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Linguistic Insights
Studies in Language and Communication

Davide Simone Giannoni &
Celina Frade (eds)

Researching Language and the Law

Textual Features and Translation Issues

Peter Lang

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This volume reflects the latest work of scholars specialising in the linguistic and legal aspects of normative texts across languages (English, Danish, French, Italian, Spanish) and law systems. Like other domains of specialised language use, legal discourse is subject to the converging pressures of internationalisation and of emerging practices that destabilise well-established norms and routines. In an integrated, interdependent context, supranational laws, rules and procedures are gradually developed and harmonised to regulate issues that can no longer be dealt with by national laws alone, as in the case of the European Union. The contributors discuss the impact of such developments on the construction, evolution and hybridisation of legal texts, analysed both linguistically and from the practitioner's standpoint.

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Linguistic Insights

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University of Bergamo

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Introduction

1. Legal discourse and its analysis

Like other domains of specialised language use, legal discourse is subject to the converging pressures of internationalisation and of emerging practices that destabilise well-established norms and routines. For this reason, the metaphor of globalisation can be fruitfully applied also to the law and its textual embodiment. Although viewed primarily as a feature of international commercial transactions, globalisation has rapidly spread to areas of human activity such as politics, education and the law. In broad terms, it implies an interdependence among organisations, institutions and individuals belonging to different national contexts as they attempt "to promote global coordination of activities in (but not necessarily across) different functional subsystems" (Jessop 2000: 203).

To mediate relations among these actors across national borders, globalisation relies on two symbolic communicative resources: law and language. It is law-driven in its overall effort to cover all relations within a global society and is discourse-driven insofar as it creates new language resources for conveying its ideas, constructing its practices and constituting its identities. It is plausible, therefore, to adopt the term 'legal globalisation' for the process that creates the legal conditions for such interchange on a global scale (Frade 2008). Although clearly influenced by the common law tradition primarily rooted in English, legal globalisation asserts its operational autonomy *vis-à-vis* national laws by not excluding the possibility of reciprocal influence or resistance to "attempts to brake or guide it through various forms of strategic coordination" (Jessop 2000: 329).

In an integrated, interdependent context, institutionalised expressions of supranational laws, rules and procedures are being developed and harmonised to regulate issues that can no longer be dealt with by national laws in isolation, as in the case of the European Union (EU) and its legislation. At the same time, the tendency to adopt English as a *lingua franca* is introducing linguistic, cultural and procedural features that were previously unknown in many contexts. This trend is especially challenging for legal practitioners in civil law countries and for those whose native language is not English, who are confronted with various communicative problems. At another level, legal linguists worldwide are increasingly engaged in interdisciplinary work on the language of legal communication and are expected to interact with legal practitioners on a global scale.

Early research on the language-law interface dates back to the 1960s (Mellinkoff 1963; Crystal/Davy 1969; Gustafsson 1975) and was particularly concerned with the status of *legal English* as a sub-language with its own style, syntax and terminology. Subsequently discourse analysis and genre analysis have targeted the common features of legal texts such as contracts and statutes, focusing on their lexico-grammatical and rhetorical features (cf. Bhatia 1993; Trosborg 1997). Legal English remained the main focus of most studies, without much consideration of other languages or of how language functions across different legal systems. More recently, as a consequence of emerging legal globalisation, studies on language and the law have developed a multicultural, multilingual approach extending to the use of legal English in non-Anglophone nations and in supranational legislation promoting the harmonisation of laws, rules and procedures (Bhatia *et al.* 2003; Frade 2008; Gotti 2009; Šarčević 2009). The creation of an 'International Round Table for the Semiotics of Law' (2004) and research on the semiotics of law in a global setting also provide evidence of scholars' efforts "to analyse the law from different perspectives than those of the traditions of European and Anglo-Saxon Jurisprudence" (Wagner *et al.* 2005: 9).

