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The Constitution of Pakistan: A Textual Perspective Analysis

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Abstract

Constitutional texts are known for their linguistic complexities related to vocabulary, grammar, and syntax. The complexity increases when the language of the Constitution is not commonly used by the citizens. Despite the use of technical terms, legal jargon, and complicated sentence structures, the Constitution is frequently referred to in matters of state and governance. The study is built on the textual perspective of the Critical Genre Analysis (CGA) framework (Bhatia, 2004, 2016). Looking at the patterns in which the text (Constitution) is arranged in a hierarchically nested way, the analysis moves on to explore what linguistic features lend specificity to the form of this genre which is constructed in a nontraditional way. This study used quantitative and qualitative methods and offers prototypical instances of lexico-grammatical and syntactic features of the constitutional genre, which included the use of adverbials, nominalization, modal auxiliary verbs, long sentences, adverbial clauses, passivized statements, and conditional sentences. The study looked into how cohesion and coherence were formed in the text using repetitions and synonyms, adverbials, references, definitions, footnotes, interdiscursivity, intertextuality, and intra-textuality. The findings of the study will help ESP teachers to design effective learning interventions and will assist law students, researchers, policy-makers, and parliamentarians to be familiar with the constitutional text for better cognition and use.

Keywords: constitutional genre, constitution of Pakistan, critical genre analysis, English for specific purposes, textual perspective analysis

Introduction

The constitution of any country or state is the core document that lays the foundation of all of its policies designed to regulate the government and institutions. It makes a distinguished and differentiated genre of text because of its specific objectives and functions.. A state constitution is a

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good example of an authoritative text, created and executed in formal contexts. The discussion and the interpretation of constitution demands a good command over its language. Hence, the former becomes difficult to understand when it is not written in a language. readers are fully familiar with. The same is true in the case of the Constitution of Pakistan (Government of Pakistan, 1973). The Constitution of Pakistan (GOP, 1973) declares in its Article 251(1) that "arrangements shall be made for the national language of Pakistan Urdu to be used for official and other purposes within fifteen years from the commencing day". However, Urdu is still on wait to be replaced by English in official machinery. On the other hand, as the Constitution allows in Article 251 (2), that "English may be used for official purposes until arrangements are made for its replacement by Urdu." Still, it continues to enjoy the status of official language. In the multilingual context of Pakistan, most people speak at least one native or regional language besides Urdu, which is the national language. However, English language is institutionalized and enjoys the privileged status of being the official language (Zaidi & Zaki, 2017). This linguistic situation equally increases the learning difficulties for the teachers and the students in law and policy-related disciplines. The learners struggle to understand the concept of decoding the language. The unfamiliar language and its content become cumbersome even for the literate citizens, learners, researchers, practitioners, and teachers to fully comprehend the constitutional text (Jabeen, 2019). In the given situation, the current study explores the linguistic structure of the Constitution of Pakistan written in the English language keeping in view its linguistic complexity.

In traditional approaches, the law is considered to be an autonomous text (Posner, <u>1987</u>). Since language is the "medium, process, and product" of law, many legal scholars believe in the existence of a specific language of law (Maley, <u>1994</u>). The relationship between legal language and reality is arguably different from the relationship between ordinary language and reality. Legal texts using (Maley, <u>1994</u>) the particularities of syntax and vocabulary have been widely studied to simplify the legal jargon. Legal English has been the focus of many discourse and genre-related studies The available literature may be categorized into three foci, that is, testing linguistic theories (Solan & Tiersma, <u>2005</u>), deepening the understanding of the law itself (Gibbons, <u>2003</u>), and understanding the social correlates of law (socio-psychological and socio-political) (Conley & O'Barr, <u>2005</u>).



In the Pakistani context, (Ahmad, 2016; Jabeen, 2012, 2019) have worked on the legal genre of the spoken and written language to identify the prominent grammatical features, contributing significantly to the field of ESP in Pakistan. However, only some studies such as Jabeen (2019) focused on the language of the genre of the Constitution of Pakistan. Thus, the current study fills this gap by offering a nexus of language and law. It explores the linguistic complexities and structure of the text of the Constitution of Pakistan. This is achieved by using the 'textual perspective' from the Critical Genre Analysis (CGA) framework, as proposed by Bhatia (2004, 2016). The findings are likely to be useful in CDA, CGA, and ESP circles.

The focused study initially offers the layout and structure of the constitutional genre, followed by the description of the vocabulary used in the text. Since the selected framework encourages the use of corpus tools wherever possible and needed, Antconc version 3.4.4w (Anthony, 2014) was used to reveal the textual patterns. Similarly, the structure of the genre was understood by scrutinizing the use of word count and word type. After analyzing the lexical instances, the current study analyzed the techniques used in the constitutional genre to achieve coherence. In the later sections, other prominent linguistic features, such as definitions, references, syntactic structure, auxiliary verbs, adverbial clauses, passivization, conditionality, and footnotes are discussed.

Literature Review

Genre Studies

Language study can be grouped under the areas of structure and use. The Language structure identifies the structural units and classes of a language. The language use is about how speakers and writers exploit the resources of their language (Biber & Reppen, <u>1998</u>). Register, Discourse, and Genre studies can be seen as a coherent progression in the field of text analysis. Initially, register studies were focused on the frequency of lexico-grammatical structures in ESP. Later, discourse studies extended the circumference of analysis to the communicative values of discourse, focusing on the language structures longer than a sentence.

Register and discourse analyses paved the way for genre analysis to study that how language is used within a particular setting. The concept of genre has been much investigated, questioned, answered, and widely

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debated by (Swales, <u>1981</u>, <u>1990</u>, <u>2004</u>; Shehzad, <u>2016</u>, <u>2008</u>; Bhatia, <u>1993</u>, <u>1997</u>; Halliday & Hasan, <u>1989</u>). The use of lexico-grammatical analysis was proposed for the deep understanding of the genre in comparison to the traditional lexicology-based analysis. Halliday and Hasan (<u>1989</u>) took genre studies further, from the perspective of Systemic Functional Linguistics (SFL) by proposing the genre theory known as Generic Structural Potential (GSP). Context of culture in relation to SFL studies explains the connection between the concepts of 'context', 'register' (Halliday & Hasan, <u>1989</u>; Halliday, <u>2002</u>), genre (Martin, <u>1992</u>, <u>1997</u>), and language education.

