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Sociolinguistic Variation in an Algerian Institutional Setting: The Case of Legal Discourse in Tlemcen Court of Law

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Sociolinguistics

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DEDICATION

To my dear mother and father,

to my dear husband

To my sisters and brothers,

And to all my friends

To you, my dear « Papa », I especially dedicate this work of which you are the principal author, and a considerable reason for this accomplishment.

To the memory of our teachers,

Pr. Bouamrane and Dr. Benali Mohamed

ACKNOWLEDGMENT

Abstract

The present research work is an attempt at analysing language use in the court of law in an Algerian context, Tlemcen. Its main objective is to identify and understand the ideological behaviours and features characterizing the members of the Algerian society. Tlemcen, a big town where a significant linguistic heterogeneity can be clearly noticed in the community and more particularly in the court of law, it is a town where the investigation of sociolinguistic phenomena is made significantly interesting by the linguistic interference between rural and urban dialects beside the different functions of official and national languages which can be perceived in respect to definite situations. Again, another kind of interference between standard languages, in this case Arabic and French, and between standard languages and dialects can be worth to consider in understanding the position of educated spoken Arabic (ESA) in the Algerian speech community. Furthermore, the investigation of ideological features in the court of law accounts for the different linguistic, stylistic and grammatical structures that may indicate any ideological behaviour reflecting the social constitution of the Algerian community. In the general introduction, different problematic are stated to find their possible answers in the course of research. The main idea of each question is to describe the sociolinguistic ideology in the Algerian context as it is described by language use in the court of law. The first chapter is a general representation of the historical background of Algeria, it deals with the most marking steps in the Algerian history under and after French colonization at different levels; legal, social, linguistic and educational. The second chapter focuses on one of the most prominent works on ideology of van Dijk which serves a guiding source in understanding ideology as a social, psychological and more precisely linguistic phenomenon. The third chapter is an introductory step towards the understanding of

ideology in the legal context; it describes the way legal texts *per se* are drafted in such a manner that is itself ideological in nature. The fourth chapter is the fieldwork of the study, it follows a methodology that is essentially based on observation and some recordings following the method of field research in which I could appear as a member of the audience to collect a number of excerpts that correspond to the theme of the study. In the fifth chapter, the selected excerpts were analysed in the aim of understanding the ideological nature of discourse and linguistic structures and the level at which ideologically biased features are remarkably detected. Hence, the analysis reveals that the sociolinguistic situation in Algeria, characterized by its plurilinguality, has given birth to a number of ideologies that shape groups of individuals in respect to their attitudes towards language and many social and political acts and features. A situation that favours a formation of a sociolinguistic organization that importantly ensures and facilitates communication between the members of the community. Furthermore, ideological behaviours can significantly define the different kinds of persons and beliefs that characterize the whole society and among which the dominant and the dominated are made apparent. The analysis of excerpts has also contributed in the understanding of the way language use is manifested in ideological situations, in addition to the way people are able to perceive it in the speakers' way.

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Phonetic Symbols

Consonants

ħ	*/mli :ħ/ good*
b	*back, baby, job*
t/ṭ	*tea, tight, button / /tabla/ table*
d/ḍ	*day, ladder, odd / /drab/ beat*
K	*key, clock, school*
G	*get, giggle, ghost*
tʃ	*church, match, nature*
dʒ	*judge, age, soldier*
F	*fat, coffee, rough, photo*
X	*/xubz/ bread*
Θ	*thing, author, path*
ð	*this, other, smooth*
S	*soon, cease, sister*
Z	*zero, music, roses, buzz*
ʃ	*ship, sure, national*
ʒ	*pleasure, vision*
H	*hot, whole, ahead*
M	*more, hammer, sum*
N	*nice, know, funny, sun*
ʕ	*/ʕajn/ eye*
L	*light, valley, feel*
ɣ	*/ɣajeb/ absent*
j	*yet, use, few*
W	*wet, one, when, queen*
ʔ	*(glottal stop)* */lasa ʔ/ fixed*

GENERAL INTRODUCTION

The strategy of social organization and language standardization eminently relies on selected parameters that shape the distribution of specific units within the same speech community. They vary from religious, historical, cultural to linguistic parameters and distinguish members of communities by specific characteristics, attitudes and specific beliefs. The beginning of a policy that arranges individuals in groups according to their different social, cognitive and linguistic affiliations may favour the appearance of other sub-groups within one unified speech community and elaborate in a scale of organization people with different inclinations that they may or may not share with other persons. In an attempt to study the way the linguistic policy is managed in societies with a heterogenous plurilinguistic aspect and different group affiliations with different attitudes, the present work introduces the Algerian society as one of the Arab countries that have attended a remarkeable period of colonization during the French occupation and watched a noticeable breakaway between group of persons with different tendencies and political inclinations.

A close examination of the constitution of the Algerian society may reveal much about the features characterizing its speakers and their attitudes vis a vis languages and dialects and other varieties of language. Algerian people seem to accept the heterogeneity in their linguistic distribution and more than that they seem to manage their life with a great reliance on the use of one or more codes in respect to offered situations, and each code seems to serve differently the objective traced by its user.

Accordingly and within the study of language in the Algerian society, the present work has found a special way to analyze in a more detailed and precise manner the way members of the Algerian society with different attitudes, identities, linguistic

inclinations, etc. manage their language use in response to different situations. The study proposes the court of law as the local of research which may gather people of different characteristics in terms of positive and negative beliefs towards politics, the society, the way of living, towards other individuals, social problems, the law, education, money, in addition to different status, age, social positions etc. Hence, it has been regarded as an appropriate localization of approximately all kinds of individuals living in Algeria.

Respectively, the present dissertation delimits its study to the use of language in Algerian court of law, and more precisely the one of Tlemcen. It has approached as a particular field of study the question of language ideology as shaped in legal discourse. Thus a description of ideology is necessary in this attempt since it has been defined differently by different scholars making research about ideology in its different localizations. After residing on van Dijk's description, it is also worth considering others' definitions to evaluate the degree to which they can be similar or different, and at which level, if the case, the difference lies. Consider the definitions. Ideology is:

1/"An organization of opinions, attitudes, and values, a way of thinking about man and society. We may speak of an individual's total ideology or of his ideology with respect to different areas of social life; politics, economics, religion, minority groups, and so forth"(Adorno et al.1950:2).

2/A consistent integrated pattern of thoughts and beliefs explaining man's attitude towards life and his existence in society, and advocating a conduct and action pattern responsive to and commensurate with such thoughts and beliefs" (Loewenstein 1953:52).

3/"A particularly elaborate, close-woven, and far-ranging structure of attitudes. By origin and usage its connotations are primarily political, although the scope of the structure is such that we expect an ideology to encompass content outside the political order as narrowly defined….A highly differentiated attitude structure, [with] its parts…organized in a coherent fashion….Must be capped by concepts of a high order of abstraction….[Must supply] a manageable number of ordering dimensions that permit the person to make sense of a broad range of events" (Campbell et al. 1960.192-93).

4/"A body of concepts [which]: (1) deal with the questions: Who will be the rulers? How will the rulers be selected? By what principles will they govern? (2) constitute an argument; that is, they are intended to persuade and to counter opposing views; (3) integrally affect some of the major values of life, (4) embrace a program for the defense or reform or abolition of important social institutions; (5) are, in part, rationalizations of groups interests- but not necessarily the interests of all groups espousing them; (6) are normative, ethical, moral in tone and content; (7) are…torn from their context in a broader belief system, and share the structural and stylistic properties of that system (Lane1962:14-15).

5/Systems of belief that are elaborate, integrated, and coherent, that justify the exercise of power, explain and judge historical events, identify political right and wrong, set forth the interconnections (causal and moral) between politics and other spheres activity"(McClosky 1964:362).

6/ A belief- system that includes: (1) a wide range of opinions; (2) high attitude consistency (aka "constraint" or "economy"); and (3) abstract conceptualizations (e.g., "liberal," conservative") (paraphrase of Converse 1964).

7/ " Maps of problematic social reality and matrices for the creation of collective conscience" (Geertz 1964/1973:220).

8/ " The reflection of process and structure in the consciousness of those involved- the *product* of action" (Nettl 1967:100).

9/ "A typically dogmatic, i.e., rigid and impermeable, approach to politics" (Sartori1969:402).

10/ A logically coherent system of symbols which, within a more or less sophisticated conception of history, links the cognitive and evaluative perception of ones social condition especially its prospects for the future- to a program of collective action for the maintenance, alteration, or transformation of society" (Mullins 1974:235).

11/ A system of collectively held normative and reputedly factual ideas and beliefs and attitudes advocating a particular pattern of social relationships and arrangements, and/or aimed at justifying a particular pattern of conduct, which its proponents seek to promote, realise, pursue or maintain" (Hamilton 1987:39).

12/ An emotion-laden, myth-saturated, action-related system of beliefs and values about people and society, legitimacy and authority, that is acquired to a large extent as a matter of faith and habit. The myths and values of ideology are communicated through symbols in a simplified, economical, and efficient manner. Ideological beliefs are more or less coherent, more or less articulate, more or less open to new evidence and information. Ideologies have a high potential for mass mobilization, manipulation, and control; in that sense, they are mobilized belief systems (Rejai 1991:11).

The general ultimate idea that emanates from the above definitions is that ideology is fundamentally classified in a social sphere that makes it the product of unified beliefs

and opinions shared by people in the aim of creating an important powerful mass that has the ability to face and challenge other masses of decision makers in the society, perhaps occupying a position, mainly in politics, or other fields like the court of law. While, in the present study, ideology takes its very basis from some of these definitions, by excluding the ones with a purely political orientation, and that may certainly meet with van Dijk's descriptions, it is important to make reference to some particularities that this work takes account for in dealing with a sociolinguistic situation in a legal context. Hence, the situation explores multilingualism in the Algerian speech community to serve as the point of departure of the problematic of this work. It tries to find out the link between language use in all its forms for legal professional purposes and the position of ideology in the court of law setting. Accordingly, and upon making reference to ideology, the concept of "groupness" is directly conceived. Then, the groups of persons represented in the court setting all have the same global objective to authenticate their acquittal. However, upon approaching the space of trial, one most noticeable thing is the accumulation of acts and issues that are most of the time generated from the principal one formerly presented to the audience. The accentuated events can most of the time filter new faces engaged in an offence, and the situation encounters a variety of actions and actors, that can only be processed and handled with strategic language use. Consequently, the nature of the atmosphere inside courts, in this case, organizes the characters into conflicting groups whose challenge takes its roots from social, historical, political, and personal characteristics of each individual. In this respect, speakers group themselves according to common features shared by them. In the present work, the ideological groups generally share the same profession, linguistic inclination (language choice), educational background, geographical areas, age, social position, status, etc. Accordingly, each one tries to express itself on the basis of the

difference that lies between it and the others. On its turn, the expression of the self largely and fundamentally depends on the way language is used or with a typical choice of the code of communication without necessarily focusing on a presentation of the self with features characterizing the group.

The salient point about the work is to settle a group of related questions associated to the phenomenon of ideology and language use in a legal context. Hence, the main problematic of the present study is the following:

- Does the sociolinguistic situation in a multilingual state like Algeria shape societal dimensions of ideology? If yes, how can it do in respect to court of law discourse contexts?

-Is language use in an Algerian court context-related, ideologically-based, or an interpretation of a common ground culture?

- Is the sociolinguistic situation in Algeria effectively causing a problem of communication as it has been assumed by some authors, or not?

Other questions that are also problematic in this work are summarized in the following:

1/What is the effect of discourse in courts on the formation and the transformation of ideologies?

2/What is the effect of ideology on court discourse forms and meanings?

3/ Is social ideology consciously transported from the area of common needs to the area of professional social needs or not?

4/ How can context models and event models be ideologically controlled?

Respectively, the purpose of the present research project is to localize the sociolinguistic situation in Algeria in a context that tackles almost all the possible sociolinguistic phenomena existing in the society and tries to identify the different group attitudes related to the existence of each phenomenon in addition to its various functions. The situation permits also a closer approach to the way codes of communication are managed in Algeria, in addition to the understanding of the way group ideologies can come into emergence and express their identities and their social orientations with regard to sociolinguistic parameters. The global situation allows a concrete understanding of the way Algerian people live with plurilinguality and interact with it in daily life under a considerable attention payed to the context and the corpus of interaction.

Indeed, under the problematic of the research, a range of hypotheses can come out in respect to possible interpretations and suppositions related to the purpose of the study and that may partly respond to the number of questions introduced above. It is then hypothesized that language use in a given setting largely depend on the context of converstation, and ideology is regarded as one element of context that controls the conversation, that is discourse is influenced by group ideologies since it takes account of the kind of persons forming the ideological group, and actors in a given conversation form part of the context of communication. However, the phenomenon of common ground culture has got a social aspect, and it can be referred to as a feature characterizing all the members of the same speech community; in other words, the whole speech community form an ideological group with its proper culture, belief, official language, religion, tradition, etc. without necessarily taking account of the sub-ideological groups involved in. Therefore, and in the court discourse, the use of language by challenging groups is not fundamentally based on the common ground

culture since it is a common property characterizing all individuals and identifies them as members belonging to the same community.

Along and within the space of hypothesis, it is presumed that evidently the sociolinguistic situation in Algeria has largely contributed to the emergence of ideological groups with social orientations in such a way that makes codes of conversation strongly associated to positive and advantageous criteria existing as parts of people's lives and experiences and particularly evaluated according to their proper beliefs. It will be then subjective in the present study to consider or not that the state of plurilinguality in Algeria is causing a problem of communication, however, it is arguable that on account of the linguistic inclination people display in their daily lives, it can be advocated that a plurilingulal state can come into existence out of critical linguistic problems in its history, and that individuals develop a linguistic adaptation towards the existing codes and manage their daily lives needs in respect to the function of each.

The present dissertation is divided into five chapters, the first of which is a description of the sociolinguistic and to some relevant extent the historical background to the Algerian society to serve as basic introduction to the whole dissertation and representing the global context of the study, it takes into account the process over which the organization of the Algerian speech community has linguistically, socially, legally and politically evolved since its colonization by the French. The second chapter is the literature review; it represents the most prominent works in the field of ideology and discourse particularly the ones described by van Dijk.

Teun Adrianus van Dijk (May, 7th, 1943) is a scholar in text linguistics, discourse analysis and Critical Discourse Analysis (CDA). Within this framework, his major studies have focused on the study of discursive reproduction, theories of ideology and context since 1980. Accordingly, this chapter offers the basic ground for the understanding of the major aims of the dissertation and the framework within which the problematic is arranged. In the third chapter, a preliminary representation of ideology as reflected in written texts is considered as a necessary former step before assigning extensive attention to ideology as shaped in discourse in the court of law. This chapter introduces the other form of ideology as implemented by ideological groups sharing the same profession in the course of legal drafting which itself is designed in such a particular way to be directed to individuals and ideological groups sharing the same beliefs and attitudes. Hence, this work considers the written form of legal texts as a different form of ideology whose conceptualization is recognized in the way linguistic structures are formulated to address people in offence as well as the members of the legal profession in charge of executing the word of the law. In this respect Van dijk (1998:6) in one of his statements may have the attention to shape the expression of ideology in discourse in its different forms: written and spoken, and makes a distinction between ideological groups that may be different in respect to uncommon particularities and proper beliefs between the existing ones, then individuals of the same group are ingroup members and all the rest are outgroup members(in this case these may or may not form ideological groups).

The fourth chapter represents the methodology on which the present research work is based; it explains the different techniques used to collect the data and the way they were handled in an institutional setting, in addition to the way instances were selected among others in respect to the aim of the study.

The fifth chapter tackles the analysis of instances with concluding remarks and results in a way to respond to the set of questions exposed in the general introduction among the main problematic of the study.

The final step is a general conclusion which summarizes the major extracts from the study after approaching the different areas related to the whole objective. It exposes the future possible research questions in the same field and that, to some extent, have not yet gained a large area of interest in the field of sociolinguistics.

CHAPTER ONE

THE HISTORICAL BACKGROUND
OF ALGERIA

1.1 Introduction

In the area of sociolinguistic research in Algeria, a reference to the Algerian history very frequently constitutes a significant part of the study, as it accounts for the basic motives that have largely contributed to the structuring of a plurilingual speech community.

The present chapter follows the historical evolution of the Algerian society at the social and the sociolinguistic scales. It respectively considers the limits of the area of research and describes the general architecture as it applies to institutions, especially education and law, in addition to the organization of the society as outcome of the French colonization.

1.2 Algeria up to 1830

1.2.1 Algeria Before the Arab Conquest

Since time immemorial, invaders from surrounding areas , mainly from the East , and the Mediterranean and Europe were interested in the invasion of the Northern part of Africa which included Morocco, Algeria, and Tunisia, for many reasons ranging from economic, religious, and agricultural reasons. Hence, different conquests of Algeria by people of different races, origins, cultures, and identities provoked a great impact on the linguistic organization of the Algerian nation.

The recorded history which goes back to the fifteenth Century B.C states that the Berbers were the first settlers. To trace the origin, and the existence of the Berbers, one must talk about the Classical Period, more precisely about the kingdom of Numidia which extended from Carthage, in present day Tunisia, to Mauritania on the Atlantic Coast. Numidians were people with their own traditions and customs, and their own identity and culture. With their capital in what is now Eastern Algeria, they fought against the Phoenicians. In the period of the Phoenicians starting from 1200 BC, the North African settlers spoke Berber in the countryside, and in the cities, they used Punic, which is an extinct semitic language a variety of the Phoenician language formerly spoken in this area. Later on, under the Numidian Kings 'Juba I' and Juba II [1] the Romans colonized Numidia or Barbary, and many Berber inhabitants were removed from the region's most fertile land. Since then, many starving and impoverished Berbers tempted to work for the Romans, while others became quasi nomads. During that period, Latin was the official language of the elite living in urban cities, while Berber was spoken by peasants in the countryside.

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[1] R. Oliver & J.D. Fage, *A Short History of Africa, the Peguin*, England, 1995, pp.15-22

Between 340 and 535, the vandals, East Germanic tribe that entered the late Roman Empire during the 5th century and the Visigoths[2], systematically destroyed the Roman empire and its social system. When the Germanic vandals surged into Numidia, the Berber were forced even deeper into the barren inferior of part North Africa.

In the 6th century, the coming of the Byzantine sought to reconstruct an Empire on the Roman model, and Berbers had to live under the colonial instructions of various dominions, during which they survived as scattered tribes in the mountains and deserts, and attempted to preserve their languages and cultures. Nevertheless, the linguistic impact of the Romans upon the Berbers was important. But Latin and Punic were still used in the towns, and Berber in the countryside even after the fall of the Roman Empire.

1.2.2 The Arab Conquest

By the late 7th century and early 8th century, the Maghreb was conquered by Arabs who came to spread the religion of Islam which was to have pervasive and long-lasting effects on the Maghreb, bringing with it a new language, a new religion, tribal loyalties and practices with new sociolinguistic norms. The islamisation of the region was not easy to achieve; it lasted from the 7th century until the 11th century[3].

The relationship between the Arabs and the Berbers was not only, as one may imagine, as any natural relationship between colonized populations and their invaders, there were many struggles between the two parts , mainly between the Arabs and the Vandals and Byzantines ,the latter resisted the Arab conquest of their territory. However, the tribes of the Aures with the unforgotten history of prior treatments of the Roman dominion showed

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[2] Op. Cit. R. Oliver and J.D. Fage, pp. 15-22

[3] Ibid.

some alliances and mutual recognition. The Arab conquerors in North Africa established Coranic and Muslim rules in their theocratic ruling in the area.

Throughout the Arabization process of North Africa, many Berber tribes became arabized like the 'Zenata' and some Arab tribes like "The Beni Mhamed" became berberophone. One of the aims of Islam was to preserve and to integrate all individuals within the same range, and provide unity and alliance between them.

In North Africa, this religion permitted to subsume many tribes which resided in rural, mountainous and desert areas into political frameworks as part of their natural citizenship rights. Moreover, the Berbers, and thanks to Islam were not stripped of their lands nor did they become vassals of Muslims. They continued to use Berber among themselves, although a lot of Berber speakers had been arabized, they have unceasingly preserved their linguistic heritage, cultural identity, and a number of Berber dialects used in different areas in North Africa.

However, Classical Arabic gained an important ground in the North African territory. It was the language used for all written purposes. Arabic was getting more and more influential while used as the new vehicle of propaganda, in which it was given a holy title as being the language of the Coran and prophetic revelations, the reasons for which, Berber could not promote the development of its written form.

From that time on, scientific and socio-cultural life in North Africa became inseparable from that of Muslim counterparts throughout the world. Overtime, there was a great harmony between Arabs and Berbers, and that gave birth to a varied range of cultures and tongues. Interestingly enough, the arabophone Berbers of North Africa erected a series of

brilliant Dynasties that contributed to the prosperity of the socio-cultural and linguistic patrimony of the Maghreb in general, and Algeria in particular[4].

1.2.3 Algeria Under the Ottoman:

In the sixteenth century, the Ottoman Empire explored the Algerian territory and extended its control over the region, it tempted to fight the European invaders, especially the Spanish, in Algeria. The Ottoman Sultan (King) ruled the area through an appointed representative, the Dey[5], who exercised local power while paying a tribute to the Sultan. By the 1800's,the Dey in Algiers had become independent of the Sultan in Istanbul as a result of the distance between the Ottoman power in Istanbul, and the Ottoman political structure in Algeria. From about 1671 to 1830, the Ottoman government in Algeria was essentially a military oligarchy. The small Ottoman administration was assisted by the native urban notables, and had a minor impact on the indigenous society.

In outlying provinces, the provincial governors employed tribal chiefs to keep their areas under control, delegating rule to the Algerian clan leaders. In addition, the Sufi [6] orders with the Marabouts[7], provided functions under Islamic law to the tribes in the country who were outside the Ottoman jurisdiction.

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[4] Op.cit. Oliver & Fage, pp 15-22

[5] Dey (from Turkish *Dayı*) was the title given to the rulers of the Regency of Algiers (Algeria)) under the Ottoman Empire.

[6] From Sufism "a science whose objective is the reparation of the heart and turning it away from all else but God (Ahmed Zarruq, Zaineb Istrabadi, Hamza Yusuf Hanson - "The Principles of Sufism." Amal Press. 2008

[7] An Islamic religious leader and teacher in West Africa, and (historically) in the Maghreb (Roncoli, Keith; Kirshen, Paul (June 2002). "Reading the Rains: Local Knowledge and Rainfall Forecasting in Burkina Faso". *Society and Natural Resources* **15** (2).

This practice increased the prestige of the Sufi orders and their Marabouts through this period, and they became an important societal force up to the French occupation. At the end of the Ottoman period, the ruling elite was composed of a small Ottoman Administration assisted by urban notables, provincial tribal chiefs, and members of Sufi orders. This structure was the target of French efforts to reorganize the Algerian society.

1.3 Algeria Under The French:

The French invasion of the Algerian territory was a remarkable event which, as opposed to the other preceding invasions, had an influential impact on the historical and the social organization of the Algerian society.

1.3.1 Conquest and subjugation:

Prior to the French conquest in 1830, Algeria was still a nominal part of the Ottoman Empire under the rule of the Dey. However, the French aimed at a large conquest of Algeria, based upon a total invasion of Algerian institutions mainly Justice, Education, Administration, and Politics. Thus, under the French rule, Algeria became part of France, but not a colony or a protectorate. Up to 1870, it was under French military rule, and it was divided into three administrative departments, Algiers, Oran, and Constantine. A civilian Governor- General represented the French government.

Over the 130 years or so of French colonization of Algeria, the French had already destroyed the most important social categories of elites and learned persons who ruled and governed the Algerian state. It had enlarged its powers over many institutional sectors, and imposed French rules and norms over the citizens. The land was expropriated and

distributed to French colonists according to ideas of "individual ownership" rather than the existing communal land-holding system.

Algerian citizens were deprived from their rights in their country, both Arab and Berber native inhabitants evolved into one social class with little or no indigenous political structures to fall back on after independence. Unlike Algeria's neighbours; Tunisia and Morocco, which passed a much shorter period of French colonization, so that they were much more easily able to restore and retrieve their social and political institutions.

1.3.2 An Overview of the Political Conditions

By July 1830, French forces had captured Algiers from the Turkish forces. The French government had intended to form an Arab or Moorish government to run Algeria and remove France from garrisoning the area.

Several prominent Arab leaders attempted to establish their dominance of the region before France formed a specific policy for Algeria. This period was marked by extreme violence between rival religious and secular Arab factions throughout the country and the region. This period of colonial expansion marked a time of extending French administration and law which saw the reduction in influence of Muslim institutions.

The next ten years marked a period of administrative and political domination by the French and European settlers; further reducing Muslim institutions and increasingly dividing and forcing the ethnic populace into poverty and servitude.

This time of great colonial expansion, referred to as the "Hegemony of the Colons"[8]

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[8] A commission of inquiry set up by the French Senate in 1892 and headed by former Premier Jules Ferry, an advocate of colonial expansion, recommended that the government abandon a policy that assumed French law, without major modifications, could fit the needs of an area inhabited by close to two million Europeans and four million Muslims. Muslims had no representation in Algeria's National Assembly and were grossly underrepresented on local councils

who had gained control of many of the key positions in the Algerian government *along* with successive governor-generals of Algeria; they sought to prevent any national identity and break down the resistance of Arab society. Moreover, Colon landowners changed the names of towns and villages, they denigrated Muslim social institutions by promoting policies that placed European systems of governance and social conduct above that of traditional Islamic culture. The Algerian Muslim elite and secular progressive Arab political leaders aimed at rising Arab nationalism that began to express itself across all classes of the native population. Part of this growth in nationalism can be attributed to the initiatives of several prominent Ulema[9].

1.3.3 Justice: The Landmark of the French Occupational Power

France aimed at strengthening its roots in Algeria through the domination of justice. Justice as Halimi (2001:1) says: "Had become an instrument of the colonial domination and in my opinion, it was the paroxysmic means of colonial oppression"[10]. After having completely demolished all the institutions inherited from the Turkish era, France will seek to disfigure the socio cultural dimensions of the Algerians to deprive them of any national and religious membership, it will also cause an ethnic conflict between the Arabs and the Berbers, the consequences of which will be disastrous for the social cohesion of the country.

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[9] Refers to the educated class of Muslim legal scholars engaged in the several fields of Islamic studies. They are best known as the arbiters of shari'a* law. *The body of Islamic religious law. The term means "way" or "path to the water source"; it is the legal framework within which the public and private aspects of life are regulated for those living in a legal system based on Islamic principles of jurisprudence

[10] My translation. « La justice est devenue un instrument de la domination colonial et, selon moi, c'était le moyen paroxystique de la répression coloniale ».

The judicial organization was one of the major problems that the French occupier had to solve .On the fifth of July 1830, France signed a Consensus in which it promised the respect of the Islamic religion; it kept in use some of the functions occupied by the Muslims before, and in parallel reduced their activities, and applied the principles of the personality of laws or the regionality of laws which existed in France in penal matters.

The application of the security laws in Algeria led, according to the 1841 Ordinance, to a separation of the civil and the penal justice; the former was put under the Islamic justice rule following the Islamic religion, while the latter was put under the French tribunals, and the army following the French law.

Under army rules, the Algerians lived drastic physical and moral treatments. In this context Branche (2001:14)[11] reveals that :

> ...The use of torture by the French army aimed at the repression of the Algerian nationalism between November 1954 and March 1962[12].

Between (1841-1954), the Algerian Justice was mainly assimilated to the French one under the two Ordinances of 10/08/1834 and 28/02/1841 aiming at dismantling the Muslim Law. During the period (1954-1962), Algeria suffered from injustice with its different forms, and Algerians' rights were denied.

Between(1954-1962), France decided to recruit some Algerians in the administration of Justice, but in parallel they were asked to become French and deny their identities that is, Algerians could not become French if they were Muslims, as stated by Branche (ibid:2)[13]:

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[11] (quoted in Elbaz ,2002:6)

[12] My translation.. « l'utilisation de la torture par l'armée française visait la répression du nationalisme algérien entre Novembre 1954 et Mars 1962 ».

[13] Op.cit. in Elbaz(2002 :6)

"The Algerians can become French provided that they give up their Muslim status"[14]

The French colonization had gradually imposed its judicial organization on the Algerian people though were not officially submitted to the French judicial system until after 1870. When France had deepened its roots in Algeria, it applied the policy of assimilation to destroy the Algerian identity. The French malicious policy in Algeria is clearly revealed through the confession of the General Governor DE GUEYDON, Collot (May, 1874) writes :

> Justice is one of the means of sovereignty, the existence of a Muslim Judge must be denied in the presence of a French judge, we are the conquerors[15].

This is what made France refuse the policy which aimed at an independence of the Islamic justice through the assimilation of the Islamic judicial apparatus with the French judicial system.

- From 1870, the Algerian judiciary organization had more and more been calqued on the French one:

- From 1870 to 1882 was the period of the creation of some *Assize* Courts including solicitors and barristers.

- The 30/08/1883 Law had completely assimilated the Algerian magistrate to the French one, the courts and the tribunals of Algeria were classified among the tribunals of the Metropolis.

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[14] My translation. « Les Algériens peuvent devenir français, à condition qu'ils renoncent à leur statut de musulmans. »

[15]) My translation."La justice est l'un des attributs de la souveraineté,le juge musulman doit s'effacer devant le juge français, nous sommes les conquérants ».

- The 08/02/1900 Decree had nearly completely assimilated the Algerian jury to the French one and the 30/12/1902 Decree had achieved such assimilation.

- From August 1935 to December 1951 was the period during which the Assize Courts and the Tribunals of Commerce were reformed while penal jurisdictions for minors were created in 1935.

1.3.3.1 The Function of Interpreters

In France, when exceptionally one of the parties or a witness did not speak French, the President appointed an interpreter to translate the discourse and transfer it to the ones speaking other languages than French. This was similarly applied in Algeria for the indigenous among whom a few understood the French language, the foreigners among whom a great number used only their mother tongues and the Jews. Apart from the military interpreters specialized in military affairs; the civil interpreters were subdivided into two categories; the judiciary interpreters and the sworn translators.

The judiciary interpreters for the Arabic language and Berber were attached to all Algerian tribunals. Moreover, there were three classes of judiciary interpreters: the judiciary interpreters of the Court of Appeal in Algiers, the judiciary interpreters of the Tribunals of First Instance, and the interpreters of the Justices of Peace.

In addition to these kinds of interpreters, there existed sworn translators who had an extra judiciary function. They were in charge of the assistance of the notaries, the Cadis (a judge ruling in accordance with Islamic religious law) or other public officers, when the latter received an Act in the case the parties did not speak the same language .They were also in charge of the translation of all the Acts introduced in Justice, as Larcher (1923:148) puts it:

> No written Act in Arabic or a foreign language received by the French public officer and directed to other persons could be introduced in justice, if it is not accompanied by a translation done by a sworn translator. Written Acts in French or foreign languages cannot be produced before an indigenous judge or a notary without being translated in the Arabic language by a translator –interpreter [16].

In this respect, translation was obligatory to insure a general understanding of judicial written acts.

1.3.3.2 The Muslim Justice

The Muslim Justice in Algeria was characterized by a complex organization, varying according to the regions and the different customs. The military Law was distinguished from the civil one; in the latter Kabylia was distinct from the rest of Algeria and had received a particular organization, while the Mozabites had in all Algeria their appropriate tribunals following the Ibadite[17] rite.

The 10/08/1830 Decree, established in 1834 the Algerian judiciary organization:

The indigenous tribunals having an official function and instituted by the French government, treated the civil and the criminal affairs of Muslims ,and the French tribunals could not treat the civil and the commercial affairs of the indigenous population of different religions; unless the French judge was accompanied with a Muslim assessor .

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[16] My translation.''Nul acte écrit en langue arabe ou étrangère ne peut être produit en justice, cité ou annexé à un autre acte reçu par un officier public français, s'il n'est pas accompagné de la traduction faite et certifiée par un traducteur assermenté.Les actes écrits en langue française ou étrangère ne peuvent être produits devant un juge ou notaire indigéne, sans une traduction en langue arabe également faite et certifiée par un interprete traducteur ».

[17] Ibadite: a Kharidjite sect,its name comes from Abdallah Ibn Ibad ,a doctor in North Africa before he took refuge in the Mzab.(Definition taken from (Larousse, Dictionnaire Encyclopédique,1970   ) .

1.3.3.2.1 The Progressive Reduction of the Muslim Justice

The French authorities had since 1841 confined the control of contraventions, offences and crimes to the French tribunals, and civil and military administrators; these contraventions were defined by the French penal law and the Algerian texts, while they had maintained the Muslim jurisdictions in the civil matters, were organized in a different manner before and after 1870, first depending on the autonomy principles which animated the policy of the Second Empire ,then depending on the assimilation tradition of the Third Republic .

- In 1866 and 1889, the Islamic counsels were suppressed.

- The High Counsel of the Islamic law was suppressed.

- The Muslim assessors were forbidden from the organization of a judgment commission, of the Civil and the Appeal Courts under the 17/04/1889 Decree.

- The number of Cadis was reduced from 184 to 159 in 1873, 145 in 1874 and 88 in 1882, while some jurisdictions were created: 25 in 1873 and 30 in 1880.

- Six Civil Courts were created; two in Kabylia and four in the
 rest of Algeria.

1.3.3.2.2 The Maintenance of a Muslim Civil Justice

The Muslim laws and procedures and the jurisdictions of the Cadis were maintained because the French authorities considered them as closely related to Islam, which they had promised to respect, by the Convention of 15/09/1830.
The Ordinance of 26/09/1842 limited the attributions of the Cadi. His judgments might be appealed and submitted to a French tribunal. From 1848 to 1870 the Muslim justice was

relatively autonomous.

The 20/08/1848 Decree related the European justice to the French Minister of Justice and placed the Muslim justice under the authority of the Minister of War who was the Governor General. This new organization was set up in 1854 then it was partially dismantled in 1859 and finally reorganized and confirmed in 1866. This organization followed the following steps:

Algeria was divided into judiciary circumscriptions each including a Mahakma composed of a Cadi and two Adels: 326 Mahakma of First Instance were created .The Cadi was named by the Governor and judged the civil and the commercial affairs free of charge, the Oukils or the defenders could alone represent the parties.

As far as the most important affairs were concerned, an appeal could be made in the collegial tribunals called the Medjiless, their number was 19 and they were composed of four Muftis, Cadis or Ulema and two Adels. Finally the Counsel of the Muslim Jurisprudence was created.

In order to avoid the opposition of the judgments, the counsel of the Muslim Jurisprudence was created composed of the Muftis[18] and the Ulemas appointed by the Minister of War, the latter met the Governor General to look at the litigations and introduce some points of view which will then be developed to become laws applied in the Mahakmas and the counsels after the agreement of the Minister of War.

The organization of Islamic law led to an aggressive opposition of the French, and it was therefore denounced by several texts:

- By the 31/12/1859 Decree, the control of the Cadi was put under the General Prosecutor.

- The appeal of the judgments of the cadis took place in the French tribunals, and

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[18] Mufti: Interpreter or translator .Doctor of the Islamic Law.

the Medjiless had no consultative role.

- Muslims could expose their litigations in the French tribunals.

- The number of Mahakmas was reduced from 326 to 260 and to 184 in 1866.

- Muslims were given the right of choosing the area where to present their litigations.

Because of the decision announced by Napoleon III to Emperor MC MAHON which included the disadvantages of the 1859 Decree, a commission composed of French and Muslim lawyers was created to reorganize the Islamic justice; so it introduced the 13/12/1866 Decree under which the Muslim justiciable could choose the Mahakma or the Justice of the Peace, but in any case he was judged according to Muslim laws, and the decisions might be submitted to the Medjiles.

The appeal took place in the Tribunals of First Instance or the Courts of Appeal, in special mixed chambers, and the execution of the judgment was attributed to the Cadi. The judicial organization set under this Decree was extended to the regions of the Tell[19]and Kabylia.

