

On conditionals in legalese: A corpus-based study

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The present article develops a research direction of corpus-based linguistic analysis suggested in a previous work (Alexe 2015): researching Romanian conditional constructions from the perspective of language registers. The paper will focus on the expression, in legal language (legalese), of the conditional relation at the level of clausal realization illustrated by conditional clauses introduced by simple conjunctions (dacă, când, de, să) and complex conditional connectives (în cazul/ situația/ măsura/ condițiile în care, cu condiția să, etc.). These constructions will be analysed from the point of view of their formal features such as clause order, mood-tense patterns, the marking of the apodosis by means of connective adjuncts as well as from the point of view of their typology and concurrence between connectives. The results of the present analysis of conditional constructions in legalese will be compared with the conclusions of the above-mentioned work (Alexe 2015), which is a general description of conditional constructions in Romanian. This comparison will provide data regarding the way in which conditional constructions used in legal documents abide by the main features of prototypical conditionality and the typological classification identified for the entire category of conditional constructions in Alexe (2015).

Keywords: *conditionality, legal language, corpus-based analysis*

1. Conditionality. Theoretical framework

The concept of conditionality designates a cognitive mechanism fundamental to human thinking and action. The conditional relation may be expressed by means of a wide range of syntactic constructions gathered in a complex category whose study requires an interdisciplinary approach combining knowledge of grammar, logics, semantics and pragmatics.

The clausal level is the defining realization of the conditional relation. The prototypical conditional structure is unanimously represented as a construction made up of two clauses, a subordinate one, most often introduced by the

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conjunction *if*, also called *protasis*, or simply *p*, in which the speaker supposes that something is/will be/would be/would have been in a certain way and a main clause, also referred to as the *apodosis*, or *q*, in which it is concluded that the thing/situation previously mentioned is/will be/would be/would have been in a certain way. The conditional construction thus defines a relationship of implication, inference between two communicated processes (Dancygier 1998, 1; GALR II 2008, 583).

The [*if p, q*] structure illustrates the broadest syntactic frame of a conditional incorporating a wide range of constructions: conditional constructions introduced by *if* or other conjunctions with conditional value, displaying different types of apodosis (declarative, interrogative or imperative), with or without markers of the apodosis such as *then*, sometimes having elliptical protasis or apodosis, or paratactic conditionals for which the conditional relationship is marked by the use of conjunctive or disjunctive coordinators as well as prosodic elements (Dancygier 1998, 11-12, 188-192).

All these variations within the canonical structure [*if p, q*] have an important effect on the interpretation of conditionals and establishing this as the prototypical pattern allows us to observe the way in which the interpretation of the canonical construction is affected by adding other formal elements (Dancygier 1998, 12).

The mandatory feature of conditionality, namely the relation of dependence between the two members of the conditional construction, may be understood strictly as a cause-effect chain between the two clauses (*if p* is the actual cause of *q*), but also, as it has largely been accepted in the post Ducrot (1972) literature, as implication at the level of uttering (*if p* implies/"is the cause of" uttering *q*). Interpreted in such terms, the class of conditionals appears as being made up of a central, prototypical category (*If we have enough money, we'll go on a trip*) and a marginal one, formed, in its turn, by a series of subtypes (*If you're hungry, there's food in the fridge; If this is music, I'm Beethoven, etc.*).

The main features of conditionality are: **non-assertiveness of the protasis** (the content of the protasis is not considered as given, the role of the protasis is to establish a supposition, to create a possible world), **causal relation** between the content of the two components of the construction, **biconditionality** (speakers will process [*if p, q*], via an inferential interpretation – cf. Geis and Zwicky 1971 –, as implying [*if not p, not q*]), **a pattern of mood-tense correlations** corresponding to the three semantic levels describing the attitude and degree of expectations of the speaker with regard to the fulfillment of the condition expressed (real, potential, counterfactual), **free clause order** (Dancygier 1998, 184-188; Montolío 1999, 3650, 3704).

