

# **A Comparative Analysis of Variations in Cohesive Devices in Professional and Popularized Legal Texts.**

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## **Abstract**

This study attempts a comparative analysis of the use of cohesive devices in professional and popularized legal texts using Holliday and Hassan's 1976 model. The corpus consists of two texts representing each category of text, making a total of four texts. The result of the analysis carried out on the texts in the corpus revealed that referring devices are used predominantly in the two categories of legal texts. The use of the referring devices makes reference and information retrieval easy. Coordinators also appeared common in the two categories of legal texts. In the professional texts, the coordinators "or" and "but" are used as means of listing intended meanings and all that amount to law when drawing statutes, regulations, contracts or Wills. In the popularized texts, normal use as means of linking sentence elements is made of the coordinators. Many instances of lexical ties also abound in the two categories of texts.

## **1 Introduction**

This study presents the analysis of cohesion in professional and popularized legal texts. Five representative samples of texts are used to discuss the incidences of cohesive ties in both categories of texts. This is in order to examine how cohesive devices work and what their roles are in the creation of texts. The representative texts are analyzed based on Halliday and Hasan (1976) model.

The analysis of texts in the corpus of this study was focused on the five categories of cohesive ties presented by Halliday and Hasan (1976). These are conjunction, reference, substitution, ellipsis and lexical cohesion. The main aim is to present cohesive ties that characterize the professional texts and their potential stylistic applications and effects. The cohesive elements may be repeated across the text since the texts are related. However, since the main objective is to account for the main cohesive types that occur within and between the sentences, any grammatical or lexical item, which functions to link two elements together is identified and discussed as a tie. The elements that follow the preceding ones are examined for any formal link between them.

## **2 The corpus and method of investigation**

The corpus for this study is made up of for texts selected randomly from the professional and popularized legal texts. The texts consist of excerpts from professional legal formbooks, journals, law reports and newspaper legal articles. The topics covered by the extracts represent the two categories of the legal texts. Specialists from the content field were involved in the selection of the texts because they belong to the same discipline of which a non-specialist may find difficulty in distinguishing the two categories. The analysis of cohesion as a textual component in this study was based on Halliday and Hasan's (1976) Model. Halliday and Hasan (1976) look at cohesion as a semantic relation. It refers to relations of meaning that exist within the text and that define it as a text.

## **3 Professional and popularized legal texts**

Professional legal texts as described by Finke (2004) is easily applied to what lawyers "call primary sources of law", that is codes, statutes, regulations or court cases, the work products of many different types of sovereigns, either presently in force or historical value. Finke in addition opines that when looked at it from different perspectives, the term legal text" refers to instruments created to determine rights in private transactions such as Deeds or Wills. Legal text does not only refer to the primary sources of law but includes scholarly writings on laws. Examples of these scholarly writings on law as Finke (2004) maintains include articles in law journals or a treatise of the restatement of the American law institute.

Legal text in general sense refers to any text, which a legal professional could use in the course of her work, that is. in the development of rule of a law for particular situation. This use of legal text includes the lawyer's primary sources of law as well as the various instruments, which are created in the context of these primary sources to determine legal rights (KurazonFinke 1989 and 2004). The legal texts are created within the legal context in order to be used by legal professionals to determine legal rights are the professional texts. These texts are in contrast with the popularized versions, which are created not only within the legal contexts but also out of it to inform or educate the audience on the rule of law. The professional texts therefore are innovative, while the popularized versions are informative.

Kurzon (1989) points out that contracts, Wills and Deeds have frozen styles because they are not written a fresh every time the lawyer has to draw up. The lawyer uses the formbooks as referred to in the profession in which documents or paragraphs of documents are set out, and it is up to the lawyer to choose the appropriate paragraph or paragraphs for the particular documents he/she is drawing up. All

that the lawyer has to add to these documents are the personal particulars of the person or persons involved.

Language of the law has been regarded as the least communicative among the uses to which language is put. One of the obvious reasons is that it includes some very complex linguistic practices of the ancient days. Tiersma (1999), is of the view that because legal language itself is not monolithic, and is used to attain various goals, our assessment of its usefulness will depend on a large number of considerations. Commenting more on the long term linguistic practices of an ancient profession, Tiersma maintains that some of the features are nothing more than time-worn habits that have long outlived any useful communicative functions. Other characteristics, arguably, serve some functions such as signaling that an event is an important proceeding, or enhancing the cohesiveness of lawyers as a group, but should be abandoned because they detract too much from the paramount goal of clear and efficient communication. The use of language that does not communicate very well by lawyers with the public has been regarded as intentional. In respect of this, Tiersman says:

In yet other cases, lawyers approach language strategically; actually preferring obscurity to clarity, such usage impedes the overall goals of the system and its language. More problematic are

features that clearly enhance communication within the profession but mystify outsiders. Here, we may need to weigh how important it is for the lay public to understand the language at issue

In the final analysis, legal language must be judged by how clearly and effectively it communicate

the rights and obligations conferred by a constitution, the opinion expressed by a court, the regulations

exchanged in contract. While ordinary people may never understand every detail of such legal documents,

our law should be stated as clearly and as plainly as it can be. Democracy demands no less . ( Tiersma )1999:18).

