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MANAGERIAL PROCESSES IN THE CONSTITUTIONS IN SERBIAN AND ENGLISH: A QUANTITATIVE (CRITICAL) ANALYSIS

Striving to overcome some of the methodological deficiencies of (critical) discourse analysis, this paper provides an exhaustive framework for quantitative (critical) analysis of processes in the highest written laws in Serbian and English (including: the constitutions of Yugoslavia [1946-1992], Serbia [of 1990 and 2006], the United States, and the European Union [2004], and the European Convention on Human Rights), with a view to accounting for the representation of the “managerial” subgroup of dispositive processes in this highly mystified, yet unexplored genre. We have subdivided the analysed managerial processes, important in normative construction of power, into four types, termed: determinative, governing, developmental and cognitive managerial processes. The identified recurrent processes are sorted in tables according to their core verbs and analysed with regard to the following parameters: polarity, modality (including modal verbs, adjectives, adverbs and nouns), transitivity (active, passive, reflexive), (de)activation, participant roles, accompanied by conceptual metaphor analysis. Such an integral analysis gives extensive results. The non-agentive processes are more frequent than the agentive ones, with the determinative processes being the most numerous. Modalisation is predominantly low-degreed (permission), whereas exclusively high-degreed in the negative processes (prohibition). The conceptual metaphor analysis reveals long-standing patterns of bureaucratic thought. The most recurrent agents are the legislatures, in accordance with the (democratic) representative ideology. The people themselves are backgrounded, with the exception of “the working people”, which are prominent agents in the socialist constitutions of 1963/1974, reflecting/constructing the socialist self-government ideology.

Keywords: process, (de)activation, modality, metaphor, quantitative analysis.

1. INTRODUCTION

1.1. Goal and Subject of the Analysis

The lack of systematicity, quantitative method, diachrony, cultural and genre diversity of data etc. is often cited as the shortcoming of (Critical) Discourse Analysis (see, e.g., Blommaert 2005). Striving to overcome many of these issues, this paper provides an exhaustive framework for quantitative (critical) analysis of processes in the highest written laws in Serbian and English language, with a view to accounting for the representation of the “managerial” (as we have labelled it) subgroup of dispositive processes (Beaugrande 1997; 2004) in this highly mystified, yet unexplored genre. Beside quantitative result interpretation, the analysis subsumes pragmatic explanation of linguistic (non)occurrences with regard to power, ideology and culture (see, e.g., Fairclough 2003; Van Leeuwen 2008; etc.), but also to more practical and situational interests.

Texts articulate parts of texts together and with their situational contexts, but at the same time can be seen as representations of (physical/social/mental) aspects of the world and as enactments of social relations between actors in social interactions and of the subjective experiences and inclinations of actors (cf. Fairclough 2003: 26-27; Halliday 1985). Thus the concern here with the representation of processes and the associated participants as major constituents of social

interactions. Our representation analysis includes, with respect to processes, grammatical metaphorisation (Halliday 1985; Fairclough 2003), along with conceptual metaphorisation (Lakoff and Johnson 2003), (de)agentisation, modalisation, abstraction (Van Leeuwen 2008: 68-70; Fairclough 2003), etc., and, with respect to participants, their (semantic) roles, inclusion/exclusion, prominence/backgrounding (Fairclough 2003; Van Leeuwen 2008).

Dispositive processes are a subtype of exocentric (or outer) processes that Beaugrande distinguishes from endocentric (or inner), representative and expressive. In opposition firstly to endocentric processes, which are inner-centred usually just registering the world, then to representative, concerned with identities and relations, and expressive processes (emotive and communicative), which externalise inner states and events, exocentric processes are outer-centred usually intervening in the environment (Beaugrande 1997: ch. 4; 2004: ch. 3). This classification, taking into consideration the interaction of linguistic, social and cognitive factors, builds upon Halliday (1985), while rejecting the mental-material dualism.

Dispositive processes apply in the sense of “have at your disposition and deal with” and have as the prototypes “doing to”, “making do” or “giving to” (Beaugrande 1997: IV.82). Within this large and diverse process type, a subclass particularly important in normative construction of power and quite productive, can be identified and labelled “managerial”. This class, directly associated with control and determination, has the prototype “manage” and could itself be divided to at least: determinative, governing, developmental and cognitive dispositive group of processes, that we are separately dealing here with.

1.2. Analysed Data in Sociohistorical Overview

Legal discourse is “an egregiously inaccessible specialized discourse”, “with the severest human consequence” (Beaugrande 1997: V.80), with laws being arguably the most perplex in the political domain in their construction of power relations.¹ The analysed data here include: the constitutions of Yugoslavia (1946-1992), Serbia (1990 and 2006), the United States (1787), and the European Union (signed 2004; full name: *Treaty establishing a Constitution for Europe*), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1952).²

In historical view, the post-WWII Y46 sanctioned the new Soviet-inspired federal statist republican system which arose from the war and the socialist revolution abolishing the monarchy and separation of powers. Following the breakup with the USSR, Y63 emerged as the emanation of the ideology of the ruling League of Communists, establishing socialist self-government and the rule of the working, class-conscious people. Y74 further elaborates the system of self-government democracy as a form of “dictatorship of the proletariat”, along with moving the mainstay of power to the republics and autonomous provinces, which facilitated the decline of the League of Communists, and, with it, the socialist Yugoslavia. In the circumstances of the fall of communism in Central and Eastern Europe and rise of nationalism, S90 returned to the tradition of Western civic constitutions, restoring statism, civic sovereignty, political pluralism, separation of powers, free-market economy, equality of private and social property, in collision with Y74. The two of six republics, Serbia and Montenegro, remained in the federal

1 This, in good deal, accounts for their underrepresentedness in discourse analysis, as compared to widely studied political speeches.