Genre Analysis

Register and genre provide ways to discuss which linguistic choices are more likely to be made in its textualization, as well as help teachers "to identify and focus on whatever aspects of language in use the learner needs most help with" (Painter, 2001). Swales, first user of the term 'genre' (1990), proposes three key concepts in genre analysis: discourse community, genre, and language learning. Genres are clustered into sets and systems to regulate the flow of work and to compile information for discussion and retrieval (Spinnuzi, 2003). Genre analysis is suitable for various practical linguistic purposes when describing the legal texts and searching the functional explanations for characteristic features of these texts.

The tendency to include discourse analytical approaches in genre studies has been increased after1990s. He mentions that outsiders, even the native speakers, cannot follow the specialists' speech or writing. For this case they have to understand the intricate insider's knowledge, conventions of the genre, and professional practices (Swales, 1990). Around the time of the Swalesian approach, two other approaches towards genre analysis namely the American New Rhetoric or (Northern American School) and Sydney or Australian School of Systemic-Functional Approach emerged. While the former school believed that genre was a repeated activity to achieve similar goals in similar situations. On the other hand, the American New Rhetoric School was focused on the relationship between the language and its functions in social settings (Hyon, 1996). Later, Bhatia (1993) summarized that Swales' definition (1981) of the genre as "a distinct communicative event characterized by a set of communicative purpose(s) identified and



mutually understood by the members of the professional or academic community in which it regularly occurs" (p.13).

Critical Genre Analysis (CGA)

Miller (1984) was called the pioneer of the CGA concept, as she was the first person who drawn analysts' focus towards the value of genre studies. It created some "kind of taxonomy and also emphasized some social and historical aspects of rhetoric that other perspectives did not" (p.151). She emphasized that "for the critic, genres can serve as an index to cultural patterns" (p.164), and thus had the potential to formulate a critique of social actions (Björkvall, 2018). The concept of CGA was developed by Bhatia (2004, 2008, 2016), who described genre analysis as a multi-disciplinary and multi-faceted activity leading towards different conclusions prompted by different motivations for the analyses. The shift from GA to CGA was not as sudden as it seemed. In 2002, Bhatia had already posed the question "is a generic description a reflection of reality or has a convenient fiction invented by applied linguists for pedagogical and other purposes?" (p. 6).

Multidimensional and Multi-perspective Model of CGA

Identifying the needs to combine different frameworks on genre analysis, Bhatia (2004, 2008, 2016), proposed a 'genre analytical model' to focus on *the world of professions* and to be able to see as much of the 'elephant' as possible.

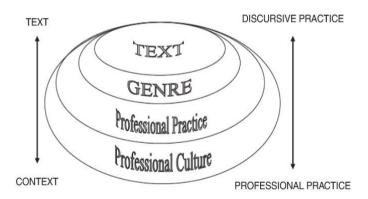
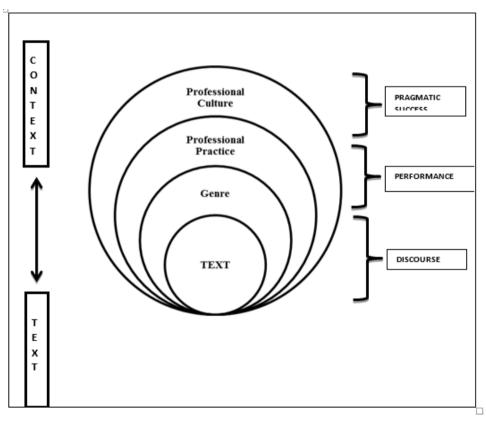
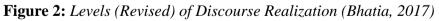


Figure 1: Levels of Discourse Realization (Bhatia, 2004)

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Bhatia's (2004) 'multidimensional and multi-perspective model' tried to distinguish discursive practices from the professional practice. It maintained that discourse operated at four levels, as shown in Figure 1, something Bhatia believed was never done before. The multidimensional model was revised by replacing the continuum of discursive and professional practices. These were replaced with the discourse, performance, and pragmatic success to make it a part of more flexible framework (Bhatia, 2016). The revised model has been illustrated in Figure 2.





Critical genre analysis describes the constitutional genres with a primary focus on how it is constructed, interpreted, used, and exploited in professional practices (Bhatia, 2016). The initial framework of the CGA as proposed by Bhatia focuses on the multi-perspective and multi-dimensional



analysis of the genre (2002, 2004). This framework has four standpoints to analyze the text of the genre, such as textual, ethnographic, socio-cognitive, and socio-critical. Later on, he adds more elements of criticality and interdiscursivity to it.

The framework of CGA was revised in 2015 and 2017, including the three main elements: 1) multi-perspective & multidimensional analysis, 2) interdiscursivity. 3) multi-perspective criticality. and The & multidimensional elements of CGA comprised of four standpoints to scrutinize given genre. These standpoints were termed as perspectives and each perspective was suggested to view certain aspects of the given genre. These perspectives included 1) textual perspective, 2) ethnographic perspective, 3) socio-cognitive perspective, and 4) socio-critical perspective. The above mentioned framework provided an opportunity to analyze genre of the text in a precise manner due to its meticulous procedures focused on microscopic details of the genre. This particular framework helped to combine the discursive practices with the professional practices (Bhatia, 2004) and offered many points of analysis with some recommended procedures. The framework was quite flexible in giving a chance to the researcher or analyst to make an informed decision about those aspects of genre they wanted to explore. They utilized a variety of procedures and tools from different schools and disciplines for this purpose.

Theoretical Framework

The CGA framework by Bhatia (2004, 2016), offers four perspectives to analyze the genre critically. These perspectives can either be used together or separately. The Constitution of Pakistan (GOP, 1973), can be studied from sociolinguistic, historical, and ideological perspectives. Durant & Leung (2017), express that examining the genre of law [...] brings different rewards depending on the nature of particular perspective showing such reports. The scope of this study has been delimited due to the complex linguistic nature and length of the text. This particular study uses one of the four main perspectives, that is, 'the textual perspective', from the CGA framework to analyze the text of the Constitution (1973), of Pakistan.

According to the presented framework (Bhatia, <u>2004</u>, <u>2016</u>), a textual perspective was concerned only with the text (as a product) but not with its interpretation. The textual perspective analyzes the following aspects of a genre:

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- Statistical significance of lexico-grammar
- Textual corpora
- Textualization of lexico-grammatical resources
- Discourse/rhetorical or cognitive structure
- Intertextuality or interdiscursivity
- Generic conventions and practices

Methodology

The discussed framework offered flexibility to select the preferred tools to match with the aspects and objectives of the analysis. Thus, all these aspects were analyzed by the researchers to understand the textual perspective of the constitutional genre. The constitutional text was taken from the official website of the Government of Pakistan. The PDF file, 225 pages in total, was downloaded from <u>http://www.na.gov.pk</u>. The title and the preamble pages were placed in the Appendix. For the present study, the following aspects and procedures/tools were used to interpret the textual perspective of the constitutional genre.