The fact that legal language does not communicate very well with the public as pointed out above has led to the movement for plain English. Plain English as described in Kimble (1995) has to do with clear and efficient communication, not more or less. It does signify a new attitude and a fundamental change from past practices. Kimble further points out that in his ground-breaking book, David Mellinkoff describes the traditional legal writing as wordy, unclear, pompous and obscure.

In highlighting what makes legal language difficult to understand, Tiersma (1999) notes that technical vocabulary, unusual and archaic words, impersonal constructions, use of modals like shall, multiple negation, long and complex sentences and poor constructions are all features of legal English that impedes communication with the lay audience. It is therefore clear that these complex structures create a gap between the legal specialists and lay audience whose life is mostly affected by the law. The need for plain English or popularization of legal texts is necessary because it makes them accessible and comprehensive to the lay audience. Popularization of legal texts dwells much on translation of the original versions of the legal texts. Popularization of the legal texts does not have the lay audience as the only target audience but the specialists in the legal communities.

Bhatia (2003), introduces two basic notions of popularization of legal texts which are not easification for the specialist audience and simplification for the non-specialist audience. He refers to them as two different genres, because they serve different communicative purposes, and are meant for two different audiences. Bhatia (1983 and 1993) in Bhatia (2003) points out that easification is an attempt to make a professional text more accessible to the learner by using a variety of devices which

guide the reader without making any drastic changes to the original content of the text. In the legislative context, the most appropriate and useful easification devices include those, which not only clarify the cognitive structuring in the expression of complex legal contingencies but also reduce the information load at particular points in legislative statements. This easification procedure makes the text easier to process while preserving the original integrity of the original.

Simplification procedures, on the other hand, create alternative textualizations meant for a lay audience. This is the main focus in this work as the basic purpose is to find out the distinction in legal language addressed to the specialists in legal community and lay audience. Popularized legal texts are usually likened to the simplified version of the original texts. The form undergoes changes but the contents of the original do not. The main purpose of the popularized texts is to meet the informative needs of its audience. This is pointed out clearly in Gotti (2003).00

Gotti (2003) points out that target and purpose shape the language of popularization, which is addressed to non-specialist readers, be them students in need to get secondary culture through pedagogic texts, or wider public with no specialists knowledge yet interested in specialized topics. Gotti emphasizes that redrafting is a key word when talking of popularization, which in order to meet the informative (rather than innovative) purpose and the needs of its audience, present a set of textual features and expressive strategies such as a low number of technical words, a high degree of subjectivity and approximation, usage of critical remark, facilitating devices.

#### **4 Concept of Cohesion**

Hoey (1991) points out that a number of important works which dealt with the subject matter of cohesion have been published since the early seventies when text analysis was still in its early stages and the flood of publications just mentioned was still more than light rainfall. Studies in cohesion as Hoey points out are no longer likened to a light rainfall. Studies in cohesion have reached an advanced stage and have gained ground in linguistic studies especially discourse analysis. He refers to the studies of Quirk, Greenbaum, Leech and Svartvick (1972) as the first work to be widely available. He points out that several of the later chapters of his book “patterns of Lexis in Text” were devoted to the features that ground a sentence in its context, building on previous works by the authors particularly Greenbaum (1960); this account was recently superseded by a much description as was in Quirk et al (1985).

Gutwinski (1976) cited in Hoey (1991) refers to cohesion as rooted in a stratification framework and that its focus on the potential stylistic applications of cohesive studies has provided a starting point for some research studies in stylistics. In addition to the above, Hoey also refers to the work of Halliday and Hasan (1976) as the more widely known, built heavily upon two earlier works by Hasan, published in (1968) and (1971) which listed and classified devices available for linking sentences to each other. Hoey (1991), as a point of departure points out that Halliday and Hasan (1976) have probably had the widest audience not least because theirs is the most detailed description.

Halliday (1976) as cited in Hoey (1991) divided cohesive ties into five viz: conjunction, reference, substitution, ellipsis and lexical cohesion. These are referred to as non structural resources that are used in the surface structures of texts. This model of cohesion as used by Halliday and Hasan are obvious between sentences as those within the sentences can also function as structural elements.

Hoey (1991) is of the opinion that cohesion may be crudely defined as the way certain words or grammatical features of a sentence can connect that sentence to its predecessors (and successors) in text. He further explains that according to the works alluded to, a text is in part organized, in part created, by the presence in each sentence of these elements that require the reader to look to the surrounding sentences for their interpretation. In this sense, Halliday and Hasan (1984) refer to cohesion as a

semantic relation between elements in the text and some other element that is crucial to the interpretation of it.

Cohesion as described by Halliday (1991 and 1993) is one of the features that combine to make up the textual component in grammar. The textual components include the structural components (theme – rheme), information and focus structure (the given and new) and cohesion (Grammatical and Lexical). Halliday and Hasan (1976), refer to grammatical cohesion as including reference, substitution and ellipsis while the lexical refers to the different forms of lexical repetitions. Therefore, cohesion as Halliday and Hasan (1976) describe is a semantic relation that is realized through the lexicogrammatical system. These elements as pointed out determine the texture of a text.

McArthur (1996), describes cohesion as a term derived from Latin word *coheasio* which means cling together. He points out that in linguistics it is the language forms used to indicate semantic relations between elements in a discourse. These relations as Halliday and Hasan (1976) earlier describe are not concerned with structure (Unifying relation, parts of a sentence or clause) but non-structural relations that may be found within as well as between sentences. The non-structural resources which are used for organization of a text has been described as including reference, ellipsis, conjunction, substitution and lexical. These are resources used to create text.