Of all types of conditional constructions, only those introduced by *if* contain all the elements of conditionality mentioned above. *If* is, therefore, the conditional connective by excellence, superordinate member of the category of conditional

constructions. The subordinate members of this category are represented by the other conditional connectives and paratactic conditionals which move away from prototypical conditionality as described above (in Romanian, *când* 'when' is specialized for the expression of general conditions, while some CCCs for exceptional conditions, conditionals introduced by *când* 'when' do not have complete mood-tense configurations, conditionals introduced by *să* 'if' have a preference for expressing potentiality and counterfactuality, etc.) (see Alexe (2015)).

Conditionals are also characterized by remarkable semantic flexibility, displaying areas of overlap with similar notions such as time, concession and cause.

2. Material and method

To serve the purpose of the present study, our corpus is represented by the complete text of The Romanian Criminal Code from 2004 (50.697 words)² from which we have extracted a number of 489 conditional constructions.

Conditional constructions in Romanian may be introduced by simple conjunctions (*dacă* 'if', *când* 'when', *de* 'if', *să* 'if') as well as by complex conditional connectives (hypothetical: *în cazul (cazurile) în care/când* 'in the case (cases) in which/when', *în caz că* 'in case', *în situația/ipoteza/eventualitatea/ condițiile în care* 'in the situation/hypothesis/event/circumstances in which'; positive restrictive: *cu condiția (ca) să* 'on the condition that', *în măsura în care* 'to the extent that', *numai să* 'provided that', *atâta timp/vreme cât, cât(ă) timp/vreme* 'while, as long as', *odată ce* 'once'; negative restrictive: *fără să* 'unless', *în afară de cazul în care/când* 'except if/when') (see Alexe (2015)).

These constructions will be analysed from the point of view of their formal features such as clause order, mood-tense patterns, the additional marking of the protasis, the marking of the apodosis by means of connective adjuncts (in accordance with Comrie's set of parameters for the description of conditionals) as well as from the point of view of their typology and concurrence between connectives.

² This text, which is here analysed separately, was part of the category Non-Fiction (together with other excerpts from economic and medical literature) of our larger corpus in Alexe (2015) which was made up as a reference corpus (90% written sources and 10% oral sources). Its main categories, of approximately equal extent, were Books (including the subcategories Fiction and Non-Fiction) and Journalism. Each of these two categories stand for 41,52% of the entire corpus which comprises about 1.600.000 words. The remaining percentages were represented by the categories Oral Language 10,47% and Miscellanea 6,48%.

3. Analysis

3.1. Language of the law

Conditional constructions seem to be extremely frequent in legal texts (much more frequent than causal constructions, for instance, better represented in general language). The structural importance of conditionals in legal writing seems obvious as the drafting of legislation is based on a consideration of plausible situations, possibly already experienced by the community that codifies its laws in order to anticipate similar legal actions (Montolío 2010, 20-22).

At the syntactic level (which is here relevant to our analysis of legal language), written legal texts display a number of characteristics among which we find: frequent repetition of syntactic structures, meant to ensure there can be no ambiguity as to what is being referred to, long complex sentences with intricate patterns of coordination and subordination, as well as a highly impersonal style of writing (Williams 2004, 112-115).

3.2. The connectives

Of the multitude of conditional connectives (see above), the legal document we have analysed uses only a small number: *dacă* and *când* of the simple conjunctions and, of the CCCs group, we have identified some hypothetical CCCs (*în cazul (cazurile) în care/când*), positive restrictive CCC *în măsura în care* and negative restrictive CCC *în afară de cazul în care/când*.

As far as the frequency of occurrence is concerned, as it can only be easily anticipated, *dacă* presented the highest frequency (342 occurrences). The following positions in the hierarchy belonged to the connective *când* (74 occurrences) and the CCC *în cazul în care* (40 occurrences):

- (1) *Pedeapsa se consideră executată **dacă** în termen de 10 ani de la liberare condamnatul nu a săvârșit din nou o infracțiune.*
Penalty shall be deemed as executed **if** within 10 years from parole the convict has not committed any new offence.
- (2) *Există intenție depășită **când** rezultatul mai grav produs printr-o acțiune sau inacțiune intenționată se datorează culpei făptuitorului.*
There is exceeded intent **when** the more serious result of an action or inaction with intent is caused by the perpetrator's negligence.
- (3) ***În cazul în care** cauzele de atenuare au caracter preponderent, se poate face abstracție de cauzele de agravare.*
In the case in which mitigating circumstances are dominant, the aggravating circumstances shall be ignored.

