

Complex Prepositions in Legal Contexts

Prepositions constitute a closed system of noninflectional function words, the main function of which is to link units and encode the *relationship* between them (cf. Greenbaum/Quirk 1990: 188, Biber et al. 2007: 56). Prepositions are divided into simple and complex:

1) **simple prepositions:** (a) monosyllabic, e. g. *in*, *on*, which are typically very frequent, unstressed and with a reduced vowel; (b) polysyllabic: derived from a combination of simple prepositions (*within*), participles (*during*), borrowings (*despite*) (Greenbaum/Quirk 1990:190);

2) **complex prepositions:** they are defined as “multi-word sequences [that] function semantically and syntactically as single prepositions” (Biber et al. 2007: 75); in English they range from two to four words (*save for*, *in exchange for*, *as a result of*). They may be further divided into: (a) a combination of a simple preposition with a preceding participle, adjective, adverb, or conjunction, e. g. *owing to*, *devoid of*; (b) a simple preposition followed by a noun and another simple preposition: *in charge of* (Greenbaum/Quirk 1990: 190). Complex prepositions arose from productive prepositional constructions through the process of lexicalization (cf. Huddleston 1986: 342); hence, the boundary between a complex preposition and a prepositional phrase is fuzzy in some cases.

Complex prepositions are considered to be a distinctive feature of legal language both in the written and spoken mode: this feature has been confirmed at least for English (Quirk et al. 1985: 672, Johnson/Coulthard 2010: 11), Polish (Łapa 2006), Spanish, and Italian (Pontrandolfo 2013). Their distinctiveness in legal language results from their increased frequency, that is overrepresentation, compared to everyday language. Some complex prepositions may be restricted mainly to legal and administrative language (cf. Quirk et al. for “legalistic or bureaucratic usage” [1985: 672], Charrow/Charrow on vague *as to* [1979: 1322]).

The overrepresentation of complex prepositions may be attributed to their syntactic and semantic functions. First, since prepositions introduce noun phrases, their frequent use results in nominalizations and contributes to a more formal style. In the same vein, Alcaraz and Hughes (2002: 9) observe that high-frequency prepositional phrases – and they list mainly complex prepositions such as *pursuant to*, *without prejudice to*, *subject to* – create an “archaic or solemn tone”. At the semantic level, complex prepositions – as Johnson and Coulthard (2010: 11) note – code more precise meanings than simple prepositions and hence may help reduce vagueness (see also Milewska 2003: 28, Łapa 2006: 359). The disambiguating function is stressed, *inter alia*, by Bhatia (1994: 143), who sees complex prepositions, such as *in accordance with*, *in pursuance of*, as a device used to achieve clarity in legislative writing.

The overrepresentation of prepositions in legal discourse tends to be assessed as overuse. Not only complex prepositions but also prepositions *per se* tend to be evaluated negatively by proponents of the Plain English Movement. Take for example Garner (2002), who argues that prepositions may “take over” the sentence: “Sentences larded with prepositions signal that you’re trying to pack in too much information. Readers of legal prose often find themselves ... unable to get any air as they are sucked into verbal quicksand” (Garner 2002: 68).

Likewise, Schiess emphasizes that the abundance of prepositional phrases results in a “stilted and choppy” and “awkward” style that is “hard to read and hard to read quickly”. On the other hand, Garner (2002: 69) warns against the other extreme – the avoidance of prepositions which results in “noun plague” and reduces clarity. It is because without a preposition, the relationship between units being linked is coded implicitly, and implicitness invites ambiguity.

Despite their prominence in legal discourse, complex prepositions have not received much attention from scholars, except for a few passing mentions and anecdotal evidence. As Johnson and Coulthard (2010: 11) confirm “as yet there is no systematic comparative study of their use [...] across both modes [i. e. spoken and written mode] and in large corpora”.

EU law is a melting pot for national legal systems, languages, and cultures and is drafted in a multilingual environment. EU-wide legislation is adopted in 24 official languages and is applicable in 28 Member States. In the case of EU law, the critical determinant of translation quality is its uniform interpretation and application in all the Member States (cf. Šarčević 1997: 73). Under the principles of multilingualism and equal authenticity, all language versions have an authoritative status, that is they are equally valid and presumed to have the same meaning (Šarčević 1997: 64).

