the possible set of features might differ, yet investigating legal acts (texts of the treaties), it might be agreed that the presented features are common for most if not all legal texts.

Legal Language Features (author's proposal):

- formal (referring to both style and structure of language)
- functional (serving its relevance)
- intentional (the purpose is to convince the reader to act/ behave in a way expected by the legislator)
- persuasive (aiming at the change of modal attitude)
- categorical and absolute (without the possibility of negotiations)

The necessity of indicating the characteristic features of legal language ought to be taken into considerations while investigating legal texts from the perspective of the addressee of the message hidden in each legal text. The process of legal communication in the context of legal discourse fulfils the function of intentionality especially while the legislator expects the change of attitude of the potential receiver towards obeying legal norms provided through legal articles.

5. Rhetoric Strategies of enforcing modal attitudes

The Treaty of Accession, signed in 2003, came into force on May 1, 2004. As most legal acts, the Treaty might be evaluated from both legal and linguistic perspective, the former focusing on legal issues, while the latter investigating linguistic (lexical in particular) aspects of text structure. Since the two perspectives might complement each other, the matter of modal attitudes is to be thoroughly examined. The role of legislator is associated with presenting and subsequently stating issues to its receivers in order to direct their attention to proper understanding of legal matters. Yet legislator might be of the opinion that most legal norms addressees do not follow the path of the appropriate perception of law. Hence, the responsibility to explain not only the role of law, but also the rules given in legal articles, is laid on legislator, who might be convinced that the only possible method to enforce certain attitudes from the society is to standardize legal articles.

The Treaty of Accession 2003, as the example of legal text illustrates few strategies of enforcing the change of modal attitudes of its addressees.

The disputable aspect of the varieties of strategies or methods used in order to elicit requested behavior constitutes one of the most problematic issues. However, it is noticeable, that the occurrence of certain strategies might be observed while analyzing the Treaty of Accession 2003. Since the structure of most legal acts is similar, that is, it is constituted by the obligatory parts; also certain strategies used by legislator are noticeable.

Explaining or Defining

The purpose is to explain or to define terms used in the article, so that the addressee understands them properly, as legislator expects them to be understood. In this case persuasion is understood as the explanation, or the definition of basic legal terms:

Article 1

For the purposes of this Act:

— the expression ‘original Treaties’ means:

(a) the Treaty establishing the European Community (‘EC Treaty’) and the Treaty establishing the European Atomic Energy Community (‘Euratom Treaty’), as supplemented or amended by treaties or other acts which entered into force before this accession,

(b) the Treaty on European Union (‘EU Treaty’), as supplemented or amended by treaties or other acts which entered into force before this accession;

— the expression ‘present Member States’ means the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland;

— the expression ‘the Union’ means the European Union as established by the EU Treaty;

— the expression ‘the Community’ means one or both of the Communities referred to in the first indent, as the case may be (...), (ACCT, p. 33)

Pointing at the addressee

The importance of presenting the receiver has been highlighted; however it is crucial to notice that it concerns not only a European Union Citizen, but also the country, which in this case becomes a New Member of the European Society.

Article 3

1. The provisions of the Schengen acquis as integrated into the framework of the European Union by the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European

Community (hereinafter referred to as the ‘Schengen Protocol’), and the acts building upon it or otherwise related to it, listed in Annex I to this Act, as well as any further such acts which may be adopted before the date of accession, shall be binding on and applicable in the new Member States from the date of accession. (ACCT, p. 33)

The exemplified article is not the only one in the Treaty, yet similar strategy may be found in articles: 5, 6, 33, 34 of The Treaty of Accession 2003.

Laying an obligation

Although the whole text of the Treaty of Accession 2003 might be considered as fulfilling mainly the strategy of laying an obligation, its aim is to influence the receiver’s way of perceiving the world, in which the obligation ought to be respected.

Article 6

2. The new Member States undertake to accede, under the conditions laid down in this Act, to the agreements or conventions concluded or provisionally applied by the present Member States and the Community, acting jointly, and to the agreements concluded by those States which are related to those agreements or conventions. (ACCT, p. 34)

Dismissing negotiations

It is the legislator’s assumption, that there is no need to negotiate rules or regulations, since those proposed by the external authority ought to be accepted and respected by the society. Such solution facilitates the process of forming legal articles, and as well legal acts. Dismissing negotiations with potential addressees of legal norms, may stem from the legislator’s opinion about their lack of competence in drafting legal acts, thus may aim introducing only the necessary notices.

Article 6

10. With effect from the date of accession, the new Member States shall withdraw from any free trade agreements with third countries, including the Central European Free Trade Agreement.

To the extent that agreements between one or more of the new Member States on the one hand, and one or more third countries on the other, are not compatible with the obligations arising from this Act, the new Member State shall take all appropriate steps to eliminate the incompatibilities established.

If a new Member State encounters difficulties in adjusting an agreement concluded with one or more third countries before accession, it shall, according to the terms of the agreement, withdraw from that agreement. (ACCT, p. 35)

Referring to the effect

The crucial strategy of enforcing modal attitudes is the reference to the result. Bearing in mind the difficulties in understanding or respecting (whether conscious or not), legislator directs the addressees attention to effect, which may occur in case of intentional disobedience of legal norms and articles. The purpose however is only to prevent the society from the possible effects, the option proposed by legislator is to respects the proposed solutions.