A topical example of the internationalisation of legal and linguistic practices is the discourse of arbitration, which has been the object of two international projects coordinated by the City University of Hong Kong (see <http://gild.mmc.cityu.edu.hk> and <http://enweb.

cityu.edu.hk/arbitrationpractice/index.html>). Its investigation shows how similar provisions dealing with international commercial arbitration are implemented in the statutes and regulations of different legal/cultural contexts and languages (Bhatia/Candlin 2004; Frade 2004; Giannoni 2005; Gotti 2005; Bhatia *et al.* 2008, 2010).

Since the establishment of the European Union in 1993, a growing amount of multidisciplinary work has concentrated on legal translation, interpretation and lexicography. Although a quick look at the official website of the EU (available at <http://europa.eu/index_en.htm>) gives the impression that English is the Union's *lingua franca*, all of its contents are available also in the other 22 official languages. The EU is required to publish its legislation in each of these and to communicate with authorities and the public of Member States in their own languages. Such a diverse linguistic arrangement is made possible by the complex translation facilities provided by EU institutions.

The contributions included in this volume reflect the interests of scholars specialising in the linguistic and legal aspects of normative texts across languages (English, Danish, French, Italian, Spanish) and legal systems. They were presented at an international conference organised by the Centre for Research on Languages for Specific Purposes (<http://www.unibg.it/cerlis>) at the University of Bergamo in June 2009. We are grateful to all the authors for patiently implementing our recommendations for revision and to the series editor, Maurizio Gotti, for general oversight of the project.

2. Outline of contents

The first part of this volume deals with textual features that are of special significance either because they single out legal communication from other types of professional discourse or because they highlight emerging tensions in the language of the law and its practitioners. In an in-depth, widely documented exploration of the subject, ESTRELLA MONTOLÍO DURÁN (Discourse, Grammar and

Professional Discourse Analysis: The Function of Conditional Structures in Legal Writing) describes the role and use of conditional logical connectors in statutory texts ranging from Babylonian law to modern-day Spanish legislation. Her diachronic analysis shows that conditional clauses are a recurring feature of such texts. The most frequent of these is the postponed structure [q, *if* p], which restricts the scope of the previous statement in order to anticipate an excessively broad (and, therefore, erroneous) interpretation; less often legal drafters rely on the structure [*if* p, then q], whereby possible consequences are pre-empted by turning information from the prior discourse into a supposition. The historical evidence presented in this study points to a striking continuity in legal reasoning across different ages, languages and cultures. What follows is a contribution by SUSAN KERMAS (English Legal Discourse and the French Continuum) charting the influence of French on English legal language in Europe. Its results, drawn mainly from the EUR-Lex archive, suggest that efforts to harmonise legislation in the EU often lead to the adoption of French loanwords – as in Middle English legal discourse. At the same time, English words lacking equivalents in Romance terminology tend to be replaced by new extended meanings of cognates of French terms. As this trend is unique to Europe, it is widening the distance between British and American legal nomenclature, which in turn increases the ambiguity of English texts used in non-European contexts.

STANISŁAW GOŹDŹ-ROSZKOWSKI (*Responsibility* and *Welfare*: Keywords and Semantic Categories in Legal Academic Journals) introduces the reader to new developments in keyword analysis, used as a resource for mapping genre-specific textual features. His study compares keyword data from journal articles and a range of other genres in a large legal corpus, with a discussion of the value of the different statistical tools employed. The results, based on the top 100 types, indicate that there are five categories of keyword whose presence is significant in journal articles: those associated respectively with citation, self-mention, legal terminology, legal knowledge structures and general language. In the next study (Linguistic and Legal Vagueness in EU Directives Harmonising Protection for Refugees and Displaced Persons) VANDA POLESE and STEFANIA

D'AVANZO explore how linguistic and legal vagueness is instrumental to ideology in EU directives dealing with the rights of migrants and asylum seekers. By managing the quantity/quality of vague lexicalisations in such texts, drafters construct an ideologically-biased discourse whose purpose is not to grant rights but to strengthen the role of Member States in controlling migration. While adjectives are the main lexical resource encoding vagueness, the analysis also considers adverbials and phrases that reflect the power relations underlying EU directives. Turning to the relationship between spoken and written usage in the law, ROSS CHARNOCK (Traces of Orality in Common Law Judgments) challenges the view that legal language is invariably complex in terms of syntax and terminology. In English common law courts, for example, the fact that most judgements are still delivered orally and then 'transcribed' reinforces the presence of features more typical of the spoken register, such as conversational connectives, performatives, deixis and dialogue. The corpus assembled in this study points to a historical trend towards increasing simplification and wordings that highlight the oral origin of this written genre.