The reduction of the number and competence of Muslim jurisdictions was realized in two steps, in 1873 then in 1886 and 1889.

The judiciary powers of the Cadis were progressively and definitively reduced until 1962. The Cadi could only judge Muslims and he was only competent in the personal statute mattersand successoral rights, while a Muslim could still expose his litigations to a French judge who treated these litigations according to Muslim laws and procedures.

Estates were then put under the submission of the French notaries and their relative litigations were exposed to the French law courts except for inheritance rights which remained a task of the Cadi to keep and preserve their Islamic nature.

The 10/09/1886 and the 17/04/1889 Decrees gave the opportunity to the judge of the peace to become a judge of the general law in the Islamic matters, while the Cadi only treated

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[19] Tell:area of high land ,not as high as mountain

personal affairs and inheritance rights between Muslims.

The number of the Mahakmas was reduced and the 29/08/1874 Decree placed the Judge of the peace as the only single judge in Kabylia replacing the djemmas[20] and the Cadis.

1.3.3.2.3 The Judiciary Organization in the Transitive Period:

At the eve of the National Liberation War, France wanted to prove its ideal policy towards the regulation of the judiciary organization using the following arguments:

1. It expressed equality between the French and the Algerian populations by the formation of some jurisdictions (the Commercial Courts and the Counsels) constituted of some elected judges.

2. It created two Courts of Appeal in Oran and Constantine.

3. It extended the regulations happening in France in 1958 to Algeria under the19/02/1960 Decree.

It then, aimed at a judiciary reorganization which should lead to a general welfare respecting the Arabo-Islamic identity.

However, the Algerian population became conscious about the role that the French colonizer played in destroying the Algerian justice; it then tried to create an Algerian judiciary apparatus independent from the French justice during the National Liberation War which lasted until the post colonial era.

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[20] djemmas:a group of people.(Definitions taken from Larousse, Dictionary Encyclopédique,1970)

1.3.3.2.4 Justice during the National Liberation War

Since the beginning of the National Liberation War, the fighters aimed at an urgent separation between the Algerian citizens and the French jurisdictions. The Algerian citizens were then forbidden from the exposition of their litigations to the French courts, and the National Liberation Front (Known as the F.L.N) created the Commission of Justice and the Rebelling Courts:

a/ The Commission of Justice

This was composed of elected magistrates whose role was to treat civil and some repressive affairs. If the Commission of justice failed in treating definite litigation, it transferred it to another superior area which would then introduce the decision and announce it to the Commission of Justice for execution.

b/ The Rebelling Courts

While the National Front of Liberation treated the simple crimes, the Rebelling Courts treated other crimes, depending on the accused persons (ordinary citizens or members of the F.L.N); these courts were composed of a President, a representative of the Party, a defender and some assessors.

There existed different kinds of Rebelling Courts depending on different functions; for instance, the ones of civil crimes which treated the severe crimes committed by the citizens, the ones of the military crimes under which the members of the F.L.N were judged, and the two Rebelling Courts situated in the western and the eastern frontiers, they represented the highest jurisdictions in Algeria. Their role was to treat simple and

drastic crimes committed inside or outside the territory.

1.3.3.2.5 The Partial Regulations of the Algerian Judicial System

Newly independent Algeria faced many problems in its judiciary organization; these were:

1. The existence of some legal texts denouncing the national sovereignty, that is the French judiciary system denounced the Algerian sovereignty in Algeria.

2. The emptiness of the judiciary apparatus because of the departure of the majority of French judges.

3. The diversity of the inherited jurisdictions and the difficulty of defining their specializations.

The Algerian judiciary organization took a specific shape and will thereafter face other changes mainly in 1965.

1.3.4 The Linguistic Situation in the Algerian Courts during the French Occupation

The courtroom was one of the most complex communicative settings a lay person was likely to encounter in terms of the languages spoken. An unusual alternation of linguistic registers, ranging from highly formal to highly informal speech was always employed within a single proceeding. To participate easily in legal proceedings, one had to ideally be able to code switch among these. Interpreters routinely did so, constantly ranging the impact of their speech on various listeners from both French and Arabic origins, thus the use of court-appointed interpreters was critical to the conduct of legal proceedings.

Because legal communications were so inherently complex, the need for interpreters in

courtrooms was obvious and the task of interpreting well was difficult. Interpretation in French courtrooms was not a relatively straightforward process as it was often assumed to be. Numerous difficulties were involved as for instance the difficulty to differentiate rural from urban dialects which may have a great impact on the use of similar words with different meanings, only two elements were generally recognized by participants (i.e, interpreters and those for whom they interpret).The first of these was the delay in proceedings necessitated by the use of two languages(French and Arabic), and the second was the difficulty of finding lexical equivalents for complex terminology in Arabic dialects. The former was seen as essentially a social problem (proceedings become too lengthy), resolvable only by limiting the use of interpreters and expediting the process. The latter problem was seen as a linguistic issue; at the most informal levels, for example, interpreters used Algerian Arabic to address Algerians in the French justice, and similarly the Cadi and his assessors in the Mahakmas frequently used this form of Arabic to avoid misunderstandings which might be caused by the use of Classical Arabic. They had recourse to a standard Arabic register that is more formal than their everyday speech; this standard form is the fruit of the Islamic education received at that time in the Mosques, the Zaouias[21] and the Medersas[22].

Educated speakers in the mahakmas alternated all ordinary forms of the Arabic language with the most formal register of legal Arabic which was characterized by a complicated syntax and various features otherwise found only in written discourse.

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[21] a Maghrebi and West African term for an Islamic religious school or monastery, roughly corresponding to the Eastern term "madrassa". The zawiya often contains a pool, and sometimes a fountain.

[22] a school for the training of spiritual and legal leaders, became one of the most typical institutions of the Muslim world of the 12th century. Most madrasas were endowed (waqf) with private funds

Depending on their own verbal repertoires, and their judgment of the seriousness of the situation, jurors, witnesses, defendants and other lay participants in the French courts, formalized their speech to sound more impressive and /or credible. They also used vulgar forms of Arabic for insults, while the French legal language frequently consisted of written texts in French rendered orally in courtrooms.

French judges and attorneys employed French in a subtle interplay dictated by necessity and strategy. As with all communications, speech in the courtroom was characterized by a complex social density. In the French courts, however, it was unusually varied in the speech of judges and attorneys who virtually used French; this language was constrained by procedural rules that were unknown to laypersons. For example, law necessitated that specific forms which could not be easily paraphrased be used for the record in certain contexts. Algerian subjects heard but were effectively excluded from conversations between judge and attorneys, who shared not only a common idiom and language but also a common legal culture that made their interchanges most efficient by allowing much to be left implicit.

However, legal culture was not the only common feature shared between French judges and French attorneys, the French language also marked a very important feature which differentiated French and Algerian populations in terms of behaviours, rights and origins.

The adversial nature of the system also dictated that attorneys used language strategically to control testimony and to convince judges and juries. Individual styles, class, age, gender, and ethnicity added more overlays. Educated speakers of French and Classical Arabic found this a challenging situation; it was much more so for speakers of colloquial Arabic and/or those with little formal education.

Because Classical Arabic is so different from ordinary spoken Arabic and French; a language that is genetically unrelated to it, the difficulties of interpreting received the most attention. What was probably most difficult about the interpreter's task was, however, managing the constant interplay of all these linguistic registers and varieties in a single event.

The presence of French speakers and speakers of Arabic simply complicated this situation. While cultural and linguistic differences existed even among Muslims, the use of languages other than Arabic increased the potentials for communicative difficulties. These potentials were greatest when the languages in question were linguistically unrelated to colloquial Arabic. In such cases, the semantic domains (ranges of meaning) of words and expressions and the sociolinguistic conventions employed by speakers were congruent between languages.

Interpreters –no matter how bilingual and bicultural –had constantly to weigh choices in search of the best ways to convey shades of meaning and speakers' intent. They had also to deal with cultural differences that were embedded in, for example, the way that locations were specified, the use of dialectal rural terms carrying meanings and social connotations different from those of urban locations.

When interpreters entered the legal arena, too, they became one more factor affecting the mutual evaluation of speakers. This evaluative process was, after all, the foundation of legal proceedings; everyone present decided from moment to moment the degree to which other speakers were accurately, intelligently and credibly representing their actions, observations, understandings and experiences. The evidence on which participants based their evaluations was thus overwhelmingly sociolinguistic-they judged what people said and how well they said it.

Interpreters were not merely intermediaries in this process, but rather active participants. They subtly influenced perceptions of the Algerian speakers for whom they interpreted and this tended to be again the focus of concern for everyone involved in proceedings, including the interpreters themselves, then with changes that would not be tagged as "errors" since they formed parts of grammatical and meaningful sentences. Such subtle alterations included shifting of registers (to more or less formal levels);adding / omitting information ,politeness forms ,etc; making statements more or less implicit than they were in the source language .

These were all areas which had been shown to affect the evaluation of speakers' credibility, knowledge, status, etc. in controlled experiments. Such elements functioned in addition to more obvious types of miscommunication, which interpreters attempted to repair by stopping to explain cross-cultural differences, or by asking for clarifications.

Situations requiring interpretation of legal concepts frequently occurred outside of the courtroom itself, where bilingual employees of various law-related agencies acted as interpreters. Sometimes they actively interpreted between French and non-French speakers. In other cases, they interpreted in the broad sense by serving as sources of information in the native   language.

1.3.5 Sociolinguistic Dimensions

France colonized Algeria and imposed its socio-economic and linguistic control upon the speech community. Hence, French became the official language and Classical Arabic was the language of academics both in traditional and religious schools.

However, the teaching and learning of Classical Arabic in these schools was strictly

put under the control of the French power. Its use was limited and only occasional. Together with Islam, this language formed a solid union that was almost a resource of national consciousness that the colonial authorities were determined to destroy energetically. This language was the one of the fundamental targets that the French attempted to eradicate throughout many political decisions .The French administration, and within this attempt, enacted a law which deemed Arabic a foreign language. Simultaneously, it exploited education and considered this field as the proper environment for the French language to put down roots with its sociolinguistic norms.

During the period (1830-1962), education was French oriented and based, while Classical Arabic- oriented education became scarce. The marginalization of Classical Arabic incited the assumption that the French language had a scientific modern status, and reflected the uselessness of Arabic which became the reflection of illiteracy and ignorance. The reason for which, this language was cut off from contemporary intellectual and technological developments , and the flexibility as well as the development of   Classical Arabic vocabulary stagnated and could not match the needs of modern bureaucratic, financial and intellectual affairs. Berbers as opposed to Arabic speakers, and with their knowledge of the French language, were favoured in education, and could manage to occupy positions for employment in the colonial system. In reaction to French cultural and linguistic imperialism, the leaders of the War of Independence (1954-1962), and successive governments attempted to restore the Algerian Islamic cultural values, and the use of Arabic throughout its nationalisation, to maintain and conserve an Algero-Arabic identity for the new state and population.

1.3.6 Algerian Intellectualism and the Colonial Situation

Algeria is the contradictory product of a colonization which was a system based upon the complete exclusion of the vast majority of Algerians, a situation which deprived Algerian intellectuals from their rights in taking part in, and deciding upon, the Algerian question; they were incapable of influencing the course of events. What is meant by intellectual elites is all those educated people capable of delivering either a written or oral message in which political and social ideas are expressed. There existed two groups of these; the French- speaking group, and the Arab – speaking group. Both of them were Algerians in origin but they sometimes went on challenging opinions about the colonial system. This division tended to become more accentuated after independence.

During the colonial period, the French-speaking group of intellectual elite was not treated the way an intellectual in France was. At a political level, his neighbourhood was wary of him, because the colonial power might have suspected the danger of his awareness in the knowledge of the French language and culture, and the use of both elements for his personal and collective societal profit. The ambiguity of the francophone intellectual has its origin in this stark division; attracted by France, he remained deeply attached to the cultural sensibilities of his country.

As a result of the important effect of the French colonization upon the Algerians, the impact of the French was political, and economic, but also sociolinguistic and cultural. Modernity, as one of the characteristics of Europe was also assimilated to the French colonization. Hence, Algerian citizens showed special attitudes towards modernity and colonialism, and these attitudes would have consequences, especially after independence.

Learned men, the Ulemas at that time, fought against a positive perception by Algerian citizens of the colonial presence, since they considered the French ruling and domination of Algeria as inconvenient. Their religious discourse stands as a defence of Islamic values and traditions against the cultural aspects of modernity. However, already under the French, there existed two types of Algerian intellectuals: the francophones, fascinated with French culture while denouncing both the French colonial system and the social structure of the traditional society from which they originated. The others are the arabophones, they were interested in the cultural and linguistic values of Algeria as major elements that tie perfectly with Islam.

After independence, the two types of intellectual groups opposed each other on the question of organization. The francophones were rather interested in the country's economic and social problems to address social issues like unemployment, illiteracy, population growth and malnutrition; thus they opted for a more "civilized" way of resolution based on French cultural devices. The arabophones wanted to invigorate the country's language and religion in order to revive its Arabic-Islamic cultural heritage. In this respect, Lahouari Addi (1997:2) reveals the following:

> …Similarly , by force of circumstances, the francophone intellectual was at one and the same time both *organic,* in the Russian sense that he deified the State, and *critical,* in the French sense that he attacked the forms and structures of traditional society from a perspective of development. Conversely, the arabophone intellectual was hostile towards the State but a defender of a society that he wished to extract from what was frequently described in stereotypical language as "the cultural and political perversion introduced by the West.

The existence of two separate groups with different utopian visions would have ended with a compromise and understanding between both. However, it seems that the francophone part was interestingly attached to modernization, but in a manner which may not consider

the Islamic values of the State. Conversely, the arabophones paradoxically challenged the idea, because they largely depended on Arabic-Islamic values fearing the spread of foreign non-Islamic features which may influence the socio-cultural organization of the Algerian society. Divided culturally and ideologically, the elite was also divided at a political level .The State used the francophones for their technical competence, giving them jobs in economic planning and administrative management, and used the arabophones in matters relating to culture and ideology: in teaching, in the ruling party, and in the media.

1.4 Algeria After Independence

July, 5th 1962 was the date of independence**,** and From that time on , Classical Arabic and Islam became the two targets of the Algerian political leaders ,who were determined to boot up for a good start ,they sought for urgently retrieving them to a back former position .They soon adopted the following motto: Islam is our religion, Algeria is our mother country, Arabic is our language.

1.4.1 Cultural Dimensions

With the coming of Islam which brought spiritual and linguistic unity to Algeria, after the foreign dominations, Algerian traditions and identity were enriched by the introduction of Arabic-Muslim civilization.
At the cultural level, the Arabic language was practically ignored and outlying from the French domination, and illiteracy was simultaneously growing as a result of the extreme ignorance of the Algerian national identity. People were constitutionally, and sometimes socially, deprived of the use of Arabic, and were indirectly and sometimes directly targeted

and pushed to eradicate the spiritual and religious values, national history and consciousness.

However, the colonial yoke was shaken off and liberty was regained in 1962. It would be a great merit to mention the strong resistance of the cultural features which for more than a century sustained the will to survive after a great number of changes caused by the dominant power, in addition to the bad conditions of life. In his speech of July, 4th, 1971, President Boumediene, says that the cultural revolution is the culmination of our all-embracing revolution built upon the three pillars of the industrial, agrarian and cultural revolutions. According to Baghli (1978, 11), these three revolutions define the guidelines and principles of socialism and the full development of the Algerian citizen. The identity of the Algerian citizen was mainly attached to the unity and conservation of socialism with the aim of maintaining reliable relationships to attain liberty. The building of socialism was an inseparable feature from the maintenance and the development of the Islamic values which constitute a basic element in the personality of the Algerian people whose task was at that time to restore this personality and their identity, and give a new birth to national culture, and to shake off the aftermath of colonial domination.

1.4.1.1 The Evaluation of Cultural Needs

The Algerian leaders were determined to develop cultural aspects of the nation after independence. They aimed to restore and rebuild religious places as mosques, Zaouias, and Medersas where to enhance and enlarge the practice of Islamic teaching methods, and the learning of the Coran. They stressed the importance of an elimination of the French language which had been guiding long termed and deeply rooted foreign cultural features in Algeria. Thus, the imposition of Arabic as the national and the official

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language of the state was seen as a pertinent decision, which should be considered as an introduction to "a new shaped Algeria".

Immediately before the outbreak of the War of National Liberation, the Association of Ulemas and the nationalist movements had demanded in vain the restoration of the national language and Arabic-Muslim culture. The Congress of the Soummam(August,1956) stated that Islam should be open, universal and scientific, and not retrograde and superstitious, while the Tripoli Programme of June 1962 stressed national culture , and the Arabic language was considered as a language of civilization and science, and the Algiers Charter later stressed the principle of mass education, Arabization and the renaissance of Islam. The majority of citizens recalled that the Arabic language is an essential element of cultural identity, though this does not preclude strong enhancement for the teaching and the learning of French as a foreign language. They expressed their need for the "Algerianization" and democratization of education. According to Baghli (1978, 13): The cultural Revolution has a threefold objective intended to mould a new man in a new society:

a) To assert and consolidate the Algerian national identity and promote all forms of cultural development;
b) To raise continuously the level of education ,and technical skills;
c) To adopt a way of life which is in harmony with the principles of the socialist Revolution as defined in the National Charter.

1.4.1.2 New Cultural Tendencies

The organization of cultural action in Algeria was a difficult task after independence, a period of many confused ideologies and decisions which aimed at installing an effective Algerian or Arabic cultural system, a system which was already

characterized by its submission to French influences after July, 5th, 1962. The cultural system that was installed during the colonial period continued to dominate cultural life.

Thus, since 1965, the general orientation of cultural policy had been directed towards four basic tasks, according to Baghli (1978:14):

1) The reinstatement of the national language and democratization of education.

2) Reorganization of administrative and cultural institutions and formulation of a national legislation.

3) Promotion of the dissemination of culture by three means:

a- Giving priority to the audio-visual media

b- Democratization and decentralization in order to disseminate culture and encourage creativity.

c- Development of book production and public reading in order to satisfy training research needs and to spread the reading habit among workers as well as educated people.

4) Training and the organization of cultural co-operations in order to contribute to cultural development at the national and international level.

1.4.1.3 Cultural Origins and Modernization

The basic components of the post-colonial cultural policy are: education, the restoration of the national language, and the enhancement of the historical heritage. Education has a primordial function in the 'reformulation' of cultural and social aspects that were generated from the colonial domination, its democratization and Algerianization through the organization and the edition of cultural programs that concreticize Algerian features and characteristics, relying on Islam and Arabization. This policy favours the creation of conscientious generations, attached to progress and to their language and

culture. The National Charter stresses that the Arabic language is primordial in the cultural identity of the Algerian people. The Algerians' identity cannot be independent of the national language which represents it. Algeria might contribute to universal civilization by the authenticity of its national being. After June1965, the policy of restoration of the national language emerged to call itself a policy of Arabization.

1.4.2 The Policy of Arabization

Through a policy of oppression and exploitation, the French attempted to suppress the Algerian cultural identity to impose on the Algerian society the French cultural identity. The effects of this policy which continued to walk through Algeria after1962 have perhaps been most evident in the generation of a dual language system. Coranic schools were primarily the grounds for literacy in Algeria inciting the use of the Arabic language through both the Coran and the Hadith.

When French widened its dominance in the Algerian territory, it aimed at a generalisation of the use of the French language; thus, the number of the Coranic schools was reduced and the Arabic language was suffocated; a French law of 1938 declared it a foreign language in Algeria. As a result, education was oriented towards French, while Standard Arabic was cut off from contemporary technological and scientific developments limiting the field of its use mainly to religious contexts, and Dialectal Arabic was conserved for everyday conversation.

In reaction to French cultural and linguistic imperialism, the leaders of the War of Independence (1954-1962) and successive authorities were determined to revive Islamic cultural values and the use of the Arabic language through its nationalisation. This was fundamentally translated through the policy of Arabization which the members of the F.L.N (in Hadj Arab 2000:1) define as follows:

> The Arabization Law is the landmark of an important project that Arabists pursue in Algeria, a project inspired by the Bathist movement, itself inspired by the modern nationalist movement, fundamentally French,which wants the compulsory unity of the nation around a language, the one of the governing elite.(My translation)[23].

Arabization is a linguistic policy which aims at restoring the Arabic language to its preeminent place that the French language occupied for a long time. This policy was vehicled by a number of pro-Arabization leaders, who were ascendant in the Algerian government following independence. Their aim was to restore Arabic as the national language, and Islam as the religion of the state, in addition to the restoration of the national identity in Algeria. The major efforts were centered on Arabic to be the official language; this became the hallmark of Arabization which aroused controversy and outright opposition between the francophone and the arabophone elites.

According to Grandguillaume[24],

> the Arabic language is linked to the two sources of legitimacy on which the government draws; the struggle for national liberation and the defense of Islam.

Indeed, Arabization was to be implemented along two directions, one being nationalist and the other religious.

Arabization meant for some people an obligatory decision even if it represents a linguistic failure. Ouamara (in Benrabeh, 1999:6) says that "Arabization will not succeed but in any case it must be done"[25]. In this context Grandguillaume (1979:8), says that

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[23] My translation. « la loi d'arabization est le point d'orgue d'un véritable projet que poursuivent les arabistes en Algérie, projet inspire par le courant bathiste, lui-même inspiré par tout le courant nationaliste moderne, principalement français, qui veut que la nation soit obligatoirement unifié autour d'une langue, celle de l'élite gouvernante ».

[24] (quoted in Pleines,(1990 :344)).

[25] My Transaltion.(1):"l'arabisation   ne marchera pas, mais il faut le faire quand même ».

> Arabic is not the language of social promotion: if it is frequently felt as the language of religion, it is mainly perceived as the language of lateness[26].

Other linguists like Dumas and Lavallois (2002:1) oppose the preceding viewpoint saying that

> Arabic has been imposed on all the Arabo-Muslim areas as a religious language but more than this as a language of administration of successive empires , a language of culture ,of thought, of sciences and techniques , coexisting with local languages , going as far as replacing them.[27]

Some others have positive points of view towards both French and Arabic languages, like Moatassim (1993:1).who says :

> Written French and Arabic constitute two determining languages in the school, social, and political success [28].

However, Cheriet (1983:25) seems to mention Dialectal Arabic in order not to marginalize illiterate people and says :

> We give our instructions to popular masses either in a foreign language or in literary Arabic .They only touch 15% of the population; the 85% are in a total ignorance because no one thought about them[29].

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[26] My translation « L'arabe n'est pas la langue de promotion sociale : s'il est souvent senti comme la langue de la religion, il est surtout perçu comme la langue du « retard »… »

[27] « L'arabe s'est imposé dans toute l'aire arabo-musulmane comme langue religieuse mais plus encore comme langue d'administration d'entreprises successives, langue de la culture, de la pensée, des sciences et des techniques, coexistant avec les langages locales, jusqu'à les supplanter ».

[28] « le français et l'arabe écrits constituent deux langues déterminants dans la réussite scolaire, sociale, voire politique ».

Great campaigns of Arabization were launched in order to replace French by Classical Arabic, the best vehicle of communication and instruction without which Algeria would probably lose its identity and values. Within this framework, President Boumediene (1968) declared that without retrieving that essential and important element which is the national language, our efforts will be vain, our personality will be incomplete, and our entity will be a body without a soul.

Indeed, it was impossible for the Algerian society to reconstruct itself without restoring the bedrock of that identity; the Arabic language, the symbol of Islam and (*el-ɛuruba)*. As a term, Arabization means restoring Arabic and replacing French. In this sense, several laws, decrees, and ordinances were enacted aiming at implementing Classical Arabic in all public domains. However, this decision was featured by a long -run clash between the defenders or the promoters of Classical Arabic (arabophones), and the advocates of the retention of French language (francophones).

It is worthwhile to note that the Arabization campaigns were concerned with almost all public fields and domains namely education, administration, and environment. However, it faced many criticisms among them the inability of Standard Arabic to cope with technology and modernity, the reason for which it has partially failed in technical, scientific and economic fields.

1.4.2.1 Arabization of Administration

At the beginning of Arabization, the government considered this policy through a

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[29] « Nous donnons nos instructions aux masses populaires soit dans une langue étrangère soit en arabe littéraire. Elles ne toucheront alors que prés de 15% de la population, les 85% demeureront dans l'ignorance totale parce que personne n'a pensé a eux. »

system of translation in a time where the knowledge of Standard Arabic was limited. Many laws were enacted with the aim of excluding French from Algerian administrations, despite the lack of Arabized experts in administrative affairs who might have intervened in the task of translating a great number of French documents to Standard Arabic. This language which was pertinaciously needed for the Algerianization of all administrations, as it is stated in the following criteria:

- It was necessary to know and use Standard Arabic under the Ordinance of April 26, 1968 which was applied in January 20, 1971.

- The April 26, 1968 Ordinance made obligatory the knowledge of Standard Arabic for civil Servants.

- In 1975, a governmental report concluded that Arabization was a failure; after 20 years of efforts, only a few Ministries were Arabized: Defence, Education, and Justice.

- Pragmatically, in 1989, Arabic- French bilingualism constituted a current practice in all the public administrations.

- Since the Law n°91-05 of January16, 1991, administration used exclusively Standard Arabic in written documents.

- Under necessity, the public administrations, instances, enterprises and any kind of associations used exclusively the Arabic language in their activities in management matters and public relations. (art.4).

- According to Article n°6 of the Arabization Law, acts should exclusively be expressed in the Arabic language. Furthermore; the recording of any act is forbidden if it is expressed in another language than Arabic.

- Article n°8 made obligatory the use of the Arabic language in professionnal competitions and tests for recruitments in administrations and enterprises.

- Article 11 of Ordinance n° 96-30 of 21 December 1996 ordered the sole use of the

Arabic language in exchanges between all administrations, enterprises and associations, whatever their nature.

- According to Article n° 29, all official documents presented in another language than Arabic are considered illegal. The Arabization Law also forbade the importation of typewriters, computers and other apparatuses not carrying Arabic scripts (Article39).

- Any break of laws constitutes a severe fault susceptible of disciplinary sanctions (Art30).

In the majority of cases, the sanction is a fine of 5000 to 10 000 Dinars.

These norms remain in practice today, except scarcely in some indefinite situations as it is the case of different departments inside universities where administrators may use French or Arabic ,and others may use only French, while many others identify themselves with the promoters of the Arabization policy.

1.4.2.2 The Policy of Arabization in Education

There is a lot to say about Arabization in education, since education represents a fundamental branch for any remarkable success in all other sectors and domains. Algerian education, like administration, was elaborated from within a French curriculum which consisted of a purely French educational system. Education in this field was hard-pressed by the Arabization policy due to an important lack of teachers in the Arabic language, and the changeover of the French system for an Algerian one elaborated on a deep-seated syllabus inspired from Algerian culture.

The following are the main constitutional decisions and situations of Arabization in education:

- Because Algeria suffered a lack of teachers speaking Standard Arabic, the Government devoted only seven hours per week for the Arabic language in all schools; this number passed to 10 hours per week in 1964.

- Ordinance of 1976 imposed the teaching of the French language in foundation schools only from the fourth year. In 1974, Arabization of the primary schools was achieved.

French is introduced as an obligatory subject from the fifth year of the primary cycle until the end of the secondary one, while in higher education , the use of French still existed in some particular disciplines mainly scientific and technical ones .In this field, Arabization of universities was slackened because of the lack of proficiency in Standard Arabic. As Balhi (1988:10) says :

> In conclusion, we have not really learnt the Arabic language and the preceeding years in the CEIL[30], did not make us performant in our specializations...concretely now we teach in Arabic, a cumbersone Arabic,broken, sometimes painful for our students[31]
>
> (Quoted in Taleb Ibrahimi, 1997: 291)

Under these conditions many students protested against the Arabic language since their diplomas in this language   were useless to get employment.

1.4.3 Language in Education

The French colonial education imposed on Algeria was designed primarily to meet the needs of the European population and to perpetuate the European cultural pattern.

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[30] CEIL:Centre d'Enseignement Intensif des Langues(Centre of Intensive Teaching of Languages).

[31] My Translation:"...en conclusion, nous n'avons pas réellement appris la langue arabe et les années passes au CEIL (Centre d'Enseignements Intensif des Langues) (created in 1981) ne nous ont pas rendus performants dans nos spécialités…concrètement aujourd'hui, nous enseignons en arabe, un arabe boiteux, cassé, parfois douloureux pour nos étudiants ».

French was the language of instruction, and a large majority of individuals taught were children of the colonists. Segregated schooling of French and Algerian pupils was abolished in1949, hence the number of enrolled Muslims increased thanks to 1954 Constantine Plan aiming at improving Muslim living conditions. On the eve of independence, however, the French –oriented curricula were still applied and taught in French, and less than one-third of school-age Muslim pupils were enrolled in schools at the primary level. At the secondary and university levels, only thirty percent and ten percent of the students, respectively, were Algerians.

After independence, the education system was in complete disarray, and enrolments in schools at all levels totalled only 850,000. In 1967, attendance climbed to 1.5 million, to nearly 3 million by 1975, and to 6.5 million in 1991-1992.

After the long- term French dominance in Algeria, the Algerian government inherited features of an education system focused on French content and conducted in a French language by foreign teachers. The Algerian authorities sought for a way to make easy and suitable the educational system to the needs of a developing nation. The hallmarks of their syllabi were indigenization, Arabization, and an emphasis on scientific and technical studies. They sought to support literacy and make learning at primary schools compulsory, to remove foreign teachers and foreign curricula, and to replace French with Arabic as the medium of instruction.

After a basic and an urgent organization of the Algerian elementary educational programs, the government thought to plan to channel students at universities into scientific and technical fields, to meet the needs of Algerian, industrial, and managerial sectors.

In the mid-1970s, the primary and middle education levels were reorganized into a nine-year system of compulsory basic education. In 1982 about 4 million pupils were enrolled in the nine-year basic education track at a time when the government claimed 81 percent of all six-year-olds were attending school. Attendance approached 90 percent in urban centres and 67 percent in rural areas. Nearly all teachers were Algerian, and instruction was entirely in Arabic, French being introduced only in the third year.

The Algerian society in the early 1990s was still not fully accustomed to women assuming roles outside the home, and female enrolments remained slightly low. Accordingly, Secondary enrolments totalled 280,000 in 1982, compared with 51,000 in 1962-1963 .

The number of secondary schools in Algeria increased from thirty –nine to 319 over the decade, while the percentage of Algerian teachers increased from forty-one in 1975 to seventy-one in 1982. In 1984 national primary and secondary enrolments totalled million.
In 1989-1990, secondary school enrolments comprised forty-four percent of the school-age population, or a total of 743,000 students. Teachers were more than 90 percent Algerian at all levels. Arabization of the education system was considered an important objective of the 1990s.

The major universities in 1993 were the University of Oran, the University of Science and Technology in Oran, the University of Algiers, and universities in Tlemcen , Sidi Bel Abbes, Constantine, and Annaba and the Houari Boumediene University of Science and Technology. There were also universities in Batna, Blida, Setif, and TiziOuzou and university centres at Bejaia, Mostaganem, Chelef, and Tiaret.
At the university, the higher education system first adopted by the University of Algiers was based on the French model. Universities still loosely resemble the French model, and

French remains widely used for instructional purposes, as it is the case of some departments like biology, medicine, technical sciences, mathematics, etc. The number of French instructors has declined, however, as the number of Algerian teachers has increased after 1980. In 1981-1982, for instance, 64.6 percent of the teachers at all levels of education were Algerians .By the academic year 1990-1991, the percentage had increased to 93.4 percent. In the early 1990s, Algeria had more than thirty institutes of higher learning, including technical studies, teacher-training colleges, and Islamic institutes.

A variety of literacy programs for adults was initiated after 1962, when the national literacy rate was below 10 percent. The conquest of literacy program was activated to help people attain literacy in Arabic or French or both languages .Volunteer teachers held classes on the job, in homes, and in abandoned buildings; old French or Arabic grammars, copies of the Coran, and political tracts were pressed into service as texts.

Progress in literacy has been noteworthy. About forty-two percent of the population was literate in 1977. By 1990 adult literacy had reached 57.4 percent, according to estimates by the United Nations Educational, Scientific, and Cultural Organization (UNESCO); 69.8 percent of Algerian men and 45.5 percent of Algerian women were literate.

1.4.4 New Dimensions in Fighting Against Illiteracy in Algeria

The restoration of the national language and the planification of national educational programs required the Algerianization of institutions, curricula, and personnel. Everything was planned in favour of literacy trainings and fighting against illiteracy. Places of public worship and many other public places were opened for the dissemination of the knowledge and use of the Arabic language. Moreover, this program required the

training of literacy instructors, the dissemination of audio-visual media, radio and television, for the diffusion of a wide variety of educational and cultural programs, the basic aim being the advancement of the working masses. The first four years, an important number of Algerians benefited from functional and literacy training, one million being trained by the National Literacy Centre and 100.000 by the industrial units within the framework of functional literacy training. Even persons who were not enrolled in educational institutions, could benefit from educational programs thanks to the participation of the National Centre for Further Education (Centre National d'Enseignements Généralisé(CNEG) through correspondence courses. We should also mention the simplest but the most societal manner for disseminating the Arabic language ,which was Arabization of the Environment which realised a direct contact between Algerian citizens with the Arabic script through the writing of the names of streets, squares, shops, and other signs and public places.

More recently some political solutions have been established as complementation of the Arabization policy, they mainly enhance the generalization of Arabic to touch even, illiterate persons of different ages, this is what we call *mehw el oummia* (erasing illiteracy). It is an important project having a big support from the Algerian government. People of different educational abilities and capacities, and thanks to this institutional project, will be able to protect their rights of participating in matters concerning citizenship in the building of their nation.

1.4.5 The Linguistic Rights of the Berbers

With the coming of the policy of Arabization, Berber speakers became extremely antagonistic towards Arab Algerians and the Government. They asked for the recognition

of Berber as one of the national and official languages in Algeria. They also asked for linguistic and cultural autonomy; the recognition of Berber as the first language in the berberophone areas. Their aims were to preserve their customs, and to keep alive and strong their thousand year old identity.

In 1995, under the presidence of President Liamine Zeroual, and in response to the Berbers' demands, a body attached to the presidency called " Le Haut Commissariat à l'Amazighité" was set up (The High Commission for Amazighity). It was founded in order to defend the linguistic rights of Berbers and provide them some position with the organization of cultural meetings, manifestations and concerts.

1.4.5.1 *The High Commission for Amazighity (HCA)*

The High Commission for Amazighity was created by presidential decree on May29, 1995, following the agreement of April 22, 1995, reached between the government of Algeria and the representatives of the Amazigh movements of Kabylia (MCB Coordination Nationale), Aures (MCA), and Mzab. This agreement came as teachers and students (over a million of them) in the Kabyle region continued their eight-month school boycott to press for official recognition of the Amazigh language (Tamazight). The Commission for Amazighity was created with the aim of giving importance to the teaching and history of Berber language (Tamazight). It tended to achieve the following missions:

- The rehabilitation and promotion of Tamazight as one of the foundations of Algeria's identity.
- The introduction of Tamazight in the educational and media sectors.
- To identify, analyze, prepare, and elaborate all the elements necessary to carry out its mission of rehabilitation of Tamazight.

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- To elaborate, in conjunction with all the sectors involved, annual programs for the introduction of Tamazight in the educational system and determine its future status in the media.

- To ensure the coordination and execution of these programs.

As a result of the recommendations stated above, Berber was given a certain evaluation and importance in comparison to past states. It is now taught at some schools, especially in Bejaia and Tizi Ouzou, in addition to its promotion for media purposes, a situation which may improve the language career prospects.

Today, the Berbers are still attached to a pertinacious recognition of Berber alongside the Arabic language. They vigorously oppose arabization, and ask for a nationalisation of Berber, particularly the Kabylian variety. However, if under a constitutional declaration, This variety will be promoted a national status, Berber speakers with their small number will have been given some favour vis-a- vis the rest of the population who have been using different Algerian dialects which perhaps deserve a similar promotion , as it is the case of other Berber varieties.

