

## The Investigation of the Grammatical Metaphors of Iranian Legal Texts

Dr. Raha Zareifard<sup>1\*</sup> & Dr. Zahra Hosseini<sup>2</sup> & Tayyeb Zarei<sup>3</sup>

<sup>1</sup>Assistant Professor of linguistics, Jahrom University

<sup>2</sup>Assistant Professor of Persian Language and Literature, Jahrom University

<sup>3</sup>MA student of Linguistics, Jahrom University

**Corresponding Author:** Raha Zareifard. E-mail: Rahazareifard@yahoo.com

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### ABSTRACT

Nowadays, scientific analysis of language has a special place in the sciences, since the scientific methods give a better understanding of the texts. The emergence of forensic linguistics in recent years in Iran and the presentation of various approaches in this field has greatly accepted. This article analyzes a number of advisory theories of Iranian Justice Department based on the systemic functional grammar. One of the concepts in the systemic functional grammar is grammatical metaphor. Grammatical metaphor is one of the hallmarks of the language of science, and according to Holliday (2004) grammatical metaphor is of great importance in the development of scientific discourse and the advancement of reasoning in texts. Holliday has introduced and distinguished three types of grammatical metaphor, i.e. ideational, interpersonal and textual. The purpose of this research is to study the application of these types of metaphors in legal texts, to gain a better understanding of them. For this purpose, we examine the use of ideational, interpersonal and textual metaphors by examining about 20 advisory theories of Iranian Legal Department of Justice randomly. The results of this study suggest that legal texts have their own unique style and that the reason for applying such metaphors is to make these texts distinctive. Therefore, a better and more accurate understanding of these texts can be achieved with a closer look at the analytical tools presented.

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### Introduction

Today, the scientific analysis of language has found a special place among all sciences, especially the humanities. By studying and analyzing the linguistics of the various sciences, we come to a better and relatively comprehensive and better understanding of those sciences. After the introduction of forensic linguistics to the community of linguistics by Dr. Aghagolzadeh (2005), we are witnessing the development and optimization of this applied branch of linguistics. Since legal language play an important role in each language and in Persian language there are a few studies in this field, this article aims at investigating grammatical metaphor in these texts.

### Literature Review

As mentioned in the introduction, no legal texts have been examined from the perspective of the systemic functional grammar. There are a few Persian studies in forensic linguistics such as the Proceedings of the Iranian Linguistic Society Conference, (2005), as well as the Forensic linguistics book by Agha Golzadeh (2011).

Gorl and Gibbons (2008) cite their guidebook for students, graduates, and proficients of applied linguistics, who consider legal linguistics to be very broad and included written legal language, language of law, legal discourse, court language, police questioning, public judgment and written and spoken language of law, and extensive linguistic evidences.

Behbudi (2008) in his MA thesis examines the written language of legal texts and concludes that the use of specialized written language and power-based law makes it difficult for ordinary people to understand. And the use of specialized vocabulary and compound sentences with sophisticated syntactic constructs about illiterate and illiterate thoughts and even the educated sometimes creates confusion and misunderstanding of the judges' words. It is necessary to understand the law of rights.

Foster (2000: 17), who uses a stylistic analysis to identify legal documents in his research, believes that in legal linguistics as an interdisciplinary field of linguistics and law. Foster emphasized that legal stylistics is clearly needed in the courts.

Mahmoudzadeh and Mahmoudi Bakhtiari (2015) have also examined the stylistic function of cohesive elements in legal texts, and in particular the opinions of the courts. They have come to the conclusion that, like other texts, in written legal logic, they are used to create text and convey the meaning of various cohesive elements, especially relational, repetitive, and phonetic elements.

Mahmoudzadeh and Mahmoudi Bakhtiari (1394) examined the cognitive style of cohesive elements in legal texts. By examining court votes.

Since no research has been done in Persian language on legal advisory theories, this research attempts to analyze grammatical metaphors, i.e. ideational, textual and Interpersonal in these texts.