Furthermore, unlike in typical translation situations, drafting and translation of EU legislation take place concurrently. Although the proposal for a legal instrument is drafted mainly in English, it is then translated into the other official languages; hence, translation is involved at all stages of the drafting process rather than at the final stage only. The process is, therefore, multistage and multilingual with EU law emerging as a result of translator-mediated institutionally-standardized communication. All these constraints inevitably take a toll on the language of EU law – conceptually, lexically, grammatically and stylistically, creating a hybrid construct.

The hybrid language of multilingual EU law has not been researched extensively (cf. Biel 2014a: 75–83 for an overview), and we still do not have sufficient empirical data on how it differs from national languages of law.



Extracts from a paper written by **Lucja Biel**, University of Warsaw, November 2015
Phraseological profiles of legislative genres: Complex prepositions as a special case of legal phrasemes in EU law and national law

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A. Answer the questions related to the above thesis extracts.

1. Prepositions are _____ words that link other parts of the sentence and never change form. (one word)
2. _____ are multi-word phrases that function as a single preposition. (two words)
3. The most common type of multi-word prepositions is the three-part preposition + _____ + preposition. (one word)
4. For English, complex prepositions are considered to be a distinctive feature of _____ both in the written and spoken mode. (two words)
5. Since prepositions introduce noun phrases, the frequent use of complex prepositions results in nominalizations and contributes to a more _____ (two words)
6. The frequent occurrence of complex prepositions tends to create an _____ or _____ tone in writing. (one word each space)
7. Complex prepositions may help reduce _____. (one word)
8. The disambiguating function of complex prepositions is used to achieve _____ in legislative writing. (one word)
9. All prepositions tend to be evaluated _____ by proponents of the Plain English Movement. (one word)
10. According to (Bryan A.) Garner, if your sentences have too many prepositions then, as a writer, you are trying to insert too much _____ into the sentence. (one word)
11. The avoidance of prepositions reduces _____. (one word)
12. European Union law is a _____ for national legal systems, languages, and cultures. (two words)
13. EU-wide legislation is adopted in _____ official languages. (one number)
14. In the case of EU law, the critical determinant of translation quality is its _____ and application in all the Member States. (two words)
15. In EU legislation, the proposal for a legal instrument is drafted mainly in _____. (one word)
16. In EU legislation, translation is involved at _____ stages of the drafting process rather than at the final stage only. (one word)
17. The hybrid language of multilingual EU law has not been researched extensively; therefore, we do not have sufficient empirical data on how it _____ from national languages of law. (one word)

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B. Place the nouns from the box into the blank spaces to make accurate complex prepositions.

accordance	addition	behalf	charge	comparison	exception
exchange	expense	means	reference	result	sake

- | | |
|------------------|-----------------------|
| 1. as a _____ of | 7. at the _____ of |
| 2. by _____ of | 8. for the _____ of |
| 3. in _____ with | 9. in _____ to |
| 4. in _____ of | 10. in _____ to |
| 5. in _____ for | 11. on _____ of |
| 6. with _____ to | 12. with the _____ of |

C. Use the complex prepositions in the box to complete the following contexts.

at the expense of	in favor of	in the process of
by virtue of	in lieu of	in view of
by way of	in light of	on behalf of
in case of	in line with	on the matter of
in common with	in reference to	with regard to
in connection to	in respect to	with respect to
in contrast to	in terms of	

- Discontinuation of service shall be considered an undesirable remedy _____ non-payment.
- A guardian is appointed by the court to make decisions _____ the person under guardianship.
- Norway strongly supports increased transparency _____ nuclear arsenals.
- We have really everything _____ America nowadays except, of course, language.
- The International Civil Aviation Organization also provided invaluable assistance _____ flight information.
- Although we are trying to reduce import barriers for industrial products and services, it cannot be done _____ health.
- Recently, the European Parliament has been consulted _____ direct taxation to cross-border economic activities.
- Until Europe rejects austerity _____ a growth-oriented approach, all signs of recovery will prove illusory.
- Two representatives made statements _____ major groups.
- Country differences _____ economic vulnerability are considerable.
- The Superintendent of Police in Kokrajhar has opened an investigation into the murder and two persons were arrested _____ the case on 2 August 2017.