1.4.6 The Algerian Nation and Language

The Algerian state is one of the largest in the Middle East and North African region. The population counts approximately thirty-three million inhabitants (July, 2008). In the description of the language situation of a given nation, two fundamental points must be treated; the number of languages and the relative dominance of languages. After a series of cultural, social, political, and linguistic events, the Algerian nation has joined the rest of the Arab nations whose official and national language is Standard Arabic. Although French

represents a remarkable trace of the long-termed occupation of Algerian territories, it has been constitutionally denounced and has not even benefited of a second position after Standard Arabic.

However, French has "par excellence" a prestigious, and a scientific characteristic that enhances its existence and its use by the members of the Algerian speech community, the reasons for which, this language is rather preferred by a class of people mostly ranging from high educational backgrounds as Universities, but also administrations. As opposed to SA whose functions have been essentially written and spoken in formal settings but not used for daily communication purposes. Instead, Algerian dialects are linguistic tools reserved for daily life communication.

1.4.7 Dominance

Language plays a crucial role in social interaction and it is an important agent in the transmission of cultural and social values. And the use of any language or a variety of a language depends on the infinite functions that each can fulfil within a set of social ,andinteractional needs. However, there must often be a functional distance that provides a'nation –wide'use between different languages or varieties of a language among themembers of the same speech community, then crucially contributing to the dominance of one of the two or more systems.

 Dominance may be understood from different profiles that vary fundamentally from social, economic, political, legal domains, etc. with which individuals are in social daily contact. Being a multilingual country, Algeria consists of a national language, a foreign

language(French), and Algerian dialects, each having as aforementioned, completely different functions in relation to social needs.

However, Algerian dialects and especially the Arabic ones have been largely used by the great majority of Algerian citizens for different reasons and illiteracy was one. Beside the marginalization of SA, and the ignorance of the French language, were naturally largely depended on this variety of language in their daily interactions as it represents their mother tongue.

It is generally recognized as the best and the easiest variety through which any Algerian citizen expresses his feelings and thoughts, to be ultimately intelligible to the members of his speech community.

Some tendencies towards the officialization of Algerian Arabic have been the fieldwork of many Algerian scholars .However, there is no real attempt to try the sum of hypotheses and suggestions given in different research works. The imposition of Standard Arabic was a policy rather competing with the French language than with Algerian dialects; it was a constitutional decision which aimed at the generalization of SA and it use over many domains after a lasting domination of the French language .Algerian citizens are supposed to write in this language, and to speak this language in formal contexts. However, lay men, who were educated neither in this language nor in French, would sometimes need translators and interpreters to understand things in this language.

However, although Berber is known to be the indigenous language in North Africa over thirty centuries, it is not promoted to the status of a standard language. Some political events in Algeria have even manifested in favour of an official recognition of Berber, but

have only ended with a limited success, because of the growing of urbanization, and education in Arabic and French.

The possibility of complete shift from Amazigh to Arabic might seems quite remote when we consider that there are at least 20 million speakers of Arabic in Algeria.

An important point to rise about this situation is the fact that if there were no official protection of this language within the next few generations, it would perhaps become scarce to find Berber speakers in future times.

Berber speakers, especially the ones living in the heart of the mountains of Kabylia or the Rif (a mainly mountainous region) mountains conserve the use of this language for distance reasons and the lack, if not the non-existence, of public schooling which is a very recent phenomenon generalized only after independence .

Industrialization has largely contributed to the spread of the official language (SA), by attracting more and more people to the city area, where Arabic is generally the dominant language, except in the few cities in predominantly Amazigh areas, like Tiziouzou, and Bejaia. However, Tamazight, one of the Berber languages in Algeria, is taught now at some schools, and some universities beside French and SA.

1.4.8 The Berber or Tamazight Language

The identity of Berbers in Algeria is mainly a question of the vernacular. Religion, which is often used to differentiate between groups, is not an ethnic marker in Algeria. However, one can distinguish between an Algerian Arab and an Algerian Berber throughout language, and speak of berberophones and arabophones. Kabylia is the Berber

region in Algeria that has most wholly retained its Berber dialect, *Thaqbaylit*, as a mother tongue.

This variety of Berber is the most dominating in Kabylia, especially in the area known as Greater Kabylia. However, some Berbers have not been able to conserve their use of Berber dialects because of the influence of Arabization, thus they are arabicized, but still consider themselves Berbers. These are mainly the Shawiyya Berbers in the Aurès, an area in which a few can still retain their Berber dialect *Tachawit*.

The University of Laval documentation (2005) recognizes twelve different Berber dialects in Algeria; *Thaqbaylit*, *Shawiyya, Thamazight, Thashelhit, Thumzabt, Thaznatit, Thamahaq, Shenoua, Thamazight Tidikelt, Thamazight Temacine, Thagargrent*, and *Thadaksahak* .

The Berber language lost significance as a written language, perhaps even before the Arab invasion in the seventh century. Consequently Berbers often rely on transcripts to write in Berber following the pronunciation of words, and they generally use the Latin letters for their phonetic representations; which uses the 23 standard letters, 7 modified letters and borrows 2 letters from the Greek alphabet(Sigma Σ the eighteenth letter of the Greek Alphabet, and Psi letter Ψ, the 23rd letter of the Greek Alphabet), despite the opposal of the Algerian state which rather favours Arabic script for Berber language representations. However, rivalries between berberophones and arabophones will still last until perhaps an ultimate constitutional equivalence between the two languages would have been achieved. Some remnants of an ancient alphabet called *Tifinagh* was found in use among the Tuaregs (Saharan Berber Nomads), it is thought to have derived from the ancient Berber Script. In

this respect, various attempts at restructuring this alphabet have been undertaken under a Berberist movement wishing to develop a modern Berber language.

1.4.9 Arabic in Algeria

Arabic is a Semitic language with many varieties that diverge widely from one another both from country to country and within a single country. A distinction is to be made between Classical/Standard Arabic (often called *Modern Standard Arabic* or *MSA*) and these "colloquial" variants. In sociolinguistic terms, Arabic in its native environment typically occurs in a "diglossic" situation, meaning that native speakers learn and use two substantially different language forms in different aspects of their lives.

1.4.9.1 Modern Standard Arabic

Arabic, the language of the majority and the official language of Algeria, is a Semitic tongue related to Hebrew, Aramaic, and Amharic. The dominant language throughout North Africa and the Middle East, MSA, is the formal Arabic that is written and spoken throughout the contemporary Arab world. Also known as *Fus'ha,* MSA is the language of the news media, intellectual life, and literature from the Coran to MSA is the form of Arabic universally taught in schools of the Arab world. In addition, Modern Standard Arabic is the *lingua franca* used and respected by educated Muslims throughout the entire world. The Arabic language called Classical, literal or literary, is the language through which the Coran was revealed, as said by Esmili (1989:31): In its classical form, it is the language of the Coran and Muslim religion, this confers it a sacred dimension[32].

It is primarily written but also oral in formal contexts such as; education, presidential

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[32] My Translation.”...dans sa forme classique, elle est la langue du Coran et de la religion musulmane, ce qui lui confère une dimension sacrée ».

speech, etc ...In Algeria, this language is not used in daily speech and contacts. Since the XIX [th] century, in the period of the Arabic renaissance, the Arabic language has been reinforced under the influence of modern life. As opposed to Classical Arabic, the vocabulary of this language called modern has been diversified: modern life has rendered this language more convenient to express the realities of the modern world and to serve some new social and scientific situations that Classical Arabic cannot cover. Under this fact, if Modern Arabic is primarily rooted from in old Classical Arabic, it tends to be different by its content which reflects the modern laic and technical life.

1.4.10 The French language in Algeria

French is a second language in Algeria, which is still widely studied as a foreign language in the country, and many Algerians speak it fluently, though it is usually not spoken in daily circumstances. Since independence, the government has pursued a policy of linguistic Arabization of education and bureaucracy, with some success, although many university courses continue to be taught in French. Recently, schools have started to incorporate French into the curriculum as early as children start to learn Arabic. French is also used in the media and commerce; and it plays an important role, either as an administrative, commercial, or international language.

1.4.11 Algerian Dialects

Algerian Arabic is the variety or varieties of Arabic spoken in Algeria. The regionally prevalent variety is learned as a speaker's mother tongue and is used for nearly all everyday speaking situations throughout life, also including some films and plays, and

(rarely) some literature. These varieties (or dialects) are called العامية *(al-ʿāmmiyya)* or

الدارجة *(ad-dārija)* in Arabic.

In Algeria, as elsewhere, spoken Arabic differs very substantially from written Arabic Algerian Arabic has a much-simplified vowel system, a substantially changed vocabularywith many new words and many words from Berber, Turkish, and French, and, like all Arabic dialects, has dropped the case endings of the written language. This variety of Arabic refers to the Arabic-descended dialect continuum spoken across North African countries. Grammatically, this variety has substancially simplified its vowel system, losing most Classical short vowel distinctions. It differs from Classical Arabic at different linguistic levels; in its morphology for instance, it has lost its morphological case, the dual number, and plural gender distinction.

However, for traditional sociolinguistic reasons, this variety of Arabic is not recognized as a separate language by its users; it is considered a dialect. It has a small literary tradition, mainly consisting of folk(Chaabi)[33] poetry written in the Arabic script, in addition to a large written and spoken set of proverbs and plays. However, most copies are foundwritten in Classical Arabic.

1.4.12 Socioinguistic realities

Language in Algeria is one of the various subjects causing paradoxical views and relationships between the members of the Algerian speech community. This community that distinguishes a variety of social groups in respect to their use of different vernaculars

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[33] (29) chaabi:popular

and to their attitudes towards different languages and linguistic forms. In this sense, language may be regarded as a salient characteristic of a group's ethnic identity, a group which within the Algerian context will develop some values that are regarded as forming the most fundamental components of its culture. All arabophones, francophones, and berberophones in Algeria can be identified as distinctive cultural entities. Each group stresses language as the main carrier of its culture and the expression of its identity, even though, there are linguistic variations between and within groups.

In a multilingual speech community like Algeria, a whole range of languages, a verbal repertoire, is available to speakers who use some of them in their linguistic interactions to perform particular social roles. The term 'repertoire' is also used, according to Gumperz, (1968):

> to refer to the range of dialects, registers and styles typical of a unilingual community of speakers where the choice of one variety over another can have the same social significance as code selection in a multilingual community. Gumperz (1968)[34]

Hence, for a typical Arabic-educated Algerian, a common speech repertoire might include: his mother tongue (Algerian Arabic), some French, some formal Arabic. Each language or variety is arranged in a linear polyglossic[35] distribution. This situation for instance, may show a new variety in Arabic that has been defined by some linguists as Educated Spoken Arabic.

Other interesting situations can be found in the sphere of linguistic variations in the Algerian context, with typical French-educated Algerians, or with uneducated persons, and other cases including Berber speaking individuals.

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[34] quoted in Hamers and Blanc(2000:292).
[35] **Fergusson(1959)** originally developed the concept of **diglossia** to describe two functional varieties within a single language , one of which called the **High(H)** variety is reserved for formal functions and is formally learned, the other the **Low(L)** variety is used in informal situations

Variations within Algerian vernaculars help us distinguish between rural and urban dialects in relation to different geographical locations; the difference between the two varieties is often based on some phonological, morphological, lexical, and syntactic features which are specific connotations for particular groups. An example of how a multilingual speaker (French-educated Algerian) in Algeria might use the different codes in his repertoire; he uses French for greeting his children and wife in the morning, he goes to work in an administration where he uses a mixture of French (spoken) and Standard Arabic (written); he leaves for the market, and finds it compulsory to use Algerian Arabic (rural /urban /or maybe a mixture)) with the shopkeeper.

From these facts, we can say that Algerian speakers classify languages and varieties of language in the following ways: languages of identity, of cross- communication and of culture. In a wider domain, we can distinguish gender and age differences under the same classification.

Moreover, languages in Algeria can be seen in the perspective of two domains, the written and the spoken. Within the written domain, French and Standard Arabic compete against each other. The Arabization law aims at eradicating the French language from the public domain. However, and with the globalization process, French is a path towards modernization and scientific extension.

The spoken varieties that compete with each other are not only Arabic and Berber dialects, but also French in response to social needs; hence when two or more languages and/or varieties of language are complementarily distributed to fulfil a myriad of functions in respect to different social contexts, people may find themselves using one /two or all these linguistic forms simultaneously in a course of interaction. The situation is consequently a

language contact which may result in a set of sociolinguistic phenomena like code switching, diglossia, code mixing, etc. There is widespread borrowing, constant interferences and shifts from one language or variety to another.

However, not all Algerians are multilingual, we may find bilingual Algerians. A large percentage has knowledge of at least one spoken dialect, some French, and / or Standard Arabic, and studies cannot define how many are monolingual, bilingual, or multilingual. Arabic and Berber vernaculars are not mutually intelligible. However, many Berbers are familiar with an Arabic dialect in addition to their own vernacular, through the same does not necessarily apply to Arabic speakers.

One may predict that there is a favourable switch from Berber to Arabic, as Berber speakers are minority groups in comparison to Arabic ones, and that there is often apreference towards the use of French. But Standard Arabic remains the official language that Algerians ought to respect and use in major formal situations for spoken and written purposes.

Here is a figure of the existing varieties of both spoken and written languages in Algeria. For the purposes of this paper we will make the simple and popular distinction between 'Modern Standard Arabic', meaning the written, standardised form, and 'Dialectal
Arabic, the spoken, non-standardised form. This means that another layer of diglossia (fitting Ferguson's original 1959 definition) exists, with Classical Arabic the High 'H' variety, used for religion, education and all official, written functions, and dialectal Arabic acting as the Low 'L' variety for all informal and spoken contexts. The sociolinguistic situation is thus already complex, with layers of bilingualism and diglossia, and it has become even more complex during the twentieth century, when the French language was

recognized in a diglossic situation where it is used as the 'H' variety in parallel to vernaculars which represent 'L' varieties.

In a stable diglossia, a multilingual community maintains its different languages by reserving each of them for certain domains, roles and functions with some encroachment of one language upon the domains, roles, and functions of another. This maintenance depends upon stable relations between the groups of the community. However, when these relations change, and one group begins to assimilate to another, language maintenance starts to break.

Hence, some features of non- stable diglossic situations lie in the educated speakers' use of dialectal forms in formal settings, as it is often the case of Algerian medias.

The linguistic situation in Algeria has developed other sociolinguistic phenomena, generally considered as signs of incompetence in one or more languages, code switching, code mixing, and borrowing.

Code switching in Algeria, and in respect to some definitions, mainly the one given by Gumperz, may be easily detected in a course of interaction between bilingual speakers using both Arabic and French, or Berber and French, or Berber and Arabic. Blom and Gumperz (1972) distinguished between "situational code switching", where speakers switch to another language when there is a change of topic or situation, and "conversational code switching" which may come out of necessity of conversation to communicate ideas, without any change in the topic or situation. There is a continuum between code switching and code mixing. Code mixing is largely found in Algerian linguistic situations; it can express lack of competence in the base language, such as, for

example, lexical items, and in this case code mixing can compensate for this deficiency. However, as for code switching, code mixing can be a bilingual's specific code which enables him to express attitudes, intentions, roles, and to identify with a particular group. In a code mixing situation, bilingual speakers in the same languages transfer elements or rules of another language at all linguistic levels. For example, when someone says: / lportabl rah jvibri/ (The mobile is vibrating), is a sentence where code mixing is apparent in the linguistic adaptation of French words*(portable)* and (*vibrer)* to an Arabic grammatical rule and morphology. Hence, /jvibri/ is a verb conjugated in a present tense, a tense which in MSA is identified by a prefix inflexion starting with /j/, and suffix inflection ending with /u/, or /i:/ as it is the case for this example, while the stem is a French word. The word /portabl/ is a French word whose lexical structure has been adapted to an Arabic linguistic one, in adding to the /l/ which is used as a definite article in Arabic. If there was no linguistic adaptation of foreign words to the base language, these words would be considered as loans, or borrowed words which might not have equivalents in the base language or are simply ignored by the speaker.

1.5 Conclusion

Through a policy of cultural and linguistic imperialism, the French were strongly determined to suppress the Algerian cultural identity and tended to remold the whole society along French lines. Indeed, this policy continued to reverberate through Algeria and proved to be more or less successful in the legacy of a bilingual system which involves an institutional recognition of both French and Standard Arabic in different sectors. However, while bilingualism is a sociolinguistic phenomenon which appears on the global surface of the Algerian society, other linguistic codes which are forms of colloquial Arabic and Berber deeply characterize this society and seem to get spread over larger areas of use from informal to formal situations.

CHAPTER TWO

REVIEW OF THE LITERATURE

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Introduction

On account of social behaviours that may characterize societies and their members, social ideology is a phenomenon that has the power of encoding typical relationships between communities and between individuals to achieve a set of purposes that may decide on the future of the individual, the ideological group, and of the society as a whole. Hence, ideological behaviours can account on a variety of criteria and tools that engage the variety of actions initiated by individuals within a circle of specifities that may determine differences between groups and probably their proliferations. The quality and the quantity of the groups is then largely dependent on the way ideological beliefs have been represented by their members, as whether the opinions and attitudes have convinced the other side or not. Conviction can then be the product of ideological strategies at the level of language and discourse, or at the level of interpersonal and personal behaviour. The present chapter tends to approach the phenomenon of ideology as a sociolinguistic behaviour, and fundamentally refer the view, analysis and descriptions of the concept of van Dijk, as one of the leading figures working on this area beside others.

2.2 Ideology and Discourse:

Within the framework of research projects on discourse analysis, some linguists' interests focus on the study of language use in different situations and domains. Aims are various; discourse segments can for example be analyzed to identify reasons behind language choice, or to analyze the way language is structured in response to constraints and conditions surrounding it. The context of discourse is one among the great number of factors that impact on the use of language, and it is of significant importance in discourse management. In this respect, the present study focuses on the exact position of *ideologies* in various discourse situations.

Approaches to ideology can be interested in the study of its effects on discourse and the way discourse forms and meanings can largely depend on ideology. However, the present study is determined to study the position of ideology in discourse and to delimit its extensions and forms in respect to its nature and identity in the literature.

One of the leaders in the study of ideology and discourse, Teun A .van Dijk efficiently contributes to the development of a theory that may disentangle ideological influences on discourse. In one of his papers entitled Discourse, Ideology and Context, van Dijk (2009) explores the significant interaction between context, ideology and discourse, starting with a definition in which he states that ideology is "a special form of social cognition shared by social groups" (ibid:12). According to him, "ideologies form the basis of the social representations and practices of group members, including their discourse, which at the same time serves as the means of ideological production, reproduction and challenge" (ibid:12). While other authors like (aebischer, Deconchy and Lipiansky, 1992; Augustinos,1998; Farr and Moscovici, 1984; Fraser and Gasket, 1990) describe ideologies and state that they "consist of a specific kind of ideas. In somewhat more technical jargon

in social psychology and political science)", they say they "would call them belief systems or social representations of some kind" (in van Dijk, 2009:12). Other authors like Mannhem(1929) in Wodak (2007) describe ideology as special ways of thinking, while Habermas(1968) in Wodak (2007) describes the term through a significant distinction between ideologies at the individual level and others at the collective level, and makes an analogy between the two. Other writers in the field still consider the Marxist view on ideology which mainly focuses on the concept of *false consciousness*. The latter is considered as an apparent problem especially in analyzing discourse to understand ideological behaviours. In this respect, ideology is either a conscious or an unconscious behaviour.

Ideology has a sociolinguistic implication in discourse, it acts as a social phenomenon that shapes social groups and identifies interactants as group members. Within the process of social classification and identification, it makes use of proper language and discourse forms; while discourse itself can determine the different social group cells in an act of interaction, and is involved in the formation and transformation of ideologies. However, the examination of ideologies in discourse and the analysis of discursive structures in the aim of identifying ideology cannot be achieved without a basic implication of the context where the act of communication takes place. A number of elements can come within the constitution of context and they are themselves forms of context; these like: the status of interactants, the place of interaction, (formal / informal), the topic or idea handled, general and local situations, etc.

However, the understanding of the concept of ideology in relation to language remains fizzy, in the sense that the relationship between the two terms according to Woolard and Schieffelin (1994) is structured in three different ways which distinguish linguistic

ideology from language ideology and ideologies of language, and still the investigation in this field has not been successful in the delimitation of language and ideology.

2.3 Ideology in Context

The place that ideology can take in the formulation of discourse depends on context variables. The status of participants can determine the class or the social belonging of speakers and addressees and identify them as social groups according to their shared beliefs and ways of thinking; a situation that shapes a typical discursive construction reflecting the characteristics of the group, thus distinguishing it from another one with different or sometimes opposite attitudes, ways of thinking and beliefs. On another hand, discourse process can provoke the construction of ideology; forms and meanings of discourse that go respectively with existing contexts can give emergence to other contexts in which attitudes and beliefs are made apparent, and ideology get installed. On the same token, upon the formation of ideologies is achieved, speakers may begin to think about the transformation of ideology. It can become necessary for the speakers to, momentarily, transform their beliefs in response to the existing situations in the aim of diverging from or converging to the others speech or mental belief. Ideologies are then specific constitutions that serve to maintain solidarity within and between groups, and to maintain social dominance and it frequently serves to express opposition. The forms of groupness that can refer to ideological structures are various and van Dijk distinguishes the basic properties of groupness as follows:

1. "Memebership devices (gender, ethnicity, appearance, origin, atc.). Who are we?
2. Actions: What do we do?

3. Aims: Why do we do this?

4. Norms and Values: What is good or bad?

5.   Position: What is our position in society, and how we relate to other groups?

6.   Resources: What is ours? What do we want to have / keep at all costs?"(van Djk,2009:14).

2.4 The Concept of Groupness and Common Ground Culture

If the concept of groupness is identical to ideological structures, it can then refer to the common things shared by a number of persons and that identify their belonging to this group and not to another. Knowledge, interpretations, attitudes, status, gender, age, race, educational background, etc. are among the features that can be proper to a definite group; however, whether to classify social groups in respect to geographical and linguistic identities or not, remains problematic for the understanding of ideology. In some situations, a social group does not take its architecture from axiomatic beliefs or basic knowledge and convictions like language and origin. It goes across the group boundaries to touch a great number of members with common beliefs and culture counting these features as characterizing the society at large. According to van Dijk (1998), this kind of "cultural knowledge" is "non-ideological"; no aspects of opposition or dominance necessarily act in the structure of the society, and the cultural knowledge of the whole society forms the basis for the appearance of (ideological) groups. van Dijk (1998:37) refers to this cultural basis of beliefs as *Cultural Common -Ground* that he defines as follows:

> The (fuzzy) set of those beliefs that are shared by (virtually) all competent members of a culture, and that are held to be true by those members by similarly shared criteria of truth.

Sometimes the common ground starts from special groups and moves broader to larger social groups, hence the society, as it is the case for scientific information. While in other situations, larger group beliefs (especially traditional beliefs) starts from small groups and moves to characterize the whole society for a period of time that may correspond to other aspects involved in the organization of the society, these like: religion, culture, identity, solidarity, conversation, etc.

However, some traditions and customs do not permanently characterize the society to be progressively replaced by other borrowed or newly established beliefs that fit the social needs and correspond to contemporary life. This real period of change in culture will bring about the appearance of two or many challenging groups each with its proper ideology. Therefore, and in respect to the previous distinction, the present study considers ideological groups as ones based on different criteria of challenge and opposition. While the concept of common ground culture remains also important in the exploration of discourse segments and the study of language use.

2.5 Ideology and Social Representations

Beside understanding the concepts of groupness and ideology, it is also important to make some reflection on some other social representations that may overlap with ideologies, these like *mental models* about which van Dijk (2009:16) states that "Whereas social representations are traditionally located in social memory (or semantic memory) as shared by groups, mental models constitute the personal, episodic memory of individual people." They are "representations in episodic memory and may simply be identified with

people's experiences. They are representations of the specific acts /events people participate in, witness or hear/read about".

Two major ideas may be perceived in reading this statement; one of them considers mental models as individual attitudes that relate to existing specific acts; they are ideas a hearer, an observer or a reader may draw about people or events; the second one classifies mental models as "ideologically biased", that is people may shape a false image about individuals or given situations being influenced by their own attitudes and self-beliefs. Therefore, ideologically biased models may have influence on discourse forms and meanings in such a way that even discursive structures and their semantics carry some ideologically biased features which control meaning in the course of communication. Hence, when people produce discourse to talk about persons or events, mental beliefs of recipients may have influence on the perception of meaning of discourse and ultimately bring about a kind of interpretation that is typically shaped in respect to ideologically biased models. Accordingly, while mental beliefs are individual opinions that people shape in respect to their own experiences, traditions, cultures and many other socio-cultural and psychological criteria that are accounted for in the planning of mental models, people with different opinions can meanwhile be members of the same group sharing the same attitudes and ideologies.

Further, and within the process of dealing with social representations and their impact on discourse, as people form mental models about events and individuals, they can similarly form subjective mental representations about events they take part in, or identify themselves as active members in a given social situation. The architecture of communicative events for instance involves the participation of human agents and the

treatment of special topics that tackle a definite idea in a precise domain. These elements identify a social situation that constrains current discourse, and van Dijk (2009:18) calls them "context models", or simply "contexts", and in this respect , he says: "We may conceive context models as embodying the crucial notion of relevance: They define what for the discourse participants is now relevant in the social situation (Sperber and wilson, 1986)". Context is then a basic element in any communicative event. Discourse participants conceive the communicative event in respect to the way it is represented by a context model without which the formation and the production of speech acts become impossible beside the interpretation and the understanding of discourse meanings. Context models help participants select appropriate lexical items, imply context-related stylistic variation and make use of topic-related forms of discourse. Indeed, without context, neither participants are able to adapt adequate language use nor they are to express content.

During the communicative event, participants are aware of the different context variables that make up the communicative event and the social situation as a whole. However, each participant may define the existing context variables according to individual mental beliefs; hence the situation involves the implication of different opinions made about the social situation. People form different mental models about individuals, about topics and about the setting in which the communicative event takes place. Therefore, contexts shape personal opinions, the reason for which participants can be identified as members of specific groups and contexts may then be biased; a criterion that may provoke the emergence of communicative and interactional conflicts. van Dijk, in this respect, invokes the possibility of classifying context as ideological biased beside mental models and by result, participants represent themselves and other persons involved or not in an act of communication, they also represent all the elements of discourse like the setting, the topic, and so on.

Accordingly, participants in discourse represent different roles having a great impact on the comprehension of discourse. van Dijk (2009:22) assumes that there are three basic types of role that are contextually relevant: *Communicative roles, interactional roles and social roles.* In the first, participants represent themselves as active actors (speakers/writers) and /or listeners; while interactional roles according to him "need to be represented in order to be able to account for various situational positions, such as friends and enemies, proponents and opponents…" (ibid). In the last, social roles, he adds: "account for group membership, as defined for instance by ethnicity, gender, age, political affiliation or profession". This distinction of roles contributes to shaping a kind of relations between participants as to express power or dominance, convergence or divergence, solidarity, identity, social and educational backgrounds, etc. These items impact on the structure of discourse as to be formal or informal, polite or stigmatized, group-oriented or natural (as to prefer the use of a particular dialect or a natural language in terms of local status), etc. in each situation, the meaning of the discourse structure is understood via the particular use of intonation, register, syntax, word choice, semantics and pragmatics, etc. Moreover, cognitively speaking, participants in discourse can create a kind of beneficial context in the course of interaction if they give much attention to the cognitive aspect of the communication as to assign importance to the "relevant" knowledge that participants possess and their belief, since this may help the actor develop a kind of confidence, for example, upon recognizing socially shared opinions and beliefs with other participants, hence shaping ideology, or develop a kind of awareness and attention in the opposite case , and by the way construct appropriate discourse structures in respect to different situations. Accordingly, participants in discourse give more attention to context models than to event models, that is they understand the events in their semantic aspect (general and objective), and in the pragmatic aspect in respect to the belief of all participants and the aim of each

one. This situation may cause a bi-oriented relationship between context and discourse, one influencing the other; context influences the properties of speech and speech influences the context models. In such case, the participants' speech may be ideological for contextual reasons and explains the particular properties of discourse.

2.6 Ideological Membership in the Society

Far from the internal interaction of ideologies with discourse and context, it is also of significant importance in this study to evaluate ideology and clarify its position in different settings. For example, in the field of law, ideology is regarded as a social phenomenon that is not only characteristic of a dominant, powerful group, but also of oppositional dominated groups; both aim at organizing themselves in respect to specific knowledge and attitudes. As a case in point, when one dominant group in terms of educational background and status tends to show membership with a group of people via a structure of discourse that is specific to them as to express religious or political inclination, the other group, however, even dominated in because of its socially and educationally low-ranked status, evidently show an opposing attitude expressed by different mental beliefs and discourse structures, with a particular stress on identity. Ideology then can exist in different forms according to group affiliations, as whether the members of groups share the same beliefs, attitudes, historical background, or they share the same professions, the same kind of social problems, the same positions in the society, etc. However, it is worth considering the particularities of each individual in respect to their personal life, history, psychological construction, experiences, which obviously have impact on ideologies and discourse structures, this situation may bring about conflicts within the same ideological groups to tackle issues that may negatively influence the benefice of one or more members in other personal questions with no precise ideological nature. In this case, it is possible to

distinguish in-group attitudes from "out-group" attitudes; the former with an ideological aspect and the latter with personal subjective orientation.

Further, and in the aim of providing the work with more details about ideology according to van Dijk, it is worth mentioning his extended analysis and approach towards the definition of this system and the way other scholars dissect it. In a global view, most of the definitions attributed to ideology by a number of scholars and more precisely the most influential one, according to van Dijk, Stuart Hall who uses approximately the same elements on the approach to ideology already exhibited in van Dijk's description. In this respect, Hall (1996:26) in van Dijk(1998:9) states:

> By ideology I mean the mental frameworks-the languages, the concepts, categories, imagery of thought, and the systems of representation-which different classes and social groups deploy in order to make sense of, figure out and render intelligible the way society works.

In his definition, Hall talks about a new function of ideology which is rather abstract and general, and which gives the concept a societal dimension in the organization and the functioning of the society. His description meets with van Dijk's one in the appearance of concepts like the mental framework of beliefs about society with its social and cognitive function for groups. Both scholars seem to agree on the same points characterizing ideology when they go beyond its role in defining how the society works, and proclaim that more than that, this system serves to manipulate social practices. The meaning of manipulation in this case develops an idea of stabilization and as van Dijk (1998:9) adds, "challenge of particular forms of power and dominance".

2.7 Ideology and Cognition

In a further and a more detailed approach to ideology, van Dijk (1998:10) aims to focus on the cognitive side in the understanding of this system, without obviously lessening the importance of the social and the cultural dimensions of discourse. Similarly, Woolard and Schieffelin (1994) make use of the term cognition and culture in the description of ideology, in this respect they provide the study with two key concepts which represent critical values of the term, they talk about *critical* and *neutral* values. The former only reserved for "some aspects of representation and social cognition", while the latter "usually encompasses all cultural systems of representation".

Accordingly, the present study describes to some extent the way language users in both forms of discourse shape the image of the others in their minds and their attitudes towards specific social practices. No really extensive approach from a psychological or mental analysis can be expected in the present study though both are embedded to discourse and ideology and make of them social phenomena.

Continuously and along the description of ideology, van Dijk (1998,11) talks about *negative* ideology in the attempt of referring to positive ideology and declares in his work on this phenomenon that his approach is not limited to the kind of ideology that distinguishes dominant groups from weak and dominated groups, and in this respect he cites different kinds and talks about: "ideologies of opposition or resistance, or ideologies of competition between equally powerful groups, or ideologies that only promote the internal cohesion of a group, or ideologies about the survival of human kind" .Hence, van Dijk's distinction of ideologies in respect to their function tends to explain the positive aspect of ideologies in the promotion of social relationships. However, the complex aspect of ideology which is composed of groups with different attitudes may provoke a bad

challenge when to preserve the position and the power of the group in terms of social dominance, this situation may cause a change in the kind of ideology from resistance for example to dominance. In this sense van Dijk (1998:11) also talks about *bad* ideology to describe a situation where individuals express racism, sexism and other social and political phenomena.

2.8 Ideological Beliefs

In the description of the term beliefs for the understanding of ideology, Abbas Zaidi(1997:74) refers to power as a significant point in defining ideology, for him:

> When we speak about ideology, we also speak about power whether we explicitly say it or not. …..power and ideology cannot be bifurcated. My view is that without power an ideology will not be more than a set of beliefs.

Perhaps the declaration made by Zaidi in this saying defines the set of beliefs developed by individuals or groups as simple social unconscious behaviours with no precise function in the achievement of interests and definite objectives. However, they still remain ideological. According to him, on another hand, when ideas about the social environment are exploited to defend personal or group interests in a manner that distinguishes dominated from dominant groups, this behaviour is then 'truly' ideological.

It is then clear, in this statement, that there are two kinds of ideologies, one is restricted to a set of beliefs, and the other is simply synonymous to power.

Along his description of ideology, van Dijk (1998:29) distinguishes between two kinds of beliefs in the aim of delimiting the mental zone that rigorously correspond to the term. According to his analysis, since *personal beliefs* and *social beliefs* are interpreted differently in terms of the semantic affiliation that people construct about ideas as being

identical to one individual or believed to be commonly shared by all persons; in this case, he assumes that " ideologies are social belief systems". Hence, the social aspect of ideologies arises from the point that they are characteristics of groups not individuals; the latter share them and characterize their groups with social beliefs, they can also acquire them along social practices in respect to the kind of beneficial elements to their social relations and life, hence individuals forming ideological groups use ideology in respect to definite situations and context. Being a social belief system, ideology is on a general abstract ground shared by the members of the same group with a delicate emphasis on common beliefs, however, this does not imply that individuals forming the social group share and use ideology in an identical way in their daily lives, rather, each one possesses a personal way in expressing ideology, exactly in the same way members of the same speech community share their common language, but individually.

Further, in discourse, it is often assumed by the members of a social group that social beliefs shared by them are undoubtedly known by most of the members of another group, and some characteristics of the group are *presupposed* (van Dijk,1998:30*)* and need not be

made clear by the speaker. Within the same context and in approaching the concept of belief in understanding ideology, van Dijk (1998:36) seems to pay a precise attention to other forms of belief that this study assesses worth considering in treating ideology as a social phenomenon in the court of law. He then, distinguishes between *cultural beliefs* that according to him are also "societal or simply 'common' beliefs", and *group beliefs,* within this distinction he assumes that ideology belongs to the second type of beliefs and "form the foundation of such group beliefs". The major reason behind the distinction he makes is related to the difference in the basic criterion on which the constitution of the groups is based; hence cultural beliefs fundamentally join individuals with the same culture, or more

exactly the same knowledge, while group beliefs join individuals with the same opinion. However, van Dijk (1998:40) adds to this point:

> What the norms, values and opinion of a specific group are may gradually become culturally shared by a whole culture, and vice versa. What once was a culturally shared norm or opinion may later become characteristic of a specific group.

By this statement, van Dijk tries to draw perhaps a complementary line between the two kinds of beliefs abovementioned and elaborate a kind of interdependence between them as one being responsible for the emergence of the other.

2.9 Ideology and Cultural Knowledge

The culturally shared norms may stand for the common elements of culture that are acquired, accepted and shared by the members of the society and by which individuals can develop specific opinions and knowledge that differ from one group to another, a situation that provokes a kind of struggle between groups to attain different purposes as to compete for hegemony. Accordingly, the opposing attitudes that different groups can display against one another is one of the faces of ideology; in this case members of different groups show some interests in standing antagonistic to the others with different opinions and which are on their turn challenging and sometimes conflicting. This situation may explain the impact of ideology on opinions and knowledge of individuals especially for beneficial reasons. In this respect, van Dijk (1998:40) adds that "specific group knowledge may very well be related to the interests or other properties of the group, and be involved in competition, struggle or domination".