The linguistic implications of European harmonisation are explored by JUDITH TURNBULL (Harmonisation of the Law and Legal Cultures in the EU: A Linguistic Approach), who shows that the rhetoric of the European Court of Justice is influenced by the cultural background of its judges. After assembling a sample of Opinions drafted by British and Italian advocates general in their respective languages, her study investigates the role of first-person markers, expressions of agreement/disagreement and politeness in such texts. Alongside evidence of accommodation to a supranational audience, the results predictably reflect the dratfers' language background. This means that EU Opinions may be classified as hybrid texts, insofar as they merge diverse linguistic and cultural conventions.

The second group of contributions addresses emerging issues in legal translation and interpreting, with insights that can improve our awareness of current practices and their linguistic dimension. PATRICK LEROYER and KIRSTEN WØLCH RASMUSSEN (Accessing Discursive Data Types in Legal Translation Dictionaries: The Case of *Sans Préjudice de*) test the common belief that bilingual dictionaries are of little value at phrase and sentence level. Using French>Danish legal

dictionaries, the IATE multilingual term base and EUR-Lex, they describe a case study of textual difficulties encountered when translating the phrase *sans préjudice de* into Danish. Unlike printed dictionaries and their digital reproductions, these online resources contain evidence of 'textonyms' – that is of text-level discursive data types drawn from authentic documents – which could be usefully incorporated into legal dictionaries in the form of translational textual examples. In the next chapter, ÁNGEL M. FELICES LAGO (Axiological Analysis of Entries in a Spanish Law Dictionary and their English Equivalents) describes a method for mapping relevant values in various branches of legal discourse. A sample of terms and idioms reflecting widely-held social values linked to human behaviour was extracted from a Spanish law dictionary and investigated to identify which values are most prominent and how they are lexicalised. The results – revealing a marked prevalence of nouns over other parts of speech – provide interesting insights if contrasted with the axiological taxonomies proposed in the literature.

Turning from the text to the practitioner, CHRISTOPHER GODDARD (Legal Linguists: As (In)substantial as Ghosts and True Love?) offers a critical overview of a new profession, the 'legal linguist', which straddles language and the law. For this purpose he surveyed a number of EU academics, translators and students, to identify the difficulties and opportunities faced by practitioners capable of drafting, translating, editing and proofreading legal texts in various languages. The success of this emerging career option depends largely on the provision of specific academic programmes in legal linguistics and on the ability of trainees to secure a market niche distinct from that of legal translators or lawyer linguists. A similar interest underlies FRANCISCO VIGIER's contribution (Legal Translation and Interpreting in the UK Today), which provides a picture of working conditions for legal translators and interpreters in Britain. After describing some aspects of their training, accreditation and professional profile, it reports the findings of a survey of English-Spanish legal translators. This documents current conditions which, however, are likely to change as a result of European legislation regulating the recognition of foreign professional qualifications,

competitiveness within the EU and the right to interpretation/translation in criminal proceedings.

The performance of liaison interpreters is analysed in a case study by IULIA DANIELA NEGRU (Acceptability versus Accuracy in Courtroom Interpreting). Her findings, based on a corpus of courtroom hearings and interrogations in Italian/Romanian, illustrate how a lack of professional training tends to produce 'acceptable', rather than accurate, translations. An overview of such features as choice of register, turn-taking, summarising and closeness to the source text suggests that in actual practice interpreters (who are often underpaid native-speakers) struggle to implement the detachment, responsibility and interpersonal skills recommended in the literature.

