

Legal Discourse Analysis: Resolving Syntactic Ambiguities in the Legal Practitioners and Bar Councils Act 1973

Aisha Rehman

Qurtuba University of Science and Information Technology,
Peshawar, Pakistan

Keywords

- Legal discourse,
- Syntactic Ambiguity,
- Tree Diagram,
- Discourse Analysis,
- Law, Prepositions

Abstract

Legal language is complicated for a common man to comprehend. This study aims to resolve syntactic ambiguities in the legal act named Legal Practitioners and Bar Councils Act 1973. The present study is qualitative, and the Discourse Analysis Methodology was applied to this research by using the Tree Diagram Structure. Syntactic categories are also known as parts of speech. They are the group of words for instance, nouns, noun phrases, verbs, verb phrases, adjectives, adverbs, pronouns, prepositions, prepositional phrases, conjunctions, and determiners which identify the rules and restrictions to make a sentence. The result showed that 10 sentences and 2 phrases were ambiguous due to the disarrangement of prepositional phrases in the Act and it caused more than one interpretation. After using the tree diagram and arranging the words it became easy to understand the legal sentences in the Act. To conclude, legal sentences and phrases are full of prepositions. Prepositional phrases are a fundamental part of the legal discourse and legal language has its specialized language which needs to be taught with the help of linguistics. When law and linguistics are combined it will make way for an interdisciplinary approach and it will create scope and further areas to be explored in the field of law.

1. Introduction

You may consume food from any tree in the garden, but you must refrain from eating from the tree of the knowledge of good and evil because doing so will result in your death. (Genesis 2:15-17).

As mankind was created, the Laws started. It is not possible to live in a society without Law. According to Woods (2006), a civilized society is ordered and regulated with the help of Law. For instance, when we travel on any public transport, the moment we enter it we come under the law because we must pay the fare for travelling. Similarly, if a vehicle meets any sort of accident, the Law becomes responsible for compensating the victim and giving punishment to the culprit. Our all life and death matters like relationships, property, jobs, inheritance and even crime are directed and controlled with the help of Law Wacks (2008). Law is considered a high authority and above all of us. We have to respect the Law as we respect our elders. It is usually personified and given the characteristics of a god. If we commit or break any Law, we must face the severe consequences of it. All societies have a legal system through which they protect the rights of their people whether they are social, political, economic or religious and punish those who violate them in order to maintain harmony, freedom and justice in the society.

This research is significant not only in the field of linguistics but also in the field of law because due to linguistic ambiguities in the legal discourse, lawyers and judges misinterpret legal statutes, acts, cases, wills, and other legal documents. They consult dictionaries and thesauruses to get the meaning of the word which often leads to misunderstanding. This approach is highly criticized in linguistics because the meaning of the words should be analyzed based on observation and experimentation. Furthermore, this current research analyzes the legal discourse, and it will make a way for the linguists to explore legal language which is not often explored by the linguists due to its complexity and pompousness.

The current research explores and resolves the following research question:

- How should syntactic ambiguities in the Legal Practitioners and Bar Councils Act 1973 be resolved?

2. Literature Review

Khan (2018) presents in his study that law is defined in different ways by different schools of Law based on nature, sources, effects, and purpose of the law on society. Following are the definitions of law by various jurists: -

Blackstone defined law as all sorts of action, whether animate or inanimate, rational or illogical, must adhere to a law of action. Secondly, according to Justinian, the law is the “king of all mortal and immortal affairs and should be the ruler and leader of all aspects of life, guiding individualism in what they should and should not do”. In addition, Cicerosaw defined law as “the highest reason implanted in nature”. Moreover, Ulpian defined law as “the art or science of what is equitable and good”.

Considering these definitions, jurisprudence, which translates to "study of law," is the term used to describe the structured body of knowledge that has to do with administering justice in line with principles or rules of general character and consistent application. Justice is yet another definition of law.

Law is merely an instrument that regulates and gives justice. Besides justice doesn't need to require Law or rules. Earlier conflicts and disputes were resolved by the order of the priest, king, or any high authority but it was based upon their own opinion and will. This strategy is unacceptable because administering justice by law necessitates the existence of set norms or regulations that guarantee impartial justice for all. If there is no law, the disputes or conflicts will be resolved through personal will which ultimately leads to the destruction of society.

According to the findings of Esudu's (2017) research, the law, as an instrument, possesses rules, policies, and a set of norms that are governed in society to safeguard human beings from being exterminated. Because of their status as a "social animal," humans are notoriously susceptible to being influenced by the lure of material wealth, which can have negative repercussions for society as a whole. To always keep order and peace in the community, it can be difficult to differentiate between the law and society.

According to El Shetewi's (2017) research, Law plays various important functions in society. Law controls the social behavior of people who violate socially acceptable norms. According to Roscoe Pound, that law is considered one of the major forms of social control in a civilized society. Furthermore, according to Lawrence, M. Freedom, there are two ways by which we can socially control those people who disobey the law. Firstly, law consists of socially accepted rules and punishes those who violate them. Secondly, the legal system of any country administers social control. For example, Steven (2003:19) states that burglars are detained by the police, prosecuted, found guilty, sentenced, monitored by prison guards, and released by parole boards. Next, the Law plays a major role in resolving disputes in society either in the court or outside the court by using different sources. Moreover, the law being an instrument, its function is to social change in an ordered way. Law is flexible to any social condition. If a law is unchangeable, it may create violence and rebelliousness among people in society (Biset; 2006).

The origin of the word discourse traces back to the fourteenth century. According to McArthur (1996), discourse is the Latin word "discursus" which means conversation. (Longman Dictionary of Contemporary English, 2001, pg. 388) defines a significant speech or writing on a particular topic is referred to as "discourse." (As cited in Drid, 2010). Discourse is the study of a language that is currently in use. If something is uttered without a purpose, it cannot be a dialogue (Gee, 2010). Fairclough (2003) and Johnstone (2018) describe discourse and its connections to the political, economic, social, and religious spheres of people's interactions with the outside world. (Aurangzaib, Rana, Zeeshan, & Naqvi, 2021).

Hassen (2015) states that when we study a particular discourse it tells us about their values, culture, beliefs, and their use of a specific discourse in their daily lives. Kirby's (2007) research says that the study of law means the study of discourse which is an area of linguistics in particular. Through legal language, law plays a significant role in communication with the people (Berukstiene).

The language of law, whether written or oral, is known as legal discourse. Olsson and Lauchjenbroers (2017) argue that the study of legal discourse examines the language of laws, such as in the nation's constitution, legislative acts, contracts, and treaties, as well as courtroom speech and discourse exchanges between attorneys and non-lawyers. Similarly, according to Cheng & Danesi (2019), legal discourse is a blanket that includes all the legal discourses i.e., written and oral discourses related to Law.

According to Schane's (2002) research, law is a profession that is concerned with words, for example, contracts, statutes, acts, and constitutions are made up of words. These words are sometimes unclear, doubtful and equivocal for a layman which often creates more than one interpretation which leads to "ambiguity".

In the other study conducted by Wydick (2005); Lawyers typically do not write in English. It could have been stated in two syllables, but eight is used instead. To be precise, humans use obscure words to convey commonplace concepts, which leads to repetition, caution, and verbosity. Our use of clause-within-clause phrases distorts the vision and confuses the thoughts of our readers. The consequence is a literary style with four distinguishing characteristics: Wordy; imprecise; arrogant; pompous; and monotonous.

Vystřicilova (as cited in Wiredu, 2016), the law should be clear, unambiguous, precise, and all-inclusive. Legal language is considered a specialized language, having its register with specific meanings because it has its modes of discourse.