However, along the understanding of ideology as a system of beliefs and considering the common ground culture as one possible reason for the formation of ideology, it is worth mentioning that as soon as cultural beliefs constitute a considerable part of the common ground culture, they are no longer ideological within this culture, while they form ideology when different cultures enter the area of challenge or when different groups develop different opinions within the same culture when this one becomes for instance gradually influenced by contemporary needs and changes.

Continuously, and always in the attempt of understanding ideology, the implication of the social dimension remains closely related to its foundation, then besides its mental nature, being part of individuals' minds, ideology needs to be more described as a social phenomenon as it joins the social parameter by which the members of the group show an identical attitude or quality with the set of general beliefs shared by them to develop a certain identity that is special to them and that incites a challenging tension towards the other group(s) with an opposing mental and sometimes social structure. The general beliefs in this enunciation describe the group as a social group having its particularities, and the specific belief defines the group as special with its proper inclinations or characteristics and that make it apt to challenge.

In this respect, the values and opinions of each group become necessary for interaction with the others with different opinions, hence for the reproduction of the group and for competition as well.

Along his profound analysis of the way social relationships are managed according to group affiliations and involvement to ensure collectivity, solidarity, and power, van Dijk shows his determination to explain the limits of ideology when confronted with the cultural common ground. According to him, groups may be specific if they agree on an

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amalgamated set of opinions and attributes; however, this cannot apply to the whole criteria shaped by an ideological nature and that define the group as specific, since within this assumption, even knowledge or culture may sufficiently contribute to the elaboration of a social ideology with a set of general beliefs shared by the members of one country, region or tribe, then, the cultural identity in this case may be involved in a competitive situation with other countries, regions or tribes with a different culture, each one implicated for the preservation of their culture, hence their identity and existence. However, the concept of common ground culture in this sense, cannot apply to non-competitive situations. The members of the same society share the same general cultural traits that identify them as local internal constituents with a separate cultural entity. Accordingly, the range of cultural knowledge characterizing the whole society maintains an inseparable mass of individuals who have already been engaged in and accepted their cultural identity.

Therefore, when van Dijk talks about the common ground culture, he aimed at describing a situation where the society takes its roots and existence from its culture, this one which is only common to all who identify themselves as their members with no possible ideological inclinations as to regard the abstract nature of culture.

2.10 Professional Ideology

In the attempt of making distinction between what can be described as ideological and what cannot be, van Dijk (1998:50) raises a significant alternative description when he talks about "professional knowledge as being characterized by underlying ideological principles". Indeed, ideologies may also be founded by the set of knowledge obtained by experience or study to become then possessed by people or part of their minds. Yet, this kind of knowledge can be preserved and developed by individuals

who share the same interest and objective along their studies and experiences in particular fields. Hence, understanding a particular subject or being informed about it comes under a professional task whose members share at least the same general professional knowledge with no necessary focus on personal competences that each individual might possess. Therefore, doctors, teachers of Arabic, biologists, dentists, singers, etc. share the same basic knowledge in respect to their their professions, and then may form ideological groups when they show a particular attention and value towards their profession as to give it a symbolic status. This typical attention assigned to professions is itself ideological in the sense that its members show a kind of attitude that distinguishes them from all the other professions existing in the world, and it does not even tend to compete with all the others as the kind of general knowledge possessed by the same group remains internal to the profession in any case. This situation may be noticed for instance in the legal profession. Not only judges, but also lawyers and plaintiffs share the same basic legal knowledge, and tend to identify themselves as members of a profession that ensures fairness and justice between people. Yet, under this belief, the members of justice cannot compete with one another though they may be members of different societies and different culture.

The study and the investigation in and within ideology have been assigned a particular attention especially in political affairs by virtue of different inclinations towards the logic of the most powerful structure and organism. It happens that political parties have different ways of thinking and different beliefs, yet the global objective they may trace is obviously the same; to govern the state and expose the set of strategies already characterizing the group as different from the other strategies suggested by the others.

2.11 The Structure of Ideology in Discourse and Society

The approach towards understanding ideology and its structure in politics may focus on the way members of the group define the political movement and the different activities related to it, then, it aims at understanding the mental orientations of the group. However, this approach may also consider the different activities practised by the members of the group and try to understand their tendencies and attitudes via their political behaviour, it then aims at analyzing acts as interactions, discourse structures and sign language that the members of the group use to express themselves. On the one hand , the approach towards understanding the structure of ideology may consider for instance the description of the political group as successful especially after achieving a set of realizations that name it dominant and powerful, in this respect, the description of the structure of ideology may reside on the description of the set of knowledge the members of the group possess, their future prospects, and the extent to which they believe in their contribution to the resolution of social problems, and so on. This description has been classified by van Dijk (1998:53) under the 'structural' and 'context - free' approach to the ideological structure. On the other hand, another analysis of the structure of ideology may focus on the different steps and the process of evolution that characterize the main activities of the group in order to attain a definite goal. In this case, the analysis of acts may give sufficient information about the ideological inclination of the group. It is then worth analyzing for instance language choice, lexical selection, the form of discourse, the way recommendations are executed to react against social and political issues and so on. Hence van Dijk refers to this analytical approach as 'strategic', 'dynamic' and context-dependent, while he considers both analyses as abstract and complementary when dealing with cognitive and interactional descriptions.

At this definite reference to interaction, language use is one of the most important materials through which ideologies are expressed. The idea is similarly shaped in Woolard and Schieffelin (1994) as they assume that beside the linguistic structures, state institutions like the court of law largely depend on the ideologization of language use. When political groups interact with one another, they identify themselves as allegiants to the instructions of their ideological organization, if for instance one of the groups shows an opposing attitude towards a given language or religion, it then avoids using that language in its conversations and denounces a given religion by expressing strong attachment to the one it practises. Both situations handled as instances here depend on the social context in which the interaction or the conversation takes place. The speaker avoids using a language that he disapproves when he addresses a public mass sharing the same attitude towards that definite language, though in some cases, he might not attribute such a careful attention when he is far from his adherents. However the set of definitions of ideology introduced by different scholars, advocates that ideology is a static and stable structure that constantly characterizes the members of the same group. In this respect, the concept of ideology can be defined as stable in delicate situations which may be regarded as decisive for the future of the group. One of the major goals of ideological groups is reproduction and power, then for the sake of realizing the two objectives, individuals cannot take their future for granted. In this very situation, ideology is context-related. Yet, to change one own ideological behaviour in another context, as to return back to the ordinary independent life, the speaker may eventually circulate in a more relaxed way. In this respect, va Dijk (1998:151) adds:

> ….But in general the social rule is: believe and act as most of us in
> 'our' group. Transgressions of the rule, and outright deviance and
> dissidence will be sanctioned by marginalization, exclusion or
> elimination, whether physical, economic, social or cultural.

In other words, the members of the group may differently express their belonging to an ideological framework in respect to different social contexts. Hence, this situation leads to a significant variation in ideological discourses from one member to another. It is then worth understanding not only this discourse variation by members of the same group, but more importantly the way ideological groups with different or sometimes the same interests compete via discourse itself. However, it is also of significant importance to attach similar attention as to the way groups identify themselves and others as ideological, to the way, as well, these ideologies are perceived and recognized. Some groups declare their membership via the set of activities they practise to achieve a definite goal, then teachers at University aim at teaching, informing, giving knowledge, beside other very important tasks as making research and developing for example the socio-economic situation of their countries. This kind of ideology should have a professional aspect as members of the group receive a financial reward for the duty they accomplish. However, in other attempts to know more about the kinds of possible ideological structures, other groups display a kind of membership in respect to their educational status, as for instance scholars and elites, others form their membership in relation to the set of cultural and social features they have received from early childhood, or sometimes acquired by experience. In other cases, the formation of ideologies accounts for wealth and it tends to invite businessmen and other associates. It is then plausible that the set of objectives traced by a group considerably determine the ideological strategy of the group and the identity of individuals involved in. In some cases, this happens beside the conspicuous presence of

external factors characterizing, to a certain degree, the group of adherents, as it is the case for wealthy people, teenagers, feminists (composed of women only), and so. However, the recognition of the ideological structure of a given group in terms of different social or political inclinations and cultural attributes can be more perceptible in discourse during interactions or in texts. Hence, the situation as represented in a definite ambience may reveal much about such an assumption and more about the interrelation between ideologies and discourse. Before assigning a particular attention to this relationship, a more elaborate analysis of the concept of ideology and especially its limits need some further clarification for the present study.

Indeed the concept of membership identifies individuals sharing similar attitudes and characteristics as active actors in the groups. However, it is still not clear whether individuals should publicly announce their belonging or to let it be perceived by the others throughout their activities. Then, should each member directly participate in the reproduction of the group or simply keep expressing his/her advocacy for the ideological structure in an implicit not proclaimed way. Another ambiguous subject is whether if individuals always tend in their activities to protect the whole group or sometimes to achieve personal interests.

The attempt to understand these different queries perhaps need a functional analysis of different forms of ideological practices in relation to different basis for ideological movements. The group of doctors for instance may advocate their solidarity and power as an important group with its priorities in the social and the professional sectors. Each doctor is supposed to defend his and the others' rights in the profession, and to maintain the social status of the 'noble' task in the perfect accomplishment of the duty. The ideology that group doctors accounts for the prestige of the profession, the status of individuals,

sometimes the important revenue they receive, and the complicated task they accomplish in saving lives. In this case there must be a general agreement by all doctors about the previous characteristics that declares the group important, powerful and humanitarian. However, still this logical evaluation does not necessarily apply for all doctors in the world since within the wide institution of medicine, some doctors develop a certain feeling of ' not being concerned' as they are not specialists rather they are general practitioners who may rest on the fact of being humanitarians. Then, this different ideological group may have its proper activities since its members need to be protected and ask for more governmental attention. Far from professional ideology, the group of wealthy people composed generally of businessmen does not necessarily follow the same strategic implication in an ideological structure. Some may tend to preserve their typical style of life, share luxurious places, objects, clubs, and restaurants, while others prefer keeping their fortune as a secret and live as any other ordinary person. That is, some individuals, though possessing ideological features existing as ideological structures by definite groups, do not show any integration in the group and keep preserving the same features for their own interests. However, ideology can seldom exist without the meaning of groupness. It is then plausible to consider the concept as group- related but not necessarily individual-related. In a more detailed description of ideology and defined groupness, the notion of conflict may interpret the ideological behaviour of a group in relation to important interests that the group needs to attain beside others having the same interest, and it is in this real situation that the declaration of membership should perhaps be made apparent. In other situations, ideological groups compete for similar interests in a conflicting way but which is at the same time fair and not prejudiced. According to van Dijk (1998:170), ideological conflict is more likely to take its roots from social oppositions, while it does not necessarily imply, *per se*, social struggle. He then states that:

> Professors and students, doctors and patients, lawyers and clients, different political groups or parties, non-governmental organizations and action groups may all have different and inconsistent or even conflicting interests and ideologies without therefore exhibiting such conflict in forms of discriminatory or oppressive practices directed against outgroup members.

All that has been previously approached in describing ideologies in relation to groups and social activities stands at the macro level of this analysis, yet the study still has a lot to discover about ideologies as functional systems in a micro level description. Getting back to discourse, a strategic and dynamic approach to ideology should examine the way ideologies are produced and perhaps reproduced in social interactions. It then worth considering in the study the different elements of social interaction and the function each one fulfills in the construction and the generation of ideologies. These elements vary from social practices, actions, social situations, topics, objectives, etc.

2.12 Understanding Discursive Dimensions of Ideology

The attempt towards understanding the relationship between ideology and discursive structures needs some precise attention to be attributed to the understanding of discourse, particularly discourse analysis, as described in the present study. Indeed, the set of definitions given by different authors in their studies of language use, conversation analysis, social interactions, almost use the same complexion as to refer to the forms of discourse both written and spoken, or to imply the notion of context and social conditions dominating the use of language. In his definition, van Dijk (1998:198) states that "discourse studies of course focuses on the broad social and cultural functions, conditions and consequences of text and talk…". He then seems to consider both the written and the

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spoken stretches as discourse forms which need to be analyzed in relation to the functions they fulfill and the objectives they are determined to attain in respect to actual contexts and social situations. Indeed, any social situation would undoubtedly account for the actors and the actions they fulfill along discourse.

Therefore, if discourse studies tend to give importance to the functions of linguistic forms, it should then account for the semantic and cognitive dimensions of discourse in shaping and perceiving ideas. Accordingly, van Dijk(1998:199) and after a set of approaches he has established in dealing with the question of discourse and discourse studies, he finally seems to give a favourable attitude towards the concept and says:

> Ideally, an integrated study integrates the analysis of discourse structures *per se* with the account of their cognitive, social, political, historical and cultural functions and contexts. It is in this broad, integrated and multidisciplinary approach that I locate the study of discursive expression and reproduction of ideologies.

Ideology, and in account of the different dimensions of discourse structures, seems then to apply to all social situations which have already traced for themselves definite objectives within the context of interactions and discourse. In other words, the functions of discourse structures mentioned by van Dijk can only take its meaning from the strategic interrelation between the elements of discourse, among which the most prominent is the speaker /writer, this one should display an active role in using language and making rhetoric.

The examination of discursive structures would then imply an investigation of almost all the properties of discourse with account of the smallest meaningful units in text and talk; these like sounds and graphics, and going along all the components of language; morphemes, words, sentences/utterances, and meaning. Indeed, an analytical approach to these structures would take different perspectives depending on the analysts' major goal. Hence, conversation analysts for instance focus on ad hoc communications, as opposed to pragmatics which primarily focuses on the production of linguistic structures in relation to context and social situations. In this attempt, the analysis may intervene in both unplanned and planned conversations. Linguists, on another hand, focus on the analysis of context-free linguistic structures, showing more emphasis on the grammar of discourse.

Therefore, and ideological discursive analysis would apply in relation to all the different elements of discourse cited above. Thus, ideology can be expressed in different forms within a large set of social, context-dependent interactions. They can be shaped along different linguistic variations ranging from sounds and graphics as they may define certain ideological features when being used as symbols, lexical variation and word choice which may imply a kind of preference that have ideological backgrounds, syntactic structures and stylistic variations with their attempt to be influential and strategic. These linguistic variations can only be functional when they imply a set of corporate meanings as intended by the speaker and perceived by the hearer in relation to ideological allusion. In van Dijk's view, "lexical analysis is...the most obvious (and still fruitful) component in ideological discourse analysis". According to him, the word displays a prominent role in reflecting ideological manifestations.

The variety of words used in a particular discourse and context may reveal much about ideological features structured by speakers, and their mere substitution by others (generally

having the same meaning) would completely change the ideological strategy and influence the meaning and the functions of discourse in context. In other words, the choice of words is related to the most dominant contextual factor in discourse as age, sex, educational background (including language attitudes), identity, social status, etc. Hence, a group of teenagers may show a noticeable distinction from other people of different ages via the use of a specific language in terms of words and meanings to talk about different topics. However, the set of beliefs and opinions that may characterize the participants, either in an individual or a common way, can display a remarkable role in lexical variation. This very situation defines the beginning of interplay between ideologies, language and language use. It explains the ideological nature of using language (mainly lexical choice) by a logic that engages discourse participants in an intentional, sometimes predetermined control of their style. Hence, the situation permits each participant to reflect his/her ideological belonging, or the freedom to act differently accounting for the interest of the members or of the whole group. Yet, the linguistic variation becomes functional when being attributed specific roles and meanings in the course of interaction. The notion of meaning is then a significant part of discourse that shapes events and mental models in different ways; hence, expressions acquire their meaning in contexts, however still the speaker and the hearer may assign them different meanings, while they may themselves carry different meanings when used in different contexts. Then, participants in discourse have the ability to shape the meaning in relation to their interests and to their interactional motives. They carefully control each lexical, syntactic or stylistic choice in such a way that it carries explicitly beneficial meanings, while using the same strategy to keep implicit negative meanings that are not advantageous for them. These interactional (behaviours) are ideological forms reflecting a variety of social, cultural, political, and professional status / beliefs in context-

related discourse. Hence, when talking about semantics in the understanding of the role of meaning when dealing with ideology, van Dijk (1998:207) proclaims:

> In sum, semantics is a rich field of ideological 'work' in discourse, and virtually all meaning structures are able to 'signify' social positions, group perspective and interests in the description of events, people and actions.

Therefore, the strategic use of linguistic forms in social interactions is interpreted by the semantic function fulfilled by the key words or structures, if not both, in making the core meaning of the utterance. This meaning is then able to localize the social position of the speaker and the extent to which he/she may or may not be innocent in expressing ideas and stating messages. In other words, in ideological meaning structures, the speaker can manipulate his speech in such a way to accentuate a word, an action or an event, or make it less apparent or inconspicuous. Yet, the speaker can also express some ideological features by more attractive ways of exposing ideas through rhetorical structures. In the same way, as to say participant ts use language to communicate ideas, they actually use speech acts to realize a set of actions. Hence, when the president gives his speech to the population, he may use commands (speech acts) to be then interpreted into actions when being executed. Commands are then ideological strategies that can be used, beside many others, by the speaker to express power and control, and many other actions that take their meaning from the function of the speech act involved, as to use irony to show the weakness of the other, or to accommodate to someone's code to show solidarity. Therefore, speech acts significantly define the social practices of the participants. Hence, when the elements of discourse as participants, topic, objective, setting, audience, etc. represent the source of ideological bias, this may be expressed by the speech acts formulated for that reason.

Accordingly, along the interactional dimension of discourse, a great number of social practices can be achieved by a mere exposure to contextual factors dominating the interaction. Participants with challenging intensions based on self-esteem and out-group disapproval are active actors who are or (become) aware of the social situation and its motives, communicate their ideas through different forms of discourse ranging from organized turn-taking conversations to conflicting and confused objections. In this respect, the context of the interaction is not always defined in relation to what the participants may consider as obvious like man/woman, white/black, young/old distinctions. In many cases, some forms of context are differently perceived by participants in discourse who would rather shape a kind of *context models* (van Dijk, 1998: 212) about the whole interactional discourse. This subjective perception may be an outcome of other ideological features having cultural, social, and sometimes experiential origins and it itself impinges on the structure of discourse, and this what may shape the structure of discourse in kinds of informal/formal styles, ironical/polite expressions, convergent/divergent linguistic behaviours, etc. It is this real description that explains the relationship between ideology and discourse; that is the implication of context models in understanding social relations makes clear the impact of ideology on discourse and the way participants tend to express their ideological belonging. Yet, context models are apt to change in the course of interaction depending on other lately - manifested ideas and discourse forms which themselves obey to the dimensions of context involved in the architecture of the scene of interaction. These dimensions appear in almost all works on discourse study and context since they shape the nature of social interaction. Hence, the place, the time, the domain, the topic of interaction and the participants involved in, shape the global context in a static way, when they, themselves, represent the basic ideology of the whole situation. In other words, each dimension of discourse is a representation of the ideological nature of the

situation; domains for instance define the special social and/or institutional spheres that delimit and orient the communicative events. In the domain of economics for instance, participants are probably engaged in an ideological discourse characterized by an economic register treating the statistics of a given market, and analysing the qualitative evaluation of the social/political authors of its strategy and products. Economics actors in this case may display a kind of conflicting discourse that competes within the same domain with other groups sharing the same interests and goals. Then, the ideological nature of the economic domain resides on its specialization in treating topics that nobody than an economist can tackle, and its particular status in the political and the social management, in addition to the significant impact it can impinge on the advance of the state. Participants in a communicative event will organize and manage their discourse properties in relation to the function of each meaning style in order to attain the main objective. This strategy may be followed either as response to the nature of the domain *per se* or to achieve more success and efficiency. Hence, the discursive representation of the participants has also an ideological aspect when it becomes competitive and largely based on opinions and attitudes of in-group members opposing out-group ones. Yet, these representations carry ideological functions that vary from one social group to another. In economics, competing actors in the same domain may have attempt for instance to cancel a political decision, to support local products, or perhaps fight against public enterprises. Therefore, economists as active participants are generally engaged in an admonitory and hectoring genre which is a definite type of discourse largely dependent on the dimensions of context aforementioned.

Then, along the fulfillment of ideological functions, speakers/writers can shape their discourse in respect to their intentions. That is, some features of discourse are monitored in such a way that makes discourse functional and exhibits a set of actions intended by the

actor. This one can then refer to an idea, provoke a topic, neglect a definite point, and also manage his/her language use in such a way that guides him/her to a positive reaction from the recipient. In this respect, the recipient may fall in a kind of enigmatic, sometimes bewildering situation which needs more attention given to the biography, ideology, and competence of speaker/writer, and sometimes to the key words, stylistic management and previous discourse forms and contents. Accordingly, the intention of the actor has an ideological orientation since it reflects one of the ideological strategies of the group; it seems to be personal in the course of interaction but it in fact embodies a social function either being a character of the whole group or a motive behind social action.

However, van Dijk (1998:218) and along his description of the different dimensions of context, shows a significant and careful difference between the function of discursive acts, intention and purpose. He defines both purpose and intention as "mental representations of speech participants"; while according to him functions are their social representations.

In this regard, van Dijk perhaps classifies intention and purpose among the ideological strategies underlined by participants with attempt to influence the mental representations and the actions of the other groups not for a social reason but as a reaction to intergroup opposition. These mental representations may have then a psychological influence on the mental models of out-group participants in the benefit of in-group ones. Obviously, a slight difference may still lie in the description of both intention and purpose as the former actually represents the mental description of what is being said and the way it is said, while the latter is a mental representation of the effect that a discursive act (what is being said and the way it is said) can take in a communicative event, then, this effect may also

comprise the different functions of speech acts in the course of interaction. Then, an economist, as an instance, may have as intention to shape the weakness of the opponent in the management of a market; while he may have as purpose to outplay the opponent group. In the same token, he may aim at realizing certain functions along his discursive acts like the application of definite technique for the management of public depts.

Further, one of the dimensions of context is the time that controls the duration or the beginning and the end of a communicative event. It can be described as a functional element in discourse, as the temporal delimitation of the participant's speech reflects the quantitative and the qualitative nature of the speech, hence a non-temporally controlled conversation can bring about an unequal right of expression in which the dominant side is generally assigned a more stretched line of time permitting it to exhibit an influential and a sufficiently-detailed speech. However, in many institutional settings, the time allotted for participants is more or less strict and equal for each one. Then, when the concept of time is perceived as important for the rightful management of a communicative event, while for others it threatens its competitive aspect when assigning equality, then, it can be described as an ideologically based context dimension.

Yet, the notion of time is differently estimated in respect to its location; at school for instance, the teacher obeys an academic instruction for the time allotted for teaching, while a sporty man is assigned a more or less open duration of time in the stadium to improve his physical skills. Further, a surgeon can pre-set the time allotted for an intervention, but it may happen to him to go beyond that duration in unexpected health reactions from the patient.

It is then worth considering the importance that the place of action, hence of interaction plays in the management of a communicative event. The character that makes the

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difference between one place and another carefully controls the way participants should speak and interact. Indeed, in an institutional conference, participants intervene in a formal speech characterized by expressions of politeness and an influential high style of communication. While, they may show an intimate style of communication, rather informal to address people of different status in an informal location like a café, a supermarket, etc. Then, this situation also denotes a certain ideological contribution in the use of language. People tend to change their style of interaction in respect to the nature of the location shaping their acts of communication in the way they believe it does; that is the participants in this case develop mental models about their place of interaction according to their own ideology or to a common one naturally associated to the descriptive elements of the place. Moreover, and in the attempt of understanding the implication of context dimensions in understanding ideology, other sub-contexts can emerge during the communicative event as response to dynamic circumstances produced and reproduced along the interaction. Yet, the use of language and the management of discursive acts largely depend on the different props and objects characterizing the location beside the official standards making its particularity. In the court of law, the judges and the lawyers are obligatorily asked to wear a special uniform, while the civil parties are formally asked to join the bench to be interrogated; these legal props may impact on the interactional discourse of the actors because they are ideologically relevant to the place and the objective of the communicative event as they symbolize power and dominance of the professional knowledge. Another dimension of context is participants themselves with the different roles they achieve in interaction. These may be speakers and/or listeners, and they can be obliged or simply motivated and curious to listen to a discursive act or to say something about the relevant subject. The distribution of rights and obligations in a given setting can be then ideologically based, since in some cases people are coerced to say

something when they can just keep silent. However, the members of an institution may intervene to achieve professional roles in the interaction. Accordingly, they show some ideological features of discourse that characterize them as representatives of this institution.

Further, the identification of ideological features in a communicative event may also account for other out-group or in-group individuals who do not (directly) participate in the interaction. That is, a given talk in a given context may turn around persons who might be, to a certain extent, involved in events, but whose influence either remains inconspicuous or made surreptitious by their allies. In the same way, some 'absent' persons may be directly referred to in a course of interaction, especially when they are famous persons, believing in their advantageous and powerful impact on discourse.

As a concluding remark, in all what has been said about ideology, and ideology and discourse, the context of a discursive event rigorously controls the discursive style of participants. Participants are able to monitor and manage their speech in respect to the context dimensions controlling the communicative event, and are by the way able to preserve and protect their ideological belief and reproduction. Participants are also social actors whose role is to express ideas with precise intentions and objectives; this character helps them act as individuals who not only represent a group, but also represent their social, cultural and professional identities. That is, participants in interactions may be influenced by their social complexion as another context dimension that impacts on discourse and context models.

Conclusion

The concept of ideology, as defined in discourse and society and as described by van Dijk, should have further and deeper representations at the level of interpersonal relationships. It can be approached from different views that entail power and domination beside challenge and conflict. It can, accordingly, be materialized to realize important and interesting purposes in the ground of opposition and conviction.

Chapter Three

The Ideological Nature of Written

Legal Discourse. A Study of

Linguistic Segments

3.1 Introduction

After the policy of Arabization which has succeded the independence of Algeria from the French, almost all administrative texts formerly delivered in French have been translated to Standard Arabic. In law, legal texts including decrees, laws, and ordinances have undergone the same operation with the maintenance of some original texts in French beside Standard Arabic.

However, the aim of this chapter is not confined to the translation of texts, but it follows the whole objective of the study and tends to represent the way ideology operates in the drafting of legal texts.

Chapter Three : The Ideological Nature of Written Legal Discourse. A Study of Linguistic Segments

3.2 General approaches to the Study of Written Texts in Law

The present chapter is an attempt to analyse discourse segments of written legal texts from a pragmalinguistic point of view. It first seeks to understand the linguistic structure and content of texts by examining the parameters used and the needs to facilitate communication ; it has a communicative purpose which makes of the legal text *"directive text type"* as defined by Garber Kompaoré (2004,15):

> Directive texts, of which legal texts form a part, consist of discourse where the speaker speaks his/her will that a specific act be done by another person..

Parameters are then examined with the goal of distinguishing legal texts from other types of directives. Some aspects of the legal text that need to be investigated are *theme* and *topic, cohesion, continuity, discontinuity, semantic roles and relations, structural organization, word order, and repetition,* with a reminder that it is necessary to be aware in this analysis of the functions of specific linguistic structures found in legal texts.

While the perspective of this chapter for discourse analysis of legal texts will necessarily be linguistic, it will become clear that social and cultural factors also contribute to the structuring of legal discourse. In this context, discourse analysis will be largely descriptive, i.e. it tends to describe language in law in relation to pragmatics and semantics. However, it may have a prescriptive dimension in laying down a set of rules for good and proper writing in terms of pragmatic and semantic correlations. The major attempt of this

chapter is then to seek to understand the functions of the structures of legal text, and how they may provide a clear interpretation of the intended message.

Discourse analysis contributes to generalise message interpretation by means of the "functionalist approach", to the study of language use. In this respect, Schiffrin (1994:32) suggests two types of functional analysis. The first is primarily concerned with "the functions served by a system (such as language or communication), and matches particular units (such as utterances or actions) to those functions". This kind of analysis is an attempt to consider the universal functions that are found in languages, and give the particular function that can be manifested in a particular language. The second type of functional analysis according to Schiffrin (ibid: 33) begins:

> With how particular units (again, utterances, actions) are used and draws a conclusion about the broader functions of such units from that analysis. In other words, one would begin from observation and description of an utterance itself, and then try to infer from analysis of that utterance and its context what functions are being served. It is important to note that such inferences are not totally ad hoc: rather they can be firmly grounded in the principled schema as to what functions are available…they are not as wed to the notion of system [like the function-to-form approach] because they are more open to the discovery of unanticipated uses of language.(see Hymes,1961).

Accordingly, this work considers Schiffrin's classification, and calls the first type *function- to-form* approach*,* and follows Garber(2004) to call the second type *form-to-function* approach *,* in which it will aim to identify linguistic structures and understand their functions.

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The subject of this investigation will necessarily fit all proposed functional categories. The methodology proposed in this study will tend to examine how meaning and structure interconnect to produce a basically directive and a mutually intelligible legal text, one that will objectively reach the hearer's or the reader's mind in the same way without creating individual peculiarities in the understanding of the text, and provide by the way a'true' *mean*ing.

This chapter will necessarily consider the *linguistic* and the *socia*l *context* in *perception*. The examination of context is fundamental for an accurate analysis of the function of any linguistic structure in a legal text. The notion of the role of context in interpretative analysis denotes the impossibility of understanding language use and linguistic structures without reference to ideas, culture, events, and the people forming the background to whom the text is directed.

Before going into a deep analysis of legal discourse in relation to context, it is important to consider the purpose of the legal text. The writer's major purpose might be communicative, it is the act of communication that will determine the use of a particular linguistic structure of the text which accommodates   with the purpose of communicating legal concepts. Within the purpose of communication, it is possible to distinguish a set of sub-communicating purposes, among them communication for informative purposes. The addressee is informed about the set of laws that exist in the state constitution of which he/she is a member.

However, more importantly, in legal contexts the purpose of information is not efficient unless it ensures a persuasive function. A legal text is institutionally and socially

determined to reach the other's minds and convince them about the veracity of a concept or of a piece of information in a way to involve communication in telling or obliging someone to do something.

The methodology of discourse analysis will take into account all of these aspects of communicative purpose. Then, the approach towards a discourse analysis will consist of the following points:

- An analysis of written legal texts;

 - A descriptive linguistic analysis;

 - A functionalist approach determining the way structures and meaning correlate to give

 coherent texts with an examination of context.

 - To consider the purpose of the drafter as an important factor in determining structures and contents.

 - To consider the choice and the distribution of lexical items, in addition to the distribution

 of ideas in texts. Ultimately, the approach to discourse analysis in law will involve semantics, grammar, syntax, and pragmatics.

Note that the principles of pragmatics will serve at looking into meaning in context, as stated by Brown and Yule (1983:26): "Doing discourse analysis is basically oriented towards doing pragmatics".

Moreover, in the study of language, context fulfils a primordial importance in providing real meaning and special characteristics to different text genres as being basically legal-oriented. Therefore, understanding the context becomes an important task in

the field of sociolinguistics, applied linguistics, lexical semantics, cognitive linguistics, and especially pragmatics in the study of legal language.

For the present study, the term context is used to refer to the general background of which a given text constitutes an expressive part where linguistic structures retain *genre* relationships according to domain distinctions.

Domain distinctions in this chapter will have different localizations. Law is considered as the primary and basic context, then topic context will represent a second class context before the socio-cultural one.

These contexts contribute to the drafting of legal texts, and to analysing legal discourse throughout meaning perception with respect to contextual interactions. This work has, as a major task, to analyse how meaning might be perceived correctly in legal texts relying on specificities of linguistic structures of the legal genre, making the analysis rather descriptive. Thus, legal language strategies and legal functions are considered both as mutually interactive components of discourse. This systematic cooperation makes impossible the fact that *true meaning* be reliably derived from a decontextualized expression.

3.3 Language, Perception and Action Interplay

Austin (1976) developed a language philosophy into a view of language as action ,partly from an interest in the problem of meaning and partly from the change of

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'direction' in linguistics (Chomsky's ideas on the 'deep structure' of language and the innateness of grammar). Austin's view (2001:224) was then mainly oriented towards the functional basis of language. His key point in analysing different actions of sentences was that "the basic unit of study is not the word or the sentence but the act which a person performs with the aid of words or sentences; the theory of language is to become, as it were, a branch of the theory of action…The total act performed by the speaker with the aid of the sentence."Hence, a "correct" sentence might have different functions, it has the ability of performing different kinds of actions, it can be "constative" when it conveys messages, and can have the functions of warning and persuading individuals, and in both cases it is informative. The performance of actions is then related to the meaning that this sentence conveys or aims to convey; however, the notion of meaning comes well before the action performed in a sentence.

Therefore, actions are analysed by the discussion of meaning and the investigation of syntax. It is becoming apparent that the problems of meaning and the problems of syntax are interlocked in the present analysis, and both of them depend on a larger extent on the context they may be used in.

Approaches to meaning may be based on the sentence as a unit of analysis. But sometimes longer stretches of discourse are also important to analyse, and to deal with meaning in discourse, semantic approaches should allow for the contribution of context tothe meaning.

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Before moving to the discussion of the linguistic and the semantic processes indiscourse and context, it is noteworthy mentioning the basic elements that should be accounted for in dealing with a text, mainly a legal text. Language, at a further stage,developed in groups and communities of human communication to serve perception, and to be an effective adjunct to action, it must be integrated as closely as possible with the organization of action (to see or hear and grasp the meaning); both should be 'physiologically' and 'neurologically' precised .

In the same way, for language to be precise and effective in conveying the content of perception or in referring to action, it must be physiologically and neurologically fully integrated with the structures underlying perception and action (looking and speaking must be aligned with each other). In order to tackle an analysis of legal language in the written context, the study has shown it necessary to approach the idea from an eco-linguistic point of view. Ecolinguistics, as described in Crystal's definition is:

> An emphasis within language study- reflecting the notion of ecology in biological studies- in which the interaction between language and the cultural environment is seen as central. An ecolinguistic approach highlights the value of linguistic diversity in the world, the importance of individual and community linguistic rights, and the role of language attitudes, awareness, variation, and change in fostering a culture of communicative peace.
>
> (David Crystal, 1999:98)

From Crystal's definition, we can understand that culture is the core of sociolinguistic interrelations between the members of a community. Therefore, any change

in the use of language may be a change in social culture at the same time, and vice-versa; any change in the social structure may inevitably cause change in language use.

In their work on ecolinguistics, Bang and Door (1993) introduce some models for this science. They mentioned the model of core contradictions in which he found a direct relationship between language, ecolinguistics and culture. According to them: "they are parts of a culture, a social formation and praxis". In the second model which they describe as "a model of semantics" to explain what they call "the semantic matrix".

Interestingly, this chapter takes into account the four semantic constituents that according to Bang and Door "constrain and condition any language use": "individual meaning", "social import", "personal significance", and "social sense". After the semantic model, they deduced a "dialogue model" from the "fact that the prototypical situation for the use, understanding, and enquiry of language is a dialogue"(1993:5).

The last model in their paper is "the model of Deixis", this "phenomenon", according to them "has an essential and vital role in our theory of language", they proclaim that: "Language and linguistics cannot be understood unless they are understood in their dialectical relationship with the environment.."

3.4 Characteristics of Legal Texts in the Literature of Algerian Justice

In dealing with the function and the use of language in the Algerian community,the first chapter might serve as an indicator of the social and the linguistic ,

hence the sociolinguistic organization of this speech community. One that is assumed to be multilingual with the presence of official *secondary* languages and Algerian dialects. However, this linguistic distribution is undebatedely part of other ecological factors that co-determine the place and function of language in society; these are: culture, history, religion, nationality, etc. All these factors represent the "core contradictions" of the "social praxis" by which language and linguistics are constituted.

Law is an institutional setting in which legal language strategies and legal functions are considered as mutually interactive components of discourse. It has fundamentally a social function which is determined to ensure and assure social equality and justice. For this major reason, the language of law is primarily an interactional phenomenon. It is composed of the following elements of interaction: the addressee, the addresser, the channel of interaction (written or spoken), the medium of interaction(language), and the purpose of communication.