Table 1

Perspective of CGA	Aspects	Procedures/ Tools
Textual Perspective	 Statistical significance of lexicogrammar Textual corpora Textualization of lexicogrammatical resources Intertextuality or interdiscursivity 	 Linguistic description, textual layout, and analysis Corpus-based analysis of language (use of vocabulary, definitions, synonyms, nominalization, modals, adverbials clauses, Analysis of syntactic structure and the use of adverbial clauses, conditionality, passivization) Analysis of cohesion, intertextuality and interdiscursivity and use of footnotes

Aspects and Procedures of Analysis from the Textual Perspective

The analysis was both subjective and objective in its nature. Along with the above-described procedures and tools of the textual and discourse analysis, a corpus tool Antconc version 3.4.4w (Anthony, <u>2014</u>), was used



to study lexico-grammatical instances, and a Natural Language Processing (NLP) tool WebAnno (Yimam et al., 2013), was used to illustrate an example of a prototypical syntactic structure used in the constitutional text.

Analysis and Discussion

"To see as much of the elephant as possible" (Bhatia, 2016), it was necessary to conduct a deep analysis of the textual features of genre taken from the Constitution of Pakistan (GOP, <u>1973</u>). Some of its prominent features were discussed below.

Layouts and Schematic Structure of the Constitutional Text (1973)

The current study begins with a broad view of the format and layouts of constitutional text. Following the generic trend, the Constitution starts with a Preamble to introduce its purpose and scope. It also has the schedules annexed at the end. The rest of the text is divided into various chunks of discourse, that is, 12 parts, Chapters, and 280 articles. This study finds that the text of the Constitution has a hierarchical structure. The largest discourse unit in the Constitution consists of parts and each part is further divided into different Chapters. Chapters contain constitutional rticles which are further elaborated through clauses and sub-clauses. These building blocks of the Constitution are thematically and hierarchically grouped. A visual arrangement of these constituent discursive portions or chunks of the Constitution of Pakistan (GOP, <u>1973</u>), is presented in Figure 3. We believe that "students comprehend the texts in a better way when they are shown the visuals of how text information is organized" (Grabe, <u>2003</u>).



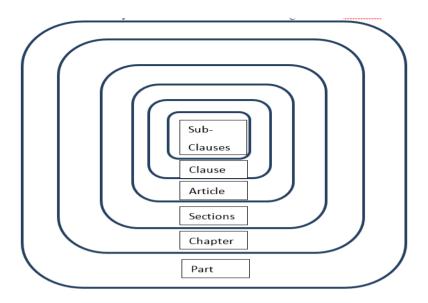


Figure 3: Nested Hierarchical Structure of the Genre of the Constitution of Pakistan (GOP, 1973)

The thematically coherent units, in the text of the Constitution, are stacked together under the next discursive structure and it is finally combined under a *hypertheme*, to borrow Danes' (<u>1974</u>) term. Each Part of the Constitution has the same arrangement structure, therefore, we named it as *nested hierarchical structure* of genre. The current study noticed those Parts of the Constitution which represent thematic focus while the number of Chapters in a part determines the variety of topics. Similarly, the number of articles in each part determine the quantity of information therein. The number of articles show the load of information provided therein. For example, Part XII of the Constitution has seven Chapters and 47 Articles. On the contrary, Part III contains only three chapters but 61 Articles.

The special feature of the articles is permanence of their respective serial numbers. These amendments result in revision, insertion, or omission of articles. Consequently, when an article is amended, its numerical position is not altered. In order to avoid the disturbance in the seriation of the Constitution, only the serial number of the Article is mentioned in case of the omission of an article. Similarly, as a result of the amendment, if a new



article has to be inserted between different articles, or a previous article has to be replaced then alphabets are added on the right side of the previous article numbers. *Article 186A* (Powers of Supreme Court to transfer cases), *Article 270AA* (Declaration and Continuance of laws, etc.), and *Article 270BB* (General Elections 2008) are few such examples.

This study notices that the continuation of the serial numbers of articles is supporting the reader's comprehension. From learning viewpoint, this observation is helpful in learners' cognition. It may add to their orientation and comprehension of the Constitution if they are informed about the different seriation of the constitutional text from the other genres.

Salient Linguistic Features of the Constitution of Pakistan (1973)

The CGA framework encouraged the use of corpus tools wherever it was possible and needed for the textual perspective analysis. Antconc version 3.4.4w (Anthony, 2014) was used to get the word count and word types in the constitutional text under this analysis. The complete text of the Constitution of Pakistan (1973), had 68,132 words and 3,033 word types. Moreover, the word count gives the analysts a good understanding of the total number of words in a text or corpus. On the other hand, the word types in the preamble and parts of the constitution are provided in Table 2.



Table	2.
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Word Count and Word Types in the Constitution of Pakistan (1973)

	Parts of the Constitution	Word Count	Word Types
Preamble	2	449	209
Part I	Introductory	541	193
Part II	Fundamental rights and Principles of	4300	883
	Policy		
Part III	The Federation of Pakistan	15936	1185
Part IV	Provincial Assemblies	5515	702
Part V	Relations between Federation and	3330	556
	Provinces		
Part VI	Finance, Property, Contracts and Suits	2757	507
Part VII	The Judicature	9886	923
Part	Elections	2414	432
VIII			
Part IX	Islamic Provisions	913	260
Part X	Emergency Provisions	2172	333
Part XI	Amendment of Constitution	302	28
Part XII	Miscellaneous	10719	1043
Schedule	s	8543	1166

It is worth noting that out of 3,038 word types used in the constitution, 904 word types occur only once and 463 word types only twice. The first 104 word types take place on the frequency range from 6,470 times to 100 times, in descending order. It shows that the complexity of ideas is presented through less but diverse lexical items. The current study deduces that seemingly shorter parts and articles of the Constitution can be proved difficult to understand due to its condensed information. This phenomenon becomes even more challenging when it is presented in a language that is not L1. It takes more time for understanding the concepts, later memorizing, and consolidating the same.