2 In the following text, these documents will be labelled: Y46 (the Yugoslav Constitution of 1946), Y63 (the Yugoslav Constitution of 1963), Y74 (the Yugoslav Constitution of 1976), Y92 (the Yugoslav Constitution of 1992), S90 (the Serbian Constitution of 1990), S06 (the Serbian Constitution of 2006), USC (the US Constitution), EC (the EU Constitution), CHR (the Convention on Human Rights).

Yugoslavia, as Y92 reinforced liberal democratic principles. Following further dissolution and Serbia's independence, S06, in addition to liberal democracy, proclaimed commitment to European principles and values and reinforced Serbia's claims to its contested province of Kosovo (and Metohija).

USC, the first modern and the oldest valid written constitution, amended 27 times, was drafted following the American War of Independence, at the height of the Industrial Revolution. It embraces federal republicanism with separation of powers, including the President, the bicameral Congress and the supreme and lower Courts. Being liberal in conception, it has occasionally extended rights to broader classes of people.

CHR and EC are the result of the chain of events essentially impelled by WWII. Drawing upon the Universal Declaration of Human Rights, CHR was signed in the newly formed Council of Europe and since then amended 14 times. It grants certain fundamental rights to all people of the signatory countries and establishes the European Court of Human Rights to deal with infringement. At the same time, in the era of the Cold War and diminished significance of European countries, some of these, initially belonging to the Western Bloc, begin integration, which gradually becomes closer and encompasses increasingly more countries. This has eventually led to the Union's Constitution, unratified as yet, though the later enacted Lisbon Treaty includes many of the changes laid down in the former. EC expresses commitment to liberal democracy, alongside cultural diversity, peace and tolerance, social justice and social market economy.

1.3. Framework of the Analysis

The identified recurrent processes are sorted in tables according to their core verbs (by which they will be referred to) and analysed in regard to the following parameters: polarity, modality (based on lexical markers; see Fairclough 2003: 164-171), transitivity³ (active, reflexive, passive; cf. Beaugrande 2004: II.87-89), (de)activation (dynamical/statical representation [Van Leeuwen 2008: 63-66]), as well as participant roles (agent, patient, beneficiary, instrument). The most frequent main participants of the each process group are given comparatively in separate tables.

The parameter "(de)activation" (cf. "(in)congruity" in Halliday 1985) processes concerns whether processes are represented dynamically ("activated" processes) or statically, as though they were entities or qualities ("deactivated" processes). The former are grammatically realised in the verbal group of a non-embedded clause, while the latter function as nouns or adjectives (see Van Leeuwen 2008: 63-66). Under this parameter we here subsume the analysis of the polarity, modality and participants of nominalised and adverbised/adjectivised processes as well.⁴

The analysed processes are grouped in tables by polarity, with modalities of low (possibility/permission) and high degree of commitment (necessity), along with categoric (non-modalised) ones, distinguished into separate cells within both polarities. These cells representing individual modalities include different frequency values with regard to process transitivity and (de)activation (see Table 1).

Within the quantitative modality analysis, we have counted process modalisation as

3 "The term Transitivity can supplant the traditional but abstruse term 'voice', which was narrowly applied to Verb forms, whereas the discursive concern is the roles of Participants in the whole Process" (Beaugrande 2004: II.87).

4 Nominalisations like *odredba/provision*, *odluka/decision*, and the like, that are fixed entities and just imply a process, are not counted as processes.

marked by modal verbs, but also by:

- modal nouns, e.g. “right to maintain” (low degree), “obligation of enactment” (high degree);
- modal adverbs, e.g. “freely decide” (low degree);
- modal adjectives, e.g. “free elections” (low degree), “... where necessary, shall coordinate”, “required to enact” (high degree).

Notice that low degree modalities in USC and CHR and median degree modalities are excluded from the analysis due to low frequency.

Also, it is important to note that, given that they are not actual, the analysed texts are in any case in irrealis modality, which is dominantly expressed by the imperfective modal present tense in the Serbian data, that mainly corresponds to the modal future tense indicated by *shall* in the English data (compare the forthcoming examples). But, this is not the kind of modality we are investigating here.

Table 1. Quantitative representation of processes: a – number of active forms, r – number of reflexive forms (only in the Serbian data), p – number of past participle forms, n – number of nominalised forms, v – number of present participle forms; no – no modalisation, hi – high degree modality, lo – low degree modality; i – imperfective verb form, c – perfective verb form.

constitution	Constitution					
	positive			negative		
polarity	no	hi	lo	no	hi	lo
modality						
process						
verb1 [transl.] (i)	a r p n v	a r p n v	a r p n v	a r p n v	a r p n v	a r p n v
verb2 [transl.] (c)	a r p n v	a r p n v	a r p n v	a r p n v	a r p n v	a r p n v
...	a r p n v	a r p n v	a r p n v	a r p n v	a r p n v	a r p n v

Enhancing the analysis of metaphorical representation, conceptual metaphors (Lakoff and Johnson 2003) underlying the analysed processes are examined in addition to grammatical metaphors (represented by deactivated processes).⁵ Furthermore, etymological metaphors (see Sweetser 1990) as testimonies of conceptual ones are taken into account.

