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Evaluation in legal discourse

The case of judicial English and Polish Eurolects

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This paper examines evaluative linguistic devices in two Eurolects, more specifically the English and Polish judicial Eurolects, from a comparative corpus- and genre-based perspective. It focuses primarily on two interconnected genres, namely: Advocate Generals’ (AGs’) opinions and judgments issued by the Court of Justice of the European Union (CJEU). The paper addresses two main questions: to what extent AGs’ opinions and CJEU judgments are evaluative and what are the (quantifiable) characteristics of their evaluative language when contrasted with non-translated national varieties of English and Polish?

Evaluation (cf. Hunston 2007) is operationalized as the manner in which AGs and judges express their stance in legal argumentation which is generally viewed as objective. Despite AGs’ opinions being impartial and independent, they are not binding for CJEU judges. Nevertheless, AGs’ arguments are oftentimes assessed by the court, which might result in the (in)direct “transfer” of evaluation. Therefore, the interplay between both AGs’ opinions and CJEU judgments constitutes a compelling research topic, especially considering the importance of evaluation in legal argumentation. Eurolects have been observed to depart from certain conventions of national (legal) languages (cf. Biel 2014), while evaluative linguistic devices have been found to act as a distinctive feature of the English Eurolect (Biel *et al.* 2021). However, evaluation has not been studied extensively as part of contrastive research on two interrelated genres in the judicial context and languages. It has been studied mainly based on judgments drafted in English (e.g. Mazzi 2010, Goźdź-Roszkowski 2022), Polish (e.g. Koźbiał 2020a,b), Italian (Goźdź-Roszkowski *et al.* 2013), and, only to a certain degree, across legal systems (e.g. Cheng & Cheng 2014, Goźdź-Roszkowski 2017), as well as, to a limited extent, based on AGs’ opinions written in English (e.g. Szczyrbak 2017).

The study uses corpus methods, along with a manual qualitative analysis of selected evaluative linguistic devices and their context. The comparable corpus of judicial texts is made up of four subcorpora: English language versions of AGs’ opinions, English language versions of CJEU judgments issued following an AG’s opinion, Polish language versions of AGs’ opinions, and Polish language versions of CJEU judgments issued following an AG’s opinion. The reference corpus, which acts as a reference for translated English and Polish judicial language, is made up of UK Supreme Court Judgments (UKSC) which represent non-translated English judicial language, and judgments issued by the Polish Supreme Court (PLSC) which represent non-translated Polish judicial language. The comparable corpora of judgments are representative of the respective judicial varieties of legal language; CJEU and PLSC judgments exemplify the civil law legal tradition, whereas UKSC judgments are representative of the common law legal tradition. The findings generally confirm the high reliance on evaluative devices by judges. There are, however, intra-generic and inter-systemic differences in the patterning of evaluative language, as translated CJEU legal texts deviate from non-translated language of UKSC and PLSC judgments. This contributes to the divergent textual fit to comparable non-translated texts. Overall, the study contributes to the linguistic, corpus-assisted study of evaluation in the judicial variety of legal language.

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