Regarding (Olsson & Luchjenbroers, 2017) to resolve ambiguity, judges and lawyers use dictionaries when they are not sure of the meaning of the words in the statutes. This strategy is highly restricted by the linguists because it is limited and imprecise. Nonetheless, as words have a fundamental meaning and a variety of ambiguous interpretations, their meaning should be determined by experimentation and observation of how they are employed to form sentences (as cited in Goddard 1996:254).

Most individuals understand words' fundamental meanings, but when a term veers outside of its semantic range, problems might occur.

Leech (1981) explains that when there are multiple possible interpretations for a statement, it is said to be ambiguous. (As cited in Ramadani, 2015).

In linguistics, the two basic types of ambiguities are Lexical Ambiguity and Syntactic Ambiguity.

According to Hurford and Heaseley (128), Word ambiguity leads to lexical ambiguity. When a term has many meanings or purposes, ambiguity results because different contexts might yield different interpretations of the same phrase.

Examples

"Each of the ...functions as may be prescribed". (<http://pakistanbarcouncil.org/>)

Function has multiple meanings but Function(s) here act as a lexical ambiguity because it is polysemy.

Function(s) here act as a lexical ambiguity because it is polysemy.

"A member of a Provincial Bar ...Provincial Bar Council [and Islamabad Bar Council". (<http://pakistanbarcouncil.org/>)

Cease is homophone because it sounds like seize that's why it creates lexical.

Syntactic ambiguity is also called grammatical and structural ambiguity. When a statement or phrase has two or more meanings depending on the placement of the words inside the sentence, it is said to be structurally ambiguous.

Examples

"A Vice-Chairman ...addressed to the Chairman". (<http://pakistanbarcouncil.org/>) This sentence creates syntactic ambiguity because it has two interpretations: -

His office by writing under writing his hand (Vice-chairman or the Chairman)

"Any advocate who ...with fine, or with both". (<http://pakistanbarcouncil.org/>)

In this study, linguistics ambiguities in the Legal Practitioners Bar Councils Act 1973 are investigated particularly syntactic ambiguities. The Act has several language ambiguities, each of which makes it more difficult for the typical individual to understand the text.

To become law, a bill must pass through the following procedures in both the houses

First reading: The arrival of the Bill

Second reading: The primary debate on the bill's intent and key provisions

Committee stage: detailed line-by-line analysis of the text with changes (proposed changes). To decide whether to put the modifications into effect or not, there can be a vote. At this point, textual analysis is carried out. To decide whether to apply the changes, other amendments are discussed, and further votes are taken.

Third reading: The member who sponsored the bill may make a motion to pass it (or the bill as amended) after it has been examined clause by clause. At this point, the discussion is solely focused on arguments for or against the Bill, without any mention of its specifics.

Presidential Assent: When both Houses agree on the final content, the Parliament assents to a bill and it becomes a law or "Act of Parliament (Stages, n.d.).

The legislative authority is the Pakistan Bar Council. Its purpose is to safeguard the privileges, interests, and rights of attorneys. It qualifies an advocate to represent clients in High Court or Supreme Court cases. It defends the attorneys or advocates from any wrongdoing or criminal that may be perpetrated against them or by them. The advocates are professionally guided by it. It supports judicial reforms. Provincial Bar Councils are under its administration and supervision. With the assistance of Pakistani universities and provincial bar councils, as well as through seminars, moot court lectures, and conferences, it promotes legal education. It recognizes the Universities that provide legal education and makes them eligible to practice as an advocate in the future. It provides free legal aid. In addition, it recognizes or derecognizes the Supreme Court Bar Association or any Bar Council Association at the national level.

The Pakistan Bar Council has the privilege to accept or reject the enrollment of advocates of the High Court and Subordinate courts along with disciplinary matters of them and the Supreme Court Bar Association or any other Bar Association on a national level.

The Act was approved by Pakistan's National Assembly on February 22, 1973, while Zulfikar Ali Bhutto was the country's president. There are nine chapters in the Act.

3. Research Methodology

The current research is qualitative because it is subjective and descriptive. There are different methods to conduct qualitative research, for instance, Content analysis, Narrative analysis, and Discourse Analysis and Grounded theory. The researcher opted for discourse analysis as a methodology.

Discourse Analysis is a qualitative research approach that analyzes the language beyond the sentence level to understand how it plays a role in a social context. Researchers use this methodology to find out the hidden meaning of what and how people say whether in documents, face-to-face interaction, non-verbal communication, or through Signs and symbols (Delvetool,n.d). It studies both semantic and pragmatic aspects of the language.

As a primary source of information for this study, the researcher will make use of a statute from 1973 titled the Legal Practitioners and Bar Councils Act. This statute may be obtained by visiting the website <http://pakistanbarcouncil.org/act/>. The researcher will download the statute. (Please take note that the article does not include the appendix because it is somewhat lengthy. You can get a copy of the Act by downloading it from the website that was indicated (<http://pakistanbarcouncil.org/act/>), and read it from there). Whereas, to analyze the data the researcher uses all of the material that is readily available on the internet in the form of papers, scholarly journals, and books connected to the issue. This is because Ajayi (2017) explains that secondary data is the interpretation and analysis of the primary data.

Vinz (2022) study says that a theoretical framework supports research through theories presenting that the work is established with ideas. Similarly, according to (Grant &Osanloo, 2014), a theoretical framework is considered as a blueprint of the research process. Moreover, according to the study of Sinclair (2007) and Fulton and Krainovich-Miller (2010), the theoretical framework is just like a navigator or travel plan which guides a researcher so that they cannot diverge from their path and they should be restricted to the theories and bridge the gap of the research study (as cited in Dickson, Hussein, & Agyem, 2018).

2.1 Syntactic Ambiguity

This type of ambiguity is also called grammatical and structural ambiguity. It occurs because the sentence structure or the arrangement of the words in a sentence gives two or more possible meanings. (As cited in Dai, 2021), According to Lyon, if a sentence in Generative grammar recreates more than one parsing it is called ambiguity. In transformative generative grammar theory, each sentence has a surface and deep structure.

2.1.1 Surface structure of the sentence

The surface structure of the sentence means the sentence which is formed with the connection and linear arrangement of the parts.

2.1.2. Deep structure of the sentence

The deep structure represents the grammatical connection which is considered as the principal component of the surface structure which cannot be seen from it. When a surface structure has more than two sentences along with deep structures simultaneously ambiguity occurs.

Examples

I invited the person with the microphone.

This example has two different meanings:

I invited the guy by speaking into the microphone. I invited the individual who (has the microphone).

The turkey is ready to eat.

This example has two different meanings:

The turkey I prepared is now ready for consumption.

The turkey bird itself is geared up and ready to chow down.

To disambiguate the syntactic ambiguity, the researcher used Tree Diagram structure.

2.2. Tree Diagram Structure

According to Carnie (2013), syntactic categories are also known as parts of speech. They are the group of words for instance, noun, noun phrase, verb, verb phrase, adjective, adverb, pronoun, preposition, prepositional phrase, conjunction and determiners which tells us about the rules and restrictions to make a sentence.

- **Noun**

Nouns are the first and the most important part of speech. Nouns can be in the place of a subject or an object. A noun is the name of a person, place, animal, thing or an abstract idea. In language construction, nouns along with verbs create a sentence.

- **Noun Phrase (NP)**

Noun phrases are created by nouns (Countable and Uncountable), Subject and Object personal pronoun, indefinite pronoun or quantifier and Wh-word/pronoun.

- **Verb (V)**

Verbs are those words which modify what a subject does to the object, or their action established on time. Verb changes when a tense changes.