Algerian and Arab laws in general have been largely inspired by judicial laws from the sacred book " the Coran", and the "Hadith", i.e, by Islamic religion. In this regard, Nida (in Gémar,1982:1) distinguishes the language of "temporal" law which according to him emanates from social demands and obligatory or fixed laws by the state, and the language of "spiritual" law which is founded on a convention between God and his human creatures. Thus, a number of Algerian laws emanate from Islamic jurisdictions, to mean divine orientations that human beings are imperatively asked to consider to ensure social stability and organization. The latter are contemporarily enacted as institutional lawsthat Moslem citizens are submitted to.

Chapter Three : The Ideological Nature of Written Legal Discourse. A Study of Linguistic Segments

Within the same range of core contradictions, law is represented as an essence ofhistorical and cultural markers constituting a speech community. In the Algerian context, the French law has been the origin of many translated laws appearing in Arabic (Standard Arabic (SA)); the situation takes its roots from a long run of French colonization of the Algerian territory including: administration, education, economics and justice. Therefore, the attempt towards "Frenchizing" was not only linguistic, but more importantly social andcultural. The French law to date is still regarded as a reference in the Algerian judicial system, as Alsharaf (1999:225) puts it:

> The majority of the modern theories in the different domains of law take the French law as reference or more generally the Latin school. France has contributed to the elaboration of the rules of the administrative or the civil law which have an impact in the organization of any modern society[1].

Alsharaf in his quotation sheds light on the point that the importance of French law had an impact on the organization of Algerian law, and the members of the judicial staff have been imperatively determined to achieve translation tasks of legal texts and laws from French to Arabic(Standard Arabic). Many difficulties emerged in redrafting laws and texts in a different language, some are linguistic, grammatical, and others are more importantly cultural.

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[1] My translation."La plupart des théories modernes dans les différents domaines du droit se réfèrent au droit français ou plus généralement à l'école latine. La france a beaucoup contribué à l'élaboration des régles du droit administratif ou du droit civil qui ont un grand impact dans l'organisation de toute société moderne''

Because of the importance of literacy for social integration, it is worth mentioningthe illiterate or uneducated class of Algerian citizens. Literacy plays an important role in understanding legal texts and laws, since both are drafted in two standard languages; Arabic and sometimes French which can be understood only by educated and literate readers, since both languages are not as widely used as Algerian dialects which are used for daily life purposes, and sometimes for educational purposes as well.

3.5 The Study of Legal Texts According to the Model of Pragmatics:

In this part of the chapter, legal language will be approached from an ecolinguistic point of view, to mean that the analysis of legal texts will have a linguistic, a sociolinguistic and a psycholinguistic approach. Thus, all models mentioned above are complementary in the sense that all of them contribute to a study that manages to deal with language within a specific context that is law in this respect, and try to find former relationships with the social environment that might have left some traces upon the use of language.

Before going onto a pragmatic analysis of some legal texts, it is of primordial importance to talk about some concepts that should be distinguished semantically in this work.

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3.5.1 Conceptual and Theoretical Preliminaries

Since the present chapter will consider an analysis of legal discourse throughout an analysis of legal texts, it is necessary to clarify the distinction between the concepts "discourse" and "text" .

According to Maria Palmira Massi (2001) in her work about "Implementing DiscourseAnalysis for Intermediate and Advanced Language Learners", the word "discourse" is described as follows:

> The more general term, discourse, is used to refer to language in use in a context, with the consideration of both the production and reception process that arise in a particular social setting [.........]   Discourse Analysis (DA) treats data as the record (i.e. text)) of a dynamic process in which language is used as an instrument for communication in a context by a speaker/writer to express meanings and achieve intentions(i.e. discourse). The aim is to describe and explain regularities in the linguistic realizations of people when they communicate these meanings and intentions (2001:5)

Another important conceptual distinction for this work is between form and function. According to Palmira (ibid), form refers to" the isolated grammatical aspect of a particular utterance, while 'function' describes how the audience interprets it".

Another important concept is that of context. That is the environment or the domain in which a text occurs. An understanding of the context of a discourse would make easy an accurate understanding of a stretch of language beyond the linguistic forms that constitute the text. Context will cooperate with linguistic forms in offering a set of analytical categories already described by Hymes (1964) in his work. These are; the topic, the setting, the purpose, the channel, and the participants, and Palmira (ibid) adds other categories in her study; "the event", as well as "the background knowledge and

assumptions underlying the communicative event". Hence, in the present chapter, the analysis of legal texts will have to imply all the analytical categories mentioned.

On the basis of a model of semantics, four semantic constituents that constrain and condition language use in law will be taken into consideration: the social sense, individual meaning, social import, and personal significance. Following Bang and Door (1993:3) in their paper 'Ecolinguistics, a Framework', they define the social sense constituent as:" a diachronic dimension of the semantics of a text …". In this respect, dictionaries provide the reader with the "traditional" ways of using a word and establish a standard meaning, the social sense. Bang and Door (1993:3, 4) add that the individual meaning is also a constituent of the diachronic dimension of a text, and they respectively give the following definition:…For the individual language user, the individual meaning is the usual or normal way in which the user produces a text and understands a text.

Each language user has an individual meaning that might differ from another one, and might by consequence differ from the social sense. This individuality can determine a person's social identity. As mentioned before, the third constituent of the semantic matrix is the social import, in this context, Bang and Door (ibid:4) define it as " a synchronic aspect which is conditioned by the participants' identification and acceptance of the communicative context of the dialogue."

In this definition, the authors point at the use of domain related items or texts, constituting specific meanings clearly distinct from social sense. They give an example about the word

"to know", and state: "Being a judge of peace myself, I am aware of the specific semantics of certain words that in some sense is generated by the particular context". They go on: " My use of the word "to know" is different in the courtroom from my use of the same word in my family life or in my professional life".(1993:4). The last model of ecolinguistics is the model of Deixis which Crystal (1985:86) defines as:

> A term used in LINGUISTIC theory to subsume those features of LANGUAGE which refer directly to the personal, temporal or locational characteristics of the SITUATION within which an UTTERANCE takes place,whose MEANING is thus relative to that situation….

Bang and Door (1993:9) go on to say that "dieictical indicators are those features of the text which refer to the situational (and/or contextual) persons, objects, time, place and their logical connections".

According to both definitions, the use of some terms in a given text to perform logical connections between ideas and sentences, and every word and every text obtains part of its meaning from the context and the situation in which it is used, according to them, there is no context-free or situation-free meaning. All these models and concepts will be implied for a sociolinguistic analysis of legal texts, towards a concrete study of language use and meaning perception.

3.5.2 Towards an Exploration of the Language of Law

In their research work on levels of language, Vinay and Derbelnet (1958:332) sustain that the written language has diverse specializations, the one included in

administrative, the judicial, and the scientific usages. However, according to them law

constitutes a formal specialization in which the drafts are more important:

-Its vocabulary is limited.
-Its syntax only admits certain structures of language and refuses many others.
-Its punctuation is very selective and the use of signs is restricted.
-The grammar we use reflects a strategy of economy. The proper usages for the
description of an emotional state are of course absent[2]**.**

Moreover, the legal language constitutes technical language of law, as opposed to

the common language, it is distinguished by certain characteristics of syntactic and stylistic

order.

Judicial terminologies are distinguished among other terminologies in the domain of law;

scientific, educational, economic, religious, etc. as law represents the highest expression of

the population and their lives. Then, it does not justify its statements, it is an obligation. In

this respect, the reader's perception of legal messages is strongly based on the nature of

law. For instance, notice the absence of words and expressions in Algerian legal decrees

and laws, like: /fi lħaqi:qa/ (in reality), /yaʕni:/(it means), /ʔiða:/(if), wa lihaða/(this is

why), /ʔæjj/(that is), rubbama:/ (perhaps),etc. which mark result, explanation, probabaility,

and consequence,and respecting by this way the legal aspect of law that should never be

based on hypotheses and suggestions.

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[2] My translation.''Son vocabulaire est limité...sa syntaxe n'admet que certaines structures de la langue et en refuse bien d'autres. Sa ponctuation est fort sélective et l'usage des signes est restreint…la grammaire qu'on applique reflète un souci d'économie. Les usages propres à décrire un état d'ame en sont bien entendu, absents'' .

Beside the lexical pecularities, verbs in law are generally used to forbid or impose an obligation. All verbs, whatever the tense they are used in, aim at expressing a general truth, and a validated decision. They symbolize the presence of law during all the periods and in all circumstances in which it can be applied, always using the third singular person:

1. / kullu man ?ablaɣa…/ (everyone who makes a complaint..)

2. /jadʒibu tanfi:ð lqara:r/ (the decision must be applied)

3. /juʕa:qabu bilħabs kullu man../(is sentenced to prison everyone who…).

Nearly always the same verbs are used, since resort to synonyms may be misleading, as Sparer (1973:5) states:

> …an essential particularity of legislative drafting comes with the fact that resort to synonyms is formally forbidden. In this case, the quality of the text must give way to the use of one term, it must be repeated as many times as necessary to deliver the message.)[3].

It is then obvious that the particularity underlined is a general assumption that may apply to all legal systems in the world.

Linguistic forms in the Algerian legal texts may also acquire their meanings in context when giving the same linguistic forms, at the semantic plan, but in another language; in the case of texts studied, there is French; this language that is often

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[3] My Translation.''...Un particularisme essential de la redaction legislative découle du fait que le recours aux synonymes est un procédé formellement interdit,en ce sens, la qualité esthétique du texte doit invariablement

representing formallegal statements to French language users with a low level of efficiency in Standard Arabic.

Notice the following example:

..devant les tribunaux respectifs de la situation des biens / fa ?inna lbajʕ juba :ʃaru ?ama :ma lmaħkama lkæ :?ina bida : ?iratiha : l ?amwa :l kull fi : ma : jaxussuha:/. The sentence may look vague in meaning, notably departing from (lmaħkama l ka?ina). Moreover, the grammar of the sentence is incorrect, and the writer seems not to be able to grasp himself the exact message in SA, then his sentence is immediately issued by a French version, looking rather simpler and clearer in meaning. This example exposes another different way that legal texts adopt to give meaning, the one that resorts to the use of another language through a translational correspondence, in this case between Arabic and French.

3.5.2.1 Elements of the Legal Language:

3.5.2.1.1 The Meaning of Words:

The meaning of words can depend on the way the word defines or describes the world, either it is a word that defines a person, a thing, or a word that describes the state of one of these concepts .

However, the meaning of words and in respect to selected examples is also sometimes perceived in relation to the string of neighbouring words, and this relationship gives all words their sense in the language. Nevertheless, the standpoint in the matter of dealing

with the meaning of words is sameness or non-sameness of words that are used for legal purposes. To mean, whether decontextualized words will keep the same sense as when they are context-dependent or not.

In this respect, Jaszczolt(2002:14,15,16) distinguishes reference meaning from meaning as sense or concept and describes the first in relation to the world or to opposites, as to know the meaning of the word 'dog' in relation to the word 'cat'; this description is hence based on difference, and in this respect, he admits that sameness or 'synonymy' is possible as in the words 'big' and 'large'. However, while treating meaning as concept, it is possible to conclude that sameness is excluded to mean that a word can frequently not keep the same meaning when it is contextualized and when it is not.

Consider the use of the word /aʒnabi/ (foreigner), in this example:

4. / Iða lam juqirru lma:liku lħaqi:qiju lhiba, fa sawa:?an ?aʒ a:za   lmawhu:bu lahu lhiba   ?aw lam juʒ izha:, fa ? inna lma: lik alħaqi:qi **aʒ nabi**   ʕani lhiba fa la: tesri: fi: ħaqqihi…../**(p146) (dira:sa ʕani lhiba fi: qa:nu:ni l?usra lʒaza:?iri).**

In this example, the word /aʒnabi/ is used in a different meaning from the natural one, simply because in this case it performs a legal information.

A dictionary definition of the word would suggest the following meaning: "A person who comes from another country" (Cambridge University Press:2003:486). However, in this context, this word is used to exclude the person who has not declared –official- a gift to

another person from the act of giving what is still in his possession .This means that the property is still under his submission. Therefore, in this case, it would not be correct to say that he is 'foreign to something', but he is not subject to it.

Thus, to talk about the meaning of a sentence, it is obvious that the global idea depends on the meaning of words in relation to the grammar of the sentence, to see how words first combine to form meaningful sentences. Moreover, it is necessary to approach the information as a product of the situation, the context (in this case the legal context), and both the speaker's intention to convey a specific message and the addressee's perception of the idea. Otherwise, words can acquire their meaning in a sentence in relation to other words by means of 'inclusion'. When for instance an action is denoted to be practiced upon a word in the sentence, and when this word incarnates a group of persons or things, then the meaning of the sentence extends the action over all the other subjects that are not necessarily selected in a list of words.

5. /mina   lmuqarrari   qa:nu:nan   anna   lmatbu:ʕ   masʔu:l   ʕa ni   ddarari   llaði: juħdiθuhu   ta:biʕuhu biʕamalihi   ɣajr   elmuʃarraʕ /.(It is legally administered that the person implicated is responsible of the harm caused by his successor for his illegal behaviour).

Consider the underlined word lmatbu:ʕ. This word is used in law to mean the person who is 'abstractly' responsible for an unexpected crime or event. Then, the writer would not mention all the subjects that might be involved with different kinds of matters and events.

That is why the word lmatbu:ʕ   used in a singular form incarnates all persons that might
act indirectly behind an illegal situation.

Always within meaning of words, grammaticalization in language helps words
acquire their 'true' meaning in relation to the situation, and in this way enables the reader
form possible ideas in relation to word forms.

6. / Iða: tana:zala ʃaxs   ʕan   ħaqqin mutana:zaʕin fi:h, falilmutanzili   diddahu   ʔan
jataxallasa min ha:ða ʃʃaxsi biraddi   θamani lbejʕi lhaqi:qijji lahu wa lmasa:ri:fi
lwa:ʒ iba…/.(If someone desists from a right at conflict, then the other side of the conflict
should give him back the exact sum of money).

The underlined expression mutana:zaʕin   fi:h is a grammatical form that derives from the
verb /na:zaʕa/   and the noun /niza:ʕ /, it is a passive form composed of two words
/mutana:zaʕin/ and /fi:h /, and it is generally easy to understand this expression only in its
context. In this case, the conditional sentence standing before this expression displays an
important role in shaping the sense of the expression. This action is enhanced by the
important position of the word that is directly receding the expression: (/haqq/) (a property).
 Hence, /tana:zala/ and /haqq/ are two leading concepts that clarify the idea of disputing a
property between two or among many actors. What may cause this grammatical form to be
in a sense 'difficult' to understand is its unusual occurrence in the same way as in Algerian

dialects ,in which it is frequently interpreted as/madda:bzi:n ʕali:h/ , and perhaps the most confusing thing is the lexical variable / ʕali:h/ in Algerian Arabic and /fi:h/ in SA, a situation that might be misleading.

However, if in the sentence there is a concept of 'desisting from..' that only comes from the word /tana:zala/, what could be therefore expected is to know about what there is disengagement.

In the same example note the use of the expression /mutana:zalin diddah/ , composed of two words /mutana:zalin/ and /diddah/ . The first derives from the noun /tana:zul/, and its grammatical form is standing for a person who is absent and not mentioned in the text.
To analyse this sentence, it is of major importance to move back to the first use of the derived form that is the verb / tana:zala/ .Upon dealing with this verb , any reader would shape the idea that at least two persons are involved in the act of desisting. Then in the next words it was possible to recognize what was subject to dispute and that caused the same act.

In this 'gradual' perception of the matter, the writer comes with a new expression /mutana:zalin diddah/, then another idea is getting shaped; the one showing that in fact there is an adversarial person involving opposition or disagreement. This idea is perceived through the use of the word /diddah/(against him) in the expression. What might help to understand the idea is interestingly this word that marks opposition between two parties, and one of them must be the one who is acting against the second, in this case /elmutana:zali diddah/, and by this way the doer must be called /almutana:zilu/,and the idea conceived is shaped as follows:

/almutana:zali diddah/ ← **/tana:zala/** ← /almutana:zilu/

↓

/ almutana:zali fi:hi/

What is noticeable in this example is that the image of descriptive situations is only made clear in respect to contextual and grammatical combinations.

7.

In dealing with the sentence: **:** /jaqdi lħukm bi ?en taku:na lmuka:fa?a:t ...mamluka lilxiza:na/(The judgment states that rewards are owned by the Bank); The words: / lxiza:na/(the Bank), /.mamluka/(owned), / lħukm/(the judgment), / lmuka:fa?a:t /(the rewards), / jaqdi/(states),etc. are ordinary words when not found in a sentence or an expression like the one given.

However, the combination of the words gives a definite sense of a particular sentence in the context of law. When found in this context, the meaning of the words and their combination will take a different direction.

Upon dealing with the sentence starting with / jaqdi lħukm/ (The judgment states), the hearer or the reader will perceive that there is an act of imposition, and with dealing with the rest; / bi ?en taku:na lmuka:fa?a:t/(that rewards are) ,which must represent a complement of what is imposed in a kind of information, the addressee will be able to shape the core element of the sentence/ lmuka:fa?a:t/(the rewards).

Then, in dealing with an act of imposition that should bring the addressee's perception of the idea into a kind of domination, submission, or power, it would be clear that there is a doer or an actor reflected by the use of the verb/ jaqdi / (states) .Obviously, no act of imposition could be determined by someone else than an author, that is in the present context the drafter who might certainly represent a group of persons that by themselves represent the law.

In this context, the word / lmuka:fa?a:t /(the rewards), should be perceived in relation to the contextual position of the receding words. In this sense, it will be given a legal status, to imply the idea that the management of rewards (a sum of money that is offered), should be submitted to a law, and its use is restricted by legal norms.

The perception of the idea is progressively reinforced when dealing with the final part of the sentence that makes up the global meaning; to say that these rewards, and after a legal decision, will have to be owned by the bank. Additionally, the word bank is involved in a legal context being attributed a storage mission of the rewards.

8. /la ʕuðra ?itlaqan liman jaqtul/ (no excuse for the one who kills)

At first glance, this sentence begins with a negative word in Arabic /la/ (no) that marks negation .

However, the same word might have another use in this language, as /la annahija/ (a 'no'

word used to convey the meaning of prohibition or a threatening negation).

In dealing with the head part of the sentence; /la ʕuðra/ (no excuse), the addressee must directly understand that the sentence is a negation not expressing attention. Thus, /la/ (no) in this example is used for negation, for the only reason that it is followed by a noun and not a verb. This grammatical rule in Arabic (when 'no' is followed by a noun it marks extreme negation), and especially in this example might be easy to distinguish as the use of /la annahiya/(a 'no' word used to convey the meaning of attention), similarly functions in daily speech forms like in the verb /ma taʕmalʃ/ (don't do), and this fact facilitates the correct perception.

Moreover, upon dealing with the expression /la ʕuðra/ (no excuse), the addressee might perceive a pitiless act of "no excuse". Although, there is no concrete presence of an actor, either being a person or a state in the sentence to perform the action, the reader might notice a kind of imposition again especially after consuming the next word /itlaqan/ (at all); a word that comes to emphasize negation and mark how strict is the decision of non-excusing. The addressee, in this case will gradually understand that the pitiless refusal of excuse should be applied in cases of dangerous behaviours, in this example, the one of killing ,as pronounced in the rest of the sentence.

In a global sense, the careful choice and combination of " ordinary words" (in their natural meaning), should have shaped different perceptions to understand the presence of law first, to mean the conception of the legal aspect of the sentence, then the strictness of the

statement and the ability to admit its certainty, to react at the end consciously to the inadmissible act of killing.

9. in Article n°144 :wiza:rat   lʕ ædl (Ministry of Justice),1982,44)

/ju ʕ a:qabu bilħabs min   ʃahrain ?ila   sanatajn wa bi ɣara:ma min 500 ila 5000DA

kull man ahana   qa:dijan ?<u>aw</u>   muwaððafan   ?<u>aw</u> qa:?idan   ?<u>aw</u>   ?a:ħada riʒa:li

lquwwa:ti   lʕ umu:mijati   bilqawli   ?<u>awi</u>   l?iʃa:rati   awi   ttahdi:di   ?<u>aw</u>

bilkita:beti ?<u>awi</u>   rrasmi   ɣajri   lʕalanijejn   ?aθna:?a ta?dijati   waða:?ifihim

?<u>aw</u> bi muna:sabeti   te?dijetiha: wa   ða:lika   bi qasdi   lmasa:si bi ʃarafihim

?<u>awi</u>   ?i tiba:rihim   <u>?aw</u>   bil?iħtira:mi lwa:ʒ ibi   soltatihim/.

(Everyone who insults a judge or an agent or an officer or one of the public forces through words of gestures or threats... or through undeclared writings or drawings during their occupations aiming at destroying their dignity...)

 In this example, notice a passive sentence form in which the doer of the action is unknown, but perceived throughout the meaning and the legal concept of the sentence noticed while dealing with the head sentence /juʕa:qabu   bilħabs/ (is punished by emprisonment) (is put in prison).

However, the most noticeable thing in the sentence is the use of the word /?aw/ (or) several times to enumerate the group of persons that might be insulted or threatened by individuals that the present law decides to sanction by prison.. It may seem that words coming again in the sentence are causing heavy repetition in the text.

However, the strictness and accurateness of the aspect of the law makes it necessary to call for a precise repetition of the word /ʔaw/, to make it clear, in this example, which of the group is addressed by sanction, for the main reason that they appear in a big number. Then repetition is meant for distinguishing them, and make it perhaps possible to retain all of them after dealing with this long 'misleading' sentence.

10. / la: tuba:ʃar   iʒ ra:ʔa:t lħaʒz ʕala: lmanqu:l awi   lʕ aqqa:r ?illa bimuqtada:
sanad   tanfi:di   wa   min   ?aʒl   ?a ʃ ja:?   muʕa jjanat   lmiqda:r
muħaqqaqa ,faʔiða: ka:na   ddi:nu   lħa:lu   l?a:da:?   lejsa   mablaɣen   mina
nnuqu:d fa   innahu   tuwaqqaf   ?iʒ ra:ʔa:t   ttænfi:ð   bæʕda
lħæʒz   ?ilæ: ?an tuqadda r   qi:mat   lmaħ ʒ u:z   binnuqu:d/.
(The seizure procedures are not applied on the movable properties and the real estates only under execution for fixed goods .If the exigible debt is not a sum of money, the procedures of execution is stopped after seizure until the distrainee value is fixed by money.)

Notice in this example, the use of /la annahiya/ again, in /latuba:ʃar/ (it is not applied). In this case, and as opposed to the aforementioned example, the use of the grammatical form /la/(no) has not only a negative meaning but it also marks attention,because it is followed by a verb which is in this example a passive verb /tuba:ʃar/(applied).

The linguistic form /la tuba:ʃar/(is not applied),has certainly the meaning of forbidding something mentioned in the text.

Notice the words upon which the action falls should represent the main words in the text, in this case /iʒra:ʔa:t lħaʒz/ (the seizure procedures).The word /iʒraʔa:t/ (procedures) is the first main word that has a legal meaning and brings a specific action. The latter is carried over into a second main word in the text; /lħaʒz/ (seizure), in the sense that this second main word will obey a semantic linguistic , and contextual rule that will juxtapose it with a word achieving a legal function. The reader in this case will perceive the legal ruling of the first main word upon the second one, and starts shaping a legal situation that is concerned with and directed to a definite area of interest.

The rest of the sentence, / ʕala lmanqu:li ʔawi lʕaqqar/ (on the movable properties and the real estates)determines cases or things that legally connect to the act of forbidding; these are: /lʕ aqqar (the real estates), lmanqu:l (the movable properties), and the meaning of connection is perceived through the grammatical use of the word /ʕala/ (on).

It is important to notice that linguistic and non-linguistic forms considered in the drafting of legal texts constitute important components in the unification of the legal message. Thus, the form of the legal text governs its function in the professional and the public milieu.

Consider this example:

11. /yataʕajjanu ʕala lmusta? iri, ixta:r lmu?a ir biddaʕwa: lmarfu:ʕa mina lɣairi llaði: yaddaʕ i: ħaqqan ʕala lʕajni lmu?ʒara yataʕa:radu maʕa ħaqqi lmusta?ʒiri wa muta:labatihi biddama:n .wa fi: haðihi lħa:la yumkinu lmusta?ʒ ir talab ?ixra:ʒihi mina lxisa:m /.

(the person who rents should inform the owner about the legal case that was stated against him by a given person about the thing rented, and requests his support and his help).

The way words are combined in this example gives the law stated a particular form that is wanted to convey a definite function. The use of forms like: /jataʕajjanu ʕala /(should) in the beginning of a statement would systematically denote a command or an obligation that will hierarchically join to the person or group of persons to whom this form of command is directed. The structure of the statement co-exists in a pragmatic relationship with the idea of the text, they work together to supply the reader with a reading material that helps him organize elements of the sentence in his mind in a grammatical form that is intuitively distinguished from ungrammatical forms that would not permit an **OSV** combination in his language for example.

Moreover, expressions like /wa fi: haðihi lħa:la/(and in this case) are used as typical forms that stress the specificity of the case or to stress an exception, thus denote the possibility to have many other cases in the area, but the one mentioned has got a particularity that distinguishes this situation from others. Readers then will exclude all the possible *extra-facts* that do not apply to the given law.

3.5.2.1.2 Sentential Connectives

3.5.2.1.2.1 Logical Connectives

Logical connectives in English and according to K.M Jaszczolt, comprise conjunctions disjunctions, implication, equivalence, and sometimes negation.

a/ Equivalence:

In the Algerian legal context, equivalence appears in the use of different expressions that are well- known in the Arabic language. Like: /la: jaʒu:zu ….. ma: lam/ (it would not be permitted…..if not), /illa iða:/(only if), / illa   baʕda/ (only after).

Consider the following examples:

12. lmæ:ddæ 410: / **la: jaʒu:zu** lima n janu:bu ʕan ɣairihi bimuqtada : ittifa:qin ?aw
 nassin qa:nu:ni ?aw   amrin   mina   ssultati lmuxtassati ?an   jaʃtari: bi?ismihi
muba:ʃaratan ?aw bi ? ismin mustaʕa:rin wa law bitari:qi lmaza:di lʕalani ma: kullifa
bibajʕihi bimuʒabi nnija:bati kullu   ðalika **ma:lam** ta?ðan bihi ssultatu lqada:?ija
…./. (It is not permitted for the one who represents another person according to a consensus or a legal text or a command from the special state to buy in his name directly or in a metaphorical name although throughout auction unless it is allowed by the Judicial State.)

What is meant by equivalence in this study is the semantic and the grammatical correspondence between the first negative sentence / la: jaʒu:zu / and the expression it

accords with; /mæ:læm/. The first part is strictly stating impossibility and non-permission in the use of the negation /la: jaʒu:zu/. However, notice in the parallel sentence, the use of the word /ma:lam/, that in Arabic denotes a negative condition. This specific use of a conditional phrase comes to complete the imperative negation stated in the first part of the sentence, to mean, if Justice does not permit buying; a substitute is then not allowed to buy in this situation.

Notice that the same sentence can be grammatically formed in a distinct manner to express a positive condition, and it would give: / **jaʒu:zu** liman janu:bu ……?iða: ?aðinat bihi/. However, a question arises, as to whether meaning would be the same or not. To answer this question, it is of major importance to compare the two forms in terms of grammar and semantics, and explain in the same way the specific choice of the writer in using a negative and not a positive conditional.

In this respect, it is noticeable that a negative conditional is often maintained in a legal text to give it an 'imperative' aspect of dominance that is more likely to forbid than to permit. Moreover, the negative form in the beginning of the sentence may attract the attention of the reader after he has developed a certain feeling of responsibility *vis a vis* the law. He would therefore show strong interest to read the rest of the sentence and more importantly to understand the whole message of the law. Then after reading or hearing a law with a negative conditional, the addressee would notice that law is strictly far from forgiving law-breakers.

b/ Implication

K.M Jaszczolt(2002:77) defines implication as follows: "An implication, also called material implication, expresses a causal connection between an antecedent and a consequent". This definition would apply to a number of expressions in the Arabic language as:

/ʔiða:…..fa/,   /ʔiða: la:…….falan/,   /la:…… illa iða:/,etc.

Consider the following examples :

13. / ʔiða : ka:nat ħissatu ʃʃari:k mablaɣan mina nnuqu :di juqaddimuha : liʃʃarika wa

 lam juqaddim haða : lmablaɣ, fafi :   ha :ðihi   lħa :la jalzamuhu ttaʕwi:d/.

(If the cooperator has a sum of money that he should give to the enterprise and he does not

do, in this case he should pay it back).

14. /iða :   ka:nat   ħissat ʔaħad ʃʃuraka :? maqsu:ra ʕala ʕamalih, waʒaba ?an

juqaddira nasi:bahu fi : rribħi wa lxasa:ra ..../

(If the part of one of the cooperators is confined to the quantity of his work, he should

estimate his part in case of success and failure).

15. la :   tada :muna bajna ʃʃuraka:? fi:ma hum mas?u:lu:na ʕanhu   minduju :ni

ʃʃarika, illa: iða :   wuʒida ittifa:q jaqdi: bixila:fi ða:lik/.

(No collaboration is permitted between cooperators in as far as the enterprise debts are

concerned, when there might be a consensus that allows it).

In the three examples, the antecedent/ consequent combination is used to express a causal connection in which the underlined expressions are used synonymously at least from a conceptual point of view. That is, each form provides meaning of an idea that is only dependent on another, shaping by the way a conditional.

Therefore, each example can be divided into two halves, one starting with the first part of the conditional expression/iða:/ (if), /la : / (no) and the other headed with the second part of the conditional /fa/(so), /waʒaba/(should be) , /illa :   iða:/(unless), respectively, to express ideas that are dependent on previous ones. Then in the first example, the partner is only asked to pay back the sum of money to the enterprise, if he has got any debt.

Hence, conditionals are used for implication purposes in a two-sense direction to implicate a limited number of persons, things, or situations in the condition being imposed.

In the first example for instance, the act of paying back a sum of money by a definite person (a partner) is implicated in the conditional only in case this person would have a financial debt to give back to the enterprise.

In the second example, the conditional expression is /iða :……. waʒaba/(if….it should) .It is a two- sense directed conditional expressed with two parts, one introducing the condition and the other responding to the condition with an imposition using in this case a verb (/Waʒaba/).What exactly happens in conditionals, is an exposition of a possible fact that in case it happens it calls for a direct result that applies, in this context, to a legal response. The latter can either exhibit a kind of reward that shapes a judicial punishment, or it can

also respond to the fact with a kind of information that may help people organize and reconsider their behaviours.

c/ Deictic Expressions

An approach towards a pragmatic study of language use requires contextual resolution of different semantic orientations, for example, some types of referring expressions like /ha:ða:/ (this), in addition to other temporal reflections of a sentence that are primarily situation- dependent . Then deixis represents one of these context-dependent linguistic units.

In the sentence: / liðalika sanaʕruju ʕalaj**ha:** bisifatin sari:ʕa/ (for <u>that</u> we will pass <u>it</u> by briefly).

In English, both / <u>ðalika/</u> (that) and /ha:/ (it) are pronouns that refer to some people and objects; and in this case they refer to a situation and an object respectively. The information that they refer to can be retrieved only from the context of the sentence rather than from the sentence alone. Such contextually bound words are called "deictic" by Jaszczolt (2002:191). Deixis then joins grammatical forms or lexical items with context and provide contextual information. Jaszczolt (ibid) describes the phenomenon as 'lexicalizing or grammaticalizing contextual information', 'that is', according to him, 'making it into obligatory grammatical or lexical distinctions'.

In the example mentioned above; /ðalika/ (that) and /ha:/(it) are such deictic expressions. From the sentence, notice an intuitive instruction that invites the addressee to consult the

context of the sentence to be able to grasp its meaning and understand what both pronouns are referring to or standing for.

In other cases, tense also shows to be a deictic category. Its use is rigorously bound to context, and the meaning of tense indicators can only be retrieved from the situation.

Consider the following example:

16. /wa mata: ka:na ða:lika istawʒaba rafdu ttaʕn/ (and whenever that would happen, appeal should be refuted).

It is impossible to understand from such a sentence when something could have happened in that case where appeal would become necessary. However, in another sense, intuition andgrammatical connections denote a certain logical interrelation between this sentence and another receding sentence. But, this grammatical relationship is not interdependent since it exhibits a sentence that is grammatically composed of two clauses in which the first one is not dependent on the second; while the grammar and semantics cause the second to be subordinate and largely dependent on the first. In the given example, deictic references (tense and referring pronouns) acquire their meaning if and only if their context is defined and only acquire meaning when interpreted by the hearer or the reader.

This example can be both pragmatically and semantically approached since the meaning of the sentence does not only require context but also depends largely on the individual meaning of words. In other words, the entity for which deictic expressions stand has to be detected before dealing with the meaning of the whole sentence.

Furthermore, deixis is not confined to tense and demonstrative pronouns, but it is extended to many other levels in respect to different languages. Meaning of sentences is in most of the time grammaticalized or lexicalized in relation to different forms of deixis. That is to say, deictic expressions form a set of grammatical and lexical distributions that are involved in the making of the semantic information. In the case of Arabic, for instance, and more precisely in the context of law, many linguistic forms are built up and shaped with distinctive deictic expressions.

Consider the following example:

17. /alma:dda 690 mina lqa:nu:ni lmadani /: /jaʒibu ʕala lma:liki ?an jura:ʕi: fi stiʕma:li ħaqqih …../ (The owner should consider..in the use of his property...).

In this sentence, the word /lma:liki /(the owner) refers to the addressee who possesses something, and it represents the person(s) to whom the law is directed. Then this entity shapes the role of participants in law and gives by the way a definite function and a traced objective behind the enactment of the law. Moreover, the word /lma:liki / in this context does not grammatically show gender distinctions, but is meant for both sexes, although the word /lma:lika/(the owner-feminine) in Arabic exists.

This kind of deixis may be called in this work 'person deixis', a name that has been used by Jaszczolt but limited to personal pronouns only.

It is also possible to distinguish deictic morphemes in Arabic and in law, as in the following example: /ʔinna lqaːʕida wa lkajfijja llæti: jatimmu bi<u>himaː</u> ittifaːq…/.(The rule and the method by which a consensus is done).

In Arabic grammar, the morpheme /<u>himaː/</u> stands for two persons or two things that were mentioned before or in the beginning, these are /lqaːʕida wa lkajfijja /(The rule and the method). Note that this morpheme does not reflect gender distinctions, as opposed to other morphemes in Arabic that are gender-specific, like /hunna/ (them for women).

The occurrence of deictic expressions in a legal text where there is spatial reference to elements in the text, may also imply other spatial forms of deixis that might also be temporal, like for instance :/wa min θamma / in the sentence:

18. <u>/mina lmuqarrari ʔannahu laː jaʒuːzu ttasarruf fiː ʔamwaːli ddawla ….wa ʔannahu laː jumkinu lʔiʕtiraːd ʕala tasarrufin qaːmat bihi lbaladijja…wa min θamma, faʔinna qudaːt lmaʒliss birafdihim talab ttaːʕiniːn ……faʔinnahum tabbaquː saħiːħa lqaːnuːn…./</u>

(As decided, it is forbidden to use the money of the state…and it is not possible to stand against an act when done by the Commune…from there on then, judges when refusing the demands of recourse…they would have correctly responded to the law…)

The expression /wa min θamma /(thus) can have multiple interpretations, as: from that point, as a result of that, then, in this respect, in that case, etc. Each of these interpretations would mean that there is a logical connection between two ideas in the sentence. The second one goes with the first in space and time. In other words, the second idea is a direct conclusion that simultaneously applies to a definite situation, in this case the first idea.