The top three levels of the hierarchy of connectives in this legal text perfectly match the hierarchy identified for the larger corpus in Alexe (2015).

From the category of simple conditional connectives, we have not encountered in our legal corpus (again as we have actually anticipated) any conditional construction introduced by *de*, an obsolete equivalent of the prototypical *dacă*, to be found only in spoken language or some old texts, or *să*, directly derived from lat. *SI*, which is generally quite rare in nowadays standard Romanian. The analysis in Alexe (2015) has in fact indicated us that these two connectives are not compatible with scientific, academic texts.

The preference of the legal text for the use of the connectives *dacă*, *când* and *în cazul în care* presents a common element: the neutral, unmarked conditional meaning. The similarity between *if* and *when* is illustrated by generic constructions in which the distinction at the level of epistemic modality between these two connectives (*if p* illustrates a supposition whereas *when p* renders factuality) becomes nonfunctional (Snitzer Reilly 1986, 313-314). In their turn, complex connectives containing the noun *case* 'caz' (*în cazul în care/când*) have a neutral unmarked conditional meaning similar to prototypical *if* 'dacă', also suggested by the definition of the noun *case* – "instance of the occurrence of something, set of circumstances" (Visconti 1996, 564; Montolio 1999, 3710).

Also, two of the complex connectives – *în cazul când* and *în afară de cazul când/în care* - seem to specialize for legal use³:

- (4) *Dispozițiile alin. (1) și (2) nu se aplică în cazul când, potrivit legii statului în care făptuitorul a săvârșit infracțiunea, există o cauză care împiedică punerea în mișcare a acțiunii penale sau continuarea procesului penal ori executarea pedepsei.*

Para. (1) and (2) shall not apply **in the case when**, according to the law of the State of perpetration, there is a cause that hinders the initiation of criminal action or the continuation of the criminal lawsuit or the execution of the penalty.

- (5) *Grațierea nu are efecte asupra pedepselor complementare, în afară de cazul când se dispune altfel prin actul de grațiere.*

Pardon does not affect complementary penalties, **except when** the court decides otherwise in the pardon act.

³ With one exception, in the general corpus from Alexe 2015, the constructions containing these two connectives have been extracted only from the legal document analysed in the present paper.

Conditional connectives	Occurrences
Dacă	342
Când	74
În cazul în care	40
În cazul când	19
În afară de cazul când	8
În afară de cazul în care	2
În măsura în care	2
În cazurile în care	1
În cazurile când	1
TOTAL	489

Table 1. Frequency of conditional connectives in the legal corpus

3.3. Clause order

Although clause order in conditionals introduced by conjunctions is generally free, conditional protases tend to precede their apodoses. According to Greenberg's Universal of Word Order 14 (*apud* Comrie 1986, 83), the [*if p, q*] configuration illustrates the preferred clause order pattern for conditional constructions in any language, the role of the protasis in this case being linked to the creation of a discourse framework in which the information that follows is to be interpreted. Various discourse functions seem to be associated to this clause order pattern: selecting information from prior discourse and turning it into a supposition, contrasting different possibilities and their consequences, examining possible suppositions and their implied consequences (Montolio 2010, 32-36).

The clause order apodosis-protasis entails different discourse functions. There are two types of conditionals with sentence-final protasis which can be distinguished by means of intonation: [*q if p*] having the role of completing the meaning of a sentence (the protases function more like afterthoughts or justifications) (1), (2), (4) and [*q, if p*] used by the speaker for self-editing or negotiating the understanding of the utterance between participants (cf. Ford *apud* Dancygier 1998, 146). Prosodical features, then, seem to play an important role: the sentence-final protasis separated from its corresponding apodosis by means of a pause, usually marked by a comma, illustrates lesser probability or exceptionality:

- (6) *Dispozițiile din partea generală a acestui cod se aplică și faptelor sancționate penal prin legi speciale, **dacă** legea nu prevede altfel.*
The provisions in the general part of this code shall apply also to acts criminally sanctioned through other special laws, **if** the law does not provide otherwise.
- (7) *Cu pedeapsa prevăzută în alin. (3) se sancționează și înființarea sau mutarea semnelor de hotar și a reperelor de marcare fără drept, **când** acestea se referă la limitele de zonă ale căii ferate, drumurilor, canalelor, aeroporturilor, porturilor, căilor navigabile, delimitărilor silvice, geologice și miniere.*
The penalty in para. (3) shall also sanction the foundation or displacement of border signs and marks without approval, **when** they refer to regional limits of the railway, of roads, canals, airports, ports, navigable ways, sylvan, geological and mining borders.
- (8) *Durata maximă a muncii în folosul comunității este de 300 de ore, **în cazul în care** legea prevede pedeapsa închisorii (...).*
The maximum length for community service is 300 hours, **in the case in which** the law provides the penalty of imprisonment (...).

Moreover, in the case of conditionals introduced by restrictive CCCs, the relation between p and q is rather one of *circumstance* than cause as is prototypically the case of conditionals (Dancygier, *apud* Montolio 2000, 147), the protasis indicating the circumstances in which those specified in the apodosis will be accomplished - affirmative CCCs - (13) or will not be accomplished - negative CCCs - (12).

Also, unlike prototypical conditional clause order, the pattern [q if p] is not iconic of a real time sequence of events, but rather of argumentative patterns, first presenting a statement which is later on restrained or specified (Montolio 2000, 146-148).

As far as clause order is concerned, our analysis of the legal document globally indicates a very small difference between the number of sentence-initial and sentence-final protases (246 sentence-final protases vs 243 sentence-initial protases).

We have obtained the same results individually (*Table 2*) for the connectives *dacă* and *când*, for which the final conditional clauses (1), (2) have outnumbered the initial ones (9), (10) only by 2 constructions and 4 constructions, respectively, as well as for the complex connective *în cazul când*, for which the final score slightly favoured sentence-initial protases (11):

- (9) **Dacă** până la împlinirea duratei pedepsei cel liberat a comis din nou o infracțiune pentru care legea prevede pedeapsa închisorii, instanța, ținând seama de gravitatea acesteia, poate dispune fie menținerea liberării condiționate, fie revocarea.

If until completion of the penalty the person released on parole has committed a new offence for which the law provides the penalty of imprisonment, the court, taking into account its seriousness, can ordain either the maintenance of parole or its revocation.

- (10) **Când** pedeapsa nu a fost executată sau a fost executată numai în parte, se procedează potrivit dispozițiilor legale privitoare la recunoașterea hotărârilor străine.

When the penalty has not been executed or has been executed only in part, the course of action shall be in accordance with the legal stipulations on recognition of foreign judgments.

- (11) **În cazul când** se dispune suspendarea condiționată a executării pedepsei, termenul de încercare se calculează de la data rămânerii definitive a hotărârii prin care s-a pronunțat anterior suspendarea condiționată a executării pedepsei.

In the case when conditional suspension is ordained, the trial period shall be calculated from the date when the decision that previously pronounced the suspension remained final.

A clear preference for one of the two clause order configurations (Table 2), however, has been identified for the hypothetical CCC *în cazul în care*, which clearly favoured sentence-initial protases (3) and for the CCCs *în afară de cazul în care/când, în măsura în care, în cazurile în care/când*, which introduced exclusively sentence-final protases (12) – (15):

- (12) *Timpul în care condamnatul, în cursul executării pedepsei, se află bolnav în spital intră în durata executării, în afară de cazul în care și-a provocat în mod voit boala.*

The time in which the convict, during penalty execution, is ill in a hospital, shall be considered a part of the length of execution, **except if** the illness is deliberately self-inflicted.

- (13) *Circumstanțele privitoare la fapta se răsfrâng asupra participanților numai în măsura în care aceștia le-au cunoscut sau le-au prevăzut.*

Circumstances relating to the act shall be transmitted to the participants only **to the extent that** they were aware of them or foresaw them.

- (14) *Există recidivă și în cazurile în care una dintre pedepsele prevăzute în alin. (1) este detențiunea pe viață.*

There is relapse also **in the cases in which** one of the penalties in para. (1) is life detention.