- **Verb Phrase (VP)**

Verb phrases are the set of words comprised of a verb and its complements, objects or other modifiers that function grammatically as a verb. Verb phrase creates a sentence when it is combined with noun or noun phrase which acts as subject.

- **Adjectives (Adj)**

Adjectives are those words which modify a noun, and it is placed before it.

- **Adjectival Phrase (Adj P)**

Adjective Phrase is a combination of words led by adjective which modifies a noun or a pronoun.

- **Adverb (Adv)**

Adverbs are the part of speech which modifies the verbs, adjectives and an adverb.

- **Adverbial Phrase (Adv P)**

An adverbial phrase is the combination of words that functions as an adverb.

- **Pronouns**

Pronouns are those words which are used instead of a noun or the subject of the sentence.

- **Prepositions (P)**

Prepositions are set before a noun or pronoun to show the direction, location or time or to introduce an object.

- **Prepositional Phrase (PP)**

Prepositional Phrase starts with a preposition and ends with a noun, pronoun or a noun phrase.

- **Conjunctions (Conj)**

Conjunctions are used to connect the words, phrases, clauses and sentences.

- **Determiners (Det)**

Determiners are placed in front of a noun to present its quantity or to clarify it. Determiners are the articles (A/An/The), a Demonstrative (this, that, these, those). A Possessive (my, your, his, her, its, our, their) A Quantifier (common examples include many, much, more, most, some).

A study conducted by Ritan in (2018), states that Tree diagram is the suitable way to conduct the analysis of the sentence because it clearly presents the sentence property or syntactic category.

According to the theory composed by following are the syntactic rules: -

- i. **S = NP + VP:** This is the principal rule of forming a sentence. The sentence must contain a Noun Phrase (NP) and Verb Phrase (VP)

- ii. **S= NP (AUX) VP**: This rule is the adjunct of rule no 1. If the sentence consists of an auxiliary verb, it should be drawn in the separate node. It should be considered as a part of Verb Phrase (VP).
- iii. **NP (DET) (ADJ) N**: In this rule Noun Phrase contains determiner, adjective and noun.
- iv. **NP (That S)**: In this rule if a sentence starts with that, it will be placed in the Noun Phrase (NP) node.
- v. **NP (Pronoun)**: In this rule, pronoun is included in the Noun Phrase (NP) Node.
- vi. **VP =V (NP) (PP) (ADV)**: In this rule, Verb phrase may be the combination of Verb (V), Noun Phrase (NP), Prepositional Phrase (PP) and Adverbial Phrase (ADVP).
- vii. **PP =P (NP)**: In this rule, Prepositional Phrase (PP) maybe the combination of Preposition (P) and Noun Phrase (NP) or only the preposition” Fromkin et al; (1991).

The following structures will be used to resolve syntactic ambiguities on sentence level in the Act.

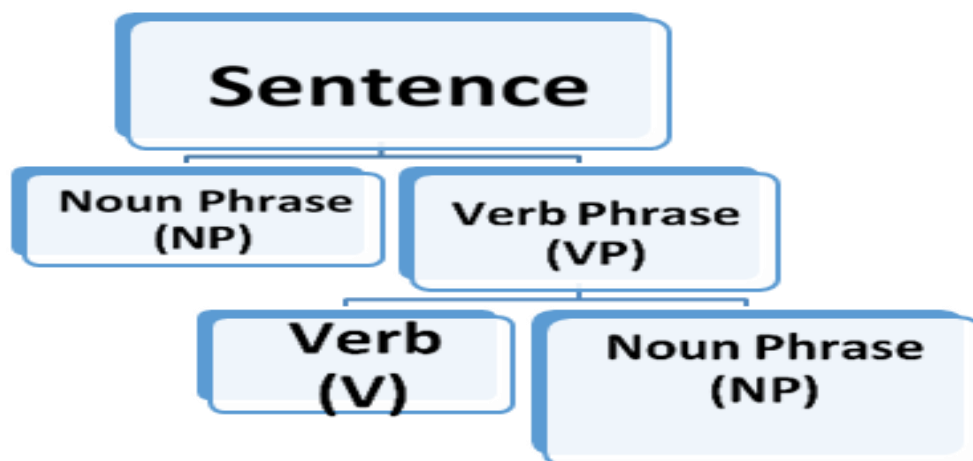


Figure 1: Interpretation 1

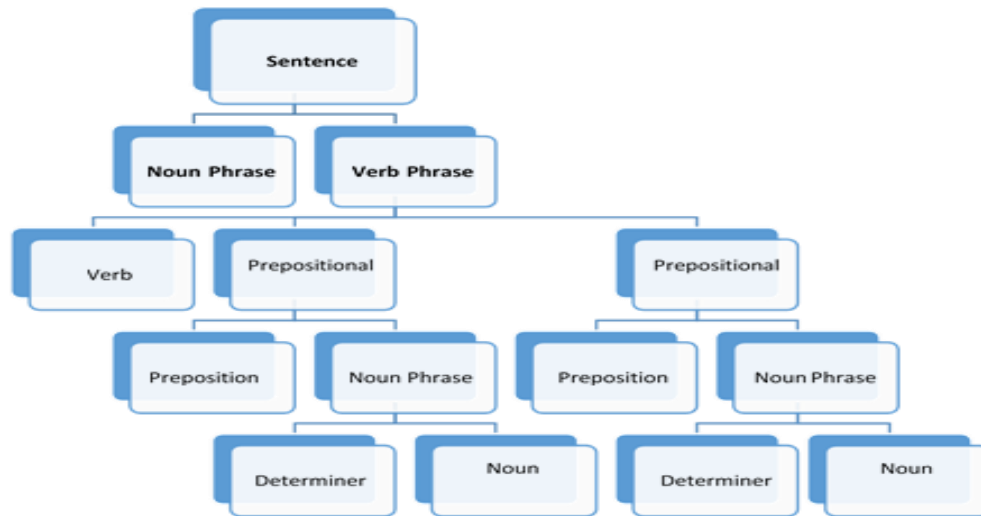


Figure 2: Interpretation 2



Figure 3: Interpretation 3

Whereas phrase disambiguation will be carried out according to the following interpretations (see below):

