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A NOTE ON THE LINGUISTIC (IN)DETERMINACY IN THE LEGAL CONTEXT[1]

Abstract
This paper discusses linguistic vagueness in the context of a semantically restricted domain of legal language. It comments on selected aspects of vagueness found in contemporary English normative legal texts and on terminological problems related to vagueness and indeterminacy both in the legal domain and language in general. The discussion is illustrated with selected corpus examples of vagueness in English legal language and attempts to show problems of the relation between vagueness and ambiguity in the context of legal institutionalised systems.

The discussion also evokes theoretical issues which pertain to the relation between legal texts and their contexts, the problem of how linguistic forms acquire their contextual meaning and how linguistic expressions are disambiguated. These issues are further related to the post-Gricean theory of relevance, its inferential model of communication, and the interplay between the linguistic code and inferential processes in (specialised) communication.

Keywords
vagueness, legal language, indeterminacy, relevance

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1. Introduction[2]

This paper is intended as a note on selected aspects of linguistic vagueness found in the semantically-restricted domain of legal normative texts drafted in English. It points to the terminological variegation present in research on indeterminacy in language and comments on the relevance-theoretic approach to semantic indeterminacy and its explanatory power within the domain. In this way the text integrates selected research positions on the interface of semantics and pragmatics, applied LSP studies with focus on legal language, and relevance theory as introduced by Dan Sperber and Deirdre Wilson in their already classical publication *Relevance: Communication and Cognition* (Sperber and Wilson 1986/1995, cf. also Wilson and Sperber 2004) and further elaborated, among others, by Robyn Carston (e.g. 2002, 2004, Carston and Powell 2006), and Diane Blakemore (1989, 1992).

2. Vagueness, law and relevance

2.1. Vagueness and law—basic issues

The multidimensional concept of vagueness has motivated ample research over the years. Vagueness has been discussed in linguistics, philosophy, especially in the field of logic and the philosophy of language[3] and literary criticism (e.g. Shapiro 2006, Schiffer 2006, Williamson 1994; see Odrowąż-Sypniewska 2000 for

[2] Selected parts of this paper were published as Witczak-Plisiecka 2008.

[3] It goes beyond the scope of the present paper but is worth paying attention that even the term "philosophy of language" is relatively vague. A distinction is often drawn between the concepts of philosophy of language and linguistic philosophy where, it is understood, the former concentrates on language and its aspects relevant to linguistics as a (maximally) independent field of study and the latter focuses on the fact (or belief), much in the Wittgensteinian tradition, that all philosophical issues are problems of language as they are accessible and expressible solely in linguistic forms (e.g. Davies 2006). In contrast, Searle (1969) explicitly states that his speech act theory is a study in the area of philosophy of language and explicates that philosophy of language is "the name of the subject", while linguistic philosophy is "primarily the name of the method" (Searle 1969: 4). It should also be noted that yet another field—that of the philosophy of linguistics—is defined as "a division of philosophy of science" (cf. Davies 2006: 23 or Davies 2003: 90) parallel to philosophies of other sciences. The notion of the philosophy of linguistics can then be further contrasted with that of the philosophy of language whose focus is not on linguistics as a (sub-field of) science, but also on non-expert conceptions concerning linguistic expressions. In this light the concept of vagueness may be approached as linguistic, supra-linguistic, semiotic, or cognitive.

a thorough overview of the problem presented in the Polish language); it has also been granted attention within specialised applied linguistic studies (e.g. Bhatia et al. 2005). In the legal domain it has been analysed since the time of H.L.A. Hart (1961), whose influential ideas have been further elaborated by legal theorists (e.g. Endicott 2000).

Vagueness, being an autological word, escapes a stable generally accepted definition. Most often it is defined through its antonymic relation to ambiguity, where vagueness suggests an unclear, underspecified reference while ambiguity is characterised by the presence of multiple reference. In a broader perspective vagueness can be understood as yet another type of modality, i.e. a (semi-) grammatical category which is able to modify the meaning of linguistic expressions. Vagueness has also been defined as an instance of "incomplete definition", which incurs an incomplete, imprecise acquisition of the meaning of a predicate. From a philosophical perspective it is most often presented as either "an epistemic phenomenon"[4] (Williamson 1994) or a semantic problem where, having accepted that statements are either true or false, vagueness corresponds to "cases of unclarity" in which language users are unable to determine the value of vague expressions. A related view suggests that vagueness emerges where there are "borderline cases", instances when people are unable to classify certain categories which are perceived as belonging to fuzzy sets. With vagueness being a broad concept and a many-faceted phenomenon, there have been numerous proposals to further (sub-)categorise it. In an attempt to grasp its core aspects, Kempson (1977: 124ff) differentiates between four main types of vagueness in language and identifies them as: 1) referential, 2) indeterminacy of meaning, 3) lack of specification, and 4) disjunction of the specification. In the Polish philosophical literature two main types of vagueness have been analysed with the use of two Polish terms, viz. "nieostrość" (in literal translation 'unsharpness') and "niewyraźność" (literally 'vagueness' or 'unclarity', 'dullness') (cf. e.g. Odrowąż-Sypniewska 2005: 229 on Pelc's classification and Odrowąż-Sypniewska 2000). These two concepts correspond to the cases of unclarity as to the semantic scope of a lexeme or an expression and semantic underdeterminacy, respectively. Thus, while both notions involve scalar ideas, "nieostrość"/unsharpness can be associated with concepts such as "being nervous" and "nervousness", while "niewyraźność"/underdeterminacy is said to be descriptive of concepts such as "a lie", where it is not possible to state whether e.g. the feature—'falsity' is inherent in the concept or not[5]. It is noteworthy that the philosophical analysis of vagueness against the problem of explicitness seems in many respects parallel to the

[4] According to this view there are truth values for all linguistic expressions, however, vagueness creates a situation in which language users can neither recognize the right value nor detect the very existence of such values.

[5] Cf. contrasts between 'true' lies and situations related to the paradox of a liar.

developments in a more linguistics-oriented relevance theory and the difficulty in defining vagueness in its multiple aspects can be seen as parallel to the problems of the explicit/implicit distinction-oriented on-going discussion among researchers working within the relevance-theoretic framework (cf. e.g. Carston 2002, 2009)[6].