2. ANALYSIS

2.1. Determinative processes

Determinative processes with the prototype “determine” are among the most numerous dispositive processes in the Serbian data (1) and will accordingly be given the largest attention. The analysed texts with their provisions are, of course, in themselves determinative.

(1a) Osnivanje, organizacija i nadležnost javnog tužilaštva *uređuje se* zakonom. [Establishment, organisation and jurisdiction of the Public Prosecutor’s Office *is regulated by*

⁵ As a matter of fact, grammatical metaphors (a term from Halliday 1985) are suggested to be based on equivalent conceptual ones in Panther and Thornburg (2008).

the Law.] (S90: Art. 104; S06: Art. 157)

(1b) Narodna skupština ... *donosi zakone, druge propise i opšte akte* ... [The National Assembly ... *enacts laws, other regulations and general enactments* ...] (S90: Art. 73)

(1c) A European law of the Council *shall lay down* the provisions relating to the system of own resources of the Union. (EC: Art. I-54)

Tables 2-5. Quantitative distribution of determinative processes.

constitution	Y46						Y63					
	+			-			+			-		
polarity	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
doneti [enact (c)]	3 0 1 -	-	-	1 0 1 -	-	-	2 0 17 -	1 1 0 -	1 - - -	0 1 0 -	- - 3 -	-
donositi [enact (i)]	7 - - 3 0	-	1 - - -	-	-	-	37 2 0 18 0	1 - - 1 0	4 1 0 -	-	-	-
odrediti [determine (c)]	0 1 10 -	-	1 - - -	1 - - -	-	-	13 0 97 -	-	2 11 0 -	1 0 6 -	-	-
određivati [determine (i)]	7 7 0 -	-	-	-	-	-	8 23 0 -	1 - - -	4 - - -	-	1 - - -	-
predvideti [provide for(c)]	- - 2 -	-	-	- - 1 -	-	-	- - 24 -	-	- - 13 -	- - 4 -	-	-
propisati [prescribe (c)]	0 2 2 -	-	-	-	-	-	- - 7 -	-	0 5 0 -	- - 1 -	-	-
urediti [regulate (c)]	- 7 0	-	-	-	-	-	1 0 1 11 0	-	-	-	-	-
uređivati [regulate (i)]	1 2 0 -	-	-	-	-	-	2 9 0 5 0	2 - - -	1 - - -	-	-	-
utvrditi [establish (c)]	- - 1 -	-	-	-	-	-	9 0 47 -	-	1 1 0 -	- - 1 -	-	-
utvrđivati [establish (i)]	2 - - 1 0	-	-	-	-	-	22 18 0 6 0	1 - - -	2 1 0 -	-	-	-

constitution	Y74						Y92					
	+			-			+			-		
polarity	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
doneti [enact (c)]	6 ⁶ 0 13 -	1 1 0 -	1 1 0 -	3 0 2 -	0 1 0 -	-	- - 2 -	-	-	0 1 0 -	-	-
donositi [enact (i)]	59 9 0 42 0	1 - - -	6 1 0 -	-	1 2 0 -	-	7 2 0 4 0	-	-	-	-	-

⁶ Five occurrences of past tense in relative clauses and one occurrence of future tense, which are both rare in the analysed data.

odrediti [determine (c)]	4 0 106 -	-	1 10 0 -	- 6 -	-	-	- 11 -	-	-	- 1 -	-	-
odrediti [determine (i)]	4 19 0 1 0	-	2 1 -	-	1 1 .	-	0 3 0 -	-	-	-	-	-
predvideti [provide for (c)]	- 12 -	-	- 4 -	- 5 -	-	-	- 4 -	-	-	0 15 -	1 1 -	-
propisati [prescribe (c)]	- 20 -	-	1 15 0 -	-	-	-	- 3 -	-	0 3 0 -	-	-	-
urediti [regulate (c)]	1 0 2 14 0	1 0 1 -	0 4 0 -	-	-	-	- 1 0	-	1 1 -	-	-	-
ure divati [regulate (i)]	84 48 0 4 0	1 1 -	- 1 0	-	-	-	2 7 0 -	-	-	-	-	-
utvrditi [establish (c)]	14 3 145 -	-	4 13 0 -	2 0 3 -	-	-	4 1 28 -	-	-	- 2 -	-	-
utvr divati [establish (i)]	66 47 0 16 0	-	1 1 -	-	-	-	10 2 0 1 0	-	0 1 0 -	-	-	-

constitution	S90						S06					
	+			-			+			-		
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
doneti [enact (c)]	2 0 3 -	-	-	-	0 1 0 -	-	1 0 7 -	1 1 -	-	2 1 -	-	-
donositi [enact (i)]	17 1 0 2 0	-	-	-	-	-	27 11 0 11 0	-	-	-	-	-
odrediti [determine (c)]	- 15 -	-	0 3 0 -	-	-	-	- 37 -	-	-	- 1 -	-	-
odrediti [determine (i)]	0 5 0 -	-	-	-	-	-	1 10 0 -	-	-	-	-	-
predvideti [provide for(c)]	- 9 -	-	-	- 4 -	-	-	- 23 -	-	0 2 0 -	- 4 -	-	-
propisati [prescribe (c)]	- 2 -	-	0 5 0 -	-	-	-	1 0 13 -	-	3 3 0 -	1 1 -	-	-
urediti [regulate (c)]	- 3 0	-	-	-	-	-	1 1 13 0	-	-	-	-	-
ure divati [regulate (i)]	8 18 0 -	-	-	-	-	-	8 32 0 2 0	-	1 1 -	-	-	-
utvrditi [establish (c)]	2 1 46 -	-	0 2 0 -	1 0 1 -	-	-	- 13 -	-	-	1 1 -	-	-
utvr divati [establish (i)]	7 8 0 -	-	-	-	-	-	5 1 0 -	-	-	-	-	-