Butler (1985), in similar manner observes that Halliday and Hasan (1976) refer to cohesion as belonging to the system of a language and not simply something arising from outside, concerned merely with, for example the subject matter by the text. Being concerned with the organization of message, it forms part of the textual components of semantic system. Apart from agreeing with Halliday and Hasan on cohesion as part of a textual component, Butler further points out that cohesive tie are not properties of any structural unit such as the clause or sentence, but can occur either within or between sentences. Butler (1985) stresses that cohesion is a feature of the surface structure which rests upon the recoverability of the meaning of surface items in reference to the context. The standard of cohesion refers to the mental accessibility and relevance of the concept, and relations underlying the surface text. Coherence in a text is created and maintained by the text receiver, this standard together with the standard of cohesion can be considered a text.

Cook (1992) also agrees with Halliday and Hasan (1984) and Butler (1985) on the fact that cohesion is a non-structural resources used for creating texts. He refers to the cohesive devices as formal links that create relationship between sentences and clauses. These formal links enable the writer to hang stretches of language together and create unity. Unlike the scholars cited earlier, Hoey (1991), examines the function of cohesion as a system of language. He opines that as a system of analysis, cohesion enables us to explain how the cohesive resources organise text and offer a new perspective on the way we store and process language that is of some relevance to language teachers and applied linguists, as well as to theoretical and descriptive linguists.

Yule (1989), also describes the significance of analysis of cohesion. He notes that analysis of cohesive links within the text gives some insights into how writers structure what they want to say and may help to judge whether something is well written or not. Yule stresses that the conventions of cohesive resources defer from one field or one register to another.

Cohesion holds segments of a text together making it a semantic edifice, just as motor does bricks or stones in building. The importance of cohesion lies in the continuity it expresses between one part of the text and another. This continuity is necessary for the interpretation of text, (Yun 1995). Yun further explains that cohesion provides the main thread of a text by showing that some entity or circumstance, some relevant feature or argument persists from one moment to another in the semantic process as meanings unfold.

Cohesions as described by these scholars are best assessed through the examination of the meaning relations that hold within and between the sentences or text segments. The cohesive devices are tools that when used appropriately enable the writer to hang sentences and text segments together. They also enable the writer to organize information in a text well. The successful and appropriate uses of the cohesive resources depend on how the reader has interpreted and comprehended a text. Cohesion along this line is thought of as writer based while coherence is reader based. The cohesive resources to a writer can be likened to the importance of a nut and bolt to a mechanic. The cohesive devices in addition to the linguistic structures (i.e. the sentence, clauses, phrases etc) enable writers to organize information in text. It is against the above background that this unit aims at examining and assessing how the cohesive resources are used in professional and popular legal texts based on Halliday and Hasan (1976) model of analysis. Attempt is made in this unit to explain the uses of these resources in organizing meaning in text. How those resources are used to hang sentences and text segments is the primary focus.

### **5 Cohesive Devices in Professional Legal Texts**

The analysis of the cohesive elements in the texts was carried out in stages. The texts were presented first and the sentences numbered for easy reference. Just as in Nwogu (1990), a tabular representation of the pattern of cohesion in the texts was provided. The tables indicate how the various cohesive ties are realized and how they function to organize related information. The information contained in the tables includes sentence number, presupposing item, cohesion types and the presupposed item. The discussion of the pattern of cohesion in the representative texts is finally provided. The cohesion types as adopted are represented by letters 'R' for Referential, 'L' for Lexical 'C' for conjunction 'E' for ellipsis and 'S' for substitution.

The representative texts consist of statutes and legal reports. This representation is meant to ensure representativeness as discussed under criteria for data selection. The delimitation of the text is also done to ensure manageable size of sentences for analysis. This is because analyzing all the sentences cannot account for precision as when there is a manageable size. The analyses of the texts are carried out in the following stages:

#### **Text 1**

1. The respondent was the petitioner in Suit No. WD/195/95 before the Lagos High Court.
2. 'She filed a petition against the appellant for degree of dissolution of marriage on the sole ground that the marriage had broken irretrievably by reason of the parties to the marriage having lived apart for a continuous period of at least three years immediately preceding the presentation of the petition.
3. On 13<sup>th</sup> February, 1997, the trial court granted an order of decree nisi for the dissolution of the marriage between the appellant and the petitioner.
4. He also granted custody of the only child of the marriage to the petitioner.
5. The responsibility for the education of the child from primary to tertiary education was to be borne by the petitioner, while the appellant was to have free access to the child during reasonable hours of the day.
6. The appellant was dissatisfied with this judgment and has accordingly brought this appeal against it.
7. Two grounds of appeal were filed.
8. Parties exchanged briefs. The appellant further filed reply brief.
9. In his brief the appellant identified two issues for determination as follows:-
10. Whether the appellant was denied fair hearing and if a miscarriage of justice has occurred?
11. Whether the refusal to hear the appellant was not a perversion of the undefended divorce procedure."
12. The respondent on the other hand formulated a single issue for determination as follows:-

13. “Whether in the light of facts of this case, the trial court was right in proceeding to hear the divorce petition as undefended and if any miscarriage of justice has occurred
14. It is needless for the Appellant to fragment or split issues.
15. They are merely repetitive.
16. I am of the view that the simple and single issue formulated by the respondent above will determine this appeal.
17. The appellant raises the issue of fair hearing which is fundamental in any judicial proceedings.
18. The learned trial judge compelled by the antecedents of this matter proceeded to hear the petition as undefended.