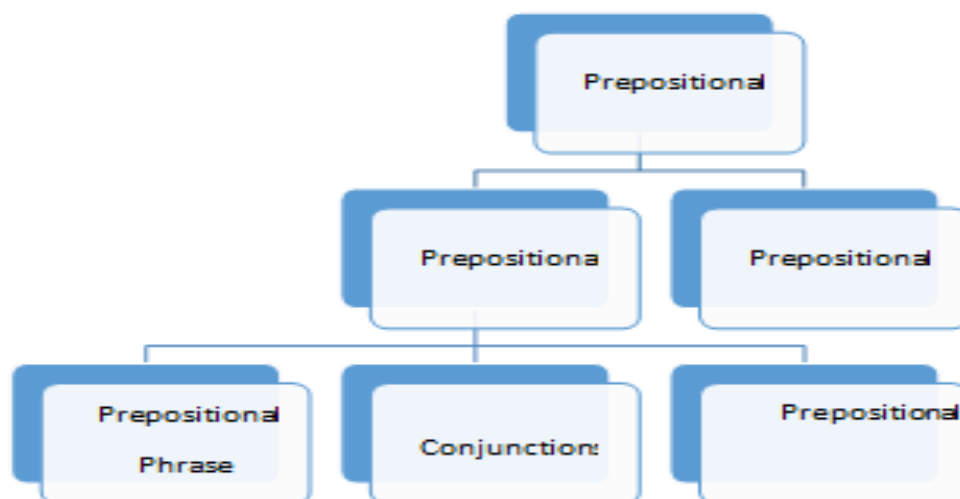


Figure 4: Interpretation 4

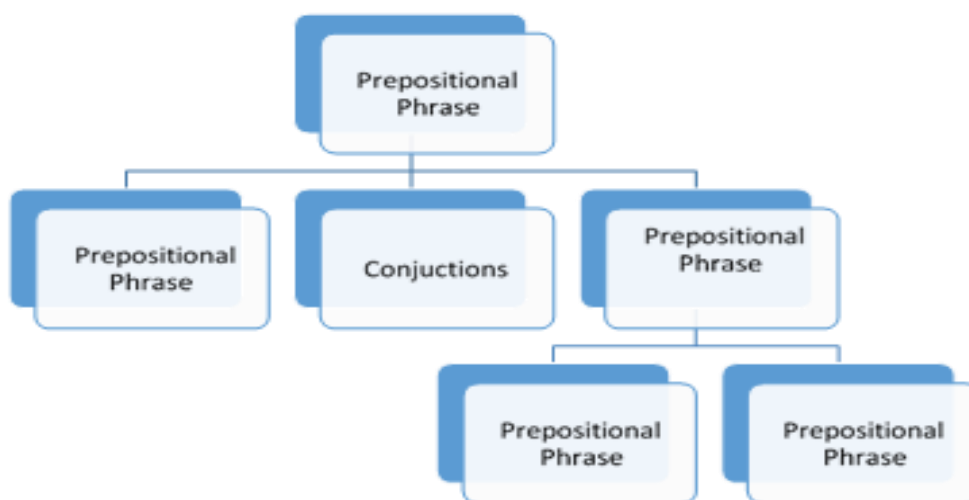


Figure 5: Interpretation 5

4. Data Analysis

1. “The following act ...general information”. (Legal Practitioners and Bar Councils Act, 1973, p. 1)

This sentence has two interpretations i.e. (i) The Act received the assent of the President on 22nd February 1973. (ii) The act received the assent of the President, who was announced on 22nd February 1973. The researcher made the tree diagram of the sentence by following the syntactic rules formed by Fromkin et al. (1991).

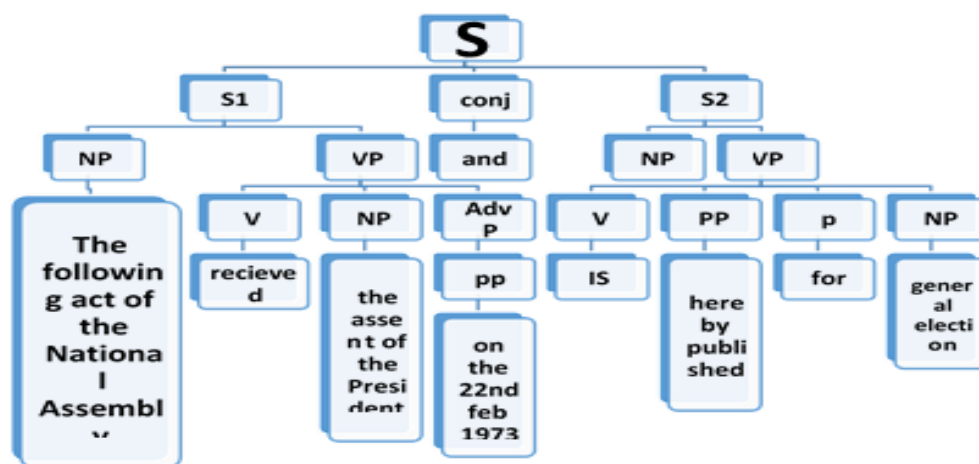


Figure 6: Syntactic Ambiguity in the Act

The (Figure 6) shows that the sentence structure is according to the syntactic rules, but the ambiguity occurs in the Prepositional Phrase (PP) located in the Verb Phrase (VP) of Sentence 1(S1). The Prepositional Phrase “on the 22nd of February 1973” is modifying the Noun Phrase (NP) “the assent of the President” was creating ambiguity.

To disambiguate the ambiguity in the sentence, the researcher changed the position of the phrases and drew a tree diagram according to the sentence structure rules.

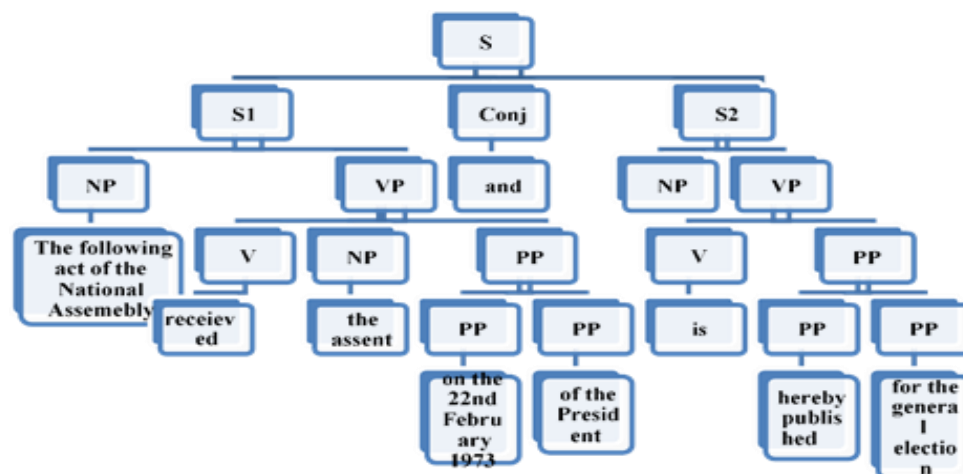


Figure 7: Disambiguated sentence in the Act

The researcher placed “of the President” which was in the Noun Phrase (NP) subcategory located in the Verb Phrase of Sentence 1(S1) and placed it in the Prepositional Phrase (PP) set at the Verb Phrase category of Sentence 1 (S1) to disambiguate the syntactic ambiguity.

2. “Explanation: If any...shall be final”. (Legal Practitioners and Bar Councils Act ,1973, p. 6)

This sentence has two interpretations i.e. (i) either the decision of the Advocate- General or (ii) decision of the province. To resolve the ambiguity of the sentence, the researcher with the help of tree diagram and syntactic rules evaluated the sentence. According to the structure, the sentence was correct, but the ambiguity occurred in the Verb Phrase (VP) subcategory Prepositional Phrase (PP3) “whose decision thereon shall be final”. The researcher disambiguated by rearranging the phrases and by making a tree diagram of the sentence.

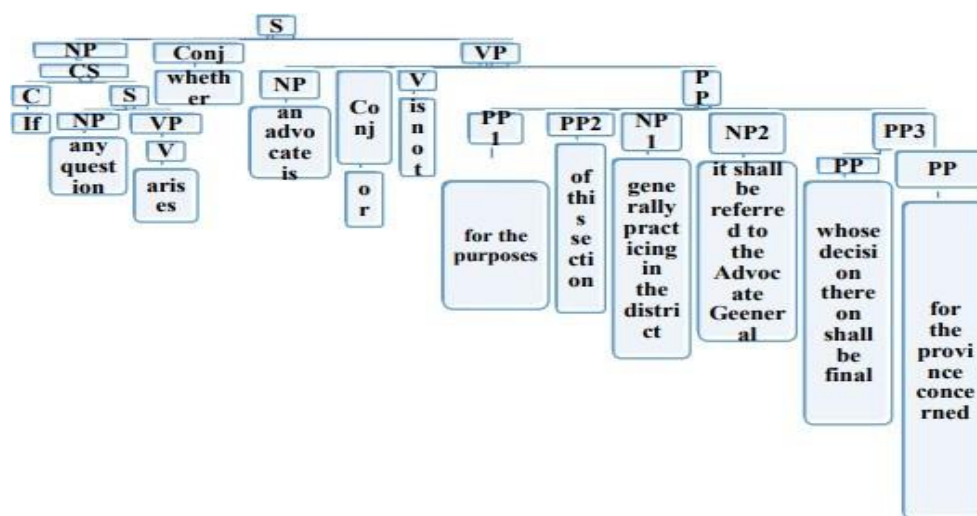


Figure 8: Syntactic Ambiguity in the Act

The researcher placed the Prepositional Phrase (PP) in the same category of Prepositional Phrase (PP) by shifting “Prepositional Phrase (PP) “whose decision thereon shall be final” in place of Prepositional Phrase (PP) “for the province concerned”. Now the Prepositional Phrase (PP), “whose decision thereon shall be final” is modifying the Noun Phrase (NP), “it shall be referred to the Advocate-General”.