constitution	USC				EC						CHR			
	+		-		+			-			+		-	
polarity														
modality	no	lo	no	lo	no	hi	lo	no	hi	lo	no	lo	no	lo
process														
define	1 0 -	-	-	-	20 32 8 8	-	1 0 -	1 0 -	-	-	0 5 -	-	-	-
determine	1 2 -	2 0 -	-	-	27 11 4 10	-	2 0 -	-	-	-	1 0 1 0	-	-	-
impose	-	0 1 -	0 1 -	-	5 8 3 1	-	3 0 -	2 1 -	0 1 -	-	0 2 2 0	-	0 1 -	-
lay down	-	-	-	-	31 90 1 11	0 1 -	-	-	-	-	0 2 -	-	-	-
prescribe	0 4 -	1 0 -	-	-	0 1 -	-	1 0 -	-	-	-	0 7 -	-	-	-
provide (for)	1 3 -	5 0 -	-	-	2 70 -	0 1 -	3 0 -	4 1 -	-	-	0 10 -	-	-	-
specify	-	-	-	-	2 10 1 2	-	1 1 -	3 0 -	-	-	0 8 -	4 0 -	-	-

Reading tables 2-4, systematically in the analysed data, the imperfective process *donositi* (“enact”, lit. “bring”) is represented mostly actively, whereas the imperfective *određivati* (“determine”) mainly reflexively. The imperfectives *uređivati* (“regulate”) and *utvrđivati* (“establish”) are represented by both active and reflexive.

Their counterpart forms *doneti*, *odrediti*, *utvrđiti*, along with *predvideti* (“provide for”), being perfective, are mostly passivated with the participle, while the perfective *propisati* (“prescribe”) is also substantially realised reflexively. As seen in the tables, the reflexive representation of these perfective determinatives is regularly in low degree modality, realising possibility which is actual by itself only until made use of, eliminating the need for the imperfective form. Anyhow, the perfective processes in the Serbian data tend to avoid activation, because of the domination of the forementioned imperfective present tense, which serves to perpetuate norm validity, leaving few activated perfective processes realised only as dependent clauses.

The peculiar process *doneti/donositi* (“pass”) with “laws (and other acts)” as the patient, generalises the representation to the level of the whole social practice of lawmaking. In the absence of its constitutional elaboration (save a small extent of it in Y64 and Y74), this process, realised by decomposed predicate (1b), obscures a complex legislative chain of events, which makes room for manipulation of this essential practice and its transparency. The process *odrediti/određivati* is usually deagentised, even in its imperfective form, plausibly because, with regard to the recipients (“the people”, “the citizens”), it is less polite than *urediti/uređivati* or *utvrđiti/utvrđivati* (“negative politeness”, according to Brown and Levinson 1987).

The determinative processes in the English data are predominantly passivized. Like the deagentised determinatives in the Serbian data, they frequently rely on an instrument to determine the manner and conditions of provision application. EC also makes use of condensation by present participle, with no correspondent construction in the Serbian data. In EC, even when activated, the determinative processes are largely deagentised, wherein the instrument assumes the subject function (the case of “eventuation”, in Van Leeuwen’s (2008)

terms; see example (1c)). To some extent comparable to the process *doneti/donositi*, the process *adopt*, belonging to a different subclass of dispositives, is extensively used in EC with various legal documents as patients, and subsumes their enactment.

Metaphors that mediate the representation of the determinatives can be identified as the following:

- 1) the etymologically attested ANTICIPATION metaphors, as in *predvideti*, *provide for* (prefix *pred/pro* “before” + verb “to see”), *propisati*, *prescribe* (prefix *pre/pro* “before” + verb “write”);
- 2) the ORDER metaphors, as in *odrediti/određivati*, *urediti/uređivati* (with the noun *red* “order” as their root);
- 3) the SETTLING metaphors, as in *lay down*, *utvrditi/utvrđivati* (lit. “fortify”), *determine* (from lat. *determinare* “limit, fix” [Oxford Dictionaries Online 2013]), *define* (from lat. *definire*, from *finis* “end” [Oxford Dictionaries Online 2013]);
- 4) the carrying metaphor *doneti/donositi* (lit. “bring”).

The ANTICIPATION metaphor entails that norms will map onto facts, that what is written or “seen” (evidence of the common SEEING IS KNOWING metaphor) will actualise. Its use can be accounted for by the legislator’s endeavour to make the propositional content of norms true (i.e. factual). Furthermore, norms serve to delimit, steady human behaviour, which probably motivates the SETTLING metaphor. Motivation for the LAW IS ORDER metaphor (evidenced also by *narediti* “to order” [Y74] and, etymologically, by *ordain* [USC]) may be found at least as early as Aristotle (350 B.C: Book VII): “law is order, and good law is the good order”.

The instrument is an important component of the deagentised determinative processes, which marks:

- (a) textuality between parts of a constitution, where the instrument is either the Constitution itself or some its part (e.g. “Article”), and/or
- (b) intertextuality between the constitution and some other legal act, wherein the latter is the instrument (e.g. “law”).