Furthermore, in dealing with the lexical components of the word /min θamma / in isolation, It would be possible to obtain two free morphemes /min /(from) and / θamma /(there)./min/ is a deictic word that points at a definite moment in time, or the time when /where something or an action starts on. Thus, it is a starting point of an event or an action./ θamma / is a word that refers to a distant place or situation .

Therefore, the expression is spatially related to an antecedent idea in the text, and it is also a temporally fixing element that delimits two actions; one (the second part of the statement) might be a resulting situation that happens out of the existence or the being of another former act (the first part of the statement). In other deictic forms of such kind, the expression /wa mata: ka:na ða:lika/ (whenever that would take place) to stand for the starting point of something.

Other deictic forms are very frequent and exceptionally occur in legal texts, like the expression /fi: qadijjati lħa:l / (in the present act), that behaves like an appositive in the sentence, and it is always delimited with dashes / - fi: qadijjati lħa:l - /. It is used in the sentence to refer to the object of an idea or of the text in question.

Consider the following examples:

19. Haqq al muru:r - ard maħsu :ra- ʕædæm wuju:d mamarr - ɣalq lmuru:r bidu:n tæʕli:l :

mina lmuqarrari qa:nu:nan ?an jaʒu:za lima:liki l ?ardi lmaħsu:ra llati: lejsa

laha: ?ajj mamarr jasiluha: bittari:q lʕa:mm ?aw ka:na laha: mamarr ɣair ka:fi

lilmuru:r ?an jatluba ħaqq lmuru:r ʕala l?amla:k lmuja:wira muqa:bila dafʕ

taʕwi:d ………lima: ka:na θa:bit -fi: qadijjati lħa:l - ?anna quda:t lmaʒliss lam jataħaqqaqu: min wuʒu:d mamarr ?a:xar ….

(From what is legally agreed on, the owner of the piece of a land that is not joined to public road, or……From what is agreed on- in the present act –judges are not sure about the presence of another road…)

The expression / - fi: qadijjati lħa:l - / brings back in its position the context of the idea that is discussed by the law, to emphasize the particularity of the situation (in this case, the applicable to the title). Here again, readers should importantly go back to the context of the law to understand the deictic indication.

It is worth noting in these examples that tense is a deictic indicator. However, it is often necessary to distinguish "grammatical tenses" and "semantic temporality" (Jaszczolt, 2002:195). Consider the use of tense in the following example:

20. /jasri: lqa:nu:n ʕala: ʒami:ʕ lmasa:?il llati: tatana:waluha: nusu:suhu fi: lafðiha: ?aw fi: faħwa:ha:/.(The law is applicable to all the situations that are tackled by the texts in words or contents).

This sentence is non-deictic but *atemporal*, although it possesses verb forms that indicate tense grammatically speaking. That is to say that the sentence does not refer to a preciseperiod or moment of time in the past, in the future, or in the present, but it is a general statement that applies to all tenses, although its verbs are in the present tense. Hence, it expresses a lasting continuity and a general truth.

3.5.2.1.3 Discourse Referents

From the set of examples provided in the attempt of a legal discursive analysis, the shaping of some entities or discourse referents seem to establish a subtle organization of texts, these are: physical entities that represent the *specific* background of the text, like in the examples:

21. lmæ: dda 586 mina lqa:nu:ni lmædæ ni/ :

/tantahi: lwika:la bi?itma:m lʕamal lmuwakkal fi :h ?aw bintiha:? l?aʒal lmuʕajjan lilwika:la wa tantahi: ?ajdan bimawt lmuwakkal ?awi lwaki:l, kama: tantahi lwika:la ?ajdan bi ʕezli lwaki:l ?aw bi ʕudu:l lmuwakkil/.

(The charge ends with the achievement of the task that has been given or with the achievement of the date allotted for the charge, and it also ends after the death of the person in charge or the agent, and it also ends by the elimination of the agent …)

22. /lma:dda 590 mina lqa:nu:ni lmadani/ **:**

/alwadi:ʕa ʕaqdun jusallamu bimuqtada:h lmu:diʕu ʃaj ?an manqu :lan ?ila : lmu :diʕ i ladajh   ʕala: ?an juħa:fiða ʕalajhi limudda wa ʕala: ?an jaruddahu ʕajnan/.

(The confided thing is an act in which the one who a person confides something should preserve for a period of time and keep it safe).

The underlined words are topic physical entities that would have as function the guidance of the reader towards the knowledge of the content, the aim, and the area of the law in question, in case he wants to glance over the text.

Notice in both examples, the use of the underlined words that represent the landmark that helps the reader judge what might be the general idea of the text or the law. That is, it is possible in most of the time to shape an image about the law without necessarily dealing with the whole text; although, it is not often possible to know the main idea and its guiding message without understanding the function and the meaning of words in pragmatic relationships.

In the same token, it is of major importance to distinguish specific from general backgrounds in which the former will take place in relation to the message of a given law in a given situation and context; while the latter will represent the general ground that gives existence to the legal recommendations in particular fields. In dealing with a legal text or a law, the reader will consciously or unconsciously recognize the *mother- context* of the text throughout the use of general words:

Example:

23. /lma:dda 606 mina lqa:nu:n lmadani:

/juħaddidu l?ittifa :q ?awi <u>lħukmu lqa:di</u> bilħira:sa ma: ʕala: lħa:risi min ?iltiza:ma:t wa ma: lahu min <u>ħuqu:qin wa sultatin,</u> <u>wa?illa:</u> <u>fa tutabbaqu ?aħ ka:mu</u> lwadi:ʕa wa lwika:la bilqadri llaði: la: <u>tataʕa:radu</u> fi :hi mina <u>l?aħka:mi.</u>./

(The consensus or the judgment about the surveillance delimits what the person in charge of should do and what his rights are and the power he might have; if not, the judgments of the thing confided and the charge are applied …)

The underlined words in this example exhibit the key concepts that define the legal aspect of the text or of the sentence. They form the general background that gives way to the enactment of the law in respect to 'surveillance' in different situations. All these words do not casually occur in ordinary contexts unless they are used for legal purposes.

3.5.2.1.3.1 Cohesion:

Cohesion is one of the important aspects of discourse. It is tha1t logical linking between sentences in a text that preserves the semantic continuity of the global idea. It provides thematic, semantic, and syntactic unity in a text and the combination of sentences is ensured by some linguistic and discursive devices that make a discourse stable and clear; these are: connectives, co-references, ellipsis, and coherence.

a.Indicators of cohesion

Lexical repetition is one of the indicators of continuity in the discourse of law. Cohesive discourse then often uses **"lexical chains"** to help readers identify semantic, linguistic and ideological relationships in the text, in addition to boundary markers and collocation. The latter will predict the different words or word forms, sentences and expressions to be used together with other receding forms according to the rules of the

language. In this respect, it is possible to distinguish lexical and syntactic collocations in the legal text, where in the former, words are expected to be in the proximity of each otherwhile in syntactic collocations, clauses and sentences are arranged properly within a text.

Examples: (lexical collocation): /tanussu lmæ:dda/   (the law indicates) - /anniδa:m lʕæ: mm/ (the general organization).Both examples display a lexical collocation in which the combination of the words is very frequent in the language in general and in the legal context in particular; it would be odd in that sense to give synonymous combinations in the aim of providing similar meanings, since the combination would not be felt usual ,or sometimes ordinary, by the reader, and in the majority of cases it would generate wrong meanings(*); like in the following substitutions:/taqu:lu lmæ:dda/ (the matter says*), or /anniδa:m lkulli/ (the whole organization)*.

Beside lexical collocation, syntactic collocation remains a noticeable structural distribution in legal texts.

Examples: (syntactic collocation) /wa qad qadat mahkamat nnaqd../(and the critical court has decided...).In this example again, the lexical combination applies grammatically and structurally to a special statement that is so frequently repeated in a legal text using the same words in each time there is desire to mention the institutional decision of the court of justice.The sentence is a VSO (VERB-SUBJECT-OBJECT) used to talk about a past action in the present time. Both syntactic and lexical collocations are constrained by the situational and the contextual *physiology* of the text.

However, to maintain cohesion in a text, deixis will also serve as a device that stands for lexical elements already mentioned in the aim of avoiding repetitions and maintaining a correct grammatical form of the sentence, since the grammar will have an important impact on the meaning of words and discourse. Note that cohesion does not elaborate the structure of the legal text, it is one of the tasks achieved by grammatical relationships. In this context, Halliday and Hassan (1976:7) refer to cohesion as the "non-structural text-forming relations", to say that this concept (cohesion) refers to semantic (but not structural) ties within the text. These semantic ties are the major elaborators of text.

Consider this example:

24. /ʔiða: ʕujjina fi: ʕaqdi lbajʕ miqda:r lmabi:ʕ ka:na lba:ʔiʕu masʔu:lan ʕamma: naqasa min<u>hu.</u> (if the quantity of the product sold has been estimated in the act of selling , the seller is then responsible on the quantity missing from it).

In this example, the underlined morpheme 'it' is a reference unit that stands for the word /lmabi:ʕ/ (the product in sold). This is one of the forms of cohesion generated out of intertextual links that interpret semantic relationships and continuity. Halliday and Hassan (ibid: 4) refer to this link as "the presupposing" and "the presupposed". Hence, in the example provided, the morpheme /hu/ presupposes the word /lmabi:ʕ/ and creates a semantic tie between two sentential counterparts shaping a conditional, thus creating cohesion. The example exhibits a referential function as a marker of cohesion, and permits by the way the classification of referencing as another indicator of cohesion in text.

b. Ellipsis

Ellipsis is yet another strategy to connect sentences. It is necessary whenever a reader comes across an elliptical construction to look at the preceding sentence and try to know the element that has been ellipted .Notice that drafters of legal texts will delete words and sentences in the aim of avoiding repetition, expansions and replacements .While cohesionstands on semantic ties, ellipsis operates as a linguistic link at the lexico-grammatical level since it generally applies to nouns, verbs, and clauses.

Example:

 25. /alma:dda 857 mina lqa:nu:ni lmadani/ :

/ tasri: lqawa:ʕ id lxa:ssa biħaqqi l?intifa:ʕ ʕala: ħaqqi l?istiʕma:l wa ħaqqi   ssakan mata: ka:nat la: tataʕa:rad   maʕa tabi:ʕat ha:ðajni lħaqqajn…/

(The rules about the right of benefit are applied on the right of use and the right of housing whenever it does not contradict the nature of these rights..)

The underlined words show a nominal kind of ellipsis in which the substituted words are the nominal phrases /ħaqqi l?istiʕma:l /(the right of use) and / ħaqqi   ssakan/ (the right of housing) , then the combination /ha:ðajni lħaqqajn/ (these rights) presupposes the two nominal phrases.

In another example like the following :

26. /lma:dda 287 mina lqa:nu:n lmadani/:

/jataʒaddadu   l?iltiza:m bitaɣji:r lmudi:n ?iða: ttafaqa dda:?inu wa lɣajru ʕala: ?an jaku:na ha:ða: l?axi:r mudi:nan…/ .(The maintenance of the change declared by the lender is renewed if there is a consensus with the debtor that the latter …)

Notice again another kind of nominal ellipsis in which the word / l?axi:r/(the latter) presupposes the word / lmudi:nu/ (lender) in the aim of avoiding repetition.

c.Coherence

Coherence, on the other hand, deals with the connectivity of underlying content. That is, coherence is a procedure to realize and maintain conceptual connectivity including: logical relations between concepts and ideas, organization of the content (events, objects and situation) and continuity of events and ideas. Each sentence in a selected text should tie to the semantic and contextual correspondence that makes it part of the whole text. There are different kinds of sentences in legal texts; affirmative, interrogative, passive sentences, etc. They are in cause/consequence, problem/solution, conditional/result, theoretical/practical relationships, in addition to evidence and elaboration etc. The continuity of ideas refers to the manifestation of grammatical, semantic and lexical sameness in a chain of clauses as to refer to the same action, event, person, situation, location, etc. in addition to the use of the same time, same syntactic structures, and same syntactic functions, etc. Therefore, continuity contributes to the cohesion of the legal discourse.

From the idea communicated by Paul A. Crane, coherence can exist under two forms in a text, "situational" and "generic". In situational coherence, a text will be developed with clause relationships that determine situational contexts, modes, and tenor; however, with generic coherence, readers may distinguish and identify the genre of text, like the legal genre that might be recognized with some specific grammatical and linguistic combinations, in addition to word forms, word choice and syntactic structures.

3.5.2.1.3.2 Connectives

Discourse connectives are linking units of discourse used to signal the logical connection between ideas (kintsh & Van Dijk: 1978; Van Dijk & kintsh: 1983).They help the reader construct a global representation of the content of the text, that is what the text is about. Simultaneously, the reader will look for connectives in the text to determine the aim of any logical combination between two or more sentences in relation to the global idea of the text. This way of approaching texts will not only involve dealing with sentences separately, but more importantly understanding the making of connection between the sentences, and by the same way the use of connectives will contribute to the elaboration of coherence in the text.

Furthermore, the idea of connecting sentences to each other will systematically engage the connection of acts and situations in relation to context. That is, connectors will express causality, consequence, condition, addition, etc, in addition to temporal relationships andsome adverbial combinations.

Examples about some time connections:

27. /la: jaku:nu lilmustaħiqqi ħaqqun fi: lmurattabi ?illa: ʕani l?ejja:m llati: ʕa:ʃaha : <u>munðu</u> qarrara lmurattaba mada : ħaja:tihi./

(There is no right for the person who deserves a salary to take one except for the days he lived <u>counting from</u> the day he decided to take it for the rest of his life).

28. / ?i ða: taʕ addada lwuka la:?u kæ:nu: mes?u:li:na bittada:muni <u>mata: ka:nati</u> lwika :latu ɣajra qa:bilatin lil ?inqisa:mi ?aw ka:na ddararu llaði: ?asa:ba lmuwakkila/ nati :ʒ ata xata?in muʃtarakin/.

(If the number of agents increases, agents would become responsible for cooperation <u>whenever</u> the agency is impossible to divide or in case where the problem with the estate agent results from a common mistake).

The temporal connectives in the above examples determine two temporally definite situations , thus temporality in this case is understood through tense , indicated by the use of the words <u>munðu</u>, and<u> mata: ka:neti</u> ,respectively; these are special time expressions used in Arabic, and in these examples they mark the time of precise situations that indicate the limits of given facts. Temporal connectives interpret logical relationships between time indicators and actions, that is, temporality will denote the beginning or the end of an *event*, a *process,* or a *state,* through the use of tense indicators like, /baʕda /(after), /qabla/ (before), /munðu/(since), /mata:/(whenever), /muddata /(during),etc.

Accordingly, time indicators in the given examples would represent in the first one the moment of time that serves as the standing point for the commencement of a precise decision that is in this case as an important time for the maintenance of a legal statement in the discussion of 'agency' problems, while in the second example, the time indicator / mata: ka:nat / (whenever) emphasises the logical, punctual moment of time that traces an immediate legal decision. In this case the time indicator stresses the responsibility of agents **at that time** where the agency cannot be divided.

3.6 Conclusion

An analytical approach to the way Algerian legal texts and laws are drafted has come as a reflection to the fieldwork of the present dissertation. This chapter has then introduced the notion of ideology as it appears in the institutional and social relationship between law and the members of the society. The specifity of the drafts, being elaborated by the members of justice and oriented towards each individual with the aim of ensuring general welfare and social organization, has shown a certain ideological nature in the typical definition of the legal system and the way its texts and laws are structured

Chapter Four

Ideological Study of Sociolinguistic

Variation in Courts

4.1 Introduction

The examination of sociolinguistic situations in the court of law has guided the expectations of the present work to further details in the study of ideology. Hence, the approach to excerpts needed a diligent analysis for the understanding of the core elements of discourse that shape meaning and the way they interact with other context dimensions to form ideological behaviours. Indeed, the discussion of the collected speech acts has been devoted a whole chapter as it calls upon the basic conclusions of the previous chapters and summarizes the whole work in a set of concluding results.

Chapter Four: Ideological study of Sociolinguistic Variation in Courts

The Method

The present work has adopted the methodology of field research and approaches the fieldwork as follows:

Data Collection

The research method used to collect data in the present study was based on recordings and observation in the court of law of Tlemcen. Subjects for the collection of data transcend eighty persons among whom we distinguish native speakers (speaking the Tlemcian (TSN) dialect) and non-native speakers (speaking regional dialects), and having different backgrounds ranging from intellectuals, educated, uneducated, literate and illiterate persons distributed between males and females. It should be mentioned that the use of recordings inside the court of law is almost impossible and illegal. However, in some situations, the occasion permitted me to record a number of conversations, while others were observed and reported following the method of field research with which I could appear as a member of the audience especially composed of complainants and summoned persons and sometimes their relatives. Furthermore, the selection of participants tried to be diverse in terms of age, gender, social and educational backgrounds, etc. Data was collected with no prior attention assigned to the communicative events, but in a next step, definite excerpts were selected according to the theme of the study.

Participants

The informants in this investigation are especially lawyers and judges, however, the structure of the study necessitates an implication of civil parties in the analysis of excerpts as they are significantly active actors in discourse, and ideology has been investigated in respect to the interaction between all the participants involved and interacting in a communicative event.

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Technique

Evidently, the present research work does not aim at a quantitative examination of the group of speakers using a definite language or a variety of language, rather, it aims at detecting the presence or not of ideological features, the way they are shaped in case they figure, and what might be the different criteria that incite their production and reproduction in discursive situations. The study then, basically interprets the position and the function of sociolinguistic phenomena in the court to understand ideological features. It tried as possible as it could to collect a variety of excerpts exhibited in different sociolinguistic ways and analyzed them in respect to the context dimensions they were produced in, these vary from age, gender, physical appearance, social and educational features, linguistic abilities, identity, place and time, content, etc. In other words, the procedures of research aimed at defining the position of ideology in communicative events and in this respect, it looked for different situations in terms of the qualities and the characteristics of participants, in addition to the diversity of topics. Furthermore, ideological behaviours are understood by a prior understanding of the kind of relationship between one participant and another, as to distinguish adversarial groups from allies, in addition to the distinction made between lawyers in terms of identity that is straightforward perceived in Arabophony and Francophony. However, many other dimensions can be accounted for in the perception of ideological features as to age and sex distinctions, and sociolinguistic markers of native or non-native speakers.

4.2 Preliminaries on the Functioning of Justice in Algerian Courts

The Judiciary system in Algeria is composed of a Supreme Court, three Courts of Appeal and a system of lower courts divided into Civil, Criminal, and Commercial Courts. The jurisdiction of the Military Courts was previously limited to cases of members of the military forces, but has now been extended to include cases of civilians accused of state security crimes under the state of Emergency Law. The Supreme Court regulates the activity of courts and tribunals, and the State Council *(Conseil d'Etat)* regulates that of the Administrative Courts. Conflicts over jurisdiction between the Supreme Court and the State Council are reviewed by the Tribunal of Conflicts. A Constitutional Council examines the constitutionality of treaties, laws and regulations and has the capacity to nullify unconstitutional acts.

As the aim of this chapter is the study of language in Algerian courtrooms (Tlemcen courtrooms), it is evident to imply judiciary members mainly lawyers and judges in courtroom interactions in both the Courts and the Tribunal. A large number of studies have been conducted in the area of written judicial language .The increase in interest in human communication and spoken language and the rising popularity of pragmatics have also influenced interest in spoken language and communication in courtrooms. The courtroom is a field for debate about the interpretation and application of values as embodied in or reflected by law. Gray (1909:55) describes the state law as follows:

> The law of the state or any organized body of men is composed of the rules which the courts, that is, the judicial organs of that body, lay down for the determination of legal rights and duties.

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Any decision that is delivered in courts is not as exact as mathematical conclusions as a result of the contestable nature of the cases. As such, although there are different suppositions that emerge in a judicial opinion; the main objective remains strongly faithful to assess what is just and unjust, or what is good and what is bad. Thus judicial decisions will intermingle between fact-findings and subjectiveness. Dealing with a given case in a trial will emerge in a conflicting situation between litigants which must be resolved by the court. In this case, judicial members will go back to the appropriate judicial texts and laws that are recommended for the resolution of litigations. A series of propositions might be suggested by the law; these are applied to the case; hence, the judicial opinion carries out a symbolic role as well. Each judgment must reflect the righteous functioning of the justice system; it must convince the listener that a fair resolution has been achieved and that the final decision is an outcome of a corresponding application of the rule of law. The judicial opinion will in this way maintain the legitimacy of the legal system.

However, as court decisions depend on different suggestions and suppositions of different persons and laws, they may also depend on judicial experiments and observations, as stated by   Beckstrom(1985:147):

> Courts and Legislatures are often presented with problems that are solvable only by making guesses as to human aid- giving tendencies. In the absence of any other basis for such guesses, the decision makers look to their own experiences and observations.

The courtroom is then a social setting where various kinds of litigations are discussed and resolved. It provides an ideal ethnographic place to carry a sociolinguistic study of the interrelation between language, interaction and cognition.Courtroom interaction is then articulated by principal participants distributed in a trilogy, its basic

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structure involves: 1) an actor who has to convince,2) an addressee to be convinced , and 3) an opponent to be defeated.

This trilogy of courtroom interactions will have a big impact on the social dimension of the courtroom and will influence the conceptualization of ideas and forms of speech.

In addition to the structural and the functional dimensions of courtrooms, language displays the core element of interaction in courtrooms that shapes conversation and manages ideas and objectives; its main function lies on the challenging nature of litigations that calls for safety.

The situation provides an environment where the use of different languages and dialects can be observed and systematically studied because participants interact in a relatively unrestricted way with the surrounding of extra-linguistic constraints. In this respect, Douglas(2000:46) says:

> In order to communicate, a language user has to know what's going on, where he or she is, who he or she is communicating with, what his or her role is, what the topic is.

This is a general representation of a courtroom structure:
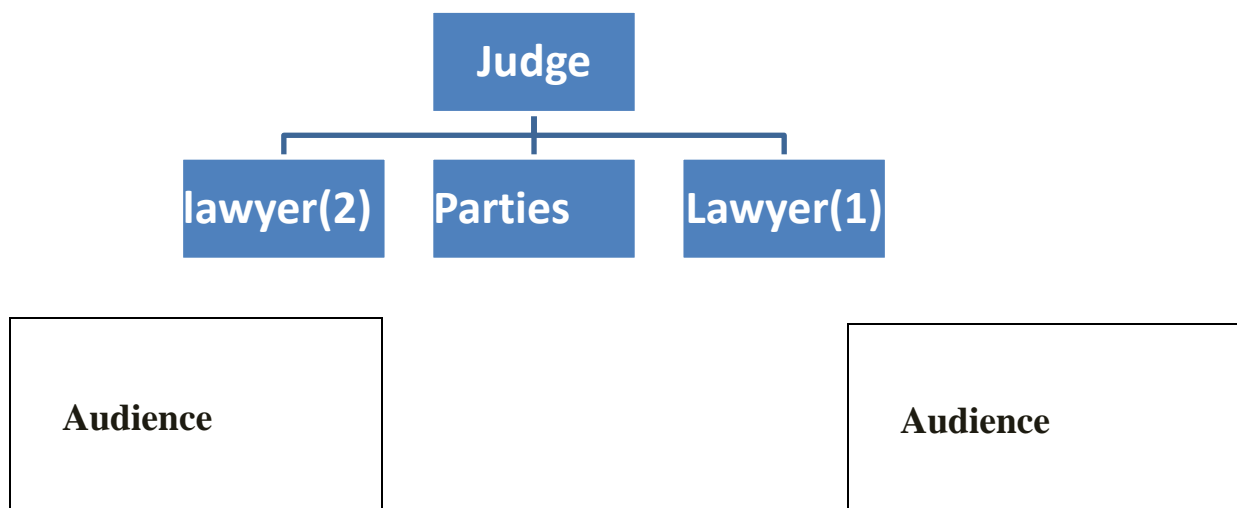
Fig4.1 **Courtroom structure: A general view**

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A Courtroom constitutes such environment where linguistic and extra-linguistic elements are in constant contact that relies on the structure, the language and the aim of the interaction. Accordingly, Here are some general rules of the judicial system:

The overall aim of the judicial system (henceforth the judicial aim) is to secure that the citizens' legal disputes are solved in accordance with the existing laws.

One of the means to pursue the judicial aim is to hold trials. Considered as a means to pursue the judicial aim, the purpose of a trial is to reach a disposition which is done by:

1) finding out what the relevant facts are.

2) determining whether they are in agreement with the existing law or not.

A lawyer is defined as "[a] person qualified to represent clients in a court of law and to advise them on legal matters[1]. Among other things, the lawyer does this by presenting evidence to the judge or jury [2]. Consequently, the lawyer serves two purposes; on the one hand, he represents his clients, on the other hand, the lawyer should present evidence for the judge .i.e. contribute to the exposure of facts and in this way pursue the judicial aim. However, and as the main objective of the client is to win the case rather than to pursue the judicial aim, the situation can provoke conflict between the two goals of the lawyer. In some cases, the exposure of certain facts at a trial could prevent the clients from taking victory. Therefore, to keep faithful to the nature of the lawyer-client relationship, the lawyer can seek to avoid the exposure of certain facts to keep 'positive'. In this respect, interactions between lawyers would take a turn-taking form, a one preventing the other from 'hiding' or manipulating facts .On the one hand, they have the right to examine both litigants (the civil parties), and they have the possibility and the freedom to expose facts

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1http://www.courtinfo.ca.gov/selfhelp/glossary

2http://www.uslaw.com/library/article/ABAJudicial Process.html.

that the other party might wish to pass by in silence. On the other hand, the lawyer has the judicial right to object to any evidence presented during the examination of his client thus not all the relevant facts at an examination are exposed by lawyers.

4.3 Analysing Courtroom Discourse

4.3.1 Code Switching

Code switching is one among many sociolinguistic phenomena that come as result of geographical and thus ethnical and linguistic contacts causing bilingualism and multilingualism that follow the presence of different languages or varieties of language. In this respect, Forde (1971:20) says:

> In societies which comprise ethnically and linguistically heterogenous communities the choice of one language rather than another follows characteristic patterns at all levels of society, being affected by such factors as education, domain topic, and locale.

Forde (1971:20).

Among the very first studies of the role of social factors in code switching was that proposed by Blom and Gumperz (1972) in which they suggest that speakers' code choices are "patterned and predictable on the basis of certain features of the local social system". Following their findings in this context, code switching is described in terms of two types: metaphorical and conversational; the first occurs with a change of the topic ,and the second happens out of a mutual necessity in which both speakers should help each other in the perception of ideas by using appropriate languages.

Code switching occurs with high frequency in courtrooms whenever two or more speakers who are bilingual in the same languages communicate with one another. This

phenomenon is sometimes random but at other times it is rule-governed, and obeys constraints and follows discourse principles.

In a most general and uncontroversial way, according to the literature, code-switching is the juxtaposition, within the same speech exchange, of strings of words and grammatical systems belonging to different languages or varieties of a language. However, in talking about code switching, it is worth mentioning the distinction between this phenomenon and 'code mixing' both defined by McCormik(1995:194) for whom code switching involves the "alternation of elements longer than one word" ,while code mixing involves "shorter elements, often just single words". Thus, there is a continuum between code switching and code mixing .Code mixing is a strategy of communication in language contact situations where speakers apply elements or rules of one language at all linguistic levels of another language generally to compensate for lack of competence. In courts, code switching has become a professional tool whereby each language or variety of language carry peculiar functions within peculiar contexts, and in the presence of different interlocutors, all under the pressure of conviction, of proving innocence, or for expressing opposition and accusation.

In the following subsections, the research work exposes the different ways and strategies of communication that follow the use of code switching in respect to a change of context.

4.3.1.1 Uncontrolled Use of Code Switching

This study shows that uncontrolled instances of code switching occur frequently in courtrooms, not always triggered by limited proficiency.

People in Algeria tend to code –switch in discourse, and this situation is seen even in this formal setting. The languages used in such habitual mixed discourse are French and

Arabic. Examples (1) and (2) provide an instance of the uncontrolled use of code switching where the matrix language is Educated Spoken Arabic.

1.Lawyer: / læ: juːʒed ʃæːhid ʕælæ hæd lhædəθ biʕ tibaːr ʔænnu hdaθ fi tariːq xæːli *à part peut être une personne ou deux* lli hudcːrhum ʔæw ʔiːdʒ æːdhum mustæʒħiːl /. (There is no witness for this event, because it happened in a deserted street except perhaps one or two persons whose presence here is impossible).

2.Lawyer: / muwaekkili *dans cette affaire*…. ʕta :wlu *un chèque contre signé* /. (My client in this affair …was given a forged cheque).

In the first example, French is unconsciously used to express a contradiction to a previous utterance in Arabic in. The speaker is a francophone lawyer and uses this special utterance "à part" in French , since its equivalent in Standard Arabic or even in Algerian Arabic is not frequent especially the word "à part"(except) .

In the second example, the speaker is also a francophone lawyer, he switches from Arabic to French as the word "affaire" which is /lqadijja /(affair) in Arabic is not ignored by the lawyer but it usually occurs in French in his daily speech. While the expression "un chèque contre signé" is composed of "un chèque "which is / sakk/(chèque) in Standard Arabic and is commonly known and used as "chèque" in daily speech; thus, it is habitually switched to as a borrowed word. "contre signé" (countersigned) is a technical utterance very frequent in the speech of the lawyers and administrators , and the use of its equivalent in Standard Arabic is very limited, perhaps unknown by some users , while it would have the meaning of /cheque mtrafiːki/(illegal cheque) in daily speech and this does not seem suitable in the language of courts.

4.3.1.2 Code Switching by Lawyers, Different Languages for Different Actors:

In courts, lawyers tend to speak to a number of different interlocutors at the same time. One reason for the mixed language of a lawyer is that part of discourse , which is in one language and directed to a definite listener, and the other part of the discourse which is in another language and directed to another listener .

For instance:

3.Lawyer: / nənnədjmu naʕta:bru hæ:d lqadijja dʒunħæ lli hija xata? fæ:dæħ/. Cette affaire est un délit Monsieur le Juge.

(We can consider this affair an offence which is a serious fault. This is an offence, your honour).

4.Lawyer: *Le tribunal est convaincu que* / ləmmæ nəltməs nəltməs dʒæmæ: ʕ ijen /

(The tribunal is convinced that when we are touched, we are touched all together).

(The tribunal is convinced that we are all concerned).

In both examples, the lawyers use mixed discourse between ESA and French. In the first example the French utterance"cette affaire…" , is directed to the judge who is a francophone, while the utterance in Arabic is directed to the lawyers and the opponent party who are arabophones. In the second example, the lawyer switches from French to Arabic to address the audience (all persons present in the courtroom) which must comprise persons of different areas, different varieties of language, and different linguistic inclinations, a situation which proposes an understandable variety of language like ESA.

The languages selected in mixed discourse are directed at different parties (the audience, the judge, the party…). Therefore, language variation enables the lawyer to cater for

different audiences at the same time. It must be remembered that the judge is an important

actor in this setting, as the outcome of the case depends on his judgment.

4.3.1.3 Code Switching for Technical Items

Apart from the national language policy and the linguistic fluency of actors in the

domain of law, there are other reasons for code-switching. At times, the code-switch more

specifically the code- mix, is the result of unavailability or ignorance of some lexical items

in one language.

 In courtrooms, it is vital that specific terminology is used to refer correctly to an object or

a character. The use of exact terminology is important in this setting where words play a

vital role and bear a major impact on life and death, freedom or imprisonment. Therefore,

whichever language enables the speaker to get the exact meaning across is used.

For instance:

5.Lawyer: / …hunæ:ka   tana:qud/ , *Madame   la Présidente*, /jqullək/ *suite à une*

dépression nerveuse….

(There is a contradiction, your Honour, he says because of a depression…).

/… hæ :d lqadijja fi:ha   xəlfijæ:t   wə hae:dæ lli   ra :   quddæ:mk / *c'est un malade*

mental.

(This affair is dubious, and the person here is a <u>mentally ill man</u>).

6.Lawyer: / nqu:lu   ʕta:lhum   ?æ: sidi/ *un mandat de dépôt…*

(Let us say he gave them a committal order…   ).

In the first example, French is used to fill a technical gap in the speech of the lawyer who seems to ignore the equivalent of "depression nerveuse" and "malade mental" in Arabic, perhaps they are not ignored in his daily speech forms , however the expressions /ħmaq/, /ħmæʔ /, /mæhbu:l/… or "fou"(mad) can never be used because they might be considered 'vulgar' forms of speech in the court of law setting .

  In the second example, the lawyer gives in French the technical expression"un mandat de dépôt" which is generally very frequent in the speech of lawyers in their daily communication and whose equivalent in Arabic is extremely ignored in court interactions.

4.3.1.4 Code Switching for Culturally Alien Terms

Consider the following example:

7.Judge:…_donc pendant la période_ /tæ:ʕ   lʕidda/ _vous étiez au Maroc et on vous a rien dit_. (..so during the period of "El-Idda", you were in Morocco and no-one informed you).

Culturally –alien concepts may also result in code mixing. In this example, the lexical item "El-Idda" is in Arabic within a French dominant utterance, this is because /lʕidda/(a limited period where divorced women are not allowed by Islam to be remarried) is specific to the Arab–Muslim world and does not have a lexical item that is equivalent in meaning in the French language. Hence, the culturally alien gap in French imposes a form of switching from French to Arabic and install the word in Arabic; "El-Idda," as a natural part of the original utterance in French.

4.3.1.5 Code Switching Due to a Limited Proficiency

The data reveals that some code –switching is initiated not only because a term is culturally alien but also because certain expressions, in order to get a specific meaning across, are best expressed by the speaker (probably to some extent because of a limited proficiency) in another language. For instance, the switch to French in this example is apparently a result of a lack of proficiency in Standard Arabic: / hæːd ..d…. la quantité l kbiːra …/

(This big quantity), the lawyer switches from Arabic, the dominant language of his discourse, to French to get appropriate meaning across. Code switching in this situation, then, can also be seen as a resource that professionals with differing levels of proficiency in different languages, can tap into to get their meaning across and achieve their communicative and professional objectives.

Consider again the following examples:

8.Lawyer: / wə nziːd fi ʕ əlmək sejjidæti rra ʔ iːsa ʔ ænnae nnið aːm lʔ idæːri mæ j….*il ne permet pas de crédit dans ce cas*.

(I add to your information, your Honour, that the administrative system does not …it does not permit credit in this case).

(Your Honour, in this case administration cannot permit credit).

9.Lawyer:/ … læːh ddiri / ……*désistement?*

(Why .....do you… renounce?).

In the first and the second examples lawyers hesitate a few seconds about the Arabic version of "il ne permet pas …'' (It does not permit) and "désistement" (renouncement), respectively.

A situation that may explain the lawyers' lack of competence or a limited proficiency

 in Arabic which is made clear by his switch to the French language after perhaps making

some efforts to continue in Arabic.

Notice in the first example, lawyer's departing use of Standard Arabic, then his sudden

switch

to French, the language in which he feels more expressive perhaps due to a limited

proficiency in Standard Arabic, while in the second example, the lawyer aimed at using an

Arabic form before moving to French to be coherent with the dialectal expression /ʕlae:h

ddi:ri../(why make..), we notice his hesitation expressed by three dots in the example ,

then he directly looks for an easier solution.

4.3.1.6 Code Switching for Emphasis

It must be emphasised that a shift to another language is not only caused by a need

to accommodate or because of limited proficiency. Code switches in this setting can be

activated for a range of reasons .In fact, a proficient bilingual speaker will code –switch for

a number of discourse and pragmatic reasons; these include the need to emphasise a crucial

point. In the following example, the defending lawyer uses Arabic as a dominant language

in his code-switch but shifts to French to emphasise an important point to the judge.