## **Methodology**

First, 20 items of advisory theories of Iranian department of Justice were selected randomly. Then these theories were examined carefully to find grammatical metaphors. These metaphors were divided into three categories by using Holliday's Theory (2004) and then were analyzed quantitatively.

## **Theoretical Framework**

In general, according to Shuy (2006), the tools of a legal linguist are the knowledge of linguistics. We know that the systemic functional grammar is one of the tools and the basis of discourse analysis. There has been a great deal of interest in the systemic functional grammar for the analysis of literary texts. However, in examining legal texts, there is no review of legal texts from this perspective i.e. Holliday Functional Systematic grammar (2004).

Language is the realm of human interaction. Humans enter the language through the mechanisms that are interpreted in the language, and their attitudes and judgments, their expectations and desires, and communication (Holliday 2002: 199).

Certain social and situational factors such as politeness, more influence, etc. because people involved in communication to use a disagreeable form of verbal action, such as asking for time. Verbal action of this kind, based on the symbolic and indirect relationships of verbal action with a modal structure.

Indirect speech act is referred to as "metaphorical verbal act":

For example: Let's go? [Image: Question; Action: Let's go

The result is that the relationship between verbal action and the word is not a one-to-one relationship, but rather a multiple relationship, meaning that one word can represent multiple verbal actions, and in contrast, each verbal action can be multidimensional. This is a phenomenon that Holliday calls a "grammatical metaphor".

Just as the lexical metaphor is the result of the transfer of one meaning from one word to another, the grammatical metaphor is the use of a grammatical construction in a sense other than form the unmarked form.

We have three categories of grammatical metaphors: 1- Grammatical thinkers who are themselves divided into two modes of nominative and transitive. 2- Interpersonal grammatical metaphors found in both modes and modes of expression; and 3- textual grammatical metaphors which will be briefly defined as follows:

### **Ideational metaphors**

They mainly use noun forms for processes or qualities that must be expressed by verbs and adjectives. In nouns, a noun or noun group is used to express the fulfillment of a verb or a feature that is reflected by an adjective, and enriches the content of the material presented by converting a small sentence into a noun or noun group.

For example: Therefore, they are serious in order to reach a conclusion

→So they are serious about getting a result

In empirical context, the ideational content of the message is desired

For instance: It was heartbreaking to see Muhammad

The material process that was originally a mental process.

### Interpersonal metaphors

The expression of modal which is represented by the presence of modal items such as, probably, and modal verbs such as must and being able to. For example, when we mean "probably" we use the phrase "I think"; "it seems" and ...Therefore, the form expressed in a small paragraph is metaphorical.

The homogeneous state for modality is a phrase that represents possibility and probability, but for the metaphorical state it is expressed using a separate clustering clause containing both an independent clause and a dependent clause, for instance:

He is a good boy → we are sure that he is a good boy

### Textual metaphor

The textual role in the information structure and coherence of the text is realized. It is divided into two categories: grammatical and lexical. Grammatical consistency includes reference, substitution and deletion, relevance, and consistency expressed by the marker beginner is lexical consistency. Textual metaphors include life-like verbs (sorting, heading, pointing, showing, drawing, defining, etc.) As well as phrases like (let me start with ....). (Holliday & Hassan, 1976).

### Data Analysis

The advisory theories analyzed in this section and all kinds of grammatical metaphors distinguished.

1-The Advisory Theory No. 7/9269 dated 2003/1/1 of the Legal Department of Justice

"IF  
Interpersonal the court does not have the inherent jurisdiction to prosecute the

Defendant's charge, it has no right to conduct preliminary investigations Interpersonal and it

must  
Interpersonal give the order of dispatching the accused to the competent

Authority.

: 2 Items      ideational: 0 Item      Interpersonal Textual: 0 Item

2- Advisory Theory No 7/3860. Dated 1989/10/25 the Legal Department of Justice

"if  
Interpersonal the case is  
Ideational legal, the court must  
Interpersonal issue to pronounce."