As can be seen in tables 6-8, both when expressed and when omitted, the most common agents of the determinative processes are the members of the legislative representative bodies commonly institutionalised by the metonymy INSTITUTION FOR PEOPLE RESPONSIBLE. The other prominent agents are represented as the whole units of territorial organisation, and the “working people or citizens” in Y64 and Y74. The common people are systematically backgrounded in relation to their “rights”, when dealt with “manner” of provision application, i.e. right realisation (see tables 12-14).

Tables 6-8. Agent of determinative processes (determiner).

Y46	Y63	Y74
Unexpressed	unexpressed	unexpressed
“National Assembly”, its “legislative committees”	“(Federal) assembly”, Federal Chamber	Councils of “the Assembly of SFRY”
“Government”	“federation”	“federation”, “federal organs”
-	“working people / citizens”	“working people / citizens”
-	“Constitutional Court of Yugoslavia”	“Constitutional Court of Yugoslavia”

Y92	S90	S06
Unexpressed	unexpressed	unexpressed
“Federal Assembly”	“National Assembly”	“National Assembly”
-	“municipality”	“municipality”
-	“autonomous provinces”	“autonomous provinces”
USC	EC	CHR
Unexpressed	unexpressed	unexpressed
-	Member States	any State
the Congress	the (European) Council	-
-	the Union	-

Tables 9-11. Instrument of determinative processes (determining).

Y46	Y63	Y74
“law”	“(federal) law”	“(federal) law”
-	“(this) Constitution and/or law”	“(this) Constitution (and [federal] law)”
-	-	“self-government agreement”

Y92	S90	S06
“(federal) law”	“law”	“law”
“this Constitution”	“Constitution (and law)”	“Constitution (and law)”

USC	EC	CHR
-	“Article ... [label]”	“Article ... [label] of the Convention”
“the Constitution”	the Constitution	“Convention”
“law”	“(Union/European) law”	“law”
-	-	“declaration”

Tables 12-14. Patient of determinative processes (determined).

Y46	Y63	Y74
-	“conditions” of provision application	“conditions” of provision application
	particular normative cases	particular normative cases
“decrees for (federal) law enforcement” and other “decrees”	“laws (and other acts)”	“(federal) laws”, “(other) regulations (and general acts)”
-	“rights”	“rights”, “duties”, “obligations”
	functioning/”affairs” of the institutions	functioning/”affairs” of the institutions
	matters of common interest	workers’ “mutual relations”
-	various “decisions”	various “decisions”

Y92	S90	S06
“conditions”, manner of provision application	“conditions”, “manner” of provision application	manner, “conditions” of provision application
particular normative “cases”	particular normative “cases”	particular normative “cases”
“federal law(s)”, “(other) regulations (and general acts)”	“laws”, “(other) regulations (and general acts)”	“law(s)”, “other general acts”
“rights”, “(general) interest”	“rights (and duties)”	“rights”
functioning/”affairs” of the institutions	functioning/”affairs” of the institutions	functioning/”affairs” of the institutions
-	-	“decision on the end of term of [juridic] office ...” and other decisions
USC	EC	CHR
“manner” of provision application	“conditions”, “the procedure” of provision application	“conditions” of provision application
specific “case”	specific “case(s)”	“territory or territories to which this Protocol shall apply”

2.2. Governing processes

Governing processes apply in the sense of “direct activities in connection with” and have the prototype “govern” or “direct”.

(2a) The limits of Union competences *are governed* by the principle of conferral. (EC: Art. I-11)

(2b) Socijalistička republika je država zasnovana na suverenosti naroda i na vlasti i *samoupravljanju* radničke klase i svih radnih ljudi ... [The Socialist Republic is a state based on the sovereignty of the people and on the powers and *self-government* of the working class and all working people ...] (Y74: Art. 3)

Tables 15-18. Quantitative distribution of governing processes.

constitution	Y46						Y63					
	+			-			+			-		
polarity	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
voditi [manage (i)]	0 2 0 -	-	-	-	-	-	0 1 0 4 0	-	0 1 0 -	-	-	-
rukovoditi [direct (i)]	14 - - 1 0	-	-	-	-	-	11 - - 1 1	-	-	-	-	-
samoupravlјati [self-govern (i)]	-	-	-	-	-	-	- 59 0	-	- 8 0	-	-	-
upravljati [govern (i)]	- 1 0	-	1 - - -	-	-	-	8 - - 34 0	1 - - -	1 - - -	-	1 - - -	-

constitution	Y74						Y92					
	+			-			+			-		
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
voditi [manage (i)]	1 1 0 5 2	-	2 - -	-	-	-	1 - 5 0	-	-	-	-	-
rukovoditi [direct (i)]	16 - 6 3	2 - -	-	-	-	-	4 - -	-	-	-	-	-
samoupravlјati [self-govern (i)]	- 52 0	-	- 3 0	-	-	-	- 1 0	-	-	1 0	-	-
upravljati [govern (i)]	17 - 45 0	-	5 - -	-	2 - -	-	-	-	-	-	-	-

constitution	S90						S06					
	+			-			+			-		
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
voditi [manage (i)]	1 1 0 5 0	-	-	-	-	-	2 3 0 5 0	-	1 - -	-	0 1 0 -	-
rukovoditi [direct (i)]	1 - -	-	-	-	-	-	1 - -	-	-	-	-	-
samoupravlјati [self-govern (i)]	- 2 0	-	-	-	-	-	- 59 0	-	-	5 0	-	-
upravljati [govern (i)]	2 - 6 0	-	-	-	-	-	2 - 4 0	-	1 - -	-	-	-