Use of Vocabulary

The lexical items are used in legal discourse to convey the contextual meanings. Nation (2001), classifies the vocabulary into four main groups: high-frequency words, academic vocabulary, technical vocabulary, and low-frequency words. According to him, the choice of the lexical items serves two purposes: (1) it gives the text its distinct uniqueness. (2) "vocabulary use carries general discourse messages, shared with the other



texts of similar types" (p. 205). The most frequently occurring words (MFOWs), the least frequently occurring words (LFOWs), borrowed vocabulary, synonymous, and nominalized expressions used in the Constitution are discussed below:

Most frequently Occurring Words

The frequency of a word has usually been related to its usefulness. Thus, measuring the frequency of lexical items helps in deciding its usefulness (Nation, 2001). The same argument can be extended to suggest that knowing the frequency of a word in a specific genre may help to understand the focus of the genre. Besides, measuring the frequency would ease coding and decoding of such genres more effectively. Through Antconc version 3.4.4w (Anthony, 2014), the most frequently occurring words (MFOWs), and the least frequently occurring words (LFOWs) in the text of the Constitution were identified.

Initially, the software was used to get the top fifty (MFOWs), however, seeing the larger number of articles, prepositions, and conjunctions, the search was narrowed down to only top ten (MFOWs), Such as the, of, to, and, or, a, in, shall, be, by, with the frequency of 6470, 4605, 2070, 1860, 1763, 1722, 1649, 1318, 1104, and 1031, respectively. These make 23,592 words which is 33.77 % of the total number of all words in the text. To focus more on the content words, the second run of the text was made without including auxiliaries. It was observed that 40 out of the top 50 (MFOWs), were nouns, five adjectives, three verbs, and only one adverb. Top ten content words were: *court* (n), *assembly*(n), *constitution* (n), *provincial* (adj), *president* (n), *act* (n), *law* (n), *Pakistan* (n), *federal* (adj), *Article* (n) with the frequency of 598, 526,477, 403, 397, 379, 355, 355, 298, and 292, totaling up to 4080 words, making 5.84% of the total word count of the Constitution. The most frequently used words show the constitutional priority regarding the country's judicial systems, justice, and federation.

We believe that these are not just numbers but a window through which a state looks at its government system and the public. From these statistical pieces of evidence, we deduce that state policies would have a major focus on the alignment of the constitutional priorities, that is, justice, peace, citizenship, and public awareness about the system of government.

Least Frequently Occurring Words

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Normally, low-frequency words in usual texts belong to the *technical* category (Nation, 2001). While, In the text of the Constitution, the lowfrequency vocabulary items are found to be the proper nouns, religious terminologies, local/borrowed vocabulary items, and other miscellaneous words. 905 out of 3035-word types have been used only once in the whole text of the Constitution. Drawing a parallel with the previous discussion, the top fifty LFOWs are identified through Antconc version 3.4.4w (Anthony, 2014). Nineteen out of fifty words are found to be the adjectives, twenty nouns, eight verbs, and one adverb. As compared to the MFOWs, there are more adjectives in this list. The top ten words in the list of LFOWs are Zulfiqar (n), Zia (n), Zhob (n), Zam (n), wrongs (n), workmen(n), workers(n), wireless (adj), winding (adj), and wills (n). However, as nouns occupy first place in both the lists in terms of occurrence and adverbs occupy the last, the current study can safely deduce that the use of adverbs is not preferred in the genre of the Constitution. It also attributes this feature to the requirement of genre to state provisions in a definite manner, as the rule of law requires that a law should be relatively certain, clearly expressed, open, prospective, and adequately publicized (Dworkin, 1964).

Use of Borrowed Vocabulary

The genre of Constitution uses some local lexical items which are necessary to discuss some indigenous and traditional notions.. The untranslated words (the words from other languages which are not translated in the language of the Constitution) are used as a strategy for appropriate of a constitutional discourse (Awan, 2010). The current study finds two kinds of local vocabulary items used in the constitutional text, that is, a) vocabulary items used without any changes, b) local words' 'Englishization' by their modification at the lexical inflectional level. Following are the few examples of local or borrowed lexical items:



Table 3

Examples	Approximate Meaning in English	Place in the text: First use only	Analysis
The Qaumi Razakars	National Volunteers	Article 63: Explanation (m) (iii)	Modified lexical item: Urdu word pluralized by adding 's' at the end
Majlis-e- Shoora	Parliament	Article (1)(3)	No modification done
Ameen	Honest	Article 62 (1) (f)	No modification done
Ulema	Religious Scholars	Article 59 (e)	Urdu plural noun, with no modification done

Examples of Borrowed Lexical Items

The place of these words mentioned in Table 3 is that of the first textual occurrence in the constitutional text. The first expression, *The Qaumi Razakars*, in the table is an example of the Englishization of local lexical items. The Urdu word *Razakar* has been made plural by following the rules of English, by adding 's' at the end. Other borrowed lexical items, that is, *Majlis*-e-*Shoora* and *Ulema* have been used without any inflectional modification. In contrast to *Razakars*, the word *ulema* is used in its Urdu plural form instead of adding s at the end of the singular counterpart '*aalim*'. The adjective *Ameen* is used not only to convey the meaning 'honest' but also religious connotations attached with the word. Other examples of significance related to borrowed lexical items, from the text of the Constitution, include names of the provinces, personalities, places, and rivers, other words. Proper nouns and adjectives are used in their original forms except for using the Roman script.

Cohesion and Coherence

The Constitution (1973) of Pakistan reads like a well-documented piece of powerful text which uses and manipulates all available devices for coherence and cohesion (Jabeen, 2019). The text of the Constitution demands vigilant reading as the discourses are not arbitrary collections of utterances and they must meet a strong criterion coherency (Kehler, 2004). While lexical and syntactic choices are discussed separately, the elements of cohesion and coherence are identified as a golden thread that runs through most of these choices. Coherence in the text of the Constitution has been observed at different levels with different manifestations. The current study identifies that the text of the Constitution achieves coherence through the following devices:

- The thematic grouping of the Articles and Clauses
- Seriation of different discursive components (Parts, Chapters, Articles, Clauses)
- Labeling omissions and amendments
- Interdiscursive references
- Intra-discursive or intra-textual references
- Referential expressions
- Use of cohesive devices

Even the seemingly non-coherent seriation of the article numbers contains thematic and conceptual linkage (Jabeen, 2019). One such example of coherence is article 203 which is followed by articles 203A, 203B, 203C, 203CC [omitted], 203D, 203DD, 203E, 203F, 203G, 203GG, 203H, 203I [omitted], and 203J. All the articles in the series, from 203A to 203F show some thematic unity with article 203 which is related to different types of courts.

Interdiscursivity and Intertextuality

Interdiscursivity means innovatively exploiting different genres by mixing, blending, and embedding to make new hybrid genres (Bhatia, <u>1993</u>, <u>1997</u>, <u>2002</u>, <u>2004</u>, <u>2016</u>). Although both intertextuality and interdiscursivity use the processes of appropriation, the former exploits textual resources, while the latter exploits generic resources.