The last two chapters deal with the translation principles and strategies observed in international multilingual documents. ROCCO C. LOIACONO (The Translation of Bilateral Agreements between Australia and Italy: Linguistic or Functional?) investigates eleven agreements signed by the Australian and Italian governments between 1963 and 1996. After analysing borrowings, calques, approximate equivalents, paragraph length and use of register in such texts, the author concludes that *legal equivalence* is the preferred strategy adopted by translators. This means that they sought to ensure that both language versions produced the same interpretation, without too much concern for the target text's comprehensibility for the general public. CORNELIS J.W. BAAIJ (Translation in EU Legislative Procedure: A Receiver-Oriented Approach) offers a critical evaluation of receiver-oriented translation in EU legislation; this means that a translator adjusts the target text to account for its 'legal effect', i.e. its interpretation and application in national courts. Evidence gathered from EU guidelines and policy documents – as well as interviews with translators, editors and jurists – suggests that the ideal advocated by theorists is unlikely to be implemented. Because of the limited legal expertise of translators and the special nature of EU law, which is supranational and equally authentic in all its language versions, it is not easy to envisage an alternative to the current source-oriented approach.

Despite the growing amount of literature on the subject (cf. Collins/Hattenhauer 1983; Levi 1994; Morris 2000; Geeslin 2004), the

study of language and the law deserves greater recognition in academic circles. Tiersma (2009) has recently noted, among other things, that its interdisciplinary nature is of special value in such related areas as semiotics and forensic linguistics. In line with this view, the research presented here sheds light on recent developments whose implications may be of interest not only to the discourse analyst but also to legal practitioners, drafters, translators and interpreters in Europe and elsewhere.

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Textual Features

ESTRELLA MONTOLÍO DURÁN

Discourse, Grammar and Professional Discourse Analysis: The Function of Conditional Structures in Legal Writing

1. Introduction

The aim of this chapter[1] is to describe and account for the functional importance of a specific linguistic structure within Spanish legal documents [*if* p, then q]. This is an essential feature of legal and legislative texts, as other specialists have already pointed out,[2] especially for English legal discourse. I shall try to demonstrate here that the relevance of this construction can be seen in present-day legal documents as well as in the earliest known legal records. For this purpose I will analyse the discourse-textual functions of the frame [*if* p, q] and those of the construction [q *if* p], while the last section extends the analysis to other varieties of conditional constructions, in particular those introduced by particles which in previous studies (Montolío 1991, 1999, 2000a) I refer to as complex conditional connectors: *siempre que* [provided that]*, salvo que* [unless] and *a no ser que* [unless]. I shall also note the significant presence in texts drawn from the legal world of constructions such as *en caso de* (*que*) [in case of], as well as elliptical conditionals such as *de (no) ser así*

1 This work belongs to the project *Linguistic and Pragmatic Analysis of Expert Recommendation in Professional Documents* (Reference: FFI2008-00823), financed by the Spanish Ministry of Science and Innovation. I am greatly indebted to my erudite colleague Dr Joaquín Sanmartín, Professor of Assyriology in the Department of Semitic Studies at the University of Barcelona, who is a world specialist in Sumerian and Akkadian. I wish to thank him for the valuable information he has provided on the subject.

2 For instance, Trosborg (1995) and especially Bhatia (1993).

[otherwise]*, en caso contrario* [should this not be the case] and *en su defecto* [failing that].

Having noted the recurring presence of conditional structures, generally introduced by *si* [if], although other connectors are used as well, the questions that I raise here, and which I then go on to attempt to answer are: Why do conditional constructions recur with such frequency in the writing of legal texts? And, consequently: What discourse functions do constructions of this type fulfil in the texts of the legal community and, above all, in the writing of laws?

Interestingly, the legislative style of the earliest legal codes of the Western world, written in Sumerian and Akkadian sometime in the 18th century BC, is based precisely on conditional sentences of the type: 'If any one does P, they will be punished with Q'. Thus, the well-known *Code of Hammurabi* (18th century BC) is a collection of laws that uses the conditional form, as exemplified by its first article:

(1) *Si un hombre acusa a otro hombre y le imputa un asesinato pero no puede probarlo, el acusador será ejecutado.*
If any one ensnare another, putting a ban upon him, but he can not prove it, then he that ensnared him shall be put to death.