constitution	USC				EC						CHR			
	+		-		+			-			+		-	
modality	no	lo	no	lo	no	hi	lo	no	hi	lo	no	lo	no	lo
process														
govern	- 2	-	-	-	1 19 10 22	-	-	0 1 -	-	-	0 1 0 1	-	-	-
conduct	-	-	-	-	15 7 -	0 1 -	1 0 -	-	-	-	0 1 -	-	-	-
coordinate	-	-	-	-	17 2 34 5	1 0 -	1 0 -	-	-	-	-	-	-	-
manage	-	-	-	-	3 1 18 1	-	-	-	-	-	-	-	-	-

The processes *rukovoditi* (“direct”), *(samo)upravljati* (“self-govern”), *coordinate* and *manage* are mostly represented nominalised and active. Passivization is avoided given that, with respect to their participants (tables 19-20 and 22-23), they are essential in the functioning of state structures, ie. it is required to know who is in charge of what.

The proces *govern*, however, is almost always deactivated, heavily adjectivised, with various regulations as instruments, and thus corresponding to the determinative processes (see example (2a)). The process *samoupravlјati*, derived from *upravljati* (“govern”) is represented: (a) in Y63 and Y74 as nominalisation “samoupravlјanje”, with “the working people” or

“the workers” as the expressed agents (2b), and (b) in the later constitutions as postverbal “samouprava”, with omitted agent(s). Both process (*samo*)*upravljati* (lit. “give direction”) and, in diachronic view, process *govern* (from Lat. *gubernare* “to steer, rule”, from Greek *kubernan* “to steer” [Oxford Dictionaries Online 2013]) can be seen as instances of the ACTION IS MOVEMENT metaphor (Lakoff and Johnson 1999: 271).

The related process *vladati/rule* is not represented in the data, and (im)politeness is again the probable reason. Yet, there are the morphologically related Serbian postverbal *Vlada* (“the Government”) and the abstract noun *vlast* (“power”). “Vlada”/“the Government” is used for “the supreme executive power”, as an instance of the double metonymy WHOLE FOR PART (there are two more governing powers: legislative and judicial) and INSTITUTION FOR PEOPLE RESPONSIBLE, with the pragmatic effect of “the Government” being the only veritable power, where in fact there are, or should be, three of them (Montesquieuian “separation of powers”).⁷

When expressed, the agents are usually the “officials” or “organs” of state power, mostly the executive ones (tables 19-21). As can be seen in table 22, the constitutions of SFRY deal with managing socioeconomic relations notably more than the others, and declaratively base them on the (self)government of “the working people” (table 19), which accounts for their activation. In contrast, the other constitutions dealing with that subject vaguely leave it to the “free market”, which is, of course, essentially dedicated to capital at the cost of workers.

Tables 19-21. Agent of governing processes (governor).

Y46	Y63	Y74
unexpressed	Unexpressed	unexpressed
“ministries” / “the Government of FPRY”	“(federal) officers”	officers
-	“working people”	“workers / working class (and all working people)” / “working people”
Y92	S90	S06
unexpressed	Unexpressed	unexpressed
executives of federal organs	organs of the executive power	“state organs”
-	“insured persons”	-
USC	EC	CHR
unexpressed	Unexpressed	unexpressed
-	the Member States	-
-	the Union	-

Tables 22-24. Patient of governing processes (governed).

Y46	Y63	Y74
“[particular] branch of public administration”	“federal organs of administration”	“(federal) organs of administration (and federal organisations)”
-	“social means”	“(social) means”

⁷ This is similar to the “Europe for the EU” metonymy in the Preamble of the EU Constitution, contributing to a more universal EU representation and thus reflecting the Union’s ideological standpoint and hegemonic tendency (see the notion of “hegemony as a universalisation of a particular”, as in Fairclough 2003: 45-46) to impose itself as the only legitimate, true representative of the “Old Continent”, as the authentic Europe.

various executive affairs	“social affairs”	“(other) social affairs”
-	“(criminal) procedure”	“(criminal) procedure”
Y92	S90	S06
“(criminal) procedure”	“(criminal) procedure”	“(criminal) procedure”
federal organs	-	“public affairs”
USC	EC	CHR
-	various “policies”	-
-	“the exercise of a right”	“the exercise of this right”
“land and naval Forces”	“public authorities”, “other bodies”	-

2.3. Developmental dispositive processes

Developmental dispositive processes with the prototype “develop” could, somewhat conditionally, be distinguished from developmental processes as a distinct subclass of exocentric processes, which occurs without deliberate intention and control, being medial in general (see Beaugrande 1997: ch. IV; Beaugrande 2004: ch. III). A continuum of intention/control level can be argued for in which these two classes would complement each other, as in example (3).