3. “A Vice-Chairman may...the Chairman”. (Legal Practitioners and Bar Councils Act ,1973, p. 8)

The above sentence has two interpretations i.e. (i) The Vice-Chairman by his own hand will resign from the office. (ii) The Chairman will resign for the Vice- Chairman. To analyze the ambiguity in the sentence, the researcher used the tree diagram by following the syntactic rules.

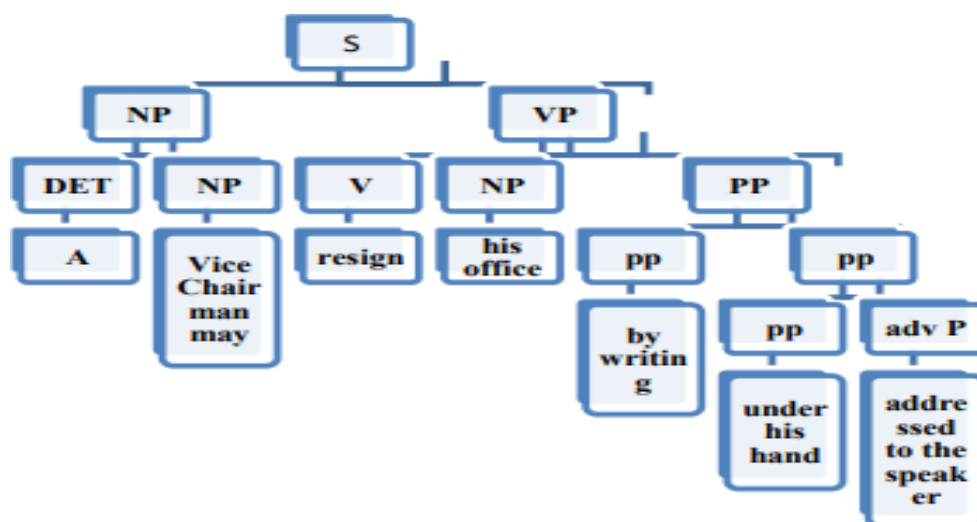


Figure 9: Syntactic Ambiguity in the Act

The Sentence Structure according to the tree diagram (Fig 3) was accurate but the ambiguity lies in the Prepositional Phrase (PP) “under his hand” Through the tree diagram it made it clear that Prepositional Phrase “under his hand” is modifying the Noun Phrase (NP) “Vice Chairman may” placed in the Noun Phrase (NP) category.

4. “One or more enrolment ...amongst its members”. (Legal Practitioners and Bar Councils Act ,1973, p. 10)

This sentence has two meanings i.e. (i) Judge of the High Court for the Province will be its chairman or (ii) The Chief Justice of the High Court will be its chairman. The researcher with the help of tree diagram disambiguated the ambiguity.

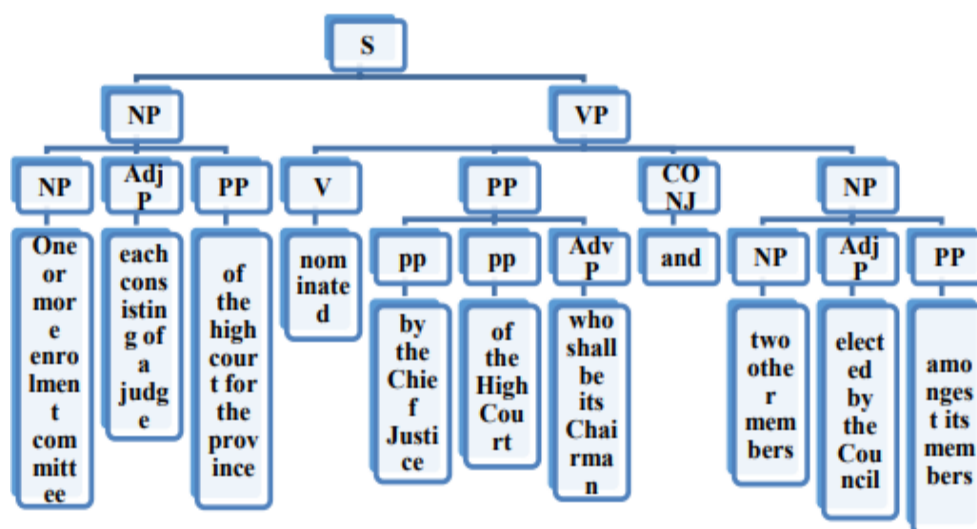


Figure 10: Syntactic Ambiguity in the Act

According to the tree diagram, the structure of the sentence is accurate, but the ambiguity is caused by the Adverbial Phrase (ADV P) “who shall be its chairman” placed in the category of the Prepositional Phrase (PP) located in the Verb Phrase. So, the researcher shuffled the phrases and made a new structure of the sentence by using tree diagram.

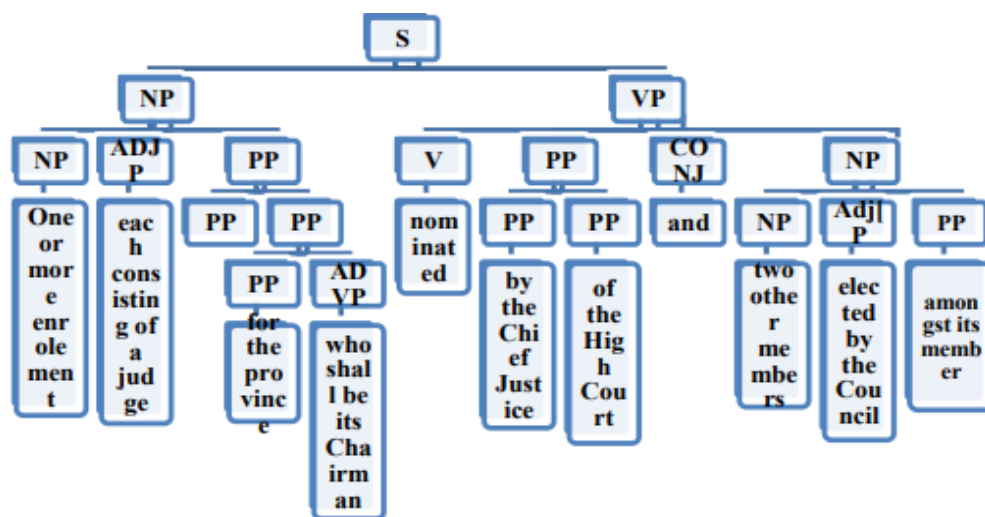


Figure 11: Disambiguated the syntactic Ambiguity of the sentence

In this structure (Figure 11), we can see, that the Prepositional Phrase is placed in the category of the Noun Phrase (NP) which is further divided into Subcategories Prepositional Phrase (PP) and Adverbial Phrase (ADVP). The Adverbial Phrase “who shall be its

Chairman” is modifying the Adjectival Phrase (ADJP) “each consisting of the judge”. It made clear that the Judge of the High Court will be the Chairman.