As we shall see, the conditional structure [*if* p, then q] represents, in certain ways, a progress on a more ancient and elementary legislative style, based on the use of apodictic formulas of the type: 'Thou shalt not do X'. Providing for possible situations (generally presented using the particle *if*) in order to establish rules that match each case, constitutes an essential cognitive and linguistic mechanism for the legislator. This cognitive mechanism is expressed by means of a grammatical mechanism: the conditional structure. In the formulation of laws, an accumulation of conditional structures is not infrequent.

The first part of this study concentrates on the analysis of conditional structures in ancient legislative texts (Babylonian law and the *Code of Hammurabi*). This is followed by an analysis of conditional sentences and a description of their discourse functions in present-day legal documents. Given the discursive and cognitive relevance of conditional constructions in the drafting of laws, it seems more convenient to approach these from the theoretical perspective

offered by discourse grammar, which focuses on the relationship between the grammatical structure of the language and its discourse functions (Chafe 1984, 1986; Ford/Thompson 1986; Fox/Thompson 1990; Ford 1993).

2. Material and method

For the purposes of this study, a double corpus was used: to exemplify Babylonian legislation, the *Code of Hammurabi* in Sanmartín's Spanish translation (1999) and King's (1910) English translation;[3] to exemplify contemporary legal texts, the body of laws passed in Spain during 2008, which amounts to some 150,000 words. As a tangible example of the importance of conditional structures in legislative writing, I randomly selected one of the laws making up the latter corpus, i.e. Law 1/2008 (13,693 words), which contains the following conditional structures:

Particles introducing conditional structures	Occurrences
si (*if* p, then q)	22
en caso de (que) (in case of)	6
siempre que (provided that)	3
salvo que (unless)	3
a menos que (unless)	1
en el supuesto de que (in case of)	1
Total	36

Table 1. Occurrences of conditional structures in Law 1/2008.

By contrast, if we look in the same law for another type of complex sentence – for example, causal sentences, which are known to express a more basic cognitive notion and as such are very frequent in general language – we find the following data:

3 These are both available online at <http://www.wsu.edu/~dee/MESO/CODE.HTM>.

Particles introducing causal structures	Occurrences
porque (because)	2
ya que (since/as)	1
visto que (since/as)	1
dado que (since/as)	0
puesto que (since/as)	0
Total	4

Table 2. Occurrences of causal structures in Law 1/2008.

Thus the structural importance of conditional sentences is more than self-evident in the writing of any law. These data lead me to formulate one of the hypotheses of this study: since ancient times, the drafting of legislation has been based on a consideration of plausible situations – possibly situations already experienced on one occasion or another by the community that is codifying its laws so as to anticipate equivalent legal actions.

3. The legal codes of the Babylonian tradition[4]

The Mesopotamian collections of law – of the Sumerian, Babylonian and Assyrian traditions – are the most ancient in the history of humanity. They do not constitute the earliest forms of social regulation, because there is evidence of earlier rules and judgments, but these collections are an example of the efforts made by a society to maintain order, stability, a sense of security and social cohesion, quashing disintegrative tendencies and making timely corrections to any imbalances. From a purely formal perspective, the legal articles of Babylonian tradition present the following variants: price lists, tariffs, and laws. The laws, in turn, may be (a) apodictic laws, (b) relative casuistic laws, or (c) conditional casuistic laws.

4 Section 3 is based on Sanmartín (1990). On this topic, also see the work of Sasson (1995) and Roth (1995).

3.1. From apodictic to conditional formulations

The formulation of an apodictic law embraces a necessary truth – it is unconditional. In other words, it is a categorical linguistic expression conveying evidence of a conceptual system which is considerably more elementary than that revealed by a conditional structure. In the *Code of Hammurabi*, characterised by what is basically a conditional form, we find a few cases of laws expressed in an apodictic form:

(2) *El campo -o el huerto o la casa- de un soldado -o de un militar o de un colono-* ***no pueden ser puestas a la venta***.
The field, garden, and house of a chieftain, of a man, or of one subject to quit-rent, **cannot be sold**. (CH 36)

This linguistic and cognitive contrast between the apodictic and the conditional formulation is of great interest, since the apodictic form presupposes the expression of a simple, basic notion that does not consider the situation in abstract terms (of possible contexts or circumstances), but rather in terms of strict prohibition.