**Table 1 Cohesive Devices in Text 1**

Sen. N0	Presupposing item	Cohesive. Types	Presupposed item
1	The petitioner	R	The respondent
2.	She	R	The respondent
-	The marriage	R	Marriage
-	The marriage	R,L	The marriage
-	The petition	R	A petition
3.	The trial court	R	Lagos High Court (sent.1)
-	The dissolution of marriage	R	The dissolution of marriage (sent. 2)
4	He	R	Trial court judge
5	The only child of the marriage	R	The only child in sent 4
6	The appellant	R	The appellant (sent 5)
-	And	Conj.	This judgment
7	Two grounds of appeal	R	This appeal in sent 6
8	Parties	L	The appellant and the petitioner in sentence 3
9	The appellant	R	The appellant (sent.6)
10	Brief	L	Brief in sent 9
-	The appellant	R	The appellant (sent.9)
11	The appellant	R	The appellant (sent. 10)
	And	Conj.	Fair hearing
12	The respondent	R	Respondent in sent. 1
	A single issue	R,L	Two issues (sent. 9)
13	The trial court	R	Trail court (sent 5)
-	And	Conj.	Undefended
14	The appellant	R	Appellant above
15	They	R	Split issues (sent 14)
16	I am	R	Suleiman Galadima
17	The appellant	R	Appellant (previous)
-	The issue of fair hearing	R	Denied fair hearing
18	The learned trial judge	R	Suleiman Galadima
-	The petition	R	Petition (sent. 2)

The table above shows the cohesive devices that hold between and within the sentences or constituents of a sentence. The sentences are numbered serially for easy references. The presupposing item refers to

the first sentence or what comes first, while the presupposed refers to what follows. The letters stand for the cohesive devices as in Halliday and Hasan's (1976) model of analysis – Referential, Lexical, ellipsis, conjunction and substitution. The text consists of seventeen sentences. The sentences are analyzed for cohesive ties within and between them. The cohesive ties that occur inter-sentential seem to be clearer than the intra-sentential. They serve as good sources of textures, while those within sentences serve as good structural relations as well.

Analysis of the text reveals that the cohesive ties that occur between sentences are less frequent than those within sentences. The text features a lead judgment of an appeal filed by the respondent in a suit NO. WD/195/95 before the Lagos High Court. The first sentence of the text exposes the respondent as the petitioner in the above suit. The sentences that follow present a detailed account of the trial of the case. After the initial introduction, the respondent was not referred to until the twelfth sentence. The appellant, however, is frequently mentioned. This conforms to the rules of report where reference is constantly made to the thematic subject.

The most important issue that follows the exposition of the respondent is the subject of the case in hand i.e. the dissolution of marriage that raised the issue of the responsibility of educating the only child of the marriage. This responsibility led to the appellant's dissatisfaction of the judgment and filed an appeal. The important issue that follows the dissatisfaction of the appellant is the ground of appeal by the appellant. The discourse focused on the exchange of briefs and identification of issues for determination. The issue of fair hearing was raised also by the appellant, which is considered fundamental in any judicial proceeding.

From the analysis of the above text, it can be seen that referring cohesion is the most prominent form of cohesion used in establishing relation within and between sentences. The referring cohesions according to Hoey (1991) is a semantic relation which occurs whenever an item indicates that the identity of what is being talked about can be retrieved from the immediate context.

The referring cohesions that occur between sentences are good sources of formal linking devices that are used to hang sentences together. The referring devices used within the sentences establish relationship between the various language forms used in organizing message. The articles and the pronouns, as seen from the analysis, are the major referring devices used in the text. The referring devices signaled by the articles are the most frequent. Most of them are anaphoric and thus provide the identity of the presupposed item. For instance, the marriage in sentence two provides a structural relationship between it and dissolution of marriage in the same sentence. The petitioner in sentence four provides a formal link to the petitioner in the first sentence. In whatever form the referring expressions are used, they serve as a means of retrieving the identity of what is being talked about. There are other referring expressions signaled by the pronoun e.g. 'she' in sentence two which refers to the respondent in sentence one. 'He' in sentence 4 refers to the trial court that granted custody of the child to the petitioner and 'they' in sentences 14 refers to the two issues of determination considered as merely repetitive.

The referring devices used above contribute significantly to the building of textures of the texts. Most of them have obvious referent in the text and have functions.

Apart from the referring devices, there are also devices such as lexical and conjunction. The lexical cohesions that are featured in the text fall in the sub-class called reiteration, which covers a range of ways in which one lexical item may be understood as conjuring up the sense of an earlier one. The following are samples of reiterations from the text.

Parties in sentence 8 can be conjured from parties in sentence 2, briefs in Sentence 9 can be conjured from brief in sentence 8, while split issues can be conjured from two issues in sentence 12. The conjunctions are mostly the coordinating ones. The four instances noted join clauses of equal rank or

status. In discourse, the use enables writers or speakers to convey separate information at once. The features joined by the coordinators 'and' from the text are of equal rank or status. In addition, the features share the same grammatical subject e.g. the responsibility for the education of the child from kindergarten school to the university level and the cost of such education. The appellant was dissatisfied with the judgment and has accordingly brought his appeal against it. No instances of substitution and ellipsis were however noted.