Example:

Lawyer: / sejjidi   rraʔi:s   muwækkili   muwa ðð af   ʕ æ:di   lejsa   læhu   sæwæ:biq

ʕædlija fi hæ: ð ihi lmuʔæssæssæ   muʔaxxaren *il n'a commis aucun vol depuis dix*

*ans/.(*Your Honour, my client is a simple agent, he has no police or criminal records in this

enterprise during the last years, and he has committed no theft for ten years).

Lawyer:/ sejjidi   rra?i:s   hæ:dæ   ra:h   mri:d   ʕaqli/ *il nous a présenté un dossier médical Monsieur le Juge.*

(Your Honour, this one is a mentally ill man; he gave us a medical report your Honour.)

In the two examples, both lawyers switch to French to emphasise something important. In the first example, the lawyer tries to prove the innocence of his client and hinders the accusation forms given by the lawyer of the opponent party. In the second example he tries to give argumentation to shed light on the exoneration of his client giving a convincing medical proof.

3.2.7 Code Switching for Quoting a Clarification

Quotations are more effective if cited in the language originally used by a speaker. For instance, in the following example, the lawyer uses French to quote for the sake of emphasis, and after the short interlude in the French language, he switches back to Arabic.

11.Lawyer :/ sejjidi   rra ?i:s   ?æhæmmijæt   hæ:dihi   lmæ:dda /, *"je veux dire sa qualité"* / təlʕæb   dawr kbi:r fi muba:ʃaret   nnætæ: ? idʒ /.

(Your Honour, the importance of this product, "I mean its quality", has an important   role for the efficacy of the results).

In this example, French "qualité"(quality) is used as a corrective or a clarifying   word of the receding word /   ?æhaemmijjet/ (importance) which seems unclear and may have different orientations. The lawyer in this example, switches from Standard Arabic to quote in French the expression"je veux dire sa qualité" ("I mean its quality") as a clarification; he uses his fingers to stand for the quotation of the string of words subjected.

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The impact of a quote in the original language used by a speaker creates an authenticity in the retelling; such authenticity is important in courtrooms as whether a lawyer is believed to be touching the right or the closely rightful fact, or otherwise can determine his fate.

4.3.1.8 Judge's Reprimands in French

A range of speech acts, including reprimands, directives, requests, warnings, etc...are made using different languages. It is not only the lawyer who code-switches, the judge too code switches for his own reasons; for instance, in the following example, the judge shifts from Arabic, the national language and the official language in courtrooms, to French as a face –saving gesture, as the judge is supposed to represent the word of law and is expected to respect the language administered in the court of law; however, code switching in this situation is explained as a necessary solution to carry the session on.

12.Judge: /næhnu fi mædʒliss ʕædl wa ʕædæ:læ lilfasl fi kulli qadijja /, *vous devez répondre à la question sans reproches !.*

(We are in a courtroom sitting to deal with all the problems; you have to answer the question without reproach!).

In this example, the judge makes reprimands in French to attract the party's attention and points at the seriousness of the situation to bring up this party towards the respect of the setting.

4.3.1.9 Code Switching for Necessity

Consider the following examples:

13. Lawyer: / mætæ suʒ ila hæ:d lkæmm lhæ:ʔil mina ttæsarrubʔ/

(When have you noticed this great loss?).

Judge: / ʔi ðæ: kæ:n mumkin ʔiʕæ:dæt ssuʔæ:l/

(If it is possible to repeat the question).

(Repeat the question please).

Lawyer: Quand – est ce que vous avez signalé la fuite de cette quantité importante de ces

produits?

(When have you signalled the loss of this important quantity of these products?).

(When have you noticed the loss of these products?).

14.Lawyer: /C'est bien le délégué qui gére les oeuvres sociales?

(Isn't it the representative who manages the company benefit scheme?).

Judge: /ʔi ðæ: kæ:n mumkin ʔiʕæ:dæt ssuʔæ:l mən fadlək ?/

(If it is possible to repeat the question please).

(Can you repeat the question please?).

Lawyer: / llmumæθθil ttæ:ʕ kum huwa lli jəsejjə r hæ:d lxædæmæ:t lʔiʒtimæʕ

ija ?/. (Your representative is the one who manages this company benefit scheme?).

 In the first example, the lawyer's code switching to French is triggered by a directive from the judge to repeat a question. The lawyer had originally asked the witness this question in Arabic, but it had apparently not been understood by the party (the party in this case is a senior manager of an enterprise). The lawyer could have shifted to French for two reasons; he himself could have faced difficulty in expressing the concept /question in

Arabic, not having sufficient linguistic resources to rephrase what he had earlier said in Arabic, or he may have realised that the party did not understand the question when it was asked in Arabic. In the latter situation, he accommodated to the language needs in the courtroom, and his own need as a professional to get the party to understand and consequently answer the question. In the first and the second examples, the lawyers move from Educated Spoken Arabic to French and from French to Educated Spoken Arabic (ESA) respectively , to make it clear for the parties the aim of the questions under the demand of the judges who have understood and noticed the parties' confusion.

S4.3.1.10 witching to French to Explain the Question Context

Lawyers sometimes switch from ESA to French, especially with the parties who are not responding to their questions:

Example:

Lawyer: / l<ins>ækin næħnu næwædd mæ ʕrifæt ʃʃaxs lmæ ʕni bihæ:ðihi lwikæ:læ</ins>…/………./ ma raħnæ:ʃ nsqsi:w ʕlæ ddra:hm lli srəfthum, ʃku:n lli mətkəlləf bhæ:d ssundu:q …hæ:di la caisse…*qui est le responsable?*.

(But we want to know the person in charge of this procuration…)….(we are not asking you about money you wasted, who is the one in charge of this cash ….this till…who is this person?).

When directing the party to answer the question, the lawyer shifts from ESA(the underlined expression) to Algerian Arabic, then to French under the necessity of repeating the question since the party seems not to answer over a number of turns.

In this example, the shift to French occurs when the lawyer orders in a decisive manner the party to respond to the question and can be regarded as a strategy to signal his power.

4.3.1.11 Sarcasm in French, a strategy used by lawyers

To indicate sarcasm and disbelief of the witness responses, French is again resorted to;

15.Lawyer:/ wəlla :h   ilæ ʃi   mudħik/ , mæʕnəthæ ħættæ wæ:ħæd fə hæ:d l?ida:ra mən ɣi:r   ssejjida (x) ,"*la dactilographe* !", ne peut savoir la qualité de ce marché !?

(I swear it's a funny thing, it means that no-ne in this administration except Mrs (x),"the (female) typewriter"! can know the quality of this project!?).

(You make me laugh, you want to say that apart from Mrs (x)(" (the female) typewriter"!) no one can know the quality of this project!?).

In this example "la dactilographe" (the female type writer) is resorted to in an ironical manner to show idiocy in the fact that such important project should only and more importantly be explored by high-ranked agents and responsibles , not "occasionally" and "surprisingly" by the typewriter only. Hence, the lawyer tries by his switch to French to devalue the statement already given by the opponent, as to help himself express the idea in a ' more natural' way in French , the language mostly used in his daily speech.

4.3.1.12 Non Reciprocal Language Choice:

One noticeable thing in lawyers' interactions is their endeavour not to use same languages or varieties as the ones used by their opponents.

16.Lawyer: Mais où est ce que l'hopital vous a bien orienté ?

(But where has the hospital directed you to?).

(Where have you been directed?)

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<u>Party</u> : / ruħna   wə   qa:lunna   læ:zəmlkum/   *la radio* / fəl /*privé* ˛

(We went and they told us you need a 'radio' in   private).

<u>Lawyer</u> : *Donc* <u>…/læ:zəmlkum/</u> <u>*la radio*</u> / fəl/ *privé*… ils vous ont poussé vers une radio payante ! Ils vous ont obligé de faire cette radio chez le privé.

(So…..you need to do a radio by a private Doctor …they pushed you towards a payable X-ray! they obliged you to do this X-ray in private).

    In this example, the lawyer tends to use French to ask the first question, the opponent answers in switched codes between dialectal Arabic and French, the lawyer primarily pursues his speech in French after a short interlude (the underlined sentence), this sentence is an echo in which the lawyer repeats what has just been said by the opponent to distinguish a non reciprocal language choice in showing his tendency to use French in the rest of his speech.

 Echo both in French and Arabic ensures authenticity by replicating the language used by the original speaker .In addition , such echoing also ensures the understanding of the message by all the parties concerned ; a very important objective in courtroom settings .

However, language choice is a strategic tool used by the lawyer to get the witness to respond or to make a point to the judge, who, although not being asked the question, is an involved and a powerful listener.

 Selecting a language which is either convergent with or divergent from one's interlocutor has implications .In this example, the lawyer uses a different language from the language used by the party. Such language divergence is common in cases observed in courtrooms, and the fact that such asymmetrical language choice occurs in a formal setting indicates that non-accommodation of the interlocutors' language choice implies power and control.

4.3.1.13 Language Shift; lawyer's strategy to drive a point home

Language choice is a strategic tool in the courtroom with the lawyer shifting from Arabic to French when questioning the party in order to get the responses he requires to prove his case. In the following example, after repeatedly asking the questions in Arabic the lawyer shifts to French when directing his witness, the main reason is to drive his message home trying, by this way, not to make flat the interview in perhaps carrying his "long" speech in one language, as the interview was expected to take a number of questions planned by the lawyer before. So for the sake of not being interrupted by the judge, the lawyer tries to change the code and create a linguistically different atmosphere.

Example:

Lawyer :/ ra:ki ta:lba l?infisa:l ʕlæ zzawʒ əttæ: ʕæk?

(you ask for a separation from your husband?).

Party:/ ?i:h/.

(yes).

Lawyer: / ʃħæ:l hæ:di məl ʕæ:m lli ttzəwwə ʒ tu?

(How long have you been married?).

Party: / hæ: di ʕæ: mæjən/

(Two years).

Lawyer: pendant les deux ans, vous viviez chez vos parents

(During the two years you were living with your parents).

Party:/ ?i:h kunna ʕænd wæ:ldija./.

(Yes, we were with my parents).

Notice in this example that the use of another language may have a social aspect in the fact that speakers emphasize their identities and social belonging, and a psychological

orientation in addressing people's minds to believe in a given situation or state as the language switched to or the shift to language explains it.

4.3.1.14 Language Choice with Different Interlocutors

The power of language choice and who uses what language with whom in mixed discourse used by lawyers and judges in general is specifically apparent in this study. Generally, older judges tend to use French with senior lawyers who tend reciprocally to use French when addressing this generation of judges as a matter of respect, while Arabic, in keeping with the national language policy, is approved by young lawyers. It appears then, that notwithstanding the national language policy, some of the judges and lawyers tend to switch to French with each other even in the formal setting of courtrooms as a matter of competence and accommodation to show respect, and also because of the reason that French is "implicitly" allowed inside courts to achieve professional purposes.

  Such interlocutor –directed code switching is rampant in data, it satisfies those proficient in French; older judges and older lawyers, and at the same time, the use of Standard Arabic in formal settings as respect to the national language policy is taken into consideration and lawyers generally use it to address their parties.

16.Judge : Est ce qu'on peut avoir cette preuve?

(Can we have this proof?)

Lawyer: Oui, Monsieur le juge, bien sûr.

(Yes, your Honour, of course).

Example two:

Judge: / mædæbi:na   nəxta:sər   wə   nətruk   baʕd   mina   lwaqt   lba:qi

ttætawwura:t/ (We wish to be brief and leave some time for the rest of developments).

.**Lawyer:** / wæ næħnu næsʕæ: ?ilæ   ðæ:lik   sejjidi   rra?i:s /.

(This is our objective your Honour).

In the first example, the conversation was conducted between an old judge and an old lawyer (both are francophone), while in the second example the conversation was between an   old judge and a young lawyer (the judge is a francophone and the lawyer an arabophone). The first example gives one of the forms of solidarity between the judge and the lawyer as belonging to the same profession and the same academic background, while in the second example, the judge addresses the lawyer in Arabic to avoid misunderstanding, and can be admitted as an aspect of solidarity since both of them (the lawyer and the judge) are subject to law. (Solidarity will be dealt with in the coming sections in a more detailed way).

4.3.1.15 Power of Language Choice as a Strategy to Attain Professional Goals

It is clear, that code – shifts (the use of different languages with different interlocutors), often occur in courtrooms to accommodate to differing language competences and also appear to be a strategy to coerce the witness / accused into responding to the lawyers' questions or providing the answers required by the lawyers. In turn one below, the lawyer starts by using the standard form of the language, the official language of the courts with the party; in turn two, he shifts to French; in turn three, the lawyer uses a mixed code of French /Arabic, and in this case French is used to ask a direct question twice to stress the wrong doing of the opponent).

In turns four and five, we note non-reciprocal language choice with the lawyer using French to accuse the party of not having told the truth, while the party answers in Arabic to show disagreement.

17. Turn one :Lawyer: /   ʔæntæ   muʕællim   bi   θæːnæwijæt   (x)/ ?

(You are a teacher at the Lycee (x) ?).

Party: /ʔæ   nʕæm/

(Yes).

Turn two: Lawyer: Vous savez sans doute que la loi a toujours interdit à l'enseignant de frapper ses élèves.

(You certainly know that beating pupils is forbidden).

Party: /ʔænʕæm/.

(Yes).

Turn three :Lawyer: /mən fədlək   dʒæːwəbni , est ce que c'était voulu ?....est ce que c'était voulu ?!.

(Please tell me, was it intended?).

Party:/mæ kuntʃ wæːʕi   kunt   mətraddəd/.

(I was not aware, I was distressed).

Lawyer : Qu'est ce qui vous a poussé ?

(What pushed you?).

Party : /mæ ʃæːkil ʕæːʔilija wə ziːd   hæːd   ttilmiːd   maʕruːf   bttasarrufæːt ttæː ʕ æh   mʕæ   lʔæsæːtida/.

(Family problems? moreover this pupil is well-known for his behaviour with teachers).

Turn Four:

Lawyer : ce n'est pas ce que cet élève nous confirme.

(This is not what this pupil confirms).

Party:/mæ   kæ: n ∫   γi:r   hæ:d   l ?æsbæ:b/.

(There is nothing more than these reasons).

Turn Five:

Lawyer : il *nous confirme son innocence. Dans le jour même et au moment de votre rentrée à la classe vous vous adressez à cet élève en lui disant* : /ki   nəsəbbaħ   li:k   nəsəbbaħ læ ̠∫ʃər/.

(He confirms his innocence. In the same day and once coming into the classroom you addressed him to say: I see hell each time I look at you).

4.3.1.16 Code Switching and Diglossia

When different varieties of a language co-occur in a speech community, each with a distinct range of social functions (in complementary distribution), we have a situation of diglossia. Ferguson (1959) distinguishes a high (H) and a low (L) variety used in formal and informal contexts respectively. He assumes that both varieties should belong to the same language as to distinguish Standard Arabic from colloquial one. However, Fishman (1967) introduces the notion of "extended diglossia" where forms of "*genetically unrelated*" languages occupy the high and the low positions in formal and informal contexts respectively. He refers to Paraguay as an example of a diglossic community (1971:75) where Spanish and Guarani are the High and Low varieties respectively.

 In the data of this study code switching was the result of diglossic situations where Standard Arabic and French represented high varieties and   Algerian Arabic represented the low variety.

18. <u>Lawyer</u>: /..ntæ   mi:n   drəbtæh   kunt   ?æmæ:m   markaz   ʃurta/.

(When you beat him you were next to <u>the Police Station</u>).

19. <u>Lawyer:…</u>Madame la Présidente, puisque c'était permis <u>, hæ:d ləmra mæ: taʕrəfʃ , kbi:ra wə wlæ:dha sæ:mħi:n fi:ha/.</u>

(Your Honour, since it was permitted, this woman does not know, she is old and her children have neglected her).

In the first example, the lawyer switches from Dialectal Arabic to Standard Arabic (the underlined utterance) to express respect instead of using informal borrowed forms like /lkumissærijjæ/ (the Police Station) (from French 'Commissariat').

In the second example, the lawyer moves from French to Dialectal Arabic (the underlined utterance), he was first addressing the judge, and then he wants to share communication with the audience and uses a dialectal form.

In the context of linguistic variation, lawyers may opt for many linguistic forms which may occur in the speech of the speaker, among these forms, accommodations which have also been approached as one of the aspects which dominate the legal discourse in the speech of lawyers.

4.4 Speech Accommodation

in response to some important questions in sociolinguistics that queries about the way different speakers should speak with different persons, social psychologists suggest the "Accommodation Theory" (Giles:1944)[3] that Hudson (1996:164) defines as a theory

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[3] Quoted in R.A. Hudson (1996:164), Sociolinguistics.

"according to which we tend to 'accommodate' our speech to the speech of the people we are talking to, in the hope that they will like us more for doing so".

In courtrooms, adaptive communication is beneficial for the efficiency of tasks involving dialects, speech rate, vocal intensity, and prosody. Lawyers attempt to converge toward the speech believed to be characteristic of their message recipients when they desire a high level of communicational efficiency. In this sense, Mc Mahon (1994:213) states that "Convergence takes place within a convergence area, linguistic area, or sprachbund".

In this study, many instances show the attempt of lawyers, habitually using an urban variety, to the use of a rural one in their adoption of rural linguistic forms such as morphemes, phonemes and lexical items. Notice, in the following example, the conversation between a lawyer, habitually using the urban variety of Tlemcen, and his opponent speaker from Remchi using a rural variety.

20.Lawyer: /wæ ʕlæːʃ nta ma qaddiːtʃ təmnaeħħum?/.

(Why, couldn't you stop them?).

In this context, communicational efficiency is the outcome of ambiguity avoidance of unfamiliar words and expressions. Thus lawyers show adaptive forms in lexical, phonological and morphological choices for many reasons as stated by James M. Anderson:

> In semantic change, as well as phonological change, the motivating
> factors may be structural cultural, social and psychological".

> James M.Anderson (1974:186).

In the aforementioned example, the lawyer risks misunderstanding in using /maendʒəmtʃ / (you were not able), /ntiːna / (you) which is a Tlemcenian lexical item, and may perhaps in the stereotypic view of the lawyer, be unfamiliar to the opponent..

However, in cases where the speech style of the opponent party is perceived as stigmatized (informal and not respectful), lawyers (a) have a direct attempt toward speech divergence to show difference from the 'others', that is they immediately display their "non-membership" and "non-belonging" to the same "category of such people".

21.Party: /mi:n ʃəttæh jəddənna   ʕti:tæh bmu:s/.

(When I saw him closer to me I stabbed him with a knife).

Lawyer:/fæ:jən kæ:n məwdʒ u:d   hæ:d ə ssəkki:n ʕendək wllæ ʕænd saħbək?/

(Where was this knife, with you or with your friend?).

 In this case the word /mu:ss/(knife) is regarded as stigmatized . Thus, the word /sikki:n/(knife) in the speech of the lawyer comes to replace it and stresses the opponent's illiteracy and informality… He uses a more formal word to shed light on the difference between the two forms.

Convergence is also positively evaluated by the lawyers' clients, since it leads to a high rating for friendliness, respect, attractiveness and solidarity. In this case, the lawyer matches the client's own communicational style and sometimes to a linguistic stereotype for a group in which the client has membership, as an instance, the use of an urban variety by a female lawyer when addressing an old client speaking an urban variety.

22.Lawyer: / nti:na dərwæʔ ri:k mərijjeħ bəssaħ fħæ:dæ:k nnha:r   saħħtək mæ səmħætlək ʃ   bæ: ʃ   tʔu:l   ʔæsəm   ʃəft   ʕlæ   xa:tər   kunt   fə lmustæʃfa/./fæhhæmna lħæ:dʒ /[4].

(Now you feel better, but that day your health did not permit you to tell what you saw, because you were in hospital, explain to us lħæ:dʒ).

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[4] This form of address, lħæ:dʒ (literally the pilgrim to Mecca) is an expression of respect often used to address old people , though they may not have been to Mecca.

In this case the lawyer shows great respect towards her client, taking into consideration his age and addressing him in a respectful manner in using the address form /lħæ: dʒ /   .

In addition, the aspect of friendship is almost shared between the lawyer and his clients to ensure confidence and share a certain aspect of complicity. If the lawyers are directing the opponent party comprising the lawyer and his client, divergence is a prevailing tendency. In this case they diverge away from the message that their opponents want to convey when they have a contrastive attitude, belief or point of view.

23.Opponent: /   ?ænæ mæ ?æddi:tʃ   hæ:d   l?insæ:n   sʕeb/

(I can't stand it , this man is difficult).

Lawyer : /bəssaħ   hæ:d   l?insæ:n   huwa   lli   dæ:r   fi:k   læmæ:n   wə
səlləflək hæ:d   lmæblæɣ   lkbi :r/.

(But this man is the one who put his confidence in you, and lent you this big amount of money).

Speech divergence in courtrooms is also an outcome of the lawyer's desire to change the opponent party's speech behaviour, moving it to a less acceptable level, and exhibiting a stigmatized linguistic behaviour.

24.Opponent: /mæ kæ: nətʃ   ʕændi   ruxsat   əssija:qa/

(I did not have my driving Licence).

Lawyer:/ wæ   ʕlæ:h   səmma   lɔ:tɔ   m əxju:na   wəllæ ….?/

(Why,so the car was stolen or…?).

Diverging communication behaviours in this situation purposefully leads to disagreement of propositions, discrimination and inefficient communication. The lawyer uses the term / məxiyu: na /(stolen) to exaggerate and give an unrespectful figure to the

opponent who in fact was not a thief. In many cases, the lawyer uses French as a dominant language in his speech, while he could easily have used his mother tongue. The opponent lawyer, then, exploits the situation to use Standard Arabic and shows a remarkable aspect of divergence in the aim of creating another atmosphere with a formal, academic, institutional aspect via the use of Standard Arabic, the official language of the Algerian state and protecting his party and his position in the trial.

25.Lawyer (A): /Monsieur le Président, on ne va pas quand même nier la présence quotidienne de ma cliente pendant tous ces travaux…

(Your Honour, we are not going to deny the daily presence of my client during all these works…).

Lawyer (B):/sejjidi   rra?i:s   hæ:dihi   ssejjida   kæ:nət   taħdɔr   fi   kull   marra bimura:faqat   muwakkilæti/.

(Your Honour, this woman was each time present with my client).

 In this example, lawyer B uses Standard Arabic to show contradiction by not using the language of the lawyer defending the opponent party, but his own language which he considers more argumentative perhaps for its national, official and religious aspect.

Accommodation may be regarded as one of the linguistic ways through which lawyers express their identities. Identity is then another feature which marks legal discourse in lawyers' interactions.

4.5 Identity and Language: an Exploration Into the Social Dimensions of Sociolinguistic Variation:

Language expresses much more than what is signified by its words. It expresses the way individuals situate themselves in relation to others, the powers they claim for themselves and the powers they stipulate to others. It was easy to locate some identity language variation features in courtrooms in the speech of lawyers who frequently use language to indicate social allegiances, that is, which groups they are members of as opposed to other groups. Lawyers in our selected examples move either to Standard Arabic or French to class themselves with arabophone and francophone elites respectively. This frequently causes linguistic struggle between elder and younger generations of lawyers. The former generally using French and the latter generally using Standard Arabic, each group acoording to educational and historical backgrounds mostly influencing its identity. Notice in the following examples expressions inspired from old francophone lawyers:

26.a) <u>Lawyer :</u>…d'où vient l'argent si ça ne vient pas des oeuvres sociales ?…

…c'est le comptable qu'il la controlé d'abord, il nous dit il y a un chêque, le chêque a été endossé par (x), pourquoi ce chêque n'est pas là à notre disposition.

(..Where does this money come from? If not from the company benefit scheme? …

…the accountant was the first one to control it, he confirms the presence of the cheque, the cheque was illegally signed by (x), why then this cheque isn't it here in our hands?).

b) <u>Lawyer</u> :…cette dernière aime bien l'argent …elle ne dit pas la vérité, et après, elle a changé d'avis.

J'ai signé la totalité des pièces. C'est un détournement d'argent.

(The latter is fond of money ….she does not tell the truth, and after, she changed her opinion.

I have signed   the totality of documents. This is swindling).

  On the other hand, we notice the use of Standard Arabic in most of the speech of younger arabophone lawyers.

27.a) Lawyer: / sejjidi   rra?i:s ,   ?ætæqaddem   wa   ?aqu:l   ?ænnæ   ssejjid (x) lejset   indæhu   æjj   qari:na   æw   dæli:l   qad   jarbituhu   bi   hæ: ð :æ lmuttehem , ?æltæmisu   lbara:?a   wa   lbara:?a   ttæ:mma   liħaqqihi   wæ lilmæħkæmæ wæsi æ   nna ð ar   wæ   ʃukren/.

(Your Honour , I come and say that Mr (x) has no relation or proof which relates him with this accused, I ask for his innocence ,complete innocence ,and for the courtroom all the time for checking. Thank you).

b) Lawyer: …/ ?innæ   lmæwae:dd   llæti: tubæ:ʕ   fi: wasat   lmædi:næ   læ: tædxul fi: nita:q   ttæhri:b , wæ   bittæ:li hum   ?iʃtæraw   lbida:ʕa , jæʕni hum   ħæ:?izu:n ʕælæjhae , tibqan lilmærsu:m   lwizæ:ri   min qa:nu:n   lmæ:lija   muwækkili: tudʒa:r ɣajr   muħtærifu:n   wæ   ʕælæjh   næltæmis   læhum   kullæ   lbara:?æ./.

(Products which are sold in the town centre do not enter in the illicit business, for this, they bought goods, I mean they have these goods, in parallel with the ministerial Decree of the Financial Law, my clients are not qualified businessmen, and for this we ask for their complete innocence.).

        In addition, people in courtrooms use language to create and maintain role relationships between individuals in such a manner that the linguistic varieties used by a community form a system that corresponds to the structure of the society. Speakers position themselves in relation to others by using specific linguistic forms that convey

social information.A single utterance can reveal much about a speaker: his background, place of birth or origin, or even social intent, that is, whether he wants to appear friendly or distant, familiar or deferential, superior or inferior.

Among these variations in speech, we include dialectal variations which show a distinction between rural and urban dialects[5]; the judge and the lawyer frequently use dialectal forms, each one classes himself identically with the group he originally belongs to or wants himself to belong to. Each one has a different view and a different valuation of these two kinds of dialects. Urban dialects, for instance, are not as widely used as rural varieties; they are very frequently used by old persons who show a conservative behaviour towards Tlemcen urban dialect; they are proud of their origin.

28.Lawyer: / ?æ:səm   j?u:llu   ssi   lməs?u:l: ʕændu   lħæ?   jʕammər   ʃʃae:k , jsi:nji ʃʃae:k ,   ʕændu   lħæ?   jra:?æb   ħættæ   wæ:ħæd   mæ: jniħħi:lu/.
(What has the boss told him: He is permitted to fill in the cheque, to sign the cheque, he is permitted to control, none prevents him).

Lawyer: / nti: næ   təm ʃ i: ʕænd   ssi   flæ:n   wə   t?u:llu   səlləfli: jæ   ?imma   jæʕti:lək wəllæ   llæ   bxa:trɔ /.
(You go to Mr (x) and you tell him: lend me. Either he gives you or not, he is free).

The lawyer speaking here is an old urban dialect user who keeps using Tlemcen speech even in addressing, in this case, a judge who speaks a rural dialect.

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[5] Rural and urban dialects in this study are mainly distinguished by phonological featurres namely the realization of the phoneme /q/ as voiceless in the urban centres [q] , [?]   or [k]   , and voiced in the rural one .Cantineau(1939)says in this respect "Seule une prononciation sourde du *qaf* a un sens décisif : tous les parlers de sédentaires ,et seuls les parlers de sédentaires ont cette prononciation.''(1939 : 82,quoted in Bouamrane , A,1989 :13).

Chapter Four: Ideological study of Sociolinguistic Variation in Courts

Thus, lawyers use distinct linguistic markers of their own groups to assert their cultural identities and to distinguish themselves from their interlocutors. This is what is called divergent accommodation; in which lawyers tend to distinguish themselves psychologically from the opponent parties as members of distinct ethnolinguistic groups. In this respect, Brown and Gilman argue that

> So long as the linguistic choice …is recognized as normal for a group its interpretation is simply the membership of the speaker in that group. The reverse of this is also true: when a speaker violates a linguistic norm for a   group , its usual interpretation is that the speaker is not one of "us", but one of "them".
>
> Brown and Gilman (1960) in Eckert (2004; 36).

Some lawyers use language not only to express their points, but also to create a representation of themselves in relation to others with whom they are interacting as stated below by Berg:

> The basic assumption underlying the functional – communicative approach is that language can be explained with reference to the needs of the speaker and the listener.
>
> Berg (2001:40).

That is, the lawyer in his speech should consider the kind of persons listening to him and whose judgements or value in the course of trial is important; in this case the judge and the opponent lawyer . In the same way, both parties' objectives in the trial largely depend on the way the lawyer expresses his ideas and define their needs.

The aim is an indirect influence on the judge beside the psychological and behavioural admission of the parties. These distinct behavioural interactions of the lawyer with the two

parties would probably be advantageous for his client and disadvantageous for the opponent. These interactions are strongly influential when accompanied with falling or rising intonations which may produce a specific rhythm able to supply a definite utterance with convincing forms affecting the judge and the audience's perceptions of the idea in question.

29.a) <u>Lawyer</u> : …est ce que la commission intervient <u>dans des cas pareils ?!</u>.

…elle à demandé <u>le prêt,</u> <u>voilà le probléme</u> !.

(..Does the commission intervene in such cases?).

(…she asked for a loan, this is the problem!).

In these examples, the expression "dans des cas pareils" was uttered with emphasis which marks the impossibility of the intercession of the commission in such cases and makes the action seem more serious and illegal. On the other hand, the expression … "le prêt, voila le probléme" was also uttered with emphasis to show how much this problem is difficult to solve. Some lawyers prefer using dialects where the sound /q/ confirms their cultural identity and respect for the judge and the audience as it is the sound of Standard Arabic, and keep acceptable the way of behaving, by showing good manners which give the affair a serious aspect. However, very frequently, some users of /q / sound in their interactions are in fact using an Educated Spoken Arabic form.

30.a) <u>Lawyer</u>: /hæ:dæ bi ʕæmæl wæʕd bilbæjæ:n jqu:l bəlli ?æ:na qəbətt məbləɣ ?ælfi:n   di:na:r …./.

(…This, according to a certificate which states that I got a sum of 2000 DA …).

b)<u>Lawyer</u>: /… wae fi: sænæt ?ælfi:n jæʕməl ʕaqd ʕærfi   biħɔdu:r. ʃuhu:d wə jqu:l bi ?ænni ʕæbi: wə ra:ni næʕtæraf …/.

(..and in 2000 ,he made an act with the presence of witnesses ,and he says I am conscious and I confess.).

In these examples, we notice a mixed discourse between dialectal forms of Arabic and Standard Arabic .The first lawyer starts using Standard Arabic, and then moves to Algerian Arabic to say what   the certificate contains, because it would be easier to understand the message in this form of Arabic. Further, the lawyer seems to address the judge in the beginning of his speech by referring to an administrative expression, then gives the content of the certificate in Algerian Arabic as to address the whole audience in the court.

 In the second example, we notice that verbs are in Algerian Arabic /jqu:l/(says), /ra:ni/

(I am)… While nouns like   / sæ: næt/ (the year), / ʕaqd/ (an act)…are standard forms. Rural dialects also maintain identity in courtrooms; these are regarded by some lawyers as markers of power giving the discourse its natural form.

31.Lawyer :/hæ: ðæ:k ssəjjid lli kæ:n jəbni gæ:nna bəlli ħættæ næjæ ʃri:t nəfs lqətʕæ ʕlæ nəfs ʃʃaxs lli bæ:ħħæ:lhum../.

(…that man who was building told to us: I have bought the same land from the same man who sold it to them.).

Lawyer: /… æssæjjid qa:di ttæħqi:q sətəwdʒəb lmuttæhæm wəlli jgu:l ʔæʕtærif bi ʔænni fiʕlen qumtu bi kitæ:bæt lʕaqd ʕærfijen/.

(The investigating magistrate interviewed the accused who says; I confess that I have really written the act illegally).

In these examples we can notice the use of rural forms like :/   ænæ:jæ/(me), /gæ:nna/(he told us), these are used in a free , direct way which makes the speaker at ease.

Another important relationship in sociolinguistic interactions is solidarity.

Reciprocal linguistic forms are used to express and to create the relationship of solidarity, non-solidarity forms express distance, while solidarity forms express intimacy and familiarity.

Solidarity in courtrooms can be achieved in interactions where interlocutors share some common attributes; for instance lawyers / judges direct interactions which are mostly represented in Standard forms either in both French or Standard Arabic depending on age, academic attendance but mainly because of their implication in professions of the same field, this is what gives courtroom discourses a serious , polite and respectful aspect on which Law relies to influence public perceptions of the importance of the judicial norms and obligations.

31.Lawyer: /wæ lihæ:dæ sejjidi rra?i:s nufawwid l?æmr lissejjid wæki:l lʒumhu:rija lmuħtæram lijeltemisa l?æmr kæma: jæʒib wæ lilmæħkæma lmuwaqqara tæwsi:ʕ nnaðar wæ ʃukren/.

(For this your Honour, we leave the case for the Public Prosecutor to look seriously into the affair, and for this respectful court all the investigation, and thank you.).

 In this example, Standard Arabic is used as a marker of solidarity between the members of an Algerian court which relies on official Arabic and Islamic resources. It is also a marker of formality by which the speakers must preserve the legal aspect of the setting.

 Bilingualism can also be a ground for solidarity between the judge and the lawyer. Linguistically, this relationship manifests itself in code –switching between French and Standard Arabic.

32.Lawyer : *Madame la Présidente, il faut y avoir des preuves,* /lqa:nu:n , ʔillæ lqa:nu:n…/. (Your Honour, there must be proofs, Law, only Law…).

Solidarity gives the lawyer a definite status when his speech is directed to the judge; it psychologically helps him to enhance the value of the situation and gives much more importance to the setting.

Within a society or a culture, speech patterns become tools that speakers manipulate to group themselves and categorize others with whom they are interacting. It is important to note that each speaker in a community has several groups with which they might want to identify. Saville –Troike (1989)[6]refers to this as a "person's repertoire of social identities". Judges and lawyers in courtrooms often identify themselves with the interlocutors' social identities and try to develop a communicative repertoire .This repertoire can include different languages, different regional or social dialects , and different registers. This would be helpful in the sense of creating an interactional comprehensibility which may clarify the affair in question and make it easy.

If linguistic choices must be in accordance with the "ordering of society", then, those choices carry social information about the speaker.

Lawyers frequently rely on this assumption to strengthen their defending competence based on sociolinguistic stereotypes; that is the ones about how members of certain social groups are supposed to speak. Stereotypes help lawyers know how they should address interlocutors who are members of given social groups and these are powerful mediating social cognitive processes for speech accommodation **(**Stone and Giles, 1986:244**).**

This tendency toward adaptation simplifies lawyers-clients or lawyers –opponent parties' interactions and avoid misunderstanding in attenuating linguistic differences between them

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[6] Quoted in Philipp Sebastian (2003:16)

under a kind of convergent accommodation aiming at increasing the efficiency of the communication, and helping the listener (the party), in interpreting the lawyer's positive behaviour by which he reduces social and cultural distance. In this case speech, convergence is perceived more favourably when the lawyer bridges the gap between him and the interlocutors to create a relaxed psychological perception of the problem .

33.Client:…/ ʕta:ni lkəlma ,   ?əltlu saħħa tsənna ʕlæ:ʃ jfu:t hæ:d   ʃʃhar   wə   nətfæ:hmu , hæ:d lli   ?əlt./

He gave me his word, I said to him yes, wait this month to pass, and we will talk. That is what I said).

Lawyer: / nti: na   mæ: nwi:tʃ   lɣuʃʃ   , wə   fu:? hæ: də   ʃʃ i   fæhhæmtu   wə   wərri:tlu ?æ:səm kæ:jən; wərritlu   ʃħæ:l   kæ:nət ʕændək   səlʕæ   mæʃi   dra:həm/.

