

Evaluation in legal discourse: The case of judicial English and Polish Eurolects

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: (1) Advocate Generals' (AGs') opinions and (2) judgments issued by the Court of Justice of the European Union (CJEU). The paper addresses two main questions: (1) To what extent AGs' opinions and CJEU judgments are evaluative? and (2) What are the (quantifiable) characteristics of their evaluative language when contrasted with non-translated national varieties of English and Polish? The English and Polish judicial Eurolects are viewed as hybrid, lawyer-linguist-mediated varieties of "europeanized" parallel varieties of national legal languages. This hybridity is a byproduct of the various institutional, political, procedural and supranational factors which underpin the EU judicial decision-making process.

Evaluation (cf. Hunston & Thompson 2000, Hunston 2007) is operationalized as the manner in which AGs and judges express their stance (attitude) in legal argumentation which is generally viewed as an objective type of institutional discourse (Goźdz-Roszkowski 2018). 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. Moreover, there are no dissenting or concurring opinions in CJEU's decision-making. 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. Finegan 2010, Mazzi 2010, Szczyrbak 2014, Goźdz-Roszkowski 2017, 2020), Polish (e.g. Koźbiał 2020a,b), Italian (Goźdz-Roszkowski *et al.* 2013), and, only to a certain degree, across legal systems (e.g. Cheng & Cheng 2014, Goźdz-Roszkowski 2017), as well as, to a limited extent, based on AGs' opinions written in English (e.g. Szczyrbak 2017).

The study uses corpus-based and corpus-driven methods, along with a manual qualitative analysis of selected evaluative linguistic devices and their context. The medium-sized self-compiled comparable corpus of judicial texts is made up of four subcorpora: (1) English language versions of AGs' opinions, (2) English language versions of CJEU judgments issued following an AG's opinion, (3) Polish language versions of AGs' opinions, and (4) Polish language versions of CJEU judgments issued following an AG's opinion. The reference corpus, which acts as a reference point for translated English and Polish judicial language, is made up of two subcorpora: (1) the UK Supreme Court Judgments Corpus (UKSC), which represents non-translated English judicial language, and (2) a corpus of judgments issued by the Polish Supreme Court (PLSC), which represents 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 main tools used in the study are WordSmith Tools 8.0 and Sketch Engine.

The findings generally confirm the high reliance on evaluative devices by both EU judges and AGs as well as Polish and British 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, respectively, by showing low overlap of evaluation-related recurring lexical patterns. This contributes to the divergent textual fit to comparable non-translated texts. In addition, AGs tend to utilize more evaluative devices than CJEU judges owing to the fact that AGs' opinions, as opposed to CJEU judgments, are not written in a highly formal and standardized language, which is why they have more room for evaluative language. Overall, the study contributes to the linguistic, corpus-assisted study of evaluation in the judicial variety of legal language (cf. Goźdz-Roszkowski 2013, Goźdz-Roszkowski *et al.* 2018, Biel *et al.* 2021).

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