- (15) *Executarea pedepsei închisorii care nu depășește 2 ani, de către militarii în termen, se face într-o închisoare militară în cazurile prevăzute de lege, precum și în cazurile când instanța judecătorească, tinând seama de împrejurările cauzei și de persoana condamnatului, dispune aceasta.*

The execution of the penalty of imprisonment not exceeding 2 years, by active members of the military, shall be done in a military prison in the cases provided in the law, as well as **in the cases when** the law court, taking into account the circumstances of the cause and the person of the convict, so ordains.

If we compare our present global data (*Table 2*) to the results in Alexe (2015) (p.184: 59,05% sentence-initial protases vs 40,95% sentence-final protases), we can conclude that, in point of clause order, overall, the conditionals in the legal document seem to contradict Greenberg`s Language Universal. Nevertheless, if we analyse each connective separately, the data of the legal text differ significantly from the analysis in Alexe (2015) only in point of the clause order for the conditionals introduced by *dacă*: unlike the constructions introduced by *dacă* in the legal text, those from Alexe (2015) (p. 114) clearly preferred sentence-initial position (65% sentence-initial vs. 35% sentence-final), in complete accordance with Greenberg`s Language Universal.

Our analysis of the legal document has enabled us to make some other observations as well regarding conditional protases: we have frequently come across multiple protases coordinated by means of conjunctive and disjunctive coordinators or by means of juxtaposition (16) – (19), many of them introduced by different conditional connectives alternating in free variation (18) – (19), as well as some protases with a fixed form of the type *dacă legea nu prevede altfel* (6):

- (16) *Persoanele prevăzute în prezentul articol nu vor fi expulzate **dacă** există pericolul real de a fi condamnate la moarte ori de a fi supuse la tortură, tratamente inumane sau degradante în statul în care ar urma să fie expulzate sau **dacă** sunt căsătorite cu cetățeni români, au domiciliul și familia în România, iar căsătoria este anterioară săvârșirii faptei.*

Persons provided in the present Article shall not be expelled **if** there is a real danger of being sentenced to death or subjected to torture, inhuman or degrading treatment in the State to which they would be expelled **or if** they are married to Romanian citizens, have domicile and family in Romania, and the marriage is prior to commission of the act.

- (17) **Când** prin faptele prevăzute în alin. (1) și (2) s-a produs o tulburare în activitatea de transport pe calea ferată sau un accident de cale ferată, pedeapsa este închisoarea strictă de la 5 la 15 ani, iar când s-a produs o catastrofă de cale ferată, pedeapsa este detențiunea severă de la 15 la 20 de ani și interzicerea unor drepturi.

When the acts in para. (1) and (2) caused disturbance in the transport activity or a rail accident, the penalty shall be strict imprisonment from 5 to 15 years, and when a railway disaster occurred, the penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights.

- (18) Cererea de reabilitare judecătorească se admite **dacă** cel condamnat întrunește următoarele condiții: a) nu a suferit o nouă condamnare în intervalul prevăzut în art. 152; b) își are asigurată existența prin muncă sau prin alte mijloace oneste, precum și în cazul când are vârsta de a fi pensionat sau este incapabil de muncă; c) a avut o bună conduită; d) a achitat în întregime cheltuielile de judecată și despăgubirile civile la plata cărora a fost obligat, în afară de cazul când partea vătămată a renunțat la despăgubiri, sau când instanța constată că cel condamnat și-a îndeplinit în mod regulat obligațiile privitoare la dispozițiile civile din hotărârea de condamnare.

Requests for rehabilitation by the court are admitted **if** the convict meets the following requirements: a) has not been convicted again during the interval provided in Article 152; b) is able to provide for him/herself through work or other honest means, as well as in the case when the convict has the age for retirement or is unable to work; c) he/she has had good conduct; d) he/she has paid in full the court expenses and civil compensations he was subject to, **except when** the injured party dropped the compensations, or when the court finds that the convict has regularly fulfilled the obligations regarding the civil provisions in the conviction decision.

- (19) **În cazul în care** fapta este săvârșită în vreuna din următoarele împrejurări: a) prin simularea de calități oficiale; b) prin răpire; c) de o persoană înarmată; d) de două sau mai multe persoane împreună; e) **dacă** în schimbul eliberării se cere un folos material sau orice alt avantaj; f) **când** victima este minoră; g) **când** victima este supusă unor suferințe ori sănătatea sau viața îi este pusă în pericol, pedeapsa este închisoarea strictă de la 7 la 15 ani.