5. “Provided further ...under this sub-section”. (Legal Practitioners and Bar Councils Act ,1973, p. 19)

This phrase has two interpretations i.e. (i) Advocate will undertake the file to document or (ii) Accused in custody will undertake the file to document. To analyze the ambiguity in the phrase the researcher used the tree diagram by following syntactic rules by Fromkin et al, (1991).

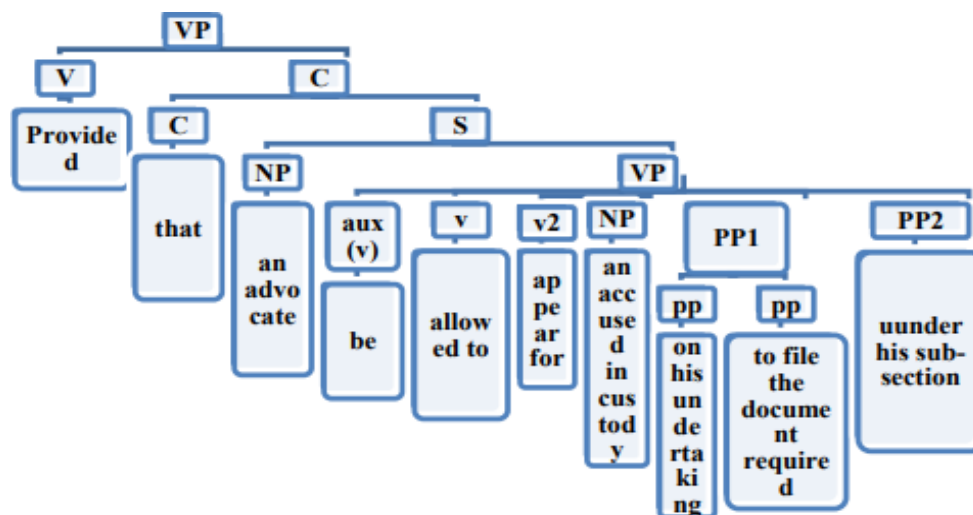


Figure 12: Syntactic Ambiguity in the Act

According to the tree diagram (Figure 12), the Prepositional Phrase (PP) “on his undertaking” is modifying the Noun Phrase (NP) “an accused in custody” so it became clear that the accused in custody will take the undertaking.

6. “The enrolment ...granting the application”. (Legal Practitioners and Bar Councils Act ,1973, p. 23)

This sentence is analyzed in two ways i.e. either (i) The enrolment committee may record its reasons or (ii) The Bar Council will record its reasons. To examine the ambiguity, the researcher made a tree diagram according to the syntactic rules by Fromkin et al. (1991).

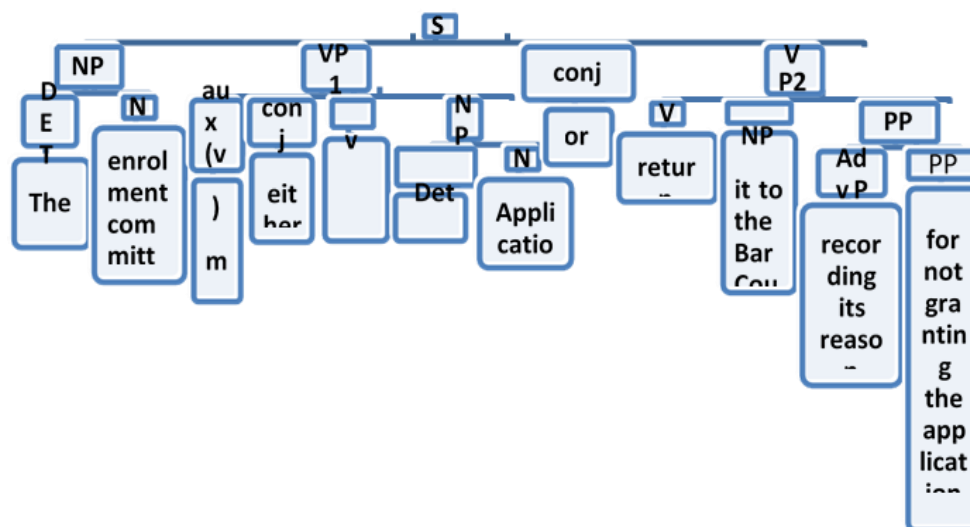


Figure 13: Syntactic Ambiguity in the Act

The structure of the sentence in (Figure 13) is correct but the ambiguity was caused by the Adverb Phrase (ADV P) “recording its reason” placed in the subcategory Prepositional Phrase (PP) located in the Verb Phrase of the Sentence.

In this sentence, it was not possible to shuffle the phrases and the researcher draw a tree diagram, the exact meaning of the sentence was not forming so the researcher took the nearby phrase, Noun Phrase (NP) “it to the Bar Council”, and through that it became clear that the Adverb Phrase (ADV P) modified the Noun Phrase (NP).

7. “The Pakistan Bar Council ...shall be the Chairman”. (Legal Practitioners and Bar Councils Act ,1973, p. 32)

This sentence gives us two meanings i.e. (i) the judge of the Supreme Court will be the Chairman (ii) The Chief Justice of Pakistan will be the Chairman. To examine the ambiguity, the researcher by following syntactic rules made a tree diagram.

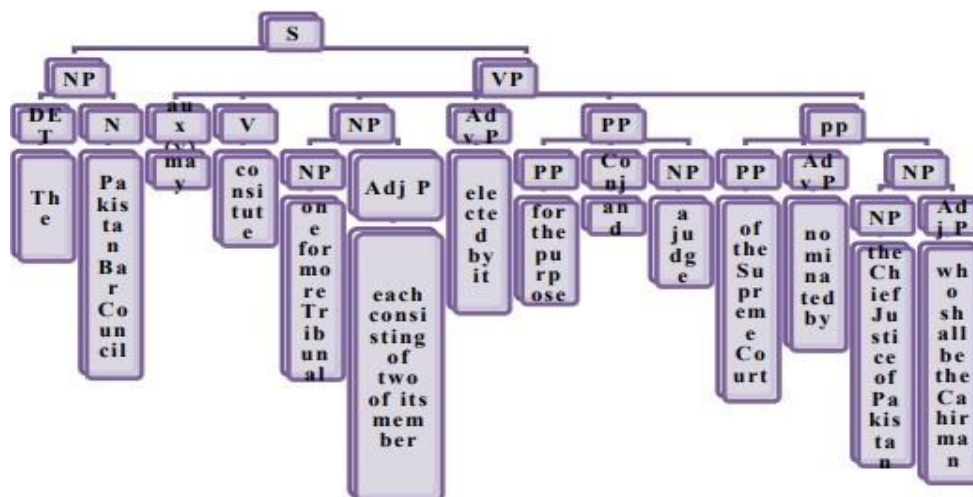


Figure 14: Syntactic ambiguity in the Act

The structure of the sentence in (Figure 14) was presented by the tree diagram was correct because it was according to the syntactic rules, but the ambiguity arose due to Adjective Phrase (AdjP) "who shall be the chairman" placed in the category of Prepositional Phrase (PP) located in the Verb Phrase (VP).

The researcher changed the position of the phrases by using the tree diagram.