In the English language, among theoretical-linguistic notions related to vagueness, next to the most antonymous ambiguity, there are "fuzziness" and "generality of sense", which, however, seem to be less technical than vagueness itself. The approaches are varied and not always consistent; for example Zhang (1998) claims that fuzziness is inherent in expressions which irrespective of context have no clear-cut referential boundaries, while the three other categories, i.e. vagueness together with generality and ambiguity, can be resolved, eliminated in context. Cases of yet another concept, that of polysemy, i.e. different but etymologically-related meanings, are typically recognised as semantic ambiguity. However, for instance in his book *Vagueness in Language*, immersed in cognitive linguistic ideas, Łozowski (2000) included a methodologically-descriptive subtitle, which reads "from Truth-Conditional Synonymy to un-Conditional Polysemy", which emphasises his claim that vagueness is closely related to polysemy on a cause-and-effect basis.

There have also been attempts to differentiate between semantic and pragmatic types of vagueness and ambiguity (e.g. Fredsted 1998 with focus on Grice and Kierkegaard's notion of "indirect communication", Zhang 1998 mentioned above, Tałasiewicz 2002 in Polish), which, however, do not offer a sound theoretical explanation either, pushing all arising problems towards resolution in specific communicative situations; thus, unless it is accepted that meaning is solely interpretable in context and in fact entirely belongs in it (in an *a posteriori* mode), the theories are not very informative, nor readily applicable. It seems that vagueness is so pervasive in language and poses such a challenge when there are attempts to formulate its clear definition that, for practical (pragmatism-oriented) reasons, researchers often resign sub-categorisation. An example of such a strategy can be seen in research performed with relation to bilingual and multilingual laws which operate in multi-lingual or supranational legal systems, where Cao (2007) decided to group all instances of indeterminate meaning under one cover term of "inter-lingual uncertainty", which in her analysis comprises "linguistic vagueness, generality and ambiguity" (Cao 2007: 70)[7]. In the context of relevance theory,

[6] However, the views cannot be directly identified due to evident differences of aims and methodology; in strictly philosophical approaches the focus is on meaning and (potential) extensions in possible worlds, while relevance theory particularly emphasises communicative *a posteriori* aspects of language.

[7] Deborah Cao (2007) cites a number of illustrative examples from a variety of sources, including the bilingual and bi-legal systems of Hong Kong and Canada, respectively, as well as selected decisions of the European Court of Justice, which show that in contrastive

especially in the analysis of conversation, some researchers suggested yet another general notion, that of approximation (cf. Sperber & Wilson 1986/1995 and Franken 1997 for critical comments in the context of "loose talk").

It is evident that language is always underdetermined and all linguistic forms are naturally 'incomplete' and selective and must be disambiguated against the context in which they appear. Much as this incompleteness comes as natural, there are still widely shared assumptions that language can be explicit and clear and the fact that language is not an entirely autonomous system[8] often escapes not only non-specialist language users' but also language researchers' attention. The illusion that meaning can be secured and well-defined is generally accepted, particularly in the case of specialised languages, known as languages of restricted semantic domains, whose contexts are by definition narrowed and (relatively) pre-defined. Legal language, the language of normative legal texts, provides a relevant example in relation to this common fallacy. From a relevance-theoretic, thus broadly pragmatic, perspective it is of interest that lawyers present legal language as a domain in which "there is no guaranty of the successful arrival of the message, because language has a life in context that is beyond the control of the speaker" (Endicott 2000: 16, citing David Gray Carston, a deconstructionist)[9]. This reliance on the contextual is thus convergent with the theoretical commitments in relevance theory, which emphasises that meaning can only be discussed with reference to the context of its use, but bearing in mind indeterminacy of the concept of context, this claim can also be seen as rather dangerous when applied to the technical legal language whose comprehensibility and a following understanding (or misunderstanding) may incur serious consequences which go well beyond the realm of language.

Along with a growing presence of language theorists as witness experts in courts of justice, it has been debated whether linguists should at all be accepted as professional experts on the semantics of legal language, whose system falls outside linguists' academia. It is noteworthy that lawyers' analyses of vagueness within the legal domain emphasise that despite the fact that law is expressed in linguistic form, both fields, that of linguistics and of the law, cannot be subjected to analysis

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studies vagueness or ambiguity can be language- or system-bound or at least language- or system-dependent. The discussion also confirms that the spirit of the law typically prevails the letter of the law as in cases of conflict where multilingual legislation is involved judges tend to search for the purpose, the objective of the law in question rather than look for decisive factors in particular legal formulae; as a result, their decision can be taken "against" the ordinary reading of a linguistic expression.

[8] For an extreme view and a detailed discussion of language as a non-autonomous system see e.g. the integrational linguistic approach (Harris 1998, Harris and Wolf 1998, Harris 1996)

[9] Cf. also further quotations from deconstructionists in Endicott 2000: 18ff.

with the use of the same criteria. For example, proponents of integrational linguistics suggest that law 'belongs to the world', while linguistics is just an academic discipline, i.e. law regulates legal relations in the world in the broadest possible sociological context, but linguistics tends to refer to itself rather than to some extra-linguistic (independent) reality (cf. Hutton 1996). As a consequence, in order to generalise about the nature of language linguists are limited to presenting language as an autonomous code and have to disregard much of the social context crucial to the law. This has a further consequence in that linguistics, being an academic discipline, is unique in that linguists communicate within their group, while other academics may find experts in their field 'outside' their domain[10]. As Hutton suggests "[linguists] are not professional experts: their professional standards and professional knowledge are largely discipline-internal" (Hutton 1996: 295).

It is evident that vagueness as a feature of legal language is generally accepted among legal theorists. For example, the opening sentence of Keith C. Culver's (2004: 1) article on vagueness in the law claims that "[i]t will surprise no one to hear that laws are often vague, and, moreover, that laws are vague for a variety of reasons". However, much as such understanding may be found common on the part of lawyers, lay people may find it disturbing that the language of the law is so dramatically open to interpretation as general audiences seem to expect that the law should be constructed via clear and explicit language, whose expressions do not offer much chance for varied (re)interpretation and manipulation. Lawyers on the other hand claim that vagueness as an inherent property of law does not have to be a vice; they are not so much critical of it and find it both functional and necessary in normative texts. For example, Timothy A. O. Endicott (2000, 2002), a legal theorist and practitioner, sets "an indeterminacy claim", a rule which claims that vagueness is an inseparable part of the law. In his theoretical research Edicott follows in the tradition of H.L.A. Hart[11] (1961), who was the first to extensively comment on vagueness in the law. Years ago Hart acknowledged the general truth that although legal language is commonly believed to be explicit, literal, devoid of ambiguity, and precise, in reality its explicitness is limited. According to Hart, legal language, being expressed with the use of natural language, necessarily inherits the quality of "open texture", which is a general feature of linguistic expressions. As H.L.A. Hart explicitly claimed in his much quoted work *The Concept of Law*:

> Natural languages like English are […] irreducibly open-textured. [...] [W]e should not cherish, even as an ideal, the conception of a rule so detailed that the question whether it applied or not to a particular case was always settled in advance, and

[10] For a discussion of the issue see e.g. Hutton 1996: 294ff.
[11] See also comments on Hart, open texture and judicial discretion in Bix (1993: 7ff).