**TEXT 2:**

1. In the realm of criminal law, legal scholars and laymen alike have pointed out that the act of the abductors amounted to treason or at least, treasonable felony
2. To examine the issues of crime raised above, we shall have recourse to the criminal code act, 12 for the definition of the said offences.
3. The offence of treason is created under S. 37 of the code thus.
4. Any person who levies war against the state, in order to intimidate or overawe the president or the governor of a state is guilty of treason and is liable to the punishment of death.
5. Any person conspiring with any person, either within or outside Nigeria, to levy war against the State with intent to cause such levying of war as would be treason if committed by a citizen of Nigeria, is guilty of treason and is liable to the punishment of death.
6. The above section provides or enumerates the act that amount in law, to the offence of treason.
7. It also regards conspiracy to commit treason, as treason itself.
8. The offence is a very grievous one taking into consideration, the capital punishment prescribed for it by the code.
9. For the offence of treason to be complete, there are two ingredients.
10. The offender must have levied war against the state.
11. Secondly, the war must be with intent to intimate or overawe the president of the federal republic of Nigeria or the governor of a state.
12. It is pertinent to point out that a third which may not be an ingredient, is the conspiracy to carry out any of the acts which constitutes the ingredient of the offence.
13. Following from the foregoing, it is pertinent to ask the following questions.
14. Did the abductors of the governor levy war against the state?

15. Was the war if levied, with intent to intimidate or overawe the governor of Anambra state in this case?
16. To answer the following questions, it is germane to defined what amounts to war.
17. Blacks law Dictionary, defines law as follows.
18. Hostile conflict by means of armed forces, carried on between nations, states or rulers, or sometimes between parties within the same nation or state.
19. There is no gainsaying that there was a conflict in Anamabra state between the governor or those loyal to him, and a group of other persons who wanted the governor out of office, from the facts made available so far in the cause of this write up.
20. So, it is safe to assert that there was a conflict between parties within the state, Anambra.

**Table 2 Cohesive devices in Text 2**

S/No	Presupposing Items	Cohesive Types	Presupposed item
1	Treason	L	Treasonable
2.	The issue of crime	R	The realm of criminal law
	-we	R	-
3	Treason -and	L Conj.	Treason in sentence 1 Treason
4	Any person - and	L Conj.	Any person in sentence 3 Treason
5	Any person	R,L	Any person (Sentence 4)
	- Levy war	L	Levy war (sentence 4)
	- and	Conj.	Treason
6.	The above section	R	Acts of treason (3 & 4 above)
7	It	R	The above section (5 & 4)
8	The offence	R	Offence of treason (sent. 5)
9	The offence of treason	R	Treason
10	The offender	R	Offence of treason (sent. 7)
11.	The war	R	War in sentence 9
12.	A third act	R	Act of treason (3 & 4)
13.	The foregoing	R	Sentence 1-11 above.
14.	Abductors	L	Abductors in sentence 1
15.	The war	R	War against the state.
16.	The above questions	R	13 and 14 above
17	War	L	War in sentences above.
18.	A conflict - and	L Conj.	Conflict in sentence 16 Governor
19.	A conflict	L	Conflict I sentence 17
20	But	Conj.	Conflict in 18

The above text is from the Nigerian bar Journal. It consists of twenty sentences. It is an article written on the abduction of the Governor of Anambra State. The text examines the criminal implication of the action of the abductors.

As the analysis shows, referring devices are the predominant cohesive ties used in the texts. The predominant referring device is the one signaled by the articles. The article as highlighted is based on the implication of criminal law in the abduction of the governor of Anambra State. The key word that runs across the text is treason, an offence punishable with death. The word is repeated in the first eight sentences. This implies that emphasis is placed on the felony of treason in the text. The discourse shifts to the explanation of the ingredients of treason, the levying of war against the State with the intention to intimidate or overawe the president or the governor. Two questions were asked to explain the act of treason and to answer the questions; the term 'war' was defined.

The analysis presents the referring devices as the predominating features of the surface items in the texts, or reference to the context of situation. The referring cohesive ties enable the reader to retrieve the identity of what is being talked about by examining what follows it. Those followed in the texts are mostly within the sentences and describe the structural relations of the sentence elements than linking the sentences. The need to describe vividly the actors or parties to the suit in legal text accounts for the predominance of the referring devices. Apart from the predominant type signaled by the articles, there are some signaled by the demonstratives 'there' and 'that' for example, sentence 8 (there are two ingredients) and sentences 17 (there was a conflict).

There is also occurrence of the lexical cohesions. The lexical items as shown in the analysis are simple repetitions. They serve the purpose of making clear emphasis. The repetition of the lexical items may also indicate that the repeated elements are key words in the discourse. It also enables the reader to focus well on the topic under examination in a text. Conjunctions are also found sparsely and they are all coordinators. Two parts of a clause are always linked to present information as bound elements rather than separately.

Finally, there are no instances of substitution and ellipsis noted from the text. This implies that in legal writing, information is presented precisely. In the legal article especially, there is always the desire to be logical, precise and unambiguous. The actors or parties to the suit are always vividly identified and discussed. This implies that in legal writing, information is presented precisely. In the legal article especially, there is always the desire to be logical, precise and unambiguous. The actors or parties to the suit are always vividly identified and discussed.