Textual: 0 Items      Interpersonal :2 Items      ideational: 1 Items

3. The Advisory Theory No. 7/4445 dated 1993/10/26 of the Legal Department of Justice

"after  
textual the verdict  
ideational, the convict  
textual can  
Interpersonal also demand for relief reduction and the court is oblige to  
Interpersonal process  
Ideational it.

Textual: 2 Items      Interpersonal :2 Items      ideational: 2 Items

4- The Advisory Theory No. 7/8665 dated 1994/2/ 16 of the Legal Department of Justice

"if  
Interpersonal the preliminary injunction does not have a legal defect and is not violated, There is no license to change it to a reduced or suspension."

Textual: 0 Item      Interpersonal : 1 Item      ideational: 0 Item

5. The Legal Advisory Theory dated 1994/2/16 of the Legal Department of Justice

"while  
textual a criminal case was initially identified  
Ideational by the prosecutor and The case was referred for examination, the interrogator  
,According to the prosecutor, is obliged to  
Interpersonal process.

Interpersonal: 1 Item      ideational: 1 Item      Textual: 1 Item

6. The Advisory Theory No. 7/1283 dated 1983/6/16 of the Legal Department of Justice.

"It is  $\frac{\text{necessary}}{\text{Interpersonal}}$  to  $\frac{\text{obtain}}{\text{Ideational}}$  the records of the defendant who has been identified.

Textual: 0 Item      Interpersonal : 1 Item      Ideational: 1 Item

7- Advisory Theory No. 7/8686 dated 1994/3/1 Legal Department of Justice

"A failure action in criminal case  $\frac{\text{must}}{\text{Interpersonal}}$  be filed by the prosecutor and the  $\frac{\text{parties}}{\text{Interpersonal}}$  are invited to consider

Textual: 0 Item      Interpersonal : 2 Items      Ideational: 0 Item

8-The Advisory Theory No.7/7294 dated 1995/1/22 of Legal Department of Justice

$\frac{\text{By starting}}{\text{Textual}}$  to consider for  $\frac{\text{obtaining}}{\text{Ideational}}$  the final decision ,A lawyer  $\frac{\text{can}}{\text{Interpersonal}}$  attend court and before that the interference is the same as for the intervention of a lawyer in the public prosecutor office and the court  $\frac{\text{is obliged to}}{\text{Interpersonal}}$  appoint a lawyer for the defendant in the offenses which  $\frac{\text{require}}{\text{Interpersonal}}$  for life imprisonment or the death penalty.

Textual: 1 Item      Interpersonal : 3 Items      Ideational: 1 Item

9- The Advisory Theory No. 7/1847 dated 1995/11/1 of Legal Department of Justice

" $\frac{\text{in the case}}{\text{Textual}}$  where the driver has died and there is no plaintiff or someone has committed suicide, the court  $\frac{\text{can}}{\text{Interpersonal}}$  file the case and  $\frac{\text{if}}{\text{Interpersonal}}$  the complaint is made and the reasons are poor, the court  $\frac{\text{should}}{\text{Interpersonal}}$  issue order for suspension of prosecution.

Textual: 1 Item      Interpersonal : 3 Items      Ideational: 0 Item

10- The Advisory Theory No. 7/4038 dated 1999/9/20 of Legal Department of Justice

"Properties that has been acquired as a result of the  $\frac{\text{committing a crime}}{\text{Ideational}}$   $\frac{\text{must}}{\text{Interpersonal}}$  be returned to its owner and it doesn't require to be provided lawsuit against possessor.

Textual: 0 Item      Interpersonal : 1 Item      Ideational: 1 Item

11- The Advisory Theory No. 7/458 dated 2000/8/17 Legal Department of Justice

"  $\frac{\text{replevy}}{\text{Ideational}}$  is not a punishment but a legal obligation,  $\frac{\text{so}}{\text{Interpersonal}}$  it  $\frac{\text{cannot}}{\text{Interpersonal}}$  be punished.To be subject to the 6 of the Criminal Procedure Act 1999. The court  $\frac{\text{is required to}}{\text{Interpersonal}}$  issue  $\frac{\text{a criminal verdict}}{\text{Ideational}}$  and to issue to replevy Caused by crime