> never involved, at the point of actual application, a fresh choice between open alternatives. Put shortly, the reason is that the necessity for such choice is thrust upon us because we are men, not gods. (Hart 1961: 127-8)

Thus, although drafters may attempt to secure explicit, non-ambiguous use of language in the legal context, the linguistic forms preserve their general 'openness'. It is also evident once again that vagueness does not have to influence legal language in a negative way. Its reading can stay coherent even in the presence of vague expressions, which can be functional in that they allow judges to apply the law in an efficient way. The reliance that lawyers place on vagueness in the law emphasises that law cannot be simply equated with language, that theoretical investigation into the language of the law cannot even aim to be decontextualised because the reading of the law is always defined by its largely extralinguistic social context, conventions associated with its position in time and space, and as it is in the case of English, its local tradition. It is noteworthy that the origin of the concept and the law of equity in the British tradition can be directly related to processes of semantic change in language in the environment of changes introduced in social life and modifications in conventions. In fact equity is basically about rejection of literal expressions of past laws in a situation when they are recognised as obsolete or unjust due to specific social changes which have taken place.

2.2. Vagueness and relevance

Relevance theory, belonging to post-Gricean approaches, claims to be a general theory of communication and cognition; one of its fundamental tenets is that language is inherently underdetermined and all linguistic expressions need to be disambiguated in context via complex processes of inference. Communication is holistically explained with the use of an ostensive-inferential model, where it is understood that linguistic expressions carry the assumption of their relevance and that there is an interplay between code and inference. It is also claimed that inference necessarily prevails while the code plays a minor role and in fact is an optional element. Linguistic interaction has the status of being the strongest possible way of communication between human beings (Sperber and Wilson 1986/1995: 175) due to the fact that it involves explicit forms while non-verbal communication can only be implicit.

Relevance theory explains communication with reference to one general principle which guides and underlines all communicative processes—the Principle of Relevance, where relevance is understood as both a binary and scalar type of efficiency and a property of the inputs to cognitive processes, cf. definitions cited below from Sperber and Wilson 1986/1995:

(1) *Relevance*: An assumption is relevant in a context if and only if it has some positive cognitive (1986 version: contextual) effect in that context.

(2) *Relevance of an input to an individual at a time*
   a) everything else being equal, the greater the positive cognitive effects achieved in an individual by processing an input at a given time, the greater the relevance of the input to that individual at that time.
   b) everything else being equal, the smaller the processing effort expended by an individual to achieve those effects, the greater the relevance of the input to that individual at that time.

(3) *The First, or Cognitive, Principle of Relevance*
   The human cognitive system tends towards processing the most relevant inputs available.

(4) *The Second, or Communicative, Principle of Relevance*
   Every utterance conveys a presumption of its own optimal relevance.

Relevance is thus relative to accessibility of context, which is defined as "a psychological construct, a subset of […] assumptions about the world" (Sperber and Wilson 1986/1995: 15-16), and comprises all knowledge, linguistic and encyclopaedic, expectations about the future, mental states, physical environment, etc. It is further claimed that "on various social occasions, the expected level of relevance is culturally defined" (Sperber and Wilson 1986/1995: 161).

In the context of legal documents, communication produces pragmatic inferences based on the linguistic form and environment, which are in the form of contextual implications, contradictions, and strengthenings and as in other cases of linguistic performance, communication involves explicatures and implicatures, both of which have to be disambiguated[12]. Failure at the right (intended) context recognition may result in inadequate, unsuccessful communication. The authors of relevance theory seem to be positive about the level of relevance typically achieved in a legal context, cf. their comment on the language of the courtroom cited below:

> In legal proceedings, for instance, there really is a serious attempt to establish mutual knowledge among all the parties concerned: all laws and precedents are made public, all legitimate evidence is recorded, and only legitimate evidence can be considered, so that there is indeed a restricted domain of mutual knowledge on which all parties may call, and within which they must remain.
>
> (Sperber and Wilson 1986/1995, p.19)

[12] The theoretical distinction between the implicit and the explicit has not been fully explicated within RT, cf. also the underdeterminacy thesis in Carston 2002, chapters 1 and 2, also Carston 2009, Blakemore 1989.

The authors also admit elsewhere that intertextuality plays a role in narrowing the context on the part of language users[13], but are not explicit on the distinction between different genres, nor make it clear how to determine which elements can be defined as explicit and what the limits on explicitness/implicitness are. In fact the descriptions of basic concepts within the theory are phrased in vague language themselves and are inherently scalar in nature. It follows from the tenets of the theory that it is not possible to determine *a priori* which linguistic forms will be found explicit and will produce maximally relevant effects because relevance itself is relative to context and the language users' cognitive environment which can only be envisaged in a limited way.

2.3. Bivalence and law—vagueness vs. ambiguity

Linguistic indeterminacy can be related to the position known as the standard view of adjudication or the principle of bivalence present in legal theory. The acceptance of vagueness in the law can often stand in conflict with this concept, whose claim is that propositions of law are "juridically bivalent". In other words, judges always have a means to understand expressed propositions in such a way that they apply or fail to apply to a given situation with no borderline cases. However, practice shows that there are borderline cases in which it is difficult for judges to decide whether the term or a category applies or does not apply and in all such cases the question remains what judges should do with such propositions. As the only solution Hart (1961) suggested that judges should use their discretion in various ways to extend or withhold a particular law in a specific situation. This, however, would mean that in forming their decision judges should be guided by external factors, other than the 'literal word' of the law which they (theoretically) apply, which is a very contentious issue (cf. the discussion in Culver 2004) as judges may differ in their interpretation and produce subjective results.