Referring cohesive relations noted from the text mostly make anaphoric references. 'Her' and 'herself' in clause (a) of paragraph one points back to a pregnant woman that embarked on any of the actions enumerated as felony of abortion and child destruction. Similarly, 'she' in clause (b) of the first paragraph refers to any woman or any person that intends to procure her miscarriage. The determiner 'any' used as initial of the preambles is in affirmative. This use made of this determiner stresses the binding of law on persons that involve in the enumerated acts. It also implies non exception of any class or category of people unless done in good faith for the purpose of preserving the life of the mother.

As can be seen from the analysis, lexical cohesion is another type that is noted. Reiteration is employed to make direct reference to an early talked about item in a text. The lexical items *unlawfully*, *miscarriage and abortion and child destruction* are repeated directly in the two paragraphs. The repetition of these lexical items enables the readers to have a stable focus and thus comprehend the text better. The reiterated lexical features add emphasis to key concepts and clarification of ideas in the text. The types of cohesion used in the text to hang sentences and grammatical elements within the sentences vary a lot. The coordinators most frequent occurring cohesive resource used. Others include referring and lexical devices.

## 5 Cohesive Device in popularized Legal Texts

.Attempt is made in this section to identify and discuss the cohesive devices used in organizing message in the popular legal texts. As pointed out earlier, cohesion occurs where the interpretation of elements in the discourse is dependent on that of another. The meaning of a presupposing item usually can only be decoded successfully by recourse to the presupposed item. The steps taken for the analysis of cohesion in the professional texts are repeated in this section.

### TEXT 3

1. Rich company engaged the service of Mrs. Bewit as the Chief accountant.
2. She was always being sexually harassed by her boss.
3. She never yielded to his overtures.
4. Her contract of employment provided that either parties to the contract could terminate the appointment by giving three months notice or salary in lieu.
5. One afternoon, her boss made attempt at her and she gave him a slap on the face.
6. Before the close of work, she received a letter terminating her appointment and paying her three months salary in lieu of notice.
7. The main issue arising fro the fact of the above hypothetical case is the relevance of motive in terminating a contract of employment.
8. A contract of employment whether oral, governed by written conditions of service or backed by statute can be terminated by either the employer or the employee.
9. Both parties must act in accordance with the contract that governs their relationship.
10. However, one thorny issue which the parties to an employment have gripped with over the years is the issue of motive for termination. Is the employer who is not satisfied with the employee's performance for any reasons for no longe requiring his service?
  11. Conversely, is an employer who secured another job and seeks to withdraw his service obliged to give reasons for seeking to terminate his appointment.
  12. Simply put, must either party disclose their motive for seeking to terminate the contract of employment?
  13. These questions raise the issue of motive in terminating a contract of employment.
  14. What is motive?
16. Motive has been defined by Black's law Dictionary as willful desire that lead one to an act.
17. It is the feeling which internally urges or pushes a person to do or refrain from doing an act.

- 18 The general principles of law is that the master or employer can terminate the contract of employment with his servant at any time and for any reason at all provided the terms of contract of service between them is complied with.
- 18 The motive which leads an employer to lawfully terminate his servant's employment is not normally a relevant factor and the court will have no business with such motive, but will only give effect to the contract of service between the parties.
- 20 Why motive is irrelevant

**Table 3 Cohesive Devices in text 3**

1	The chief accountant	R	The service of Bewit
2	She	R	Mrs. Bewit
3	She	R, L	She
4	Her	R	Mrs. Bewit (Sent. 1)
	The contract	R	Her contract of employment.
5	One afternoon her boss	Conj	Always (sent. 2)
	Her boss	R, L	Her boss (sent. 2)
6	Before the close of work	Conj	One afternoon
7	The above hypothetical case	R	Terminating the appointment and pay three months salary in lieu.
8	A contract of employment	R	A contract of employment (7)
9	Both parties	Conj	Either parties (4)
10	However	Conj. R	Both parties The relevance of motive
11	Is the employment	R	The employer (sent 8)
12	Is an employer	R	The employer
13	Either parties	Conj	Sent 11
14	This	R	Sent 11-13
15	Motive	L	Motive (sent 13)
16	motive	L	Motive
17	It	R	Motive (sent7)
18	In the contract of employment		The motive
19	The motive		motive
20	Motive	L	

The table three above shows analysis of cohesion in text 3. There are twenty sentences making up the portion of text marked out for analysis. The text is a legal article on the relevance of motive for terminating contract of employment. The focus of the discourse is on the place of motive in determining the termination of contract of employment.

From the above analysis, it can be observed that referring devices are the predominant ones. Those signaled by the definite and indefinite articles occur more frequently than other types. This conforms to the need to make clear reference to an earlier item or statement in order to chain together information in a text. Other referring devices are those signaled by the pronouns. 'She' in sentence two, for instance, refers to Mrs. Bewit, 'She' in sentence three again refers to Mrs. Bewit and also 'her' in sentence 4. These chains of pronouns create emphasis and clarify the referent in the text.