(3a) The Union shall work for the sustainable *development* of Europe ... aiming at full employment and social *progress* ... (EC: Art. I-3)

(3b) Svako ima pravo na slobodan razvoj ličnosti ... [Everyone has the right to free *development* of personality ...] (S06: Art. 23)

Tables 25-28. Quantitative distribution of developmental processes.

constitution	Y46						Y63					
	+			-			+			-		
modality	no	hi	lo	no	hi	lo	no	Hi	lo	no	hi	lo
process												
razvijati [develop (i)]	-	-	-	-	-	-	5 - 26 0	-	1 - -	-	-	-
razviti [develop (c)]	- 3 0	-	- 1 0	-	-	-	- 5 46 0	- 1 0	- 1 0	-	-	-
unapređivati [improve (i)]	-	-	-	-	-	-	1 - 9 0	1 - -	-	-	-	-

constitution	Y74						Y92					
	+			-			+			-		
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
razvijati [develop (i)]	6 1 0 83 0	-	2 - 5 0	-	-	-	- 3 0	-	- 1 0	-	-	-
razviti [develop (c)]	0 1 10 21 0	-	- 1 0	-	-	-	-	-	-	-	-	-
unapređivati [improve (i)]	5 - 20 0	-	-	-	-	-	1 - 1 0	-	-	-	-	-

constitution	S90						S06						
	+			-			+			-			
polarity	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo	
process													
razvijati [develop (i)]	- 12 0	-	-	-	-	-	2 - 17 0	-	-	3 0	-	-	-
razviti [develop (c)]	- - 1 -	-	-	-	-	-	- - 1 -	-	-	-	-	-	-
unapređivati [improve (i)]	- 5 0	1 - -	-	-	-	-	2 - 1 0	-	-	-	-	-	-

constitution	USC				EC						CHR			
	+		-		+			-			+		-	
polarity	no	lo	no	lo	no	hi	lo	no	hi	lo	no	lo	no	lo
process														
develop	-	-	-	-	12 3 106 4	-	-	-	-	-	-	-	-	-
maintain	1 0 -	-	-	-	12 1 17 0	1 0	1 0	-	-	-	0 1 1	-	-	-
progress	- 1	-	-	-	- 16 0	-	-	-	-	-	-	-	-	-

It seems that developmental processes are more characteristic of the socialist constitutions of our data, arguably also including EC. This can be accounted for by the progressivist discourse, conspicuous in socialism, which places heavy emphasis on the scope for social and personal development (Heywood 2003: 322). However, represented mostly as nominalisations (“razvoj”, “razvitak”, “development”, etc. or “unapređivanje”, “progress”), and being already in themselves abstract, these processes rather reflect a conceptual desire than actual determination or practical commitment of the legislator.

The related process *promeniti/change* and semantically similar ones are rarely found in the data, which can be linked to the conservative character of norms in general. Thus, constitutions inevitably become surpassed by sociohistorical requirements and they are seldom flexible enough to withstand amendments, like the USC.

The processes *unapređivati* (“advance”) and *progress* provide evidence for the MAKING PROGRESS IS FORWARD MOVEMENT metaphor (recorded, e.g., in Lakoff 1993: 221).

In Y63 and Y74, apart from “the working people” being responsible for socioeconomic relations, people are activated with regard to “personality” (Y63: II; Y74: II), while backgrounded by agentless nominalisation in S06 (3b), effectively allowing for someone else to shape their “personality”. Backgrounding of people is also done with regard to the “environment” in Y74, S90 and S06. In addition, the national minorities are backgrounded in Y92 and S06 (see tables 32-33).

Tables 29-31. Agent of developmental processes (developer).

Y46	Y63	Y74
unexpressed	unexpressed	unexpressed
	“the working people”, “citizens”	“the working people”, “workers”
Y92	S90	S06
unexpressed	unexpressed	unexpressed
		“the Republic of Serbia” / “the State”
USC	EC	CHR
unexpressed	unexpressed	unexpressed
-	“the Union”	-

Tables 32-34. Patient of developmental processes (developed).

Y46	Y63	Y74
-	“socialist social relations”	“socialist (self-government) society”
	“material basis of work”	“material basis of work”
	“productive forces”, “economy”	“productive forces”
	“personality”	“personality”
-	-	human environment
Y92	S90	S06
“specificity” of “national minorities”	-	“culture”; “specificity” of “national minorities”
-		“environment”
		“living environment”
USC	EC	CHR
-	various “policy”	-
	“relationship(s)” with “third countries”	

2.4. Cognitive dispositive processes

Cognitive processes are generally of two kinds: (a) those involving intention and control, with the prototype “learning” or “finding out”, and (b) those which lack them and have the prototype “knowing” understood as “having knowledge” (Beaugrande 2004: III.40). Cognitive dispositive processes naturally belong to the first group, in the sense that they involve particular cognitive search for knowledge in the form of decision, solution etc. (4).

(4) Sud *sudi* u veću. [The Court *decides* on matters within the Council.] (Y63: Art. 140; Y74: Art. 228; S90: Art. 98)

Tables 35-38. Quantitative distribution of cognitive processes.