Interdiscursivity is related to text externals which help to understand the construction of genre and interpretation of institutional actions. Interdiscursivity has been described by Bhatia (2016) as "innovative attempts to create forms of hybrid and relatively novel constructs by appropriating or exploiting established conventions or resources associated with other genres and professional practices". The current study observes the reflection of linguistic expressions of Millennium Development Goals (MDGs) in the constitutional articles resulting from the eighteenth amendment of the Constitution (1973). These articles present good examples of interdiscursivity such as article 25-A.



Intertextuality is the use of texts from the past to understand the present and also to follow conventionalized ways (Bhatia, 2016). The Constitution of (1973), draws majorly upon that of (1956), and to some extent on the Constitution of (1962). For the same reason, the study predicts a greater level of intertextuality between the constitutions of (1973), and those of (1956), and (1962). Themes of the constitutional provisos continue partially or in totality, offering the examples of intertextuality. Eventually, we find the use of intertextual references which is extremely helpful in achieving coherence in the text.

Intra-textuality

The analysis finds not only the use of numerous words from different disciplines but also too frequent references within the text of the Constitution. This also makes intra-textuality a unique and prominent characteristic of the language of the Constitution. Thus, we can assert that the genre of the Constitution is replete with intra-textual references. Articles, Clauses, and Paragraphs, are either dependent or connected to other Articles, Clauses, Paragraphs, Schedules, and the Preamble. Intra-textual references usually refer to another constitutional fact located in the forward or backward direction of the text. For example, Article 187 (1) states: "Subject to Clause (2) of article 175, the Supreme Court shall have the power to issue such directions, orders or decrees as may be necessary for doing complete justice in any case or matter pending before it, including an order for the purpose of securing the attendance of any person or the discovery or production of any document".

Some of these references, however, refer to more than one Paragraph or Clause from the same article or different articles. Jabeen (2019), refers to such references as 'cluster-references'. An example of the cluster references is Section 61 "Other provisions relating to Senate." In its opening clause, it states, "the provisions of clauses (2) to (7) of article 53, clauses (2) and (3) of article 54 and article 55 shall apply to the Senate as they apply to the National Assembly [...]." (Government of Pakistan, 1973). Clause (4) of article 160 "National Finance Commission" is a good example of reference within the article. It refers to Paragraph (a) of clause (2) and clause (3) within the same article.

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Use of Definitions

Definitions of certain words, terms, and expressions have been used in abundance in the constitutional text. The definitions themselves are part of the Constitution. The use of definitions eases the textual complexity and makes the textual semantics more focused and less vague. For example, article 7 defines the word *state* as it is used and interpreted by the reader. It states in this part, unless the context otherwise requires, "the State" means the Federal Government, *Majlis-e-Shoora* (Parliament), a Provincial Government, a Provincial Assembly, and such local or other authorities in Pakistan as are by law empowered to impose any tax or cess." Some of the other terms and expressions defined in different articles include *the appropriate Review Board, Party Head, House, Presiding Officer, Federal Legislative List, sect, Governments, prescribed law officer, court, judge, immediate family members, Provincially Administered Tribal Areas, Muslim,* and *existing laws.*

Use of Synonyms and Repetition

The genre of the Constitution is characterized by the abundant use of synonyms and the repetition of parts of speech. As discussed earlier, nouns are found to be the most prominent parts of speech occurring in the text of the Constitution (1973), further analysis reveals that the most frequent use of synonyms and repetition has taken place in the case of adjectives and article 62 (1) (f) is one such example. In connection with the qualification for the membership of Majlis-e-Shoora, the article states that a person cannot obtain this membership unless "he is sagacious, righteous, nonprofligate, honest, and ameen, there being no declaration to the contrary by a court of law; and [...]."In this example, five adjectives are used in one sentence, including an Urdu adjective ameen meaning honest and trustworthy. Another example is article 33, that is, "The state shall discourage parochial, racial, tribal, sectarian, and provincial prejudices among the citizens" (GOP, 1973). In this sentence, five qualifying words are used with one noun, that is, prejudice. The purpose of using a series of adjectives is to convey the constitutional message through all possible relevant shades of the meaning by making the expressions all-inclusive. This cluster use of adjectives contribute to the semantic repetition of an expression.



Nominalization

One of the reasons for the 80% MFOWs being nouns is nominalization which is a prominent feature of the constitutional genre. Nominalization means changing a verb or adjective or any other part of speech into a noun. At the discursive level, it also means transforming the actions into concepts, places, things, and persons. It mainly happens because usually, technical words or terms have been legally defined as nouns and not as verbs. Nominalization is a morphological process that should be avoided because it makes the text long and non-dynamic (Haigh, <u>2004</u>). Following is an example from article 54(3) of the Constitution which states that "*on a requisition…*the Speaker shall summon the National Assembly to meet, *at such time and place* as he thinks fit, within fourteen days of *the receipt of the requisition*. Instead of using the phrase *on receiving the request*, or *when required*, its nominalized version has been used because requisition is a legally defined procedure and thus the preferred expression.

A significant finding of the current study shows the link between the ideologies and use of nouns. Most of the ideologically laden words are found to be nouns, such as obligation, equality, languages, Islam, responsibility, unity, and others. The current study finds that the constitutional text, being an embodiment of national ideologies, exhibits frequent use of nominalization. The constitutional genre under the analysis shows that this linguistic feature of transforming verbs into nouns in abundance. Nominalization has been found as one of the main reasons for making the sentences lengthy in the text (Jabeen, 2019). Reasons behind this transformation may be attributed to the requirement of a neutral and impersonalized expression, and to the need for conformity with the legally defined nouns.

Use of Modal Auxiliary Verbs

Modal auxiliaries set the mood of a text, however, in the constitutional genre, modal auxiliary verbs are not used as mere elements of tense, aspect, and mood. The use of modal auxiliary verbs in various legal genres has got the attention of language analysts due to their varied use from the normal discourse. As suggested by Lyons (1968), the modal auxiliary verbs may be categorized into a larger or smaller number of subdivisions e.g. certainty, probability, possibility, or stronger and weaker, or different kinds of

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obligation, necessity, and others. The use of modal auxiliary verbs in a Constitution does not have a stable or fixed meaning as understood or used generally in ordinary non-legal communication. In the Constitution of Pakistan, modal auxiliaries are rather used for compelling or accommodating linguistic signals in conversation about rights and obligations (Gbenga, 2011).