The power to define vague concepts in law can sometimes be vested in non-specialists (cf. e.g. Dworkin 1986), e.g. citizens of the state or members of a particular category. For example, normative expressions such as "safe speed" or "reasonable care" must be defined and recognized by people subjected to the law in question. Under this view, the semantics of the expressions and the resulting legal operational value is not vague, i.e. unclear within the system, but rather relative to the situation, e.g. the value of "safe speed" depends on factors such as weather conditions, etc. In that sense interpretation of linguistic forms in the law is similar to philosophical-linguistic contextualism and its understanding of the role

[13] Cf. "a poem and a legal document seem to communicate profoundly different things" (Sperber and Wilson 1986/1995: 2)

of context. For instance, Peter Ludlow does mention a court of law as a place where one can expect "higher epistemic standards" (Ludlow 2005: 11), i.e. that the legal context statements require a higher "degree of justification" than is present in e.g. everyday interactions, which itself should be part of contextual knowledge of language users in the legal domain.

Categorisation in law motivates special sense relations between concepts in the law, which may be in conflict with those which hold in non-specialised language. The language of the law views the world through the lens of legal categorisation and this imposed categorisation results in that most types of 'folk' vagueness in law can successfully be identified as cases of ambiguity because legal expressions typically refer to particular legal institutions and do not invite unsanctioned 'free' meanings. As a result, legal theorists can analyse (apparent) linguistic vague expressions such as "reasonably intelligent judge" and the notorious "reasonable doubt" as instances of ambiguity (e.g. Solan 2004). Concepts such as 'murder' and 'manslaughter' can also appear vague and indeterminate as normally an action can be classified as one or the other following a judge's arbitrary decision and his or her interpretation of relevant contexts (cf. discussion in Felkins 1998 and 2004).

In order to fight 'negative' vagueness, i.e. vagueness which can lead to situations where at least two conflicting readings of a legal rule can be allowed[14], theorists suggested the technique of listing examples of restricted behaviour. For example, Tiersma (1999: 81) claims that such vagueness is especially notorious in criminal law, where actions allowed and prohibited need to be well-defined; one of the solutions is listing of what e.g. counts as "harassment" under a particular restraining order. Such lists, as Tiersma (1999: 83) notes, can lead not only to a better definition of a vague term but also expand the semantic scope of the term and result in including types of action which are not normally associated with it[15].

Thus, legal language evidently presents the world through the prism of legal categorisation, which is functional and allows lawyers to apply relevant laws to particular cases. In the legal context it is usually the case that interpretation of linguistic forms is in fact a process of matching them to certain legal typologies and categories, e.g. recognition that a particular action is an instance of stealing and is classified as theft, or determining that a particular form of behaviour constitutes a breach of contract. It is not without reason that quite often legal theorists discuss instances of apparently linguistic vagueness in terms of

[14] It is noteworthy that researchers sometimes approached vagueness as if it created three categories, i.e. positive, negative, and 'unclear' middle cases (cf. Bix 1993: 32 on Sainsbury), which however does not provide means to delineate the middle case.

[15] The strategy of fighting vagueness by listing is reminiscent of other strategies employed in legal language, e.g. rules of interpretation known as *noscitur a sociis* (Latin 'known by its associates') and *ejusdem generic* (Latin 'of the same kind'), which allow to understand the concept by referring to "the words around", i.e. the context in which the words are used.

ambiguity, cf. Solan's (2004) examples of legal "pernicious ambiguity" which include the phrases "reasonably intelligent judge" and "reasonable doubt" mentioned above. This prevalence of the legal over the (purely) linguistic is neither uncommon nor surprising. The vision is further reinforced by a quotation from a judge:

> When numerous courts disagree about the meaning of language, the language cannot be characterized as having plain meaning. Rather, the language is ambiguous; it is capable of being understood in two or more different senses by reasonably well-informed persons even though one interpretation might on careful analysis seem more suitable to this court.
>
> (Chief Justice Abrahamson on different interpretations re: *Peace vs. Northwestern National Insurance Co.* cited in Solan 2004: 876)

The quotation above emphasises the heavy burden of legal classifications. A number of illustrations of "socially-embedded" meanings constituting borderline cases, where there arises difficulty in matching the situations and relevant legal categories, has also been provided by Toolan (2002)[16].

Apparently, the problem of vagueness in the law evokes a special type of linguistic relativity; lawyers' perception of language in a legal context is limited by categorisation imposed by the legal system and as a result they are "at the mercy of [their specialised] language"[17]. Lawyers can thus be both 'limited' in their interpretation, but on the other hand can exercise more freedom in that they are not really bound by "plain" meaning.

3. Vague linguistic forms in the law—selected examples

There are many ways in which legal language can be vague. Sometimes it exhibits vagueness which is a desirable and inherent part of language, e.g. generality of sense discussed above. On other occasions its vagueness can be detrimental as when e.g. laws are poorly written. Much criticised phrases include relative expressions, such as "on the day" or "for a month", which are imprecise. Most often vagueness in the law can be identified as intensional vagueness, where the

[16] *Inter alia*, Toolan's examples include the question whether a drunkard wheeling a bicycle is "in charge of a carriage" and whether one accidental scorching of trousers by an electric iron can count as "a fire" on the basis of which insurance contracts may be executed.

[17] Cf. Sapir's classical statement: "Human beings do not live in the objective world alone, nor alone in the world of social activity (…), but are very much at the mercy of the particular language which has become the medium of expression for their society". (Sapir 1958 [1929]: 69)

terms, e.g. 'vehicle', 'fault', and 'freedom' may require definition. In analysing legal language Timothy Endicott (2000: 31ff) identifies as many as eleven sources of indeterminacy, remarkably (in the context of linguistic pragmatics and relevance theory) starting with H. P. Grice's quotation:

> To say that an expression is vague (in a broad sense of vague) is presumably, roughly speaking, to say that there are cases (actual or possible) in which one just does not know whether to apply the expression or to withhold it, and one's not knowing is not due to ignorance of the facts (Grice 1989: 177; also quoted in Endicott 2000: 31)

The many types of vagueness present in the law can exert various types of influence; selected examples of vague expressions in the law are presented below.