Textual: 0 Item      Interpersonal : 3 Items      Ideational: 2 Items

12-The Advisory Theory No. 7/8418 dated 1995/3/8 of Legal Department of Justice

" $\frac{\text{starting}}{\text{Textual}}$  to commit a crime  $\frac{\text{if}}{\text{Interpersonal}}$  punishable for it or the amount of action perpetrated itself is being crime and it is prosecutable and punishable "

Textual: 1 Item      Interpersonal: 1 Item      Ideational: 0 Item

13-The Advisory Theory No. 7/1023 , dated 1989/7/30 of Legal Department of Justice

"The court  $\frac{\text{can}}{\text{Interpersonal}}$  reduce the punishment and then suspend it."

Textual: 0 Item      Interpersonal: 1 Item      ideational: 0 Item

14- The Advisory Theory No 7/553 dated 1994/6/ 8 of the legal Department of Justice.

In case where there are suspensions, the interrogator  $\frac{\text{may}}{\text{Interpersonal}}$  calls the prosecutor's attention.

Textual: 0 Item      Interpersonal: 1 Item      ideational: 0 Item

15- The Advisory Theory No. 7/ 1331 dated 2003/5/20 of the legal Department of Justice

" $\frac{\text{if}}{\text{Interpersonal}}$  the Court of Appeal seeks to reduce the sentence of the accused to less than the maximum, there is no need to invoke Article 22 of Islamic Penal Code. But  $\frac{\text{if}}{\text{Interpersonal}}$  it cites that article, it  $\frac{\text{must}}{\text{Interpersonal}}$  make the sentence less than or at least a form of punishment which would be more favorable to the accused.

Textual: 0 Item      Interpersonal: 3 Item      ideational: 0 Item

16-The Advisory Theory No.7/1651 dated 1988/6/13 of Legal Department of Justice

$\frac{\text{sentencing}}{\text{ideational}}$  for defendants  $\frac{\text{must}}{\text{Interpersonal}}$  be based on legal materials."

Textual: 0 Item      Interpersonal: 1 Item      ideational: 1 Item

17- Advisory Theory No7/6068 , dated 1996/1/23 Legal Department of Justice

" $\frac{\text{if}}{\text{Interpersonal}}$  this is not the original document or missing and it has been falsified upon noncertified copy by defendant, since the document is not legally valid and  $\frac{\text{cannot}}{\text{Interpersonal}}$  be harmed without it , committing the act is meaningless and the title is falsification and  $\frac{\text{the use}}{\text{Ideational}}$  of a valid document in practice There is no point in committing act. "

Textual: 0 Item      Interpersonal: 2 Item      ideational: 1 Item

18- The Advisory Theory No7/ 7389 dated 1987/2/14 of Legal Department of Justice

" $\frac{\text{if}}{\text{Interpersonal}}$  the incarceration and punishment are combined, the court  $\frac{\text{cannot}}{\text{Interpersonal}}$  to suspend all or part of punishment.

Textual: 0 Item      Interpersonal: 2 Items      ideational: 0 Item

19.The Advisory Theory No. 7/2890 dated 1996/11/4 of the Legal Department of Justice

"  $\frac{\text{the result}}{\text{Ideational}}$  of Islamic penal code for atonement is that choosing the type of wergild is with someone who  $\frac{\text{has to}}{\text{Interpersonal}}$  pay for it. In cases where avengers of blood  $\frac{\text{have to}}{\text{Interpersonal}}$  pay the difference in the amount of blood money to the killer. the Choosing of the type of Diyat is also with them. "