Lexical cohesion is also another means through which information in the texts cohere. Like in other varieties of language use, repetition creates emphasis and makes clear focus on concepts. It also keeps the reader abreast with the key concepts. Through these, the reader understands the text with ease. The motive for instance is repeated many times in the text. This repetition attracts the minds of the reader to motive and its place in determining the termination of contract of appointment. Contract is yet another lexical item that is repeated across the text. The repetition becomes necessary as the contract of appointment is what links the two parties. The parties involved in the contract have specified rights to terminate the appointment. In the text in hand however, motive solely has determined the termination of the contract by the employee's boss. These repeated items as seen from the text are the key concepts and through their repetition, emphasis is achieved

There are two instances of the use of adverbial initials serving as orientation points to the main clauses in the text. The two mark the initials of sentence 5 and 6 in the text. Both of the initial adverbials place emphasis on the time of the events. 'One afternoon' and 'before the close of work' are time adverbials. Afternoon refers to the time of action of the boss, and before the close of work refers to the prompt action of the boss when the employee did not yield to his overtures. A correlating conjunction 'either or' is used in the text to link the two parties. The employer and the employee as the principal actors are referred to as parties in the text. In addition to the use of the above correlating conjunctions, one is used in sentence twenty as substitution. It is used in the presupposing position to the presupposed item 'a party' in the same sentence. The reason for substitution being sparse can be attributed to the need for precision and all inclusiveness in legal writing. Legal draftsmen prefer to say everything that amount to law on given situation. This attempt leads to having complex subject preceding the main verb as in statutes.

Finally, it can be seen that the referring cohesion is predominantly used in organizing and hanging information within and between the sentences in the text. The Lexical repetition ranks second. The Lexical repetitions in the text create emphasis and aid comprehension as the reader is kept abreast with the concepts. The repetitions of the lexical items enhance emphasis and clarification of ideas and thus make information flow stable.

## **TEXT 2**

1. A plaintiff seeking a declaration of title to land has the primary duty or burden to prove clearly and unequivocally the precise area to which his claim relates.
2. But that burden will not arise where the identity of the land in dispute was never a question.
3. To a certain the exact claim o a plaintiff, one must resources to the writ of summons and he claim as endorsed in the statement of claim.
4. So held the Supreme Court in lead judgment delivered by Denins Idozie JSC, Salihu Alfa Bolgore, JSC, Sylvester Onu JSC and Aloysius Katsina – Alu, JSC concurring in allowing the appeal.

5. The fact of the case is that the plaintiff – appellants have filed a suit at the Abeokuta High Court in Ogun State while proceedings commenced, culminating in his appeal against the defendants from whom they sought a declaration of right of occupancy over an area of land, ₦200 damages for trespass and an injunction restraining further acts of trespass on the disputed land.
6. From the pleadings and evidence in support thereof, the plaintiffs relied on traditional evidence to establish their case.
7. According to them, the vast tract of land edged red in their survey plan admitted in evidence as exhibit B belonged to Akowonwado, their ancestor who migrated from Ile-Ife to settle on the land about 200 years ago.
8. Their said ancestor, Akonwonwado, first settled on portion of the vast land known as Ilase and then at Oko-omi also within the land.
9. The exercised acts of possession and ownership of the by farming, building and hunting there without interference by anybody.
10. Upon his death, all his landed properties including the portion now cause of the dispute which is edged yellow in the survey plan exhibit B were inherited by his child.
11. After due summarization and evaluation of the evidence of the parties, the learned trial judge on November 15, 1990 upheld the traditional evidence of the plaintiffs adjudging them entitled to the customary right of occupancy over the area edged red in their plan Exhibit B and an injunction against the defendant with respect to the yellow verges in the plan exhibit B.
12. Dissatisfied with the outcome of the proceedings, at the trial court, the defendants lodged an appeal to the court of appeal Ibadan judicial division, which in its judgment of April 30, 2001,, though affirming the findings of facts made in favour of the plaintiffs with respect to their traditional history, nonetheless, non suited the plaintiffs on the ground that the area of land which the judge claimed on their writ to wit an area of land situated lying and being at Ore Village Via Oju Otta, Ogun state was not identifiable.
13. It was against that judgment of the Court of Appeal non-suiting them that the plaintiffs appeal to the Supreme Court, predicating same on a notice of appeal containing these grounds of appeal.
14. Whether the Court of appeals approach to the plaintiffs desire was right in law that the trial court was wrong when it granted the plaintiff's judgment for declaration of title to the entire area of land verged red in their survey plain (Exhibit B) on the view that their area was limited to an area of land named Ore Village as endorsed on the writ of summons.

15. Whether the approach of the court of appeal was right in setting aside the judgment of the trial court on the order of injunction granted on the view that area to be covered by the order of judgment was not strictly defined.
16. On the merits of this appeal, it seems to me that the bone of contention revolves on the identity of the land claimed by the plaintiffs plan Exhibit B.
17. Is it the yellow verge variously known as Ora village Ore Akinde which forms an integral but an insignificant portion of the land in dispute verged red in the plaintiff's plan Exhibit B.
18. This issue has arisen because whereas the trial court gave judgment to the plaintiffs in respect of title over the entire area of land in dispute, the court of appeal was of opinion that judgment ought to be limited to the yellow verge, that is, Ore village as expressly stated on their writ of summon.
19. With respect to the second arm of the objection relating to the second issue for determination, it is no doubt, a correct statement of law that issue for determination in appeal which is not related to or derived from any of the grounds of appeal, challenging, the judgment appealed against is incompetent and must be discountenanced together with argument advanced there under in the consideration of the appeal.
20. In the case in hand, the apex court is of the view that it is a misconception on the part of the lawyer for the defendants to contend, as he did, that the second issue for determination is not related to any of the grounds of appeal.