3.1. Modal expressions

With regard to legal language and vagueness the behaviour of modal auxiliary verbs, and especially the modal verb *shall*, used as an illustration in the present discussion, offers an interesting field of study. *Shall*, the least frequent modal auxiliary of the English language[18], in the legal context is typically used as an auxiliary of command[19]. In legal language it preserves its etymologically 'original' aspect of deonticity, whose force prevails[20]. However, this specialised reading is only explicit to people who are characterised by a certain level of expertise in legal language. For lay people not initiated into the system the deontic use of *shall* may not be transparent and often appears to carry information about the future, much closer to prediction than that of command. The deontic *shall* has been both recommended and criticised[21]. There appear to be differences in its understanding

[18] According to the LSWE corpus (Biber et al. 1999) *shall* is the least frequently used modal verb in the English language with its frequency being below 250 per million words, while for example *will*, which has been identified as the most frequent modal verb, has the statistics of c. 3500 occurrences per million (Biber et al. 1999: 486). Other grammar books and compendia only mention this deontic use as "peripheral and rare" (Huddleston et al. 2002: 194) or marginal and obsolete (cf. Quirk et al. 1992).

[19] Cf. also the discussion in Conte & Di Lucia 2009 (this volume).

[20] Having conducted a quantitative analysis, Anna Trosborg (1995) found that in her corpus of statutes and contracts the uses of mandatory *shall* constituted 21.4% and 38.0% of all directive speech acts respectively.

[21] The use of the deontic *shall* has received much criticism in relevant literature, especially in the mainstream of the so-called 'Plain Language Movement', whose aim is to make legal language more comprehensible to non-lawyers. It was followed with the suggestion that the legal deontic *shall* should be replaced with the more explicit *must,* cf. the citation from Lauchman 2005, p.47 below:

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between e.g. the British legal culture and other legal cultures (cf. Williams 2005 on the differences in its distribution in British, Canadian, Australian and New Zealand legal Englishes). As a result, the reading of the semantics of *shall* is (legal) context-dependent and relies on the successful recognition of the register.

The tables below show concordances of the modal verb *shall* and its negative *shall not* retrieved from a corpus of normative legal documents[22].

N	Concordance	Set	Word No	File	%
2682	rs occurs, the company	**shall** send to the registra	17 881	\irl\compan~f.txt	22
2683	tances, section 13(9)	**shall** have effect as if th	63 819	\uk\power~17.txt	57
2684	the original document	**shall** be deemed not to	77 308	\irl\compan~f.txt	95
2685	-three of this Act" there	**shall** be substituted "sent	79 934	\uk\power~17.txt	72
2686	ee. 10. Dáil Éireann	**shall** be summoned and	3 895	\irl\const~14.txt	26
2687	times and places as he	**shall** determine. Article	10 041	\irl\const~14.txt	67
2688	at case, subsection (5)	**shall** have effect as if fo	22 048	\irl\emplo~1a.txt	68
2689	as "a shadow director")	**shall** be treated for the	8 659	\irl\compan~f.txt	11
2690	h paragraph (a) relates	**shall** not be deemed rea	5 620	\irl\emplo~1a.txt	18
2691	section 21(3)(a) above	**shall** ensure that records	11 591	\uk\power~17.txt	10
2692	ubsection (5), a person	**shall** not act as auditor	61 374	\irl\compan~f.txt	75
2693	om this section applies	**shall** also be qualified fo	61 707	\irl\compan~f.txt	76
2694	ceive and the company	**shall** permit him to be h	60 490	\irl\compan~f.txt	74
2695	comply with this section	**shall** be liable to a fine	50 516	\irl\compan~f.txt	62
2696	the arrangement relates	**shall**, if it was entered I	8 282	\irl\compan~f.txt	10
2697	muneration. 19.—(1) It	**shall** be a term of the c	6 205	\irl\emplo~1a.txt	19
2698	(5) to (7) of section 78	**shall** apply as they apply	26 439	\irl\emplo~1a.txt	81
2699	ich this section applies	**shall** not be passed at a	9 222	\irl\compan~f.txt	11
2700	ng to be heard, and (c)	**shall** issue a decision in	26 358	\irl\emplo~1a.txt	81
2701	d to in subsection (1), it	**shall** be the duty of the	11 442	\irl\compan~f.txt	14
2702	(2) to (7) of section 213	**shall** apply to such contr	70 043	\irl\compan~f.txt	86
2703	isqualification order, he	**shall** be deemed to be s	54 666	\irl\compan~f.txt	67
2704	to be such a certificate	**shall** be received in evid	12 802	\uk\repre~1e.txt	52

Table 1. A sample from a concordance of the modal verb *shall* in the legal context.

Section 4.10 title: '*Eliminate "shall" from your writing*':

> "Shun the ambiguous *shall*. The word is used vaguely in five distinct ways, and it requires interpretation. (…) It is a "dead" word never heard in everyday conversation. (…) [Y]our reader encounters it only in contracts, rules, regulations (…) *Shall* has been interpreted in various ways by various judges; some say it means "must," but others insist it's just a recommendation, and means "should." Never *suggest* legal obligation. *State* it."

Other critics of the deontic *shall* include Mowat 1999, Asprey 2003 and Trosborg 1991. General problems of modality in English legal texts are also discussed in Witczak-Plisiecka 2001.

[22] The data comes from a corpus of legal documents compiled by the author and analysed with the use of WordSmith Tools at the Institute of English Studies, Lodz, Poland.