Article 32

4. Should any of the States referred to in Article 1(1) of the Treaty of Accession not accede to the Community during 2004, any application made by or from the State concerned for funding by expenditure under the first three Headings of the Financial Perspective for 2004 shall be null and void. In that case the relevant Association Council Decision, Agreement or Memorandum of Understanding shall continue to apply in respect of that State throughout the entire year 2004. (ACCT, p. 42)

5. Final Remarks

Taking into consideration the discussed strategies used by legislator in order to enforce the change of addressee's modal attitudes, it might be concluded that both the style and the language of The Treaty of Accession 2003 is formal and categorical. Such phenomenon comes as no surprise taking into account the structure of legal text, and the purposefulness of stated norms. It is worth mentioning however, that formality is not on a par with the direct stating of obligations. On the contrary, proper understanding of legal rules, as expected by the authority is only possible, if the potential receiver comprehends the system of law. It is the legislator concern to create norms, which may evoke the change of addressee's attitude, which in turn might be illustrated by the obedience of obligations and restrictions introduced in all legal texts.

References:

- Brown, Gillian, George, Yule 1993 /1983: *The study of language*, Cambridge, Cambridge University Press.
- Chafe, Wallace, 1994: *Discourse, Consciousness and Time: The flow and displacement of conscious experience in speaking and writing*, Chicago, University of Chicago Press.
- Chruszczewski, Piotr, Paweł. 2002: *The communicational grammar of political discourse*, Berlin, Logos Verlag.
- Chruszczewski, Piotr, Paweł. 2006: *Cultural Patterns and Discursive Practices of Scandinavian Speech Communities in The Viking Age. On the Basis of Runic Inscriptions of North-Central Jutlands*, Kraków, Tertium.
- Chruszczewski, Piotr, Paweł. 2011: *Językoznawstwo antropologiczne. Zadania i metody*, [Anthropological Linguistics. Tasks and methods]. Wrocław, Oddział Polskiej Akademii Nauk we Wrocławiu.
- Clayton, Edward W. "The Audience for Aristotle's Rhetoric." *Rhetorica* 22 (2004): 183-203.
- Crystal, David, 1992: *Introducing Linguistics*, London, Penguin Books.
- Dijk, van Teun, 1997: Discourse as interaction in society In van Dijk (red.) *Discourse as Social Interaction*, London, SAGE, 1-37
- Duszak, Anna, 1998: *Tekst, dyskurs, komunikacja międzykulturowa* [Text, Discourse, Intercultural Communication]. Warszawa, PWN.
- Faiglough, Norman, 1992: *Discourse and social change*, Oxford and Cambridge, Polity Press.

- Furdal, Antoni, 2000 /1990/1977: *Językoznawstwo Otwarte* [Open linguistics]. Wydanie trzecie poprawione, Opole, Wrocław, Warszawa, Kraków, Wydawnictwo Zakład Narodowy im. Ossolińskich.
- Gajda, Stanisław. 1993: Gatunkowe wzorce wypowiedzi [Genre patterns of utterances] In: Jerzy Bartmiński (red.) *Encyklopedia Kultury Polskiej XX wieku*, [Encyclopedia of Polish Culture of XX century] T. 2., Wrocław, Wiedza o Kulturze, 245 - 258
- Grabias, Stanisław, 2003/1997/1994: *Język w zachowaniach społecznych* [Language in social behaviors] Lublin, Wydawnictwo UMCS.
- Gumperz, John, 1982: *Discourse Strategies*, Cambridge, Cambridge University Press.
- Haskins, Ekaterina V. *Logos and Power in Isocrates and Aristotle*. Columbia, SC: U of South Carolina P, 2004.
- Huglen, Mark. *Argument Strategies from Aristotle's Rhetoric*. Belmont, CA: Wadsworth, 2004.
- Karlberg, Michael, 2004: *Discourse and Culture* In: Communication 420, Karlberg (red.) Bellingham, WA: Western Washington University, 1-21.
- Lizisowa, Maria, Teresa, 2006: *Tekst-Kontekst-Interpretacja. W poszukiwaniu semiotyczno-dyskursywnych wzorców konkretyzacji języka* [Text-Context-Interpretation. In quest of semiotic and discursive patterns of concretization of language]. Kraków, Columbinum.
- Malinowski, Andrzej, 2006: *Polski język prawny. Wybrane zagadnienia* [Polish legal language. Selected Issues]. Warszawa, LexisNexis.
- Schiffrin, Deborah, 2008: Discourse Markers: Language, Meaning and Context In: *The Handbook of Discourse Analysis*, 54-75.
- Wodak, Ruth, Rudolf de Cillia, Martin Reisgl, 1999: *The Discursive Construction of Identity*. In: http://www.sagepub.com/upm-data/40470_13b.pdf London, ED 23.11.2011
- Żydek-Bednarczuk, Urszula, 2005: *Wprowadzenie do lingwistycznej analizy tekstu*, Kraków, Universitas.

Internet Website:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:236:0957:0988:EN>:

PDF - Final Act to The Treaty of Accession to the EU, Official Journal of the European Union, ED. 29.03.2003.