Without getting into the debate of different interpretations of modal, semi-modals, and marginal models, this section remains focused on what most linguists agree upon as core modal auxiliary verbs which include *shall*, *will, may, might, would, can, could, and should*. These modal auxiliaries have been used 1913 times in the Constitution of Pakistan. The frequency of the use of these core ten modal auxiliary verbs in the Constitution is presented in Table 4 which shows that the modals *shall, may, and will* take lead in the frequency of use in the same order.

Table 4

Modal Auxiliary Verbs	Frequency
Shall	1318
May	461
Will	109
Would	12
Can	4
Should	4
Could	3
Might	1
Ought	1
Must	0

Frequency of the Use of Modal Auxiliary Verbs

A very good example of a modal auxiliary verb used in the constitutional text differently from non-legal contexts is the use of *shall* and *will*. In a regular context, both of these words refer to the future, however, in the constitutional text, these are used to direct and limit the actions of organizations and people. This deviation has not missed the eyes of critics and there have been arguments against this use of *shall* in legalese. The use of *shall* to describe a status, to describe future actions, or to seemingly impose an obligation on an inanimate continues to be used in the legal genre



conventionally. The use of *shall* shows the binding nature of the constitutional clauses. In contrast with the use of may and can to convey permissiveness, shall and will convey a sense of demand. Shall is the most frequently occurring modal auxiliary verb in the text and conveys a sense of compulsion and obligation to be authoritatively enforced through the instrumentality of state powers (Gbenga, 2011). The auxiliary shall is also noticed to be frequently used to assign duties and obligations through substantive provisions. This use of *shall* in the constitutional genre is too aligned with Garner's explanation in his dictionary of 'modern legal usage'. He renders as correct the use of *shall*, confining it to the meaning "has a duty to" and using it to impose a duty on a capable actor (1995). An example of the use of 'shall' with this meaning follows as "[...] the Speaker of the National Assembly shall act as President until a President is elected in accordance with clause (3) of article 41".

We identify four discursive purposes achieved by the use of the auxiliary verb *shall* : (1) to direct actions, (2) to impose obligation, (3) to ascertain status, and (4) to emphasize the constitutional priorities. Some examples of the use of *shall*, to achieve these purposes are presented below:

- "The territories of Pakistan *shall* comprise [...]" (Article 1(2))
- "Majlis-e-Shoora (Parliament) shall have exclusive power to make • laws concerning any matter in the Federal Legislative List". (Article 142 (a))
- "The Council *shall* be responsible to *Majlis-e-Shoora* (Parliament) 91[and shall submit an Annual Report to both the Houses of Mailise-Shoora" (Article 153(4))
- "The National Economic Council shall review the overall economic condition of the country and shall, for advising the Federal Government and the Provincial Governments, formulate plans [...]" (Article 156(2))

The first two examples use 'shall' to describe the status of the territories of Pakistan, and powers of Majlis-e-Shoora, in the same order. Whereas, the other two examples express imposition of an obligation on the Council of Common Interest and the National Economic Council, respectively. Similarly, article 154 (3) conveys both the meanings in one sentence, that

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is, "The Council *shall* have a permanent Secretariat and *shall* meet at least once in ninety days".

The modal *will* is used after the first singular pronoun I and all the 109 instances occur in the Schedules on oaths only. However, read in the context, the use of will is equal to making a resolve. On the other hand, the auxiliary verb *may* is used to qualify the meaning of another verb by expressing ability, competency, liberty, permission, possibility, probability, or contingency (Blake, 1990). Surprisingly, the modal '*must have*' has not been used even a single time despite its forceful and stressing semantic power.

The interpretation of these auxiliary verbs impacts and controls legal decision-making at any level. The same gives rise to several legal disputes and is manipulated by the lawyers in the courtroom and legal proceedings. As (Halliday & Hassan, <u>1989</u>; Palmer, <u>1968</u>), consider modality to be the speaker's assessment of the probabilities, inherent in the situation or of the rights and duties of the addressee. The current study illuminates that the use of modalities in the Constitution of Pakistan, help us to understand the government's stance on the citizens' rights and duties. The analysis further deduces that the Constitution uses modal auxiliaries to indicate the obligatory actions to be performed or procedures to be followed by the state organizations, departments, and citizens. In a nutshell, the use of modal auxiliaries in the genre of the Constitution does not follow the conventional norms.

Syntactic Structure

The sentential and grammatical features of the text of the Constitution are analyzed to see the patterns of syntactic structures in the genre. The Constitution (1973), of Pakistan is an authoritative document that lays down constitutional footing for state affairs. Its text follows a rigid structure to ensure and safeguard the contents of the Constitution (Jabeen, 2019), and is characterized by lengthy, and complex sentences.

Article 121 of the Constitution (<u>1973</u>), which is about Expenditure charged upon Provincial Consolidated Funds, is an example of a long sentence structure used in this genre. The article containing 150 words is written as one sentence having 26 noun phrases and two dependent clauses. In the same sentence, the conjunction 'and' occurs seven times, *including*



two times and *in connection with* once. The sentence is long due to the detailed information provided about the expenditure charged upon the provincial consolidated fund. Article 40 of the Constitution (1973), can be looked at as another example of a long sentence:

The State shall endeavor to preserve and strengthen fraternal relations among Muslim countries based on Islamic unity, support the common interests of the peoples of Asia, Africa, and Latin America, promote international peace and security, foster goodwill and friendly relations among all nations and encourage the settlement of international disputes by peaceful means.

The whole article is one sentence having 16 nouns, 08 adjectives, and 07 verbs. Here, each adjective is used to describe one or two nouns. The same sentence has been analyzed from the universal dependency viewpoint using the Stanford Natural Language Processing tool, WebAnno (Yimam et al., 2013). This tool is used to annotate and visually see the connections between different parts of the sentence.

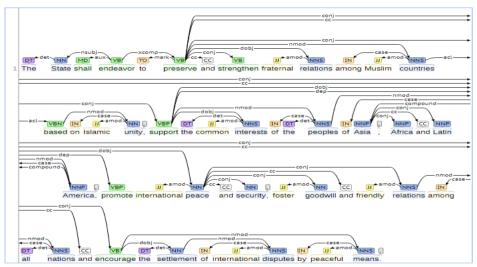


Figure 4: Visual Example of a Long Sentence from the Constitution (1973)

The combination of a long noun phrase, prepositional phrase, and coordinate and subordinate clauses make this above mentioned sentence lengthier. Despite its complex structure, the information provided in this sentence is built logically, and arranged linearly and hierarchically. This

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feature is very close to what Mattila (2006), suggests about legal text, that is, it moves from abstract to the concrete and from substantive to the procedural. The structure of this text is consistent; the principal items are presented before secondary items and general rules before special conditions and exceptions. Another characteristic of the constitutional text is that the information is over loaded here. These sentences are characterized by a "high density of information, and they can be very compact and overlong" (Mattila, 2006). These sentences are characterized by their excessive usage of adjectives, verbs, and nouns. Due to its authoritative nature, the high level of formality of the genre demands unambiguous textualization, which results in the complicated syntactic structures.