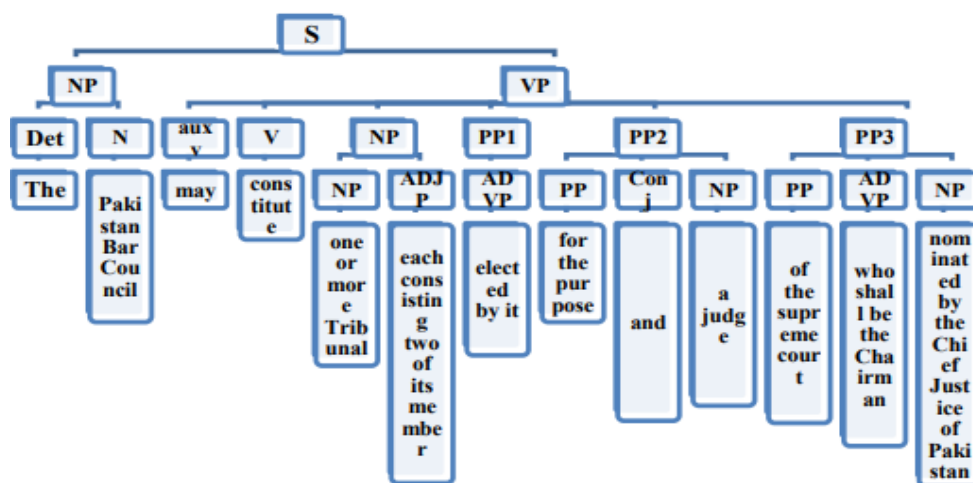


Figure 15: disambiguated the syntactic ambiguity in the sentence

According to this structure in (Fig 8), the Adverbial Phrase (ADVP) "who shall be the Chairman" modified the Noun Phrase (NP) "a judge" placed in the Prepositional Phrase

Category located in the Verb Phrase (VP). Through this phrase's adjustment, the ambiguity was cleared that the Judge of the Supreme Court will be the Chairman.

8. “Any Advocate who ...or with both”. (Legal Practitioners and Bar Councils Act, 1973, p. 42)

This sentence has two interpretations i.e. (i) either the Advocate will be suspended (ii) or any other person will be suspended. To disambiguate the ambiguity, the researcher used the tree diagram by following the syntactic rules.

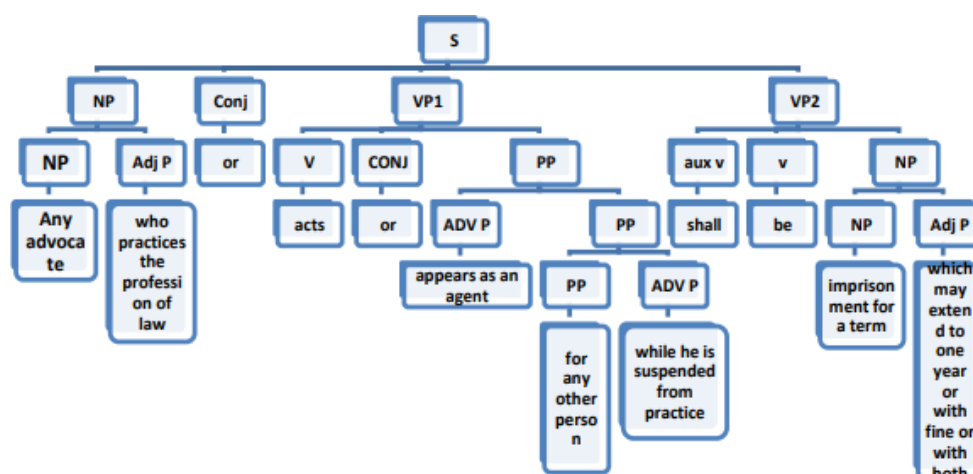


Figure 16: Syntactic Ambiguity in the Act

The structure of the sentence in (Fig 8) is accurate but the Adverbial Phrase (ADVP) “while he is suspended from practice” which is placed in the category of Prepositional Phrase (PP) located in the Verb Phrase 1 (VP1) category.

To disambiguate the ambiguity, the researcher changed the position of the Adverbial Phrase (ADVP) to Prepositional Phrase (PP) “for any other person” by using the same tree diagram.

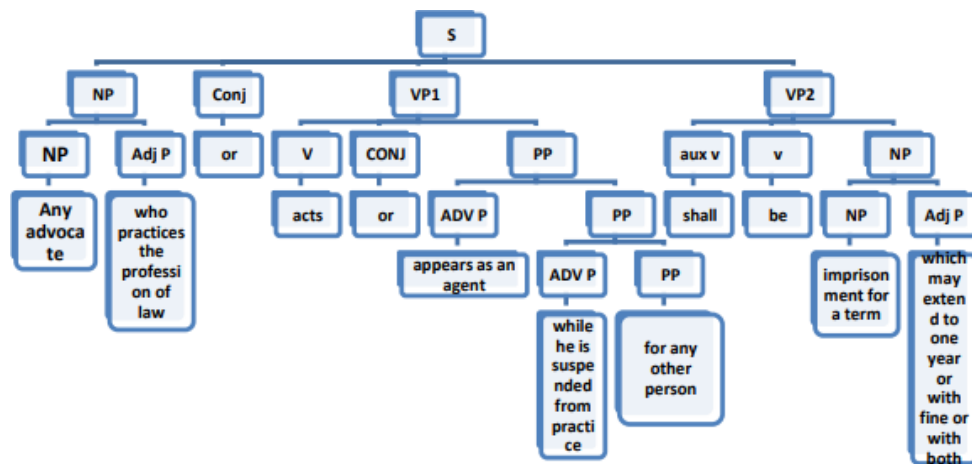


Figure 17: Syntactic Ambiguity in the Act

According to this rearrangement in (Figure 17), it became clear that the Adverbial Phrase (ADVP) is modifying the Noun Phrase (NP) “Any Advocate who practices the profession of law”.

9. “Provided that such ...desires to be heard”. (Legal Practitioners and Bar Councils Act ,1973, p. 43)

This phrase is ambiguous because it gives us two meanings i.e. (i) either the authority desires to be heard (ii) or any such person desires to be heard. To disambiguate the ambiguity, the researcher used the tree diagram by following the syntactic rules by Fromkin et al. (1991).

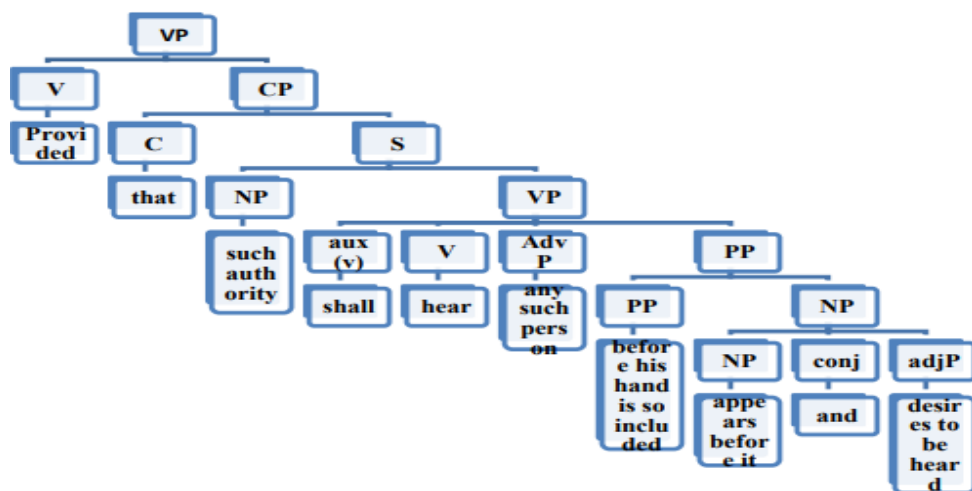


Figure 18: Phrasal Ambiguity in the Act

According to the structure in (Figure 18), the structure of the phrase is correct, but the ambiguity is formed by the Prepositional Phrase “before his hand is so included” placed in the category of Prepositional Phrase (PP) located in the Verb Phrase (VP) category.