N	Concordance	Set		Word No.	
1	) above, the Post Office	**shall not** approve an ele	20 532	\uk\repre~1e.txt	84
2	n (1). (3) The Bank	**shall not** authorise an inv	79 827	\irl\compan~f.txt	98
3	ion (1). (4) A court	**shall not** deal with an of	37 424	\uk\power~17.txt	34
4	The same Dáil Éireann	**shall not** continue for a	3 976	\irl\const~14.txt	27
5	07. (3) A company	**shall not** purchase any o	69 321	\irl\compan~f.txt	85
6	an 240. (4) A court	**shall not** make a commu	15 161	\uk\power~17.txt	14
7	an investment company	**shall not** constitute a war	80 725	\irl\compan~f.txt	100
8	6 of this Constitution, it	**shall not** be obligatory o	7 524	\irl\const~14.txt	50
9	276 of the Principal Act	**shall not** be exercised, e	45 096	\irl\compan~f.txt	55
10	gender equality clause	**shall not** operate in relati	6 859	\irl\emplo~1a.txt	21
11	32 to 3737, a company	**shall not**— (a) make	10 989	\irl\compan~f.txt	13
12	39, sections 32 and 37	**shall not** apply to any c	52 360	\irl\compan~f.txt	64
13	ubsections (1) and (3)	**shall not** affect the rights	46 090	\irl\compan~f.txt	57
14	60 of the Principal Act	**shall not** apply to any	52 218	\irl\compan~f.txt	64
15	(7) and (8), a company	**shall not** enter into an a	9 469	\irl\compan~f.txt	12
16	. (4) Subsection (2)	**shall not** apply in relation	14 454	\irl\compan~f.txt	18
17	50. (5) This section	**shall not** apply to a wind	50 295	\irl\compan~f.txt	62
18	inatory equality clause	**shall not** operate in relati	9 775	\irl\emplo~1a.txt	30
19	rson under this section	**shall not**, in itself, be pr	19 004	\irl\compan~f.txt	23
20	contract of employment	**shall not** override any su	3 580	\irl\emplo~1a.txt	11
21	se of vocational training	**shall not**, in respect of	4 308	\irl\emplo~1a.txt	13
22	n under subsection (4)	**shall not** affect the conti	20 797	\irl\emplo~1a.txt	
64					

Table 2. A sample from a concordance of the negative form *shall not* in the legal context.

The data in the concordances cited above shows the dramatic prevalence of the deontic use of *shall* in the legal context. It also shows that the notions of deonticity and *futurum* are blended. However, unless in the plain language movement, lawyers often advocate the systemic deontic reading devoid of any non-specialist *futurum*-oriented sense (cf. Robinson 1973)[23].

The fact that the deontic use of *shall* does not have to be directly linked with a future time reference as such can be further argued with regard to data on other languages and legal translation. It has been shown that even in systems with morphologically marked future tense, e.g. in the Polish language, deonticity in the law is often conveyed via parallel equivalent expressions which co-exist in legal documents and can be cross-translated, i.e. e.g. English deontic *shall* can receive both a morphologically marked future or present tense equivalent in Polish, while the Polish directive phrase of either form can be translated into English with the use of *shall* or without it (cf. Witczak-Plisiecka 2005). Myrczek's (2003) contrastive study devoted to the problem of equivalence in Polish and English

[23] Cf. "the use of '*shall*' indicates that the legal subject is under obligation to act in accordance with the terms of the provision (...) it does not indicate something in relation to the future" (Robinson 1973: 39).

language legal expressions cites corpus statistics on deontic uses in both languages and supports the view that English and Polish alike make parallel use of the future (or modal in the case of English) and present tense forms even with regard to the same verbs (cf. Myrczek 2004). This co-existence is manifested in both active and passive voice.

The importance and relative difficulty in understanding the function of modal auxiliaries used in legal documents and their context-dependency may be further documented by the fact that there have been instances when the courts decided to interpret the modal auxiliaries separately or seek advice from an expert linguist to decide on the type of modality they introduced (cf. Klinge 1992: 52).

3.2. Vague specialised terms and expressions

Legal language makes use of specialised terminology, which as has been mentioned above, can also be vague. For example there are vague terms and formulae which denote indeterminate abstract standards and abstract evaluative expressions. They belong to technical legal expressions (as opposed to non-technical terms[24]) recognised as being characteristic of a specialised legal register and have been retrieved from a corpus of legal normative texts, cf. example (5) below:

(5)

- *reasonable care / limits / person / use of...*
- *due process / diligence / regard*
- *with due care*
- *cruel and unusual punishment*
- *reckless driving*
- *safe distance / speed*
- *relevant measures*
- *measures having equivalent effect*
- *beyond reasonable doubt*
- *a proper proportion of the amount*
- *obscene or indecent materials*
- *hate language / speech*

[24] The distinction between purely technical and non-technical vocabulary seems to be vague itself, cf. e.g. comments on the scope of "strawberry" with reference to genetic engineering; Bix (1993: 170) citing Sainsbury's "Concepts without boundaries"; further investigation of rigidity of general names, which relates to vagueness, can be found in a recent publication by Odrowąż-Sypniewska 2006, a Polish philosopher of language.

- *dangerous weapon*
- *satisfactory conditions*

Most of the expressions quoted above show vagueness which can be classified as instances of generality of sense which are positive and functional in the legal system. They are subject to interpretation but the background belief is that people who are to interpret them can use the (common) system of the law in order to do it. The expressions seem to mark the salient aspect of the situation which may be subjected to judgement in the future (e.g. "proportion" which is "proper"), leaving the details to be filled in at a relevant time. This flexibility related to interpretation may be further illustrated with Peter Tiersma's (1999) quotation of the Supreme Court opinion on the concept of "due process":

> 'Due process' … is not a technical conception with a fixed content unrelated to time, place and circumstances, but is flexible, calling for such procedural protections as the particular situation demands (after Tiersma 1999, p.79[25])

Tiersma further emphasises context-dependency of the meaning of terms such as "due" or "reasonable" which change not only with largely synchronic changes of situations, but also over time; things deemed (legally) reasonable in the past may not be perceived as reasonable nowadays[26] as concepts evolve along with changes within a relevant society, which once more shows the reliance of legal interpretation on social factors.

The reason behind Hart's claim that legal expressions inherit the quality of open-texture from natural language (cf. Hart 1961 as quoted above) can be also seen in rules whose purpose is to fight vagueness in legal texts and which can be used in judgement over other rules, cf. the American "void for vagueness" definition cited below as example (6):

(6) **void for vagueness**
adj. referring to a statute defining a crime which is so vague that a reasonable person of at least average intelligence could not determine what elements constitute the crime. Such a vague statute is unconstitutional on the basis that a defendant could not defend against a charge of a crime which he/she could not understand, and thus would be denied "due process" mandated by the 5th Amendment, applied to the states by the 14th Amendment. (source: law.com.dictionary, emphasis added)

[25] Original source: *Burns vs. United States*, 501 U.S. 129, 147 (1991)
[26] Cf. Tiersma's (1999: 79) example of the tourniquet treatment.