constitution	Y46						Y63					
	+			-			+			-		
polarity												
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
odlučivati [decide (i)]	-	-	-	-	-	-	43 1 0 12 0	-	-	-	-	-
odlučiti [decide (c)]	-	-	1 - -	-	-	-	2 - - -	-	5 - -	-	-	-
suditi [judge (i/c)]	4 - - 1 0	-	-	-	- 1	-	3 - - 5 0	-	-	-	-	-

constitution	Y74						Y92					
	+			-			+			-		
polarity												
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
odlučivati [decide (i)]	69 2 0 25 3	-	-	-	-	-	23 - - 1 0	-	1 - - -	-	-	-
odlučiti [decide (c)]	1 - - -	-	6 - - -	-	-	-	-	-	4 - - -	-	-	-
suditi [judge (i/c)]	4 - - 7 0	-	-	-	-	-	1 - - -	-	-	-	-	-

constitution	S90						S06					
	+			-			+			-		
polarity												
modality	no	hi	lo	no	hi	lo	no	hi	lo	no	hi	lo
process												
odlučivati [decide (i)]	14 1 0 2 0	-	-	-	-	-	27 2 0 6 0	-	-	-	-	-
odlučiti [decide (c)]	-	1 - - -	5 - - -	-	-	-	6 1 0 -	-	1 - - -	1 - - -	-	-
suditi [judge (i/c)]	4 - - 2 0	-	-	-	-	-	4 3 0 2 0	-	0 2 0 1 0	-	-	-

constitution	USC				EC						CHR			
	+		-		+			-			+		-	
polarity														
modality	no	lo	no	lo	no	hi	lo	no	hi	lo	no	lo	no	lo
process														
(re)consider	1 2 1 0	-	-	-	35 5 9 2	-	0 1 -	-	-	-	6 0 1 4	-	-	-
decide	1 0 -	-	-	-	13 4 -	-	9 0 -	2 0 -	-	-	9 2 -	3 0 -	-	-

For reasons similar to those given for the governing processes, the analysed cognitive processes are represented mostly by active forms, occasionally nominalised, with only the process *suditi* (“judge”) in S06 sometimes reflexivised. The perfective *odlučiti* (“decide”) is mostly in low degree modality, realising hypothetical, ad-hoc character decisions of the

legislatures (except in S06). This is characteristic of treaty-based organisations, as exhibited by the process *decide* in EC and CHR.

As rather expected, since the systems in question are representative, the process *odluči(va) ti/decide* is in large measure bestowed on the representative bodies, mostly with internal bureaucratic matters as patients (see tables 42-44). In the self-government of Y63 and Y74, compared to the other managerial processes, “the working people” or “workers” are even more frequent agents of this process, with various social matters as patients (a kind of “direct democracy”).

Tables 39-41. Agent of cognitive processes (cogniser).

Y46	Y63	Y74
unexpressed	unexpressed	unexpressed
-	“the Assembly”	the Councils of “the Assembly of SFRY”
-	“working people”	“workers”, “working people”
“Court(s)”	“the Constitutional Court of Yugoslavia”	“the Federal Constitutional Court”
	“the Supreme Court of Yugoslavia”	“the Federal Court”
Y92	S90	S06
unexpressed	unexpressed	unexpressed
“the Federal Assembly”	“the National Assembly”	“the National Assembly”
“the Federal Constitutional Court”	“the Constitutional Court”	“the Constitutional Court”
“the Federal Court”	-	-
-	“citizens”	“everyone”; certain groups
USC	EC	CHR
unexpressed	unexpressed	unexpressed
“Congress”	“the European Council”	-
-	“the Commission”	“the Court” [of Human Rights]

Tables 42-44. Patient of cognitive processes (cognised).

Y46	Y63	Y74
-	“social affairs”	matters of “work”, “income”
	various legal matters	various legal matters
Y92	S90	S06
constitutionality and legality of legal acts; institutional disputes	constitutionality and legality of legal acts; institutional disputes	“rights”, “obligations”
“immunity” of federal officers	matters of “immunity”, terms of officers	“election”, “end of the function/term”, “immunity” of officers

USC	EC	CHR
-	various bureaucratic matters	individual and State “applications” and their admissibility
“Bill”	matters regarding draft Union laws	other judicial decisions
-	failure (of Member States) to fulfill conditions	-

3. CONCLUSION

The integral analytic framework introduced provides extensive results and is virtually applicable to other text types and multi-purpose analyses. Its exactness powered by a relatively elaborate quantitative method reinforces analytic generalisability, reliability and soundness. Though just a modest instance, the analysis conducted of the modern-diachronic multicultural data, we argue, nevertheless reaffirms the view that legal discourse calls for major attention of critical approaches and accounts.

The non-agentive and deactivated processes are more frequent than the agentive and activated ones, with the cognitive processes being an exception. This fact not only justifies the introduction of the (de)activation parameter, but also suggests its requisiteness for accurate accounts of process representation.

The regular process abstraction on the semantic plane, sometimes to the level of whole social practices, though typical of general legal acts, alienates norms from the situational context, which, as a result, can render them dead letters or change inhibitors, and fuels their “multiaccentuality” (in Bakhtinian terms, or divergent ideological accents, cf. Gardiner 1992), providing room for manipulation.

Modalisation is predominantly low-degreed (permission), whereas exclusively high-degreed in the negative processes (prohibition). The English data are less frequently modalised, rendering norms more categorical. In the Serbian data the imperfective processes are dominant in active and reflexive, reflecting the pretension to virtual temporal infinity of norms, while the perfective ones usually employ the passive participle.

Metaphor plays a distinct role in process representation, especially when observed in etymology, revealing long-standing patterns of bureaucratic thought. Indeed, most of the identified conceptual metaphors are verified by both contemporary and etymological metaphors, which proves the fairly distant historical roots of these cognitive processes.

The most recurrent agents are the legislatures, which reflects and constructs the (democratic) representative ideology. The (common) people themselves are backgrounded, which systematically occurs in relation to their “rights”. However, “the working people” are prominent agents in the socialist constitutions of 1963/1974, reflecting/constructing the socialist self-government ideology, which conjoins direct (personally involving) with indirect (representative) participation.

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