Through tree diagram, it made clear that the Prepositional Phrase (PP) is modifying the Adverbial Phrase (ADVP) “any such person” which makes it clear that any such person desires to be heard.

5. Results and Discussion

Syntactic ambiguity occurs when a sentence structure or the order of the words in a sentence gives two or more possible meanings. The researcher found 7 sentences and 2 Phrases in the Act which were ambiguous. The ambiguity was resolved with the help of Tree Diagram.

In sentence 1 (Pg.1) of the Act, the ambiguity occurred due to Prepositional Phrase (PP) located in the Verb Phrase (VP) of Sentence 1(S1). In Sentence 2 (Pg.06) of the Act, the ambiguity occurred in the Verb Phrase (VP) subcategory Prepositional Phrase (PP3). In sentence 3 (Pg.08) of the Act, the ambiguity was caused due to Prepositional Phrase (PP). In sentence 04 (Pg 10) of the Act, the ambiguity lay in the Adverbial Phrase (ADV P) placed in the category of the Prepositional Phrase (PP) located in the Verb Phrase. In sentence 4 (Pg. 23) of the Act, the ambiguity was produced by the Adverb Phrase (ADV P) placed in the subcategory Prepositional Phrase (PP) located in the Verb Phrase of the Sentence. In sentence 5 (Pg. 32) of the Act, the ambiguity arose due to Adjective Phrase (AdjP) placed in the category of Prepositional Phrase (PP) located in the Verb Phrase (VP). In sentence 6 (Pg. 42) of the Act, the ambiguity occurred due Adverbial Phrase (ADVP) which was placed in the category of Prepositional Phrase (PP) located in the Verb Phrase 1 (VP1) category.

In Phrase 1 (Pg19) of the Act, the ambiguity was produced by Prepositional Phrase (PP) as it was modifying the Noun Phrase (NP). In Phrase 2 (Pg. 43) of the Act, the ambiguity was formed by the Prepositional Phrase placed in the category of Prepositional Phrase (PP) located in the Verb Phrase (VP) category. The researcher resolved the ambiguity with the help of a tree diagram. The researcher found that both in sentences and phrases the ambiguity was caused due to the Prepositional Phrases. A study conducted by Putri (2017) on syntactic pattern of the verses of the Surah Al-Qiyamah by applying the tree diagram. The result depicted that 16 were sentence patterns and 8 were phrase patterns i.e noun phrase, verb phrase, adjective phrase, prepositional phrase and complement phrase.

The result showed that 12 were structural ambiguity based on noun phrase. In contrast to these studies, Ritan (2018) conducted a search and presented ambiguous sentences along with their tree diagram from the movie Home. The result showed that the main cause was lexical ambiguity. Most of the sentences were grammatically correct despite being lexical ambiguous and they fit in the tree diagram whereas some were grammatically incorrect, and they didn't fit in the tree diagram.

To conclude this discussion, the syntactic ambiguity in the Act was caused due to disarrangement of the prepositional phrases in the legal sentences and phrases and that is why they had more than one interpretations which was reason of ambiguity but with the

help of a Tree Diagram it became easy to understand the correct interpretation of the legal sentences.

5. Conclusion

In legal discourse, legal sentences and phrases are lengthy and complex which often leads to ambiguity and difficulty to understand. This complexity is due to the excessive use of the prepositions which are an integral part of the legal discourse. In this study with the help of tree diagram the ambiguous sentences and phrases revealed that it was caused from the positioning and layering of the prepositional phrases making the sentence structure more complicated and harder to interpret the accurate and intended meaning. Legal writing heavily relies on the prepositions, therefore careful consideration of their placement should be implemented to avoid misunderstanding and to maintain the clarity of the sentences.

Recommendations

- i. In the light of these findings, legislative bodies ought to give some thought to the possibility of selecting those terms that confer a certain meaning upon the word, a meaning that is simple to comprehend and that a layperson is only capable of interpreting singly.
- ii. Secondly, instead of using complex sentences, they should use simple or compound sentences.
- iii. Thirdly, prepositions are an integral part of the legal language so they must be taught in detail to the legal students and scholars.
- iv. Fourthly, it is recommended that while designing a legal curriculum they should add Applied Linguistics in the syllabus because it will give an experimental approach to the language and while drafting the documents for the future it will be comprehensible for a layman. In addition, it will be beneficial for both the linguist and the lawmakers.
- v. In conclusion, combining the study of Linguistics and Law will result in an interdisciplinary approach to both fields of study, as well as an increased understanding of the relationship between the two fields.

References

- Ajayi, V. O. (2017). Primary sources of data and secondary sources of data. *Benue State University, 1*(1), 1-6.
- Ali, S. W. (2023). Syntactic tree diagram: Students' problems and the causes. *International Journal of English Linguistics, Literature, and Education (IJELLE)*, 5(1), 68-76.
- Aurangzaib, D. A. M. K. R., Zeeshan, A., & Naqvi, S. A. H. (2021). A comparative discourse analysis of Pakistani English and Urdu newspapers' headlines. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 18(4), 6699-6711.
- Carnie, A. (2021). *Syntax: A generative introduction*. John Wiley & Sons.
- Change in bar membership criteria challenged. (2020, July 26). *DAWN*.
- Dai, W. (2021). A Tentative approach to ambiguity in English sentences. *Open Access Library Journal*, 8(9), 1-8.
- Adom, D., Hussein, E. K., & Agyem, J. A. (2018). Theoretical and conceptual framework: Mandatory ingredients of a quality research. *International Journal of Scientific Research*, 7(1), 438-441.
- Grant, C., & Osanloo, A. (2014). Understanding, selecting and integrating a theoretical framework in dissertation research: Creating the blueprint for your "house". *Administrative Issues Journal*, 4(2), 12-26.
- Khan. (2018). *English jurisprudence as expounded by Sir John Salmond*. Lahore: PLD Publishers.
- Lin, X. A. (2023). Syntactic complexity in legal translated texts and the use of plain English: A corpus-based study. *Humanities and Social Sciences Communications*, 10(1), 1-9.
- Olsson, J., & Luchjenbroers, J. (2017). *Forensic linguistics*. Bloomsbury.
- Purnomoadjie, W., & Mulyadi, M. (2019). A syntactical analysis on sentence structure used in two of Adele's songs. *PANYONARA: Journal of English Education*, 1(1), 57-70.
- Putri, A. I. (2017). A Syntactic analysis on the English translation of Surah Al Qiyamah using tree diagrams. *LET: Linguistics, Literature and English Teaching Journal*, 7(1), 17-39.
- Ritan, Y. C. G. (2018). Ambiguity and tree structure of sentences in home movie. Santa Dharma University Yogyakarta.
- Schane, S. (2002). Ambiguity and misunderstanding in the law. *Thomas Jefferson Law Review*, 25, 167-193.
- Sirait, A., & Lingga, T. R. (2021). Applying tree diagram programs in teaching syntax during online learning. 3. *ICONNECTS 2021*, 138.
- Vinz, S. (2022, October 14). Articles by Sarah Vinz. *Scribbr*. <https://www.scribbr.com/author/sarah/>

- Wiredu, J. F. (2014). The complex sentence in legal English: A study of law reports. *Unilag Journal of Humanities*, 2(1), 1-22.
- Wydict, R. C. (2005). *Plain English for lawyers* (5th ed.). Durham, NC: Carolina Academic Press.

Citation of this paper

Rehman, A. (2024). Legal Discourse Analysis: Resolving Syntactic Ambiguities in the Legal Practitioners and Bar Councils Act 1973. *Erevna: Journal of Linguistics and Literature*, 8(1), 21-44.