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Other examples of such supposedly technical definitions show a similar level of indeterminacy, cf. examples below (*www.law.com.dictionary*, emphasis added) focused on setting limits to rights and freedoms in the United States:

(7) **Statutes** - Constitutionality - Vagueness – Determination
A statute is unconstitutionally vague if it does not provide fair notice of the conduct proscribed, confers on the trier of fact unstructured and unlimited discretion to determine whether an offense has been committed, or is so broad that it impinges upon First Amendment freedoms. A challenge to the constitutionality of a statute not involving First Amendment freedoms is analyzed in light of the facts of the particular case. (USA, Michigan)

(8) **Statutes** - Construction - Plain Meaning
Unless defined in the statute, every word or phrase in a statute should be accorded its plain and ordinary meaning, considering the context in which the words are used. (USA)

The rules cited above prove that vagueness is pervasive in legal language, especially the mention of "plain and ordinary meaning" seems to serve as an illustrative example of indeterminacy present in language. Once more it is worth noting that court rulings often explicitly admit that language is inherently indeterminate, cf. comments included in *Rose vs. Locke*[27] which read: "Many statutes will have some inherent vagueness, for in most English words and phrases there lurk uncertainties", however disturbing the connotation invited by the very word 'lurk' may be in this context.

There are interesting interpretations of not readily "technical" expressions within the legal system. A case in point on what counts as "meaning" may be *Nix vs. Hedden*, 149 U.S. 304 (1983)[28], in which the status of tomatoes as a kind of vegetable or fruit and subject to different types of tax was under investigation. The single legal question eventually was whether tomatoes, considered as provisions, were to be classed as "vegetables" or as "fruit", within the meaning of the tariff act of 1883. Although the passages cited from the English language and botanical dictionaries defined the word "fruit" as the seed of plants, or that part of plants which contains the seed, and especially the juicy, pulpy products of certain plants, covering and containing the seed, the judge, having acknowledged that neither the word "fruit" nor "vegetable" had acquired any special meaning in trade or commerce, decided to treat tomatoes as "vegetables". The judgment seems especially important in that the judge was explicitly in search of "ordinary and

[27] *Rose vs. Locke* 423 U.S. 48 1975 available at http://www.findlaw.com (internal citations have been removed).
[28] Cf. a full account available at http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=149&invol=304 and comments in Note 20 above.

plain" meaning. With reference to other precedents it was claimed that dictionaries were admitted, not as evidence, but only as "aids to the memory and understanding of the court". The ruling included the following:

> Botanically speaking, tomatoes are the fruit of a vine, just as are cucumbers, squashes, beans, and peas. But in the common language of the people, whether sellers or consumers of provisions, all these are vegetables which are grown in kitchen gardens, and which, whether eaten cooked or raw, are, like potatoes, carrots, parsnips, turnips, beets, cauliflower, cabbage, celery, and lettuce, usually served at dinner in, with, or after the soup, fish, or meats which constitute the principal part of the repast, and not, like fruits generally, as dessert.
> (http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=149&invol=304)

There are similar rulings quoted, in which the "technical" (here botanical) meanings are not recognized as important in their legal context, cf. the comment below:

> The attempt to class tomatoes as fruit is not unlike a recent attempt to class beans as seeds, of which Mr. Justice Bradley, speaking for this court, said: 'We do not see why they should be classified as seeds, any more than walnuts should be so classified. Both are seeds, in the language of botany or natural history, but not in commerce nor in common parlance. On the other hand in speaking generally of provisions, beans may well be included under the term "vegetables". As an article of food on our tables, whether baked or boiled, or forming the basis of soup, they are used as a vegetable, as well when ripe as when green. This is the principal use to which they are put. Beyond the common knowledge which we have on this subject, very little evidence is necessary, or can be produced'. (Robertson v. Salomon, 130 U.S. 412, 414 , 9 S. Sup. Ct. Rep. 559).
> (http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=149&invol=304)

In short, the opinions voiced above are evidently of the "relevance" approach to legal judgment. The everyday use of articles technically, i.e. in botanical classifications, labeled as "fruit" or "vegetables", prevails in the legal context over these technical definitions[29]; their function prevails over their (botanical), technical "form". One may wonder whether following this line of thought dolphins could be accepted as "fish" in a legal case where "ordinary" meanings are given priority and in which way "relevant" audiences with their "plain" understanding can be securely defined. In any case such examples show the relative value of what is considered "plain and ordinary meaning".

[29] There seem to be some cultural differences between legal approaches to such cases. The reported judgment was passed in the United States; this "legal" "violation" of scientific categorization seems less likely to occur in e.g. Poland, where it is expected the "expert" botanical label should be accepted.

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4. Problems of legal vagueness in the light of relevance theory

The fact that language is necessarily indeterminate is present in "the linguistic underdeterminacy thesis", also known as "the semantic underdeterminacy thesis", or just "the underdeterminacy thesis" (cf. Carston 2002: 19ff advocating the essentialist view). It is further emphasised in relevance theory in that not only implicatures, but also explicatures, are disambiguated in context (cf. Sperber and Wilson 1886/1995, Carston 2004). Thus, in a very similar manner to the way in which an explicit sentence "I wrote a letter" must be disambiguated with reference to the word "letter" (a letter of the alphabet or a piece of writing/correspondence), legal expressions are disambiguated with reference to the legal system and relevant legal institutions. Legal language is interpreted in view of the code and classifications which are valid at a time and are largely extralinguistic in nature; as a result legal language semantics involves both 'plain' and specialized, idiomaticised linguistic forms.

The difficulty or discrepancy between the everyday understanding of language and its specialised idiomaticised meaning within the legal domain involves the problem of how meaning is recovered or construed in particular contexts. Many pragmatic theories, relevance theory included, claim that the understanding of any message involves both decoding and inference. With reference to legal language this feature seems especially salient. Due to the very nature of the law there are constant attempts to secure and stabilise the meaning of legal formulae. However, not only is the reception of legal language varied, but also drafting techniques are in a state of flux and constitute a source of disagreement even among drafters. These disagreements may be related to implicit differences in the recognition of the linguistic code, but also to differences in the drafters' perception of the semantics (or rather pragmatics?) of the expressions caused by the discrepancies in their inferences, based on different experiences. Life experience shapes people's knowledge of language and according to relevance theory forms a part of context in any communicative situation. What language users understand to be the code should theoretically be "given", i.e. explicit, while the remaining part, and in fact most of the processes involved in communication, are about inferring, 'guessing' and 're/constructing' appropriate semantic values, and involves making use of context in a very broad sense, i.e. expectations, knowledge of the world, all sorts of experience. The proposition expressed is recovered against available context and as Robyn Carston (2002: 83), a relevance-theoretician, claims "[a]ll intentionality (mental and linguistic) is dependent on a massive background of weakly manifest (taken-for-granted) unrepresented assumptions and practices". It is also worth mentioning that relevance-theoreticians differentiate between correct and incorrect

interpretations. For instance, Recanati (2004), as far as he can be defined as relevance theorist at all[30], put forward the following idea:

> We have equated what is said with what a normal interpreter would understand as being said, in the context at hand. […] Ordinary users of the language are normal interpreters, in most situations. They know the relevant facts and have relevant abilities. But there are situations … where the actual users make mistakes and are not normal interpreters. In such situations […] [t]o determine what is said, we need to look at the interpretation that a normal interpreter would give
>
> (Recanati 2004, p.27)[31]

The language of the quotation above is reminiscent of the language used in the legal definitions of "vagueness", "void for vagueness", and "plain meaning" cited in section 3.2. above in that the concepts of "normal" and "normality" are not readily definable. The fragment also shows that it is perfectly allowed within the relevance-theoretic framework that the "correctness" of interpretation could be evaluated or "judged" by a third ("normal") party (cf. also Recanati 2004: 15), which seems particularly relevant for communication in the legal context, where legal professionals normally mediate between parties and provide "correct", i.e. legally sound meaning of linguistic expressions.

Inferential model of communication in general stresses the fact that linguistic communication is not exhaustively explicit. The claim that "[o]n various social occasions, the expected level of relevance is culturally defined" (Sperber and Wilson 1986/1995: 161) implicitly emphasises that "explicitness", and "literalness" is context-specific. The accessibility of legal language is thus relative to the level of expertise in it and as a result the understanding and perception of

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[30] It seems fair to acknowledge that although Recanati is recognized as a relevance-theorist he does differ in his theoretical stance from the mainstream represented by Deirdre Wilson and Dan Sperber, e.g. in the understanding of the number of pragmatic processes involved in linguistic comprehension.

[31] In this context it is worth mentioning that Recanati takes an active part in a debate concerning meaning in language and within this debate he, and by extension most relevance theoreticians, are recognised as representatives of contextualism (often radical contextualism), a school of linguistic thought which (in a much simplified picture) claims that meaning arises in context. Their contestant group, i.e. the semantic minimalism school, suggest that context plays a minor part in interpreting utterance meaning. For example, Cappelen and Lepore (2005), proponents of "insensitive semantics", advocate the concept of semantic minimalism and speech act pluralism, a view in which mereology of speech acts in the world is linked with only a minimal role of context in constructing meaning of linguistic expressions. Although it falls well beyond the scope of this paper, it is worth noting that with regard to the concept of vagueness in language the discussion between the two schools seems remarkable.

vagueness which it involves is relative to the user's experience and familiarity with the legal domain. Consequently, particular expressions are found vague by selected audiences and non-vague by other language users. Lawyers appear to make use of quite a hermetic code, which functions as a type of short-cut in their highly specialised discourse, but is hardly accessible to people not initiated into the legal system who may often not even perceive the very existence of the code and its markers. As has already been mentioned, legal discourse—the language of the law—is typically seen as (or desired to be) precise, clear, explicit, literal and devoid of vagueness and ambiguity. Much as ambiguity, i.e. the instance of multiple reference, should be avoided in the law, vagueness in a general sense is evidently its inescapable feature.

In summary, it seems that vagueness in the legal context may be further differentiated into exoteric and esoteric types, i.e. that for or of the outsiders and insiders, two types of audiences, due to the fact that such a distinction shows groups of consistent regularities. In this context it seems relevant to recall Katz's claim that linguistic indeterminacy "allows speakers to make use of contextual features to speak far more concisely than otherwise" (Katz 1977: 19), while "[p]ragmatics saves us from […] wasteful verbosity' (Katz 1977: 20). Thus, legal indeterminacy can often be a convenient short-cut for lawyers who are able to recognise legal institutions hidden behind the labels created with the use of seemingly everyday terminology. Furthermore, thanks to the legal categorisation, linguistic vagueness may not be recognised as vagueness by lawyers and can sometimes even be seen, quite contradictorily in appearance, as ambiguity, cf. the discussion above.

An important aspect of the relevance-theoretic account of vagueness in the legal domain is its ability to encompass the fact that vagueness is omnipresent, but at the same time that it is relative to context. The presumption of relevance, a tenet of the theory, incorporated in legal texts suggests that they are intended to be explicitly relevant to the audience, while their belonging to the sub-domain of legal language forms a contextual clue which guides the audience in the process of understanding the message.

5. Conclusions

It is thus evident that legal language, due to open texture which it inherits from natural language, is vague and can only be disambiguated in context, both the legal context and the specific non-legal aspects of the situation. It seems that one of the most important linking threads between the notions of vagueness as understood in language 'at large', legal discourse and relevance theory, is their reliance on context and a kind of modesty in the arbitrary treatment of linguistic signs.

Analysis of legal texts shows that the sublanguage possesses both characteristics present in language at large and specialised features, where e.g. specific linguistic items demonstrate uncommon reference and selected syntactic forms may project uncommon meanings (cf. the English use of *shall* and *shall not* as discussed above).

The relevance-theoretic framework seems especially (sic!) relevant in this context. It emphasises a dynamicity of meaning, which is a part of (inevitably dynamic) communication. Vagueness arises from linguistic forms but is resolved on a broader semiotic level, while relevance is partly a function of the level of expertise in the legal register. Legal language is a non-autonomous system, complementary to the social (here also institutional) environment. Although the most relevant elements in communication are foregrounded, which results in a kind of functional explicitness, the level of this explicitness is in turn dependent on the type of particular audiences.

Legal texts, unlike most other types of linguistic communication, and more like rites and customs, belonging to a (relatively) well-defined and powerful system of the law, communicate more than their purely semantic-linguistic meaning. According to relevance theory, their belonging in the legal domain, which is made ostensive and guides the audience in certain directions, should produce evidence which assist in "imposing structure on experience" (Sperber and Wilson 1986/1995: 8) and eventually enhances relevance.

It is hard to tell in a methodological perspective whether relevance theory actually illuminates communication in the legal context, and whether it sufficiently explains the nature and possibly the function of vagueness in legal language, however, it is evident that it is able to encompass its aspects within the framework in an elegant reductionist way and with no apparent contradiction.

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