Apodictic laws in their purest form do not usually include explicit punishment, but rather limit themselves to mere prohibition (*Thou shalt not do X*). Often, however, such a limited expression is insufficient and there is a need to anticipate different types of punishable situations. It is at this juncture that the conceptual and linguistic need arises for a conditional formulation: the conditional structure presents and facilitates at the same time a degree of conceptual, and even moral, sophistication that is much more elaborate.

By contrast, the Mosaic Law and Jewish laws in general are essentially apodictic in their formulation. They are legislative products developed from the traditions of nomadic peoples dedicated to shepherding their herds and not organized in complex social structures as the Babylonians, for example. Thus, the type of apodictic formulation in the example below, which is so frequent in Hebrew texts, is not surprising:

(3) *Seis días trabajarás y harás tus obras, pero el séptimo día es día de descanso, consagrado a Dios,* ***y no harás ningún trabajo*** *ni tu, ni tu hijo, ni tu hija, ni tu esclavo, ni la tu esclava, ni tu ganado, ni el extranjero que sea dentro de tus puertas*.
Six days you shall labor and do all your work, but the seventh day is a sabbath to the Lord your God. On it **you shall not do any work**, neither you, nor your son or daughter, nor your male or female servant, nor your animals, nor any foreigner residing in your towns. (*Exodus* 20: 9-10)

In the next section, the conditional formulation will be examined, since this is the most frequent, by far, in the Babylonian legal codification. To do so, we shall concentrate our analysis on the *Code of Hammurabi*.

3.2. The 'conditional style' in Babylonian legal writing

In the *Code of Hammurabi* another step is taken towards increased elaboration of thinking and instead of apodictic laws it has conditional laws, very often of the type that we would refer to in grammar as real *if*-conditionals (i.e. the condition is considered of probable fulfilment). In these laws, the protasis (the condition) is introduced using a formula based on 'if'. In all of these, the legislator first introduces a 'criminal' or punishable situation and then presents the solution or sanction that restores the social balance.

Frequently the law combines more than one conditional protasis. In other words, an article presents different circumstances that need to be considered together before establishing the corresponding punishment.

(4) ***Si*** *un hombre que ha perdido alguna cosa suya encuentra lo que ha perdido en manos de otro hombre, y el hombre en cuyas manos encuentra la cosa declara: "un vendedor me lo vendió; lo compré ante testigos",* ***y si*** *el dueño de la cosa perdida declara: "voy a presentar testigos que conocen la cosa perdida por mí",* ***y si*** *el comprador presenta al vendedor que se la vendió y a los testigos ante los que realizó la compra y el dueño de la cosa perdida presenta también sus testigos que conocían la cosa perdida por él, los jueces examinarán sus respectivas declaraciones; además, tanto los testigos ante los cuales se realizó la compra como los testigos que conocían la cosa perdida*

> *perdido declararán lo que saben en presencia de(l) dios. Según ello, el ladrón es el vendedor; que sea ejecutado. El dueño de la cosa perdida recuperará lo que perdió. El comprador recuperará el dinero que pagó del patrimonio del vendedor.*
> **If** any one lose an article, and find it in the possession of another: **if** the person in whose possession the thing is found say "A merchant sold it to me, I paid for it before witnesses," **and if** the owner of the thing say, "I will bring witnesses who know my property," **and if** the purchaser *brings* the merchant who sold it to him, and the witnesses before whom he bought it, and the owner shall bring witnesses who can identify his property, the judge shall examine their testimony – both of the witnesses before whom the price was paid, and of the witnesses who identify the lost article on oath. The merchant is then proved to be a thief and shall be put to death. The owner of the lost article receives his property, and he who bought it receives the money he paid from the estate of the merchant. (CH 9)

Often two or more articles are linked to present a broader panorama of hypothetical situations in order to state what the due punishment should be. This is the case of article 9 in the Code, which we have just seen, and which is followed by the article quoted in (5):