Textual: 0 Item      Interpersonal: 2 Items      ideational: 0 Item

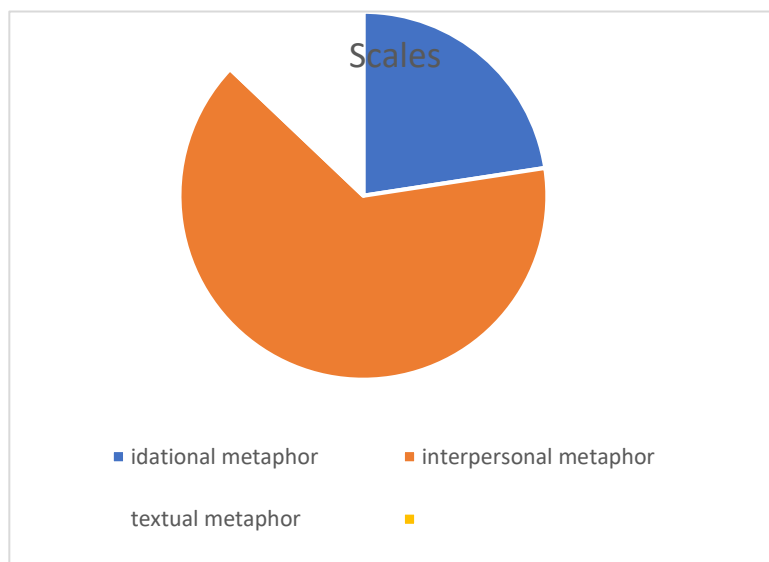
20- Advisory Theory No. 7/7690 dated 2001/11/20 of the Legal Department of Justice

"Article 35 of the 1999 Code of Criminal Procedure  $\frac{\text{does not mean that}}{\text{Ideational}}$  a warrant  $\frac{\text{must}}{\text{Interpersonal}}$  be put aside after the verdict is issued, This  $\frac{\text{means}}{\text{Ideational}}$  that the warrant of arrest will continue until the verdict is issued and after  $\frac{\text{the verdict id issued}}{\text{ideational}}$  To denote the defendant's innocence .The accused  $\frac{\text{must}}{\text{Interpersonal}}$  be released immediately ( $\frac{\text{unless}}{\text{Interpersonal}}$  arrested for another reason) and  $\frac{\text{if}}{\text{Interpersonal}}$  convicted and his full sentence has already served in detention It  $\frac{\text{should}}{\text{Interpersonal}}$  also be released . And holding him for longer than his conviction has no legal license with  $\frac{\text{citing}}{\text{Ideational}}$  the warrant arrest.

Textual: 2 Items      Interpersonal: 6 Items      ideational: 2 Items

## Results and Discussion

As mentioned, the grammatical metaphor is the use of a grammatical construction in a sense other than the unmarked form. In this article, the use of three kinds of grammatical metaphor examined in Persian legal advisory theories. Legal texts are famous for their rigid forms but unlike this thought, the results of this research represent that interpersonal metaphors play the most important role in these texts. It means that interpersonal relationship even in rigid text is vital. The total number of grammatical metaphors is 62 items. 40 items are Interpersonal metaphors (65) %, 14 items are ideational metaphors (22%) and 8 items are textual metaphors (13%). The scales of these metaphors represent in the following graph.



Graph (1): The percentage of grammatical metaphors

## Conclusion

The emergence of forensic linguistics in recent years in Iran and the presentation of various approaches in this field has greatly accepted. This article analyzed a number of advisory theories of Iranian Justice Department based on the systemic functional grammar. One of the concepts in the systemic functional grammar is grammatical metaphor. according to Holliday (2004) grammatical metaphor is of great importance in the development of scientific discourse and the advancement of reasoning in texts. Holliday has introduced and distinguished three types of grammatical metaphor, i.e. ideational, interpersonal and textual

A random survey of 20 advisory theories of Iranian Legal Department of Justice found that the percentage of occurrences of interpersonal metaphors was approximately 65% of the total of 62 identified metaphors, and the highest percentage was used. It was concluded that because of the specific writing style of these texts and their imperative form and the place of such texts; the way in which legal texts are written is specific and grammatical metaphors play important role in legal communications. By examining advisory theories, it can be argued that legal texts have their own unique style, and the reason for the way these metaphors work is to make these texts distinctive. Therefore, for better understanding such texts, more attention should be paid to grammatical metaphors, especially the interpersonal metaphors contained in such texts.

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