Use of Adverbial Clauses

The use of conjunctive adverbial clauses is noticeably common in the constitutional genre, giving cohesion and coherence to the text. The preamble to the Constitution of Pakistan, dated 12th April 1973, has been written in consecutive clauses with the help of clausal adverbs. The whole preamble is a sequence of more than 20 clauses written as separate paragraphs starting with *whereas*, *wherein*, *therein*, and *therefore*. The first sentence starts with the term *whereas*. Interestingly, a word, according to the Advanced Learner's Dictionary (n.d.), can be used in two different ways; in contrast and taking into consideration that. It is the second meaning which is conveyed through *whereas* used as an opening word for a document, formal as a Constitution.

	Constitution (1973)
Adverbials	Frequency
Notwithstanding	68
Unless	66
Thereof	60
Aforesaid	29
Wherein	20
Whatsoever	20
Therein	16

The Adverbials used in the Constitution (1973)

Thereon	13
Hereinafter	10
Proviso	8
Therefrom	5
Whenever	4
Whereas	3
Whereof	3
Wherever	3
Whereby	2
Thereupon	1

This use of pronominal adverbs like *whereas*, *wherein*, *therein*, and *similar* other words is a style specific to the legal genre. In legislative provisions, cognitive structuring displays a characteristic interplay of the main provisional clause and qualifications. It is inserted at the various syntactic openings within the structure of a sentence. The first two paragraphs of the preamble start with the pronominal adverb, whereas followed by the eight qualifying clauses, each laid out as separate paragraphs, seven of them starting with *wherein* and one with *therein*. The *eight* Paragraphs, starting with *wherein*, are extended explanations of the first two subject clauses. The later paragraphs. It leads through a series of paragraphs towards the undertaking, by people of Pakistan, for "adopting, enacting, and giving to ourselves the Constitution of Pakistan".

All the pronominal adverbs at the beginning of these clauses are capitalized to create emphasis in the constitutional discourse. The lengthened and complicated sentence structure in its preamble yields logical connection and progression. Moreover, the long complex sentences use the qualification and main provisionary clause. The qualification part states the requirement for a potential situation or status and the provisionary clause states the legal consequences or outcomes. The qualifications are stated in the form of adverbial clauses, prepositional, and participle phrases. These sentences are mainly declarative in nature constituted by dependent clauses. Table 5, shows the adverbials used in the constitutional text with their respective frequencies. *Notwithstanding, unless,* and *thereof* take lead in use, followed by *aforesaid, wherein, and whatsoever*.

Passivization

The current study notices the abundant use of passivized sentences in the constitutional genre. Passive sentences are commonly used to establish rules without referring to the doer or doers, (agentless phrases). The passivized forms are to bring the object of the action into the foreground (Mattila, 2006). In legal texts, however, such agentless phrases imply either the indefinite agent, (who may be any person giving more importance to the action) or the law-making bodies (the government/legislators). Article 32 which is about the 'promotion of local government institutions', is one of the evident examples of the passivized sentences used in the constitutional text. It states "The state shall encourage local government institutions composed of elected representatives of the areas concerned and in such institutions, the special representation will be given to peasants, workers, and women". Note the use of '*will be given* ' in article 32.

Another reason behind using such sentences is most probably to make the articles of the Constitution impersonal. Hence, applicable to everybody under the jurisdiction of the state. The use of passive forms can be justified as the need for a democratic society. The rules must be imposed gently to avoid negative reactions here, and they must be applied in principle on everyone equally, without discrimination (Rasmussen & Engberg, 1999). Therefore, it can be deduced that the use of the passive voice in the constitutional text contributes to the successful establishment and enactment of rules, which regulate life in society. As compared to the main body of the constitutional text, the schedules annexed to it offer more examples of the passivized sentences. The use of such sentences in the schedules is mainly related to the provision of salaries, perks, and privileges to the state employees. One example is presented here from the second schedule which is related to article 41(3) 'Election of President'. In paragraph 13, it states that "Ballot papers shall be issued from a book of ballot-papers with counterfoils, each counterfoil being numbered; and when a ballot paper is issued to a person voting his name shall be entered on the counterfoil, and the ballot paper shall be authenticated by the initials of the Presiding Officer". Passivization is expressed through 'shall be' three times in this one sentence.



Conditionality

The genre of the Constitution is full of the instances of conditional provisions. The conditional mood of the text is evident from the use of *if*, *unless*, *provided that*, *subject to*, *so far as*, *as the case may be*, *until...*, *before...*, *and before...*, *shall and likewise*. The most common conditional clauses observed, contain these combinations provided that, *if*, *if...then*, *and when...then*. Articles 41(4), 49, 143 are the few examples of the conditional clauses. An interesting example of provisional promises made by the state was observed in article 25 (A). It declares that "State shall provide free and compulsory education to all children/students of the age group of five to sixteen year old 'in such manner, as may be determined by law". In this article, the phrase "*in such manner, as may be determined by law*", provides the state a cushioning element. This makes education-related provisions as per the state resources and considers a variety of variables while considering the resources.

The current study has found almost the fixed patterns of conditionality presented through lexico-grammatical structures. Some of the typical, almost formulaic, constructions of conditional sentences as identified in the genre of the Constitution (1973), are presented in the table 6.



Table 6

Words / phrases of	Example of Immediate context	Place of example in
Conditionality		the text
If	No personshall be required to if	Article 22
Unless	The shall, unless	Article 52
Provided that	Provided that tillshall	Article 63A(b)
Provided further that	: Provided further that, if Shall	Article 91(4)
Provided also that	: Provided also that shall	Article 92
Subject to the	Subject to the Constitution	Article 105 (1)
So far as	shall, so far as with the	Article 241
As the case may be	Shall continue to, as the case may be, under the Constitution	Article 270C
Beforeshall	before makingshall ascertain,	Article 247 (6)
Until	until provision in that behalf is made	Article 119
before	At any time beore an Order is made under clause (4)	Article 160 (6)

Patterns of Conditionality in the Constitution (1973)

The results show that the conditionality in the genre of the Constitution (1973), is used to perform the following functions:

- To avoid making an absolute commitment
- To crosslink other provisions of the constitution
- To accommodate the given provision within certain limitations

Long Footnotes

Footnotes are the permanent features of the Constitutional genre. Different purposes of the maximum use of footnotes, along with making the text cohesive, may be described as under:



- To explain •
- To clarify ambiguities •
- To state exceptions •
- To comment upon amendments

Thus, the footnotes in the Constitution can be unusually long, depending on the purpose they serve. There are some examples of literally long footnotes in the sense of space, with vertically stacked-up information, sometimes having only one word or phrase of the main text in a line. The footnote related to article 51 of the Constitution offers a vivid example of long footnotes.