(5) ***Si*** *el comprador* ***no*** *presenta al vendedor que se la vendió ni a los testigos ante los cuales realizar la compra, mientras que el dueño de la cosa perdida presenta los testigos que reconocen la cosa perdida, el ladrón es el comprador; que sea ejecutado. El dueño de la cosa perdida recuperará lo que le perdió.*
If the purchaser **does not** bring the merchant and the witnesses before whom he bought the article, but its owner bring witnesses who identify it, then the buyer is the thief and shall be put to death, and the owner receives the lost article. (CH 10)

(6) [*Si un hombre compra o recibe en depósito plata, oro o un esclavo o esclava, o un buey o una oveja o un asno, o lo que sea, de manos de un hijo de un hombre o del esclavo de un hombre sin testigos ni contrato, ese hombre es un ladrón*]; ***será ejecutado***.
[If any one buy from the son or the slave of another man, without witnesses or a contract, silver or gold, a male or female slave, an ox or a sheep, an ass or anything, or if he take it in charge, he is considered a thief and] **shall be put to death**. (CH 7)

As example (6) shows, an important feature of casuistic laws expressed conditionally is the imbalance between the protasis, which

tends to be long and protracted, and the apodosis (the consequence), which is quite short in most of the articles.

4. The form and function of conditional constructions

4.1. The notion of conditionality

Conditionality constitutes a very broad semantic notion, which may be expressed using a rich set of syntactic constructions that can vary greatly. So much so, in fact, that most specialists agree that conditionals are, probably, the most complex class of subordinate structures.[5]

Conditionality and its expression constitute a fundamental cognitive mechanism. Conditional structures are one of the main linguistic means we have as speakers for expressing, for example, our ability: to imagine situations that are distinct from reality (*If I were a millionaire*); to create possible worlds (*If we could fly*); to dream about how things might have turned out differently (*If we had met ten years earlier*); or to hide what is a fact behind an appearance of contingency (*If you're as tired as you just said you were*).

The notional and formal complexity of the phenomenon means we need to adopt an interdisciplinary perspective in which four types of analysis should play a role: grammatical, semantic, cognitive, and pragmatic.

5 The bibliography on conditional sentences is really vast. See, among others, Comrie (1986); Johnson-Laird (1986); Stalnaker (1986); Dancygier (1990); Dik (1990); Sweetser (1990); Ford (1993); Montolío (1999); Declerck/Reed (2001).

4.2. The meaning of the structure [if p, then q]

Specialist studies[6] agree that the relationship of implicature established between the two clauses of a conditional sentence does not link two existential phenomena, but rather between two speech acts. The *if*-particle contains a strong pragmatic value that consists of the interactive instruction 'Suppose p so that the declaration of q makes sense'. In other words, the connector *if* asks the interlocutor to accept provisionally the proposition contained in the protasis or antecedent, based on which the content of the consequent q must be interpreted.

Therefore, when a speaker uses a construction of the type [*if* p, then q], he is establishing a supposition and a pragmatic implicature between two utterances. First, the speaker uses a pattern with *if* to establish a supposition, insofar as the value of this element is precisely that of asking the interlocutor to suppose certain information in a given period of time. Secondly, the same speaker encodes a pragmatic implicature because, insofar as he/she is asking the listener to accept hypothesis p before showing the consequent q, so that a certain dependence is established between p and q.

4.3. The biconditional interpretation in natural language

The long tradition in studies of conditionals in the field of logic has produced an abundant literature interested abstractly in the semantic aspects of truthfulness but not in the use of conditionals in real interactions. In contrast, the study of conditional structures as they are used in daily speech has highlighted that speakers typically interpret these structures understanding the two elements (p and q) to be true, or that the truth of p is deduced from the truth of q. In this way, a conditional statement such as the following leads to a deduction that in the case of favourable climatic conditions, the speaker will indeed take a trip to the coast. In other words, it is generally understood that [*if* p, then q] implies [p true and q true]:

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6 Especially the work of Ducrot (1971, 1972, 1973, 1980). From another perspective, cf. van der Auwera's (1986) and Sweetser's (1990) proposals.