**Table 4 Cohesive Devices in Text 4**

S/NO	PRESUPPOSING ITEM	COHESIVE TYPES	PRESUPPOSED ITEM
1.	The precise area to which his claim	R	Land
2.	But	Conj.	Seeking a declaration (Sentence I)
-	The identity of the land	R	Land (Sentence I)
3.	a plaintiff	L	A plaintiff (sentence I)
-	And	Conj.	Claim (sentence 3).
4	The Supreme Court	R	.....
5.	The fact of the case	R	A declaration of title to land
-	A decoration of right to occupancy over an area of land	R,L	A declaration of title to land
6.	Their pleadings	R	Pleading (sentence 6)
7.	According to them	Conj.	The plaintiffs
-	The vast track of land	R,L	Land (sentence 1)
8.	Their said ancestor	R	Akonwado
-	The vast land	R,L	Vast track of land (sentence 7).
9.	He	R	Akonwado
10.	His	R,L	Akonwado
11.	The evidence of the parties	R	The plan exhibit “B” (sentence 10)
-	The traditional evidence	R,L	The traditional evidence
-	Yellow virgin the said plan exhibit B	R,L	Edged yellow in the survey land exhibit B
12.	The outcome of the proceeding	R	Proceeding (sentence 10).
13.	That judgment	R	Judgment (sentence 5)
14.	Whether the Court of Appeal	Conj.	Abeokuta High Court (Sentence 5)
15.	Whether the approach of the Court of Appeal	Conj.	(Sentence 5 )
16.	This appeal	R	Appeal to Supreme Court
17.	The yellow verge	R	Yellow verge (sent 10)
18.	This issue has arisen	R	This merit of appeal (sent 16)
19.	The judgment appealed against	R	The judgment
20.	In the case in hand		The judgment of the high court of appeal

The text above represents 20 sentences marked for analysis. The text reports on a plaintiff seeking a declaration of title to a land. The land in dispute, as the plaintiff claims, belongs to his ancestors. The case before the Supreme Court has been appealed by the plaintiff after being dissatisfied with the ruling of the Court of Appeal.

From the above analysis, it is observed that the referring cohesion is the predominant cohesive device used. The referring expressions signaled by the definite article forms the predominant type of reference used. All the references occur anaphorically. The identity of what has been earlier talked about is made clear through this device. For instance, “the precise area to which his claim relates” in sentence 5 refers

to land mentioned earlier in the same sentence; “the trial court”, in sentence 14 means the trial court mentioned in sentence 12. “The vast land” in sentence 8 refers to the vast track of land in sentence 7 e.t.c

The use of personal pronouns to hang message is also noted from the text. The analysis however shows that they are sparse. “His” in sentence 1, for instance, modifies the head noun “claim”; ‘their’ in sentence 6 functions as a determiner of the noun head “pleadings”; the third person pronoun in sentence 7 specifies the plaintiffs to the suit; while “his” in sentence 10 functions as a determiner also. These pronouns specify the reference of nouns. The message in the clause in which they occur in this way is made clear.

The use of demonstratives is also a means by which messages cohere in the text.” That” in sentence 13 refers to the judicial division; this appeal refers to appeal to Ibadan Judiciary Court of Appeal and “this” in sentence 18 refers to the merit of appeal in sentence 16. These demonstratives, like the other pronouns, specify the reference of what has earlier been talked about. Like in the other texts analyzed, coordinating conjunctions are also employed to hang information in the text. Two related ideas are therefore conveyed through this means. For instance, but in sentence 2 and ‘and’ in sentence 3.

The conjunction “whether” is repeated in the text. It introduces an indirect question based on the determining issues in the briefing of the parties to the suit. These questions determine the basis for the new trial as they are featured in the lead judgment. The questions presuppose the exchange of analysis of the variations in cohesive structures of the professional texts has almost the same out come with the ones of the popular texts. In both the categories, the referring devices are predominantly used. The use also has contributed to having clear reference and retrieval of information on previously mentioned item. The coordinators ‘or’, ‘and’ and ‘but’ are used in professional texts not only to coordinate clauses or phrase of equal ranks but also as means of making list of several possible intended meanings.

The coordinators in the popular texts are mostly used to join related idea, concepts, or subjects. Referring devices however dominate both categories of texts.

## 6 CONCLUSION

Analysis of the variations in cohesive structures of the professional texts has almost the same out come with the ones of the popular texts. In both the categories, the referring devices are predominantly used. The use also has contributed to having clear reference and retrieval of information on previously mentioned item. The coordinators ‘or’, ‘and’ and ‘but’ are used in professional texts not only to coordinate clauses or phrase of equal ranks but also as means of making list of several possible intended meanings. There are few instances of lexical cohesion noted from the text. The word plaintiff, for instance, is used in sentence 1, and repeated in sentence 3. “The defendant” is a lexical synonymy used for the word plaintiff. The other instances of lexical cohesion appear as reference. Though they are repeated across the text, they have referential functions, e.g. “the judgment” in sentence 19, “the traditional evidence” in sentence 11 and “the declaration of right to occupancy over an area of land” in sentence 5. Though the above are repeated, they make clear reference to earlier mentioned information.

The above are the descriptions of how information hang together in texts. Most of the featured instances are intra-sentential. They are however, not as clear as those between the sentences, because there may be two or more instances within one sentence, as can be seen from the analysis

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