12. This applies particularly _____ the limited overall budget available for the Program.
13. These motions respond to a concern raised by government and law enforcement agencies _____ investigations.
14. This result is _____ the belief that R&D in Canada increases a firm's absorptive capacity for foreign technologies.
15. I shall consequently examine the evidence _____ these new criteria.
16. Intranet content remains secure _____ using the enterprise's existing security infrastructure.
17. Eleven countries are _____ building business engagement strategies.
18. The Administration shall recover overpayments _____ set-off against subsequent Program payments, or by other available means.
19. Basically, pure should only be used _____ foods composed of a single ingredient.
20. Transport legislation should be harmonized _____ internationally accepted principles.

D. Match the English complex prepositions to their French counterparts. Write the correct letter in the box to the left of the English expression. Careful! this is very tricky! There is only ONE acceptable translation for each expression. Below, please find sample French sentences to help you with your translations. For Live Worksheet, drag and drop!

	at the behest of	A. de la part de
	at the hands of	B. à cause de
	at the instance of	C. à condition de
	at variance with	D. à l'exception de
	devoid of	E. à la demande de
	for the sake of	F. au sens de
	from want of	G. aucune influence sur
	in comparison with	H. conformément à
	in compliance with	I. contre une peine de
	in conformity with	J. dans l'intérêt de
	in exchange for	K. découlant de l'absence de
	in pursuance of	L. dénué de
	in return for	M. en application de
	in spite of	N. en désaccord avec
	notwithstanding	O. en dépit
	on account of	P. indépendamment de
	regardless of	Q. malgré
	with the exception of	R. par rapport aux
	within the meaning of	S. selon
	without prejudice to	T. sur l'ordre de

Sample Sentences:

- A.** Même après avoir suivi un enseignement professionnel, elles font encore face à la discrimination de la part des employeurs et de leurs collègues.
- B.** Le Parti socialiste a été dissout à cause de certaines déclarations faites par son président, M. Perinçek.
- C.** Une libération anticipée à condition de porter un micro.
- D.** À l'exception de la Corée, par rapport aux autres pays du monde, les salaires versés ici ne sont pas supérieurs, même en dollar constant avec le dollar américain.
- E.** Suite à ces accusations, le Parti du Congrès, à la demande de Sonia, a exprimé fortement son soutien à Vadra, accusant Kejriwal de le salir à des fins bassement politiques.
- F.** Ces mesures peuvent être considérées comme une activité de gestion forestière au sens du Protocole de Kyoto.
- G.** La présente décision n'exerce aucune influence sur cette procédure.
- H.** Nous pensons que ces mesures ont été prises conformément à la législation communautaire.
- I.** Le principal Castle a tout avoué contre une peine de 30 ans.
- J.** Nous devons parvenir à une position mature, dans l'intérêt de la construction européenne.
- K.** Il n'existe aucune crainte de partialité découlant de l'absence d'impartialité structurelle.
- L.** Le travail abstrait, c'est le travail dépourvu de toute particularité, dénué de tout sens.
- M.** La question de savoir si les décisions rendues par les autorités judiciaires en application de l'article 8 sont ou non sujettes à recours est laissée aux législations nationales.
- N.** Enfin, le non-paiement des dettes est passible d'une peine de détention, ce qui aboutit à des traitements dégradants et inhumains en désaccord avec les termes de la Convention.
- O.** En dépit de cette réserve, je soutiens la résolution.
- P.** Le Tribunal devrait s'acquitter de sa tâche avec efficacité et diligence indépendamment de convenances politiques.
- Q.** Ces accidents ont eu lieu malgré la législation en vigueur.
- R.** On réduit ainsi de manière considérable l'encombrement en mémoire par rapport aux procédés connus.
- S.** Le nouveau tribunal fonctionnera selon les principes d'indépendance et d'impartialité.
- T.** Durant le débat, les autres députés de l'opposition ont laissé sous-entendre que les mesures avaient été prises sur l'ordre du premier ministre.

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