In the case in which the act is committed in one of the following circumstances: a) by simulating official qualities; b) by abduction; c) by a person who is armed; d) by two or more persons together; e) **if** in exchange for release a material or any other benefit is demanded; f) **when** the victim is a minor, g) **when** the victim is subjected to suffering or his/her

health or life is endangered, the penalty shall be strict imprisonment from 7 to 15 years.

Conditional connectives	Clause Order Configurations	
	Sentence-final protases	Sentence-initial protases
Dacă	172	170
Când	39	35
În cazul în care	13	27
În cazul când	8	11
În afară de cazul când	8	0
În afară de cazul în care	2	0
În măsura în care	2	0
În cazurile în care	1	0
În cazurile când	1	0
TOTAL	246	243
	489	

Table 2. Clause order in conditional constructions of the legal corpus

3.4. Mood-tense patterns

As far as mood-tense patterns are concerned, our analysis of the legal text indicates that the symmetrical pattern with the present indicative, that is the use of present indicative in both protasis and apodosis (see examples above) is the most frequent mood-tense pattern for all the connectives. This perfectly illustrates the predilection of legal genre for expressing general conditions.

The pattern compound past indicative in the protasis and present in the apodosis (see examples above) has proved to be the second most frequent mood-tense pattern. As it has been previously mentioned in Alexe (2015) (p.184), this pattern, which illustrates a present consequence of a past event, seems to be extremely productive in the legal text we have analysed, in all the other categories of our Alexe (2015) corpus, it has a rather reduced frequency (of the total 227 constructions displaying this mood-tense pattern in Alexe (2015), 187 conditional constructions have been identified in the presently analysed legal document).

This data extracted from the legal document (*Table 3*) mostly correspond to the observations we made for the larger corpus in Alexe (2015) (p.185): the symmetrical pattern with the present indicative was indisputably the most frequent pattern and compound past indicative in the protasis and present in the apodosis was the second most frequent mood-tense pattern for *dacă* and the CCCs, whereas for *când*, it was the third most productive pattern.

With regard to semantic types (real/potential/counterfactual conditionals)⁴, given the general traits of legal texts in the expression of conditionality, we have encountered very few potential and counterfactual conditionals (4 potential conditionals and 9 counterfactual conditionals). They were exclusively conditional constructions introduced by *dacă*, usually integrated in larger structures:

- (20) *Afirmarea sau imputarea în public, prin orice mijloace, a unei fapte determinate privitoare la o persoană, care, **dacă ar fi adevărată, ar expune** acea persoană la o sancțiune penală, administrativă sau disciplinară, ori disprețului public se pedepsește cu zile-amendă, de la 10 la 20.*

Stating or imputing in public, by any means, a specific action regarding a person, which, **if it were real, would expose** that person to a criminal, administrative or disciplinary sanction or to public disgrace, shall be punished by days/fine from 10 to 20 days.

- (21) *Reabilitarea judecătorească va fi anulată când, după acordarea ei, s-a descoperit că cel reabilitat mai suferise o condamnare care, **dacă ar fi fost cunoscută, ar fi condus** la respingerea cererii de reabilitare.*

Rehabilitation by the court shall be cancelled when, after granting it, it is discovered that the person rehabilitated had been previously convicted and, **if this had been known**, the request for rehabilitation **would have been rejected**.

Mood-tense patterns (apodosis-protasis)	Dacă	Când	În cazul în care	În cazul când	În afară de cazul când	În afară de cazul în care	În măsura în care	În cazurile în care/când
Real								
pres. - pres.	180	51	18	15	7		1	2
pres. - comp. past	137	21	21	4	1	2	1	
pres. - imperf.	6	1						
future - comp.past	2	1	1					
future - pres.	3							
future - future	1							
Potential								
pres. - pres. cond.	3							

⁴ The most largely used criterion for the classification of conditionals is based on verb forms corresponding to the three semantic levels that describe the attitude and expectations of the speaker towards the fulfillment of the conditions expressed. The difference between these levels is illustrated by means of a modal distinction: indicative/subjunctive for languages such as English, Spanish, Italian, and indicative/conditional for Romanian.