Conclusion

The current study unveils the unique linguistic features and forms used in the constitutional text. Although this research has been conducted in the context of Pakistan, the findings can be useful for interested readers and researchers, worldwide. The analysis reveals that the text of the Constitution of Pakistan (GOP, 1973) has been structured with significant linguistic dexterity in order to convey state priorities and governmental procedures. It also presents corpus-based examples of how the provisions related to rules and regulations are stated in a non-conventional manner in the constitution. This analysis helps the readers to understand the Constitution as a highly structured and formal genre with power connotations attached to it. Moreover, its language has a hierarchically nested structure showing its prominent lexico-grammatical features. These features include complex syntactic structures, nominalizations, conditionality, long footnotes, comments, and explanations etc., taking place in "mutual expectancy" (Firth, 1957) as required by the objectives and utilization of the constitutional genre.

The linguistic features, which make the constitutional genre more explicit, have been discussed in detail. The lexico-grammatical examples include the use of adverbials, nominalization, and modal auxiliary verbs. The most frequent and the least frequent words used in the genre suggest that the content words are ideologically laden. These words play an important role in conveying and determining ideologies. Besides, they help to understand the constitutional priorities in a better way and can lead to further genre-based investigations. Conversely, grammatical words of the

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text determine the mood and nature of the genre. The analysis shows that constitutional priorities of a country includes its judicial system, justice, and federation. The current study explains how philosophically dense chunks of the text are presented using fewer words with more lexical diversity. In addition, the knowledge of how information is laid out in textual form, how seriation or text arrangement is done, and why seemingly irregular article numbers appear at times can add to the study skills of learners.

In order to avoid the ambiguity in interpretation at the syntactic level, long complex sentence structures, adverbial clauses, passivized statements, and conditional sentences are used in the text. The use of logical and verbal bridges, that is, the use of repetitions, synonyms, adverbials, references, definitions, footnotes, interdiscursivity, intertextuality, and intra-textuality gives cohesion and coherence to the text. The Constitution is a public document that should be kept general in nature. Its provisions are general and are certain for all citizens unless specified.

The current study highlights that the complex nature of the genre. It also results in causing difficulties for the citizens in understanding and interpreting the Constitution of the country. Although access to constitutional knowledge is not denied and is available on official websites for the public, its readership remains limited to certain spheres of professional practices. The Constitution has figuratively become inaccessible to the general public due to its linguistic complexities, ultimately making people unaware of its importance.

The findings of the study are proved to be helpful for law students, researchers, policymakers, parliamentarians, and ESP practitioners. The results are accountable for the skills required to construct, analyze, and interpret the constitutional genre. The findings can be utilized to effectively teach 'law, constitution, and legal language' in classrooms and during training courses or workshops. The current study may assist law students, researchers, and practitioners to create new forms of discourse. Furthermore, it may help to achieve pragmatic success as well as other powerful human agendas (Bhatia, 2002). Simultaneously, knowledge of the textual perspective of the genre proves to be helpful for teachers in designing the effective instructional interventions. It is not possible to explore the socio-linguistic, historical, and ideological perspectives of the



Constitution of Pakistan due to the complex nature of its lengthy text. However, these areas offer the huge contributory and intellectual potential for future studies.

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Appendix



THE CONSTITUTION OF THE **ISLAMIC REPUBLIC** OF PAKISTAN

[As modified up to the 31st May, 2018]

NATIONAL ASSEMBLY OF PAKISTAN

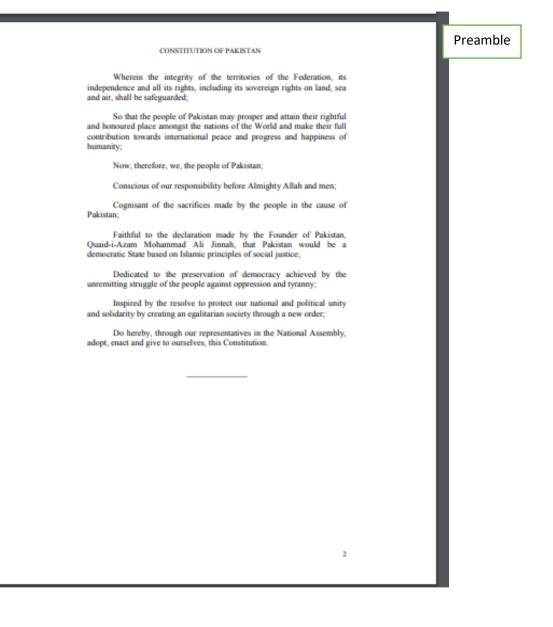


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	CONSTITUTION OF PAKISTAN
	(In the name of Allah, the most Beneficent, the most Merciful.)
	THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN
	[12TH APRIL, 1973] Preamble
Allah alo	hereas sovereignty over the entire Universe belongs to Almighty ne, and the authority to be exercised by the people of Pakistan e limits prescribed by Him is a sacred trust;
order;	nd whereas it is the will of the people of Pakistan to establish an
	herein the State shall exercise its powers and authority through n representatives of the people;
	herein the principles of democracy, freedom, equality, tolerance l justice, as enunciated by Islam, shall be fully observed;
individua	herein the Muslims shall be enabled to order their lives in the I and collective spheres in accordance with the teachings and ents of Islam as set out in the Holy Quran and Sunnah;
	herein adequate provision shall be made for the minorities freely and practise their religions and develop their cultures;
Pakistan accede to autonomo	herein the territories now included in or in accession with and such other territories as may hereafter be included in or o Pakistan shall form a Federation wherein the units will be sus with such boundaries and limitations on their powers and as may be prescribed;
of status, justice, a	herein shall be guaranteed fundamental rights, including equality of opportunity and before law, social, economic and political nd freedom of thought, expression, belief, faith, worship and on, subject to law and public morality;
	herein adequate provision shall be made to safeguard the interests of minorities and backward and depressed classes;
W	herein the independence of the judiciary shall be fully secured;
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