Mood-tense patterns (apodosis-protasis)	Dacă	Când	În cazul în care	În cazul când	În afară de cazul când	În afară de cazul în care	În măsura în care	În cazurile în care/când
pres. cond. - pres. cond.	1							
Counterfactual								
pres. - perf. cond.	6							
perf. cond. - perf. cond.	2							
perf. cond - imperf.	1							
TOTAL	342	74	40	19	8	2	2	2
	489							

Table 3. Mood-tense patterns in conditional constructions of the legal corpus

3.5. Typology, additional marking of the protasis and markers of the apodosis

If we look at the typology of the constructions analysed (again as we would have expected, taking into account the characteristics of the legal genre), we find they are exclusively prototypical. None of the various marginal subtypes illustrated in Alexe (2015) has been identified in this legal document.

Similar to the conditionals analysed in Alexe (2015), the connectives in the legal text have sometimes appeared accompanied by focal particles such as *numai* 'only', (*precum*) *și* 'also', *decât* 'except' (with negative antecedent) (22) – (26).

Also similar to our observations in Alexe (2015, 126), the legal text contains conditionals introduced by *când* where this connective appears accompanied by the adverb *atunci* 'then', thus functioning as a complex subordinator (27):

(22) *Minorul care are vârsta între 14 și 16 ani răspunde penal numai dacă se dovedește că a săvârșit fapta cu discernământ.*

A minor aged from 14 to 16 shall be criminally liable, only if it is proven that he/she committed the act in discernment.

(23) *Există piraterie și dacă fapta s-a comis pe o aeronavă sau între aeronave și nave.*

There is piracy also if the act has been committed in an aircraft or between aircrafts and ships.

(24) *Fapta care constă fie într-o acțiune, fie într-o inacțiune constituie infracțiune numai când este săvârșită cu intenție.*

An act that resides either in an action or inaction shall be an offence only when it is committed with intent.

- (25) *Dispozițiile cuprinse în prezentul capitol se aplică și în cazul când infracțiunea privește monede sau timbre ale altor state ori alte valori străine.*
The provisions in the present chapter shall apply also in the case when the offence concerns coinage or stamps belonging to other States or other foreign values.
- (26) *Revocarea suspendării condiționate nu are loc decât în cazul când, în cursul termenului de încercare, condamnatul săvârșeste din nou o infracțiune de abandon de familie.*
Revocation of conditional suspension shall not take place except in the case when during the trial period the convict commits a new offence of desertion of family.
- (27) *Fapta prevăzută în alin. (1), (2) sau (3) nu constituie infracțiune atunci când mituitorul a fost constrâns prin orice mijloace de către cel care a luat mită.*
The act in para.(1), (2) or (3) shall not be an offence **when** the bribe-giver was coerced by any means by the bribe-taker.

With regard to the marking of the apodosis by means of connective adjuncts such as *atunci*, although the conditionals extracted from the legal text correspond to prototypical conditionality and therefore are compatible with such marking of the apodosis, we have not identified any conditional apodoses containing *atunci*.

4. Conclusions

The main purpose of our present study was to develop a research direction suggested in a previous work, namely researching conditional constructions from the point of view of language registers. We have focused here on the expression in legal language of the conditional relation as illustrated by conditional clauses introduced by conjunctions.

A secondary purpose was to compare the features of conditional constructions of legal texts with those of prototypical conditionality as well as confront the data of the present analysis with the conclusions reached for a more general description of conditionals in a previous work (Alexe 2015).

The most valuable conclusions of the present analysis are:

- conditional constructions tend to be extremely frequent in legal writing, being in fact of structural importance to the drafting of legislation;
- legal language conditionals are exclusively prototypical, expressing real, generic conditions and allowing very few potential and counterfactual constructions;

- legal language conditional constructions seem to display some of the general features of legalese itself: being a highly formalized language, not open to linguistic creation, legal language repeatedly uses a limited number of conditional connectives, mainly those displaying a neutral, unmarked conditional meaning, as well as some specialized connectives (in addition to specialized mood-tense patterns) that are usually quite rare outside legal texts; also, the well-known preference of legal texts for long, complex sentences with intricate patterns of coordination and subordination is consistent in our analysis with the significant presence of multiple conditional protases introduced by different conditional connectives alternating in free variation.

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