(You had no negative tensions; moreover, you explained to him and you showed to him a lot of goods, not money.).

(You were serious, and more than this you explained to him what happened, you showed him the goods not the money (you owned).

In this example, the lawyer who is a rural dialect speaker uses an urban dialect (Tlemcen Dialect) to stand closer to her Tlemcenian client to make the development of the communication strategies easier.

In this kind of convergent accommodation we can notice "similarity attraction" (Giles et Powesland, (1975)[7].

The lawyer may share cultural similarities or similar attitudes and behaviours able to diminish social distance and a linguistic divergence between the two interlocutors. In our

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[7] in Hamers and Blanc,2000:243.

selected examples, a female lawyer was addressing her client (a friend and a member of the same region (Nedroma, 45 Kilometres from Tlemcen).

34.Lawyer: /…hija qəttʕæt ləwræq wə qæ:tlək mætxəbbri: ʃ lə raʔi:s ə lmaslaħa…/

(She tore off   papers and told you not to say anything to the chief officer).

The use of /q/ sound is one of the linguistic features characterizing speakers of Nedroma, in this example the lawyer converges to her interlocutor's variety of language as belonging to the same speech community.

 However, some linguistic stereotypes may affect the psychological perceptions of lawyers or judges and this may be problematic. Speakers sometimes use language in such a way to generalize specific features on whole groups mainly in relation to skin colour (white skin is, in the case of some Tlemcenians' belief, the characteristic of people from urban areas, as opposed to brown-skin persons), way of dressing, behaviours, physical appearance, geographical backgrounds, etc. In this respect, Green (1997) thinks that stereotypes are "a suitable basis for judging not only the content of the message, but also the character and intelligence of the messenger" (in Heylighen and Dewaele, 1999:26).

Accordingly, in the case of trials attended, listeners may develop a prior idea about the speaker upon listening for example to the way he uses language; in terms of style, word choice, competence, in addition to his physical appearance, regardless to the content of the message which is frequently perceived with relevance to the stereotypic features mentioned.

35.Lawyer: / ruħti ddi:ri laʕja:r ʕlæ lʕubra/.

(You went to do an examination on your goitre).

Opponent Party: / llæ rɔħt nxərrʒæh wə lgi:thum rma:wæh/.

(No I went to get it back, and I found that they had thrown it away).

(No I wanted the results but they had thrown them away).

Lawyer: / wə lkərta kæ:nət ʕændək, ddi:tiha mʕæ:k /.

(Did you have your card of examination?).

In this example, communication was between an urban female lawyer and a rural female opponent. The lawyer tends to converge to a rural dialect out of a stereotypic image she has already driven about the addressee and predicted well before listening to her answer. Then, the lawyer would have associated the general appearance of the opponent to the rural attribute to determine the variety of language expected. Hence, in convergent accommodation, lawyers show adaptive forms in lexical choice and syntactic choice as well as speech styles.

4.6 Style Intersections in Courtrooms

Stylistic variation in courtrooms results from the fact that different people express themselves in different ways depending on different contexts and interlocutors, as stated by Bell (1979:178)… "Audience design, not attention paid to speech, is the motor driving stylistic variation". A single person may have different styles to express an idea when addressing different audiences. Thus, the number of possible variations is large. In this respect, Canale and Swain (1980) define appropriateness of language use in relation to *sociolinguistic competence* which they list among the three major components defining *communicative competence,* and in this regard, they also mention *strategic competence* as appropriate use

of communication strategies. Yet, ideology can be described in relation to the three kinds of competence that participants should possess for court interactions.

4.6.1 Formal versus Informal Styles

Everybody makes at least an intuitive distinction between formal and informal manners of expression .A prototype of formal language might be the sentence read out by the judge at the end of the trial .Prototypical informal speech would be produced in a relaxed conversation. In his definition of formality, Crystal (1999:123) writes:

> Formality is a dimension of social behaviour, ranging from the most strictly regulated to the least regulated, and reflected in language by varied linguistic features. Highly formal language involves carefully organized discourse often with complex syntax and vocabulary, which closely follows the standard language , and which is often sensitive to prescriptive judgments .Highly informal language is very closely structured , involving a high level of colloquial expressions , and often departing from standard norms (such as by using slang ,regionalisms ,neologisms , and code mixing).

Focusing on this definition, we can distinguish formal and informal styles in courtrooms. Formal styles in this setting are most of the time the property of educated persons; lawyers, judges, and some parties in litigation. In this context, Standard Arabic and French become necessary linguistic tools to accomplish judicial demands. The lawyer needs from time to time to supply his speech with some decrees, laws and ordinances which are originally drafted either in Arabic or in French. A francophone lawyer frequently uses a French version of these laws , while arabophone lawyers use the Arabic version, both aiming at giving the situation a judicial legal aspect which departs from equality stated by the Law .

36.Lawyer: / jumkinu iθbæ:t hæ:d lqawl bistinæ:dina: ?ilæ lmæ:dda rəbʕa mija wə rəbʕa wə tlæθi:n minæ lqa:nu:n lmædæni wæ llæti tæqu:l : ?i ðæ: stæ γ raqat dduju:n ?æmwæ:l ʃʃærrika , kæ:na ʃʃurakae:? mæs ?u:li:na ʕæn hæ:dihi dduju:n fi: ?æmwæ:lihim lxa:ssa kullun minhum binisbæti nasi:bihi fi xæsæ:?ir ʃʃærika…/.

(It is possible to insist on what we say relying on Decree n°434 from the Civil Law and which states:

Cooperatives in an enterprise are responsible for the enterprise debts, each one depending on the amount of loss in the enterprise.)

(We can support what we say, your Honour, through Decree n° 434 which states that:

(Cooperatives in an enterprise are responsible for the enterprise debts …)

37.Lawyer: Pourquoi compliquer les choses au lieu de se soumettre à nos lois, Monsieur le juge, l'article cent vingt six du code civil est très clairement associé à cette affaire quand il dit que lorsque plusieurs personnes sont responsables d'un fait dommageable, elles sont obligées solidairement à la réparation du dommage…

(Why complicate things instead of submitting ourselves to our Laws, your Honour and Article n ° 126 of the Civil Code is clearly associated to this affair when it states that when many persons are responsible for harm, they are interdependently obliged to make amends for it).

In these examples, standard forms of French and Arabic can reveal much more about the status of the two lawyers respectively; they use a highly rich vocabulary associated with their language fluencies in non-switched codes.

Evidently, in interactions between lawyers or judges with educated persons, we can notice the formal style's usefulness in creating social and educational standard agreements either in French or in Arabic. This stylistic order gives the communication a more serious and a more polite image able to influence the psychological perception of the judges.

38.Lawyer: …Oui bien sûr, mais si vous voulez bien nous expliquer cette opération qui se passe au niveau de votre laboratoire.

(Yes of course, but could you explain to us this operation which takes place in your laboratory).

Party : C'est une opération très simple, mais elle exige le professionnalisme et la bonne qualité des produits.

(It is a very simple operation, but its needs experience and a good quality of the products).

Lawyer : Est ce qu'il existe des mauvaises qualités ?

(Are there bad qualities ?).

Party : Oui bien sûr, c'est des qualités non importées.

(Yes of course, these are not imported).

Lawyer : Et les produits que vous utilisez ? Sont ils importés ?.

(And the products you use? Are they imported?)

Party : Oui.

(Yes).

Judge : Est ce que vous pouvez bien nous donner le chiffre exact, si vous voulez… la somme totale de ces produits ?

 (Could you give us the exact number, if you want the total sum of these products?).

 It is because communication starts in French and because it is well addressed to francophone persons, that it is kept in French as the suitable language for such a formal

communication regarding the topic and the context which are scientific, thus non stigmatized, Irvine (1979) has pointed out that the use of the notion of formality in the study of language has touched on several dimensions. For instance:

> Formality can be related to seriousness, or unfamiliarity, or social distance, or deference. While multiples of these commonly co-occur, we can no longer afford to conflate them if we are to focus on meaning in variation. Seriousness itself can include gravity earnestness, concern with important matter, and indeed, speaking formally can confer gravity or importance on situations and topics.
>
> Judith Irvine (1979) in Penelope Eckert (2004:47).

A speaker may manage style in an effort to sound more formal in particular ways; this is in fact what happens in courtrooms, in an attempt to call upon a position, to create distance, to show deference …but mainly in attempt to show how much the lawyer is earnest in evaluating the problem or the case at hand.

4.6.1.1 Lawyers' Formality as a Marker of Seriousness

Very frequently, lawyers manage their linguistic performances in courtrooms in a way to behave as serious persons, giving themselves a respectful, a highly evaluated image, thus no dialectal forms are used since they are regarded as non prestigious and stigmatized; they tend to use formal styles as highly as possible with correct, exact and rich grammatical expressions, in addition to the use of some complex lexical items unfamiliar to daily speech, as stated by Dewaele (1999:41)

> Formal language is characterized by some special "attention to form"(Labov1972), where the formal speaker tries to approximate as closely as possible the standard form and pronunciation of the language , perhaps the way it is defined in textbooks.

This formality points at earnestness through the identification of the lawyer's linguistic ability which helps him develop ideas departing from standardisation. Such style reflects his educational background, thus, his intelligibility and respect for the legal context.

In psychological destinations, lawyers are the messengers able to reflect litigants either in bad or good orientations; thus, if lawyers show respect to this formal context through language use, judges may feel the seriousness of the litigants.

39.Lawyer(A):/ sejjidi rra?i:s , neħnu wæ min hæ:da lmuntalaq , næsʕæ: ?ilæ: tæ ʒsi:d mæ: huwa muqarrar wæ mæ: huwa mæns ɔ:s ʕælæjh fi ddustu:r lʒ æzæ:?iri , fæ bi kæ:mil θθiqa næstænid ?ilæ lmæ:dda raqm xamsa llæti: tubarrir mædæ: bara:?æt muwækkili: wæ mæda: sada:qati ʃuʕu:rihi/.

(Your Honour , we, and from this point, tend to practice what was decided and what is stated in the Algerian Constitution , so with a great respect , we follow Decree n° 5 which justifies the extent of innocence of my client and the extent of innocence of his feelings).

Lawyer(B):Je m'adresse à toute personne …... et j'ai tendance à vous laisser la décision en se basant sur les points très importants qui ont marqués la rudesse qu'a vécu ma cliente avec son mari.

(I address everyone ……and I let you decide , taking into consideration   the most important points that marked the hardness which my client lived with her husband).

In the aforementioned examples, instances that mark seriousness are above all the use of standard languages.

In the first example, the lawyer opts for Standard Arabic language, and selects his words and forms in relation to the context. He supported the feeling of earnestness in the use of words like:

/næsʕæ:/(we tend), /lʒæzæ:ʔiri/(Algerian), /fæ bikæ:mili θθiqa/ (with all confidence), /mædæ: bara:ʔat…wæ mæda: sada:qati ʃuʕu:rihi / (the extent of innocence…and the extent of innocence of the feelings of my client).

In the second example, lawyer (B), uses French, and similarly, he selects words as:

Je m'adresse à toute personne (I address everyone), j'ai tendance à vous laisser la décision (I tend to let you decide), la rudesse (hardness).

4.6.1.2 Lawyers' Formality to Show Respect of the Case in Hand

The importance given to the different subjects open to debate by lawyers in courtrooms is necessary to demonstrate before the judge, the juries, and the whole audience. This demonstration can only be perceived through language management which becomes a lawyers' task to make it perfect since this importance given to the subjects arouses motivation, agreements, conviction, inciting the psychological perceptions of the hearer for belief as stated by Courtés (1991:43) : (…As far as judgments in the Assize Courts are concerned, the most important thing, according to language, is to make seem true)[8]

40.Lawyer : Mais Monsieur le Juge, tout ça est impossible, une entreprise très jeune et qui n'existe que depuis six mois, ne peut pas investir toute cette somme d'argent…

(But, your Honour, this is impossible, a very recent enterprise which has existed only for six months cannot invest this sum of money).

41.Lawyer : / sejjidæti rraʔi :sa muwækkili juʕæ:ni kæθi:ren min suʕ u:bet lʕejʃ fi: hæ:d lmækæ:n wæ huwa ʔæb li θælae :θæt ʔatfa :l, fæ kejfa

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[8] My Translation: "...A propos des jugements en Cour d'Assises, l'essentiel, du point de vue du language, est de faire paraître vrai ».

tatasawwar sejjidæti   rra?i :sa   lwadʕija   llæti   jæʕ i:ʃuha   hæ: ?ulæ:?   fi   fasl ʃʃitæ:?   /.

(Your Honour, my client is suffering from a bad life in this place, and he is a father of three children, so how can you imagine, your Honour, the situation that they live during the winter season.).

In the examples above, lawyers try to strengthen their argumentative instruments through logical ideologies to make them more convincing for the judge. Thus, logic is the core of seriousness which may give the argument an actual and an admissible characteristic   in favour of certainty.

In the first example, the lawyer indirectly accuses the enterprise for theft, using the expression "tout ça est impossible"(all this is impossible),the word "mais"(but) ,the expression "et qui n'existe que depuis six mois" (and which has existed only for six months),to show how much the enterprise has gone beyond the standard of investment.

In the second example, the lawyer supplies his argumentations with emotional representations to conclude logical admissions:

-Words and expressions like /juʕæ:ni/(suffers), /wæ   huwæ ?æb   li θælæ:θæt   ?atfa:l (and he is a father of three children),/…fi fasli   ʃʃitæ:? / (in the season of winter), are used to motivate the emotional directions of the judge who is a woman, to finish with indirect logics in the valuation of the living situation of the man.

4.6.1.3 Lawyers' Formality to Show Respect or Deference

One of the main roles of the lawyers in courtrooms is to show deference to their parties and to the judges as well. Deference in courtrooms is very frequently a way of behaving with old persons(the parties)and the members of courtrooms (judges and /or juries) in an attempt to show respect and politeness, and the aim behind is to ensure confidence and respect the formal concept of the setting.

42.Lawyer(A): / læw tæstesmiħuni sejjidi mæ: huwa masi:r lmumtælæk:t llæti næwæjtæ bejʕæhæ: bi bæni bublen ? /.

(If you permit Sir, what about the properties you wanted to sell in Beni Boublan?).

Lawyer(B): ….*et vous aviez la gentillesse et l'honnêteté* de partager tous ça avec les personnes qui eux aussi sont normalement concernées.

(And you had the kindness and the honesty to share all this with the persons who are normally concerned).

(And you have been honest in giving the heirs their rights of inheritance).

Highlighted expressions are forms of respect lawyers use to address their parties.

In the first example, the expression is an indirect form of permission which introduces the question. In the second example, the expressions are forms of deference which cause the party to avoid being ill at ease in communication.

4.6.1.4 Lawyers' Formality to Create Distance

Lawyer's (A) formal stylistic choice may also be a reason to create distance from different addressees for instance the lawyer of the opponent party (B) ; when lawyer (A)

uses informal style , Lawyer (B) moves to formal style to express distance carrying the function of superiority , intelligibility , correctness, and reality.

43.Lawyer(A): / sejjidi rra?i:s mi:n hæ:d lxəddæ:mi:n jaħħadrɔ nha:r wə jəɣi:bu ʕaʃra, ki:fæ:ʃ ħæbbi:t sejjidi mæ tənxəwənʃ lxæzi:na/.

(Your Honour, if these workers are present one day and are absent ten days, how would the Bank not be stolen).

(Your Honour, if these workers are present one day and are absent ten days, how would you expect the security of the money).

Lawyer(B): /…sejjidi rra?i:s hæ:?ulæ:? ʕummæ:l busata:? læ: jæmliku:n ?edna lħuqu:q littasarruf ?aw ttæħækkum fi: xæzi:net l?ida:ra , hunæ:ka aʃxa:s muqarrabu:n wæ mæʕniju:n bi hæ:dihi l?æxi:ra wæ læhum mæfæ:ti:ħ xa:ssa/.

(Your Honour, these are simple agents not concerned with the protection of the Bank of the administration, there are other special persons who possess the keys).

In another pointed out case, the lawyer opts for formal use of language to show distance from the whole audience comprising the judge and his assessors. In this case, the lawyer used the French language instead of Arabic (Standard or Dialectal) in an attempt to create distance from the general public, considering the use of French as a second language confined to specific cases and specific contexts; this is what makes it different from the Arabic language. Thus, French has acquired a particular set of attitudes that may be regarded as prestigious, as scientific, educational, or perhaps it has gained a lesser importance in perceptions of some people.

44.Lawyer: Monsieur le Juge, tout ce qui est à notre disposition n'est que des copies non légalisées. Pour vous dire, la légitimité de cet enfant est douteuse, il n'a pas de nom de famille, il n'a pas un dossier médical …, c'est comme si il est tombé du ciel.

(Your Honour, all what we have are not authenticated certificates. To tell you, all the legitimacy of this child is doubtful, he has no family name, no medical file; it is as if he came down from the sky).

In this example, the lawyer shows a French language bias and used it to create distance from the others in disposing it within an administrative context. He seems to associate the French language to discourse segments that refer to administrative issues, and gives it a particular status and value. The lawyer's formality in this case is also explained by his educational background which has probably been processed in French in administrative as well as legal affairs.

4.6.2 Stylistic Variation for Mediating Purposes

In the resolution of cases, mediators (lawyers) often evoke a notion of compromise between the litigants rather than solely applying the law to the letter. The cases brought to court in this situation are frequently between couples, or disputes between customers and clients, or people involved in minor accidents.

In other kinds of stylistic variation, Linden (2004: 1) distinguishes three types of style which in this corpus are very frequent; they are chiefly used by the lawyer to orient, to organize and resolve problems between two parties mainly problems in couple relationships. Each of these styles has a specific function:

4.6.2.1 The Facilitative Style

The facilitative style has an advantageous destination which helps the mediator (lawyer or judge) identify the real desire of the litigants. According to Linden:

It is characterized by providing a "framework" within which to work with parties towards a mutually acceptable agreement to end a conflict.

Linden (2004:1).

In courtrooms, the judge uses this style through an interactive discussion with the two parties in an effort to find a position acceptable to both sides in the debate. Thus, facilitative style is an approach characterized by the identification of the needs of the disputants.

45.Lawyer : / bimæ: ?ænnək   muwa:f q   ʕlæ   rraħi:l   ʕlæ:ʃ   mæ   qərrərtʃ trɔ: h wə tæ:xud   zzæwdʒæ   dijæ:lk ?/.

(If you aceept leaving home, why haven't you decided to leave and take your wife with you?).

 Party(1) : / mæ   ʕændi:ʃ   məblæɣ   kæ:fi   mina   lmæ:l ./.

 (I have not enough money).

 Lawyer : / wə   zzæwdʒa   dijæ:lək   təmlək   lmæblæɣ /.

(And your wife, has she got this money?).

 (Does your wife possess the amount of money?).

 Party: / wa: h   ʕændha:/.

(Yes, she does).

Lawyer: / wə   nti: mæ: huwæ   lmuʃkil   dijæ:lək ./

(And you, what is your problem?).

Party(2): / jrədʒæʕli   mæblæɣ   mæ:li   nsæ:lhu:lu /.

(I want him to give me back the sum of money I lent him).

Lawyer to Party (1): / ra:k   muwa:faq ?/.

(Do you agree?).

Party(1) / nrəʒæħħuːmlhæ   juːm   jkuːn   ʕændi /.

(I will do so once I have it).

Lawyer to Party(2): / wə   nti: sejjideti: ħæːwli: tæʕæ ð riːlu   ħæːlu: , ssəbri: bəʃart ʔænna lmæħkæma təsæːndək ʔilæ mæː sddədlək ʃ   lmæblæɣ /.

(And you lady, give him this chance, be patient and you will be under cover of Law if he does not give you back your money).

In this example, the lawyer is addressing a couple and, in a facilitative style, he tries to reach an agreement between the two parties without imposing harsh propositions which may lead to separation. It is through this style, and relying on psychological strategies, that the lawyer uses a turn taking interview using more optimistic expressions like …./tæʕʕaðriːlu ħæːlu../ (respect his situation) in the aforementioned example.

4.6.2.2 The Evaluative Style

In using this style, the mediator orients the litigants towards a final resolution without necessarily contributing to their reconciliation.

> In the evaluative style, the mediator uses his skills to help disputants evaluate the positions that they espouse in the mediation.
>
> Linden (ibid:1).

The judge helps the couple evaluate their respective positions through the use of the evaluative style which is somewhat directive. In this case, he will be careful not to impose his or her opinion, but rather to be illustrative in helping the couple test their positions. In this style, the judge will often persuade the parties to evaluate their probability of   sanctions if the dispute were to go to a formal litigation process .This technique can be very helpful for disputants to come to grips with their problems.

46.Judge:/ ?ilæ: ra:k məsmməm ʕlæ rafʕ lqadijja ləlmæħkæma lʕulija: bidu:n muna:qaʃa fælækæ ðæ:lik/.

(If you want an appeal to the Supreme Court, you can do it).

47.Judge:/ ?iðæ: kæ:n hunæ:kæ musa:laħa min fadlkum xudu lqara:r /, lmæħkæmæ qa:d ra təfsəl fə lqadijja wə tæʕti lkull wæ:ħæd haqq ?i ðæ: mæ: təmmʃ l?ittifa:q/.

(If there is an agreement, please take a decision, the court is able to solve the problem and to give everyone their right if there is no agreement).

In this case, the lawyer passes to a rather 'insensitive' interactive way of communication, since it is the right time, here, for the parties to decide on their future ,and mediation is time- limited. He then asks for a direct communication using for example: …./fælækæ ðæ:lik/(you can do it) to show that the litigants are the only ones to decide .

4.6.2.3 The Transformative Style

In the transformative style, the mediator enhances a motivational atmosphere which reveals much more about the disputing situation of the litigants. As Linden (2004:1) states "This style is heavily focused on the interactions and the communications between the disputants". In this corpus, couple attitudes are central to the transformative style, pointing out the manner in which they interact and in which they communicate, or often fail to communicate is the duty of this style.

48.Lawyer: s'il vous plait sans insultes, à quoi veux tu en arriver?

(Please without insults, what do you aim at?).

Party one : à une séparation immédiate.

(An immediate separation).

Party two: *tu es dur* /wə kæː n kunt ħæsba hækda bəzzæː f mæ nəgʕudlək/.

You are a hard man, if I knew this before, I would have left you).

(You are a hard man; I should have left you a long time before).

Lawyer: *Calmez vous madame, veuillez respecter l'audience*, /   γi: bəʃʃwijja

 wə nətfæː hmu /.

(Be calm please, would you respect the audience, we will come to an agreement).

In this example, the lawyer is the mediator of a dispute in a couple's relationship, he uses a transformative style to help the disputants position themselves ; he asks a direct question to party one (the husband) to let him express his desire then he moves to a request which comes as a response to an informal way of comment given by party two (the wife).He uses this style to diminish and calm down the tensions of dispute and open way to harmony when using the expression / γi: bə ʃʃwijja wə nətfæː:hmu/(we will come to an agreement).As an initial step, the lawyer tried to position the litigants and guess their destinations, then he moves to a way for reconciliation to end the litigation in an advantageous resolution.

4.6.2.4 The Narrative Style

In the narrative style, the mediator narrates the development of a definite event. He uses in this case exact and punctual information.

> The narrative style of mediation is based on the premise that the position each party brings to the mediation is a product of their life's discourses.

> Linden(ibid).

The discussion of the case in this situation takes the form of a story telling discourse to get the couple to disclose, often unwillingly, the true nature and perception of the conflict.

49.Lawyer: Monsieur le Président, mon client nous montre sa sincère pitié envers son fils qui au moment de sa rentrée à la maison le trouve en pleine dispute avec sa propre mère, elle nous contredit, d'après elle, elle venait de sortir de la maison quand elle a trouvé son fils en train de se battre avec le jeune homme…..

(Your Honour, my client shows his pity for his son who at the moment of his coming home found him right in the middle of a dispute with his mother, she contradicts us, according to her, she was leaving home when she found her son fighting with the young man.).

This example is a narration , the lawyer narrates the different events which have marked the dispute between the mother and her son to stand on exact arguments which may give the situation a real form .

4.6.3 Trial by Metaphor

Law has its own language with specialized and artificial terms that assign meaning to the legal world. These terms are functional and instructive in Justice, but when courtrooms must present their findings to the public, these abstract constructions will not

suffice; thus, metaphorical styles use arises from the need for communication and comprehension. Acting as more than a mere linguistic embellishment, the metaphor is a linguistic means in which two objects, terms, or concepts are compared in a way that makes the reader or the hearer confused about their relationship in organizing meaning. In legal discourse, metaphor serves a function in communicating legal reasoning and gaining authority for judicial decisions; it is particularly apt as a means of representing complex and abstract ideas and carries with it an explicative power able to cause the concrete world communicate with the conceptual world. Further, Metaphors have the ability to make an appeal to common sense which is of critical importance to the judicial process. Among these are the 'conceptual metaphors' which are very frequent during judicial processes in courts. Crystal (1999:215) defines them as "those functions in speakers' minds which implicitly condition their thought processes…"

The use of this kind of metaphor in courtrooms and its acceptance as a determined persuasive power leads the judge to view entailments of the metaphor as being true. Lawyers draw a confident belief in the significant *magical* power of metaphor from daily life experience. Examples in these cases reveal the impact of metaphor on judicial decisions:

50.Lawyer: / ħnæ mæ:dæbi:na nʃu:fu <u>ħænnət jəddi:h/.</u>

(We want him to show us <u>the henna in his hands</u>).

meaning, (We will be happy to watch his ability).

51.Lawyer: *Mes deux clients* ra: hum *d'accord* / bəlli<u>: hæ:d rra:ʒəl ʃærika/.</u>

(My two clients agree tđat <u>this man is an enterprise).</u>

meaning, (My two clients are sure that this man is rich).

The two underlined expressions are forms of metaphor expressed in dialectal forms; in example one, the underlined expression is a metaphor which stands for the ability of the party to convince and to prove arguments; this expression is, however, generally used in Algeria to mean the result of a hard work, thus a person can prove his seriousness, his ability and his desire for success.

In example two, the lawyer uses the underlined metaphor to show how much this man is rich. It is important to recognize that alongside its positive rhetorical use, the juridical metaphor also has the potential to mislead, distort, obscure and distract.

4.6.4 Ironical Styles

Usually for humorous or dramatic effect, lawyers tend to use ironical expressions carrying a meaning other than that literally conveyed by the words, in order to place the opponent party in a pre-accused situation. These expressions are always accompanied with a specific intonation of mockery to denounce the witness's or the party's version of fact, guiding their   words towards nullness.

52.Lawyer: / wmi:n   hæ:d   əssəjjid   mæ: jaʕtik   wæ:lu   læ   nafaʔa   læ: wæ:lu   mæni:ʃ   ʕæ:rəf   hæ:d   ddræ:ri   ki:ʃ   kəbru: /.

(If this man does not give you anything, no pension and nothing else, I do not know how your children have grown up!).

Irony in this example is expressed in an interrogative manner which needs no answer, but the lawyer uses it as a mockery to express how much this is not true since the party's children are having a good life thanks to their father, while the mother complains.

4.6.5 Aphorisms and Proverbs

The speech of lawyers is also a ground for aphorisms and proverbs; these two concepts carry a general sense of the whole subject; they are usually concluding forms in courtrooms used to give the context a pragmatic image, they are distinguished by some linguistic features. Crystal (1999) shows the difference between these two concepts:

> Aphorisms are succinct statement expressing a general truth…they often have a distinctive rhythmical structure.

Crystal (1999:20).

> Conversely, proverb is a short, pithy, rhythmical saying which expresses a general belief or truth…Many can be divided into two parts which balance each other, often displaying parallel syntax and rhythm, and links of rhyme and alliteration.

Crystal (1999:278).

In both cases, we can distinguish examples in different languages which mainly occur in the speech of urban old persons:

a) Aphorisms :

53.Lawyer: / si:di rra?i:s ki:mæ n?u:lu ħnæ: ?æ:llu mæ:jən dæ:k lʕur? ?æ:llu mən di:k ʃʃədʒ ra/.

(Your Honour, someone asked: from where does that branch come from?, another answers: from that tree).

meaning, (Your Honour, as we say :<u>He said to him where 's that stick from ? From that</u> <u>tree.</u>

The lawyer used this aphorism as a reference to the origin of the opponent .The latter was accused with his father for a an aggressive dispute with a director of an enterprise, so the lawyer uses the word 'stick' to refer to the son and the tree to refer to the father meaning that because the father is "ill-mannered" and "rude", the son must be so too.

54.Lawyer: /… kimmæ   ?æ:l: <u>lli   fæ:tu   jjæ:mu   mæ: jətmaʕ   fə   jjæ:m</u> <u>ənnæ:s /.</u>

(…As he said: the one <u>whose days have passed should not   profit from the days of the</u> <u>others).</u>

In this example, the lawyer used this expression to refer to an old man seventh marriage with a young girl. He means that young girls are reserved for young men, and old persons' lives must be different from young persons'. Thus the expression / lli   fæ:tu   jjæ:mu /(whose days have passed) is directed to old persons ,and the word /ənnæ:s /(people) is used to mean young persons. While the verb /jətmaʕ/ means takes profit from ...

 55.Lawyer: Et c'est vraiment l'expression qui dit:

<u>dis moi qui tu fréquentes je te dirais qui tu es.</u>

 (…And it is really the expression which says: tell me whom you are mixing with, I tell you who you are). (…As said in the expression: tell me whom you are mixing with, I tell you who you are).

 In this case, the lawyer uses this expression in directing a group of delinquents accused of drug abuse, one of them was in fact innocent, but he is a friend of the group, so in the lawyer's point of view, this man should have some common habits and behaviours with the group because he is a friend of theirs .Thus, anyone's behaviour depends on the behaviour of his (intimate) friends.

b) **Proverbs:**

Notice the following example:

56.Lawyer: /lejsa lænæ mæ: naqu:l ?illa : , <u>fi ttæ?ænn**i** ssælæ: ma wa fi</u>

<u>lʕædʒælæt**i** nnædæ:ma /.</u>

(We do not have anything to say just<u>: In slow there is safety and in hurry there is regret).</u>

This expression was a conclusion given by a lawyer to close his speech about a street accident committed by a woman (the opponent).His use of the word /nnædæ:ma/(regret) predicts what must be the state of the woman after the judicial decision; she is guilty for a death as a sequence of her offence in driving a car without a driving licence; thus the lawyer here accentuate undoubtedly her logical sanction. The woman in the state of regretting what she has done should have appreciated safety in patience.

4.6.6 Direct versus Reported (Indirect) Speech in Courtrooms

4.6.6.1 Direct Speech

In direct speech, the originally delivered words and expressions of a speaker (A) are answered by another speaker (B). In this case, speaker (B) is the lawyer; speaker (A) is one of the parties. The most effective way to work across language barriers is for all lawyers to use direct speech. However; participants in the judicial process; judges, lawyers, witnesses, may resort to reported speech occasionally, unwillingly or as a matter of habit.

57.Lawyer: / …lwərqa bqa:t tfu:t məljədd ljədd ….lwæθi:qa ki: tətwəqqaʕ

xla:s tru:ħ muba: ʃaraten littenfi:d /.

(…The paper passed from one hand to another, when the certificate is signed, it goes directly for execution).

meaning, (…The paper passed from one hand to another, when the certificate is signed, it is ready for execution).

Notice in this example that direct speech is habitual since the lawyer knows the agents and knows their task   in administrative affairs .It is clear that the lawyer has information on the steps which represent the execution of the sentence. In this case he may have reported the speech of the agents before and represents it in a direct form to be closer to reality and certainty. He could not say for example: 'someone(x) said that'…..,it would have a boring meaning since reporting the speech of the others would diminish the power of argumentation guiding the lawyer's ability of knowledge about administrative rules towards nullness.

Uchida (1997:13) argues that "Direct speech represents itself as resembling the original utterance primarily in form, while indirect speech represents itself as resembling the original primarily in content".

Lawyers find it more natural and more exact to give the original version of an utterance, when speaker (A) is an opponent party, lawyer (B) uses direct speech to repeat the utterance given by speaker (A), this may include an exploratory chance for the lawyer serving a controversial function against the opponent party. .The aim is to exploit the sentence that the opponent used for an involuntary confession, in a manner of putting responsibility on the opponent in serving his own words for a dangerous idea   favourable for the lawyer's pleadings.

58. <u>Opponent Party (A)</u> : / <u>lmæ:dda lmustæwræda kæ:nət qri:b tətpi:ri:ma/.</u>

(the imported matter was close to the date of peremption).

<u>Lawyer (B)</u> : /? ah <u>lmæ:dda lmustæwræda kæ:nt qri:b tətpi:ri:ma/.</u>

(Ah <u>the imported matter was close to the date of peremption</u>).

<u>Opponent Party (A)</u>: /bəssaħ muddæt ssala:ħija mæzæ:l mæ kəmlətʃ /.

(But the period of use has still not finished).

In the underlined utterances, the lawyer re-uses in a direct manner the expressions of the

opponent, in a way to stress what "he says (the opponent) not what I say (the lawyer)".

In this case he shapes the utterances of the party in unconscious revelations.

When speaker (A) is not an opponent party, the lawyer uses direct speech to repeat or to

emphasize an important point, favouring his argumentation.

<u>59.Client (A):</u> / bəssaħ æ:na sejjidi: rra?i:s rəfətt ddəftər wə ddi:tu

ləlmudi:r…./.

(But your Honour, I took the register to the director….).

<u>Lawyer (B)</u>: / …….. wə muwækkili: sejjidi: rra?i:s ra:h jqu:l rfətt ddaftar

bəjəddi: wə ʕæbbi:tu ləlmudi:r…/.

(…..and my client your Honour is saying: I took the register myself to the director….).

The lawyer uses direct speech as a repetition of his client's words to stress the exactness of

the proper words and the proper meaning of the expressions.

4.6.6.2 Reported (Indirect) Speech:

In reported speech, speaker (B) repeats what has been said by speaker (A) but uses

his own version, sometimes adding or changing linguistic elements but keeping the same

meaning. This kind of speech is very frequently found in cases where the lawyer uses this

utterance as a basis of his coming justification or viewpoint. In some other cases reported speech is used when the culprit is unknown or is still in accusation.

60.Lawyer: / ʔæ:na nqu:l lʔæ:læ nsərqat bæʕd mæ: xrædʒ ssejjid (x)./

(I suggest that the machine was stolen after Mister (x) has left).

61.Lawyer: c'est pas vrai ….l'affaire a été bien préparé par complicité…

(It is not true ….the affair was well prepared by complicity).

In these examples, the culprits are unknown and this is clearly understood in the use of expressions like: "a été"(has been), /nsərqat/ (was stolen).

However; the behaviour of a lawyer using reported speech may be compared to that of a narrator who reports to the participants what the speaker has said. The message is restated from the interpreter's (lawyer) narrative point of view, but the clients' actual words are never rendered. Direct speech readily allows the lawyer to put himself in the speaker's (clients') frame of mind, which in turn facilitates the faithful transmission of the message.

4.6.7 Active versus Passive Voice:

Active and passive voices are grammatically distinguished by form but not meaning. However, the use of one syntactic form but another has an important role within the judicial contexts in the speech of lawyers; they may cause different listener's perceptions of the content, in this case lawyers use distinctly these syntactic forms depending on the way of addressing judges and /or juries. According to Berg (2001:45),

> Speakers make syntactic choices which are not (only) determined by the syntactic rules of the language but also guided by their desire to incorporate the listener's perspective. This discourse strategy not only facilitates comprehension but also makes listeners see the relevance of the message. As Fox and Thompson show, speakers are quite sensitive to the listeners' needs.

In sentences in the active voice, the agent or the doer of the action is the subject, the receiver takes the action of the verb, and then active sentences follow the agent-verb – receiver format. In passive voice sentences, the receiver of the verb's action becomes the subject of the sentence; hence the function of both structures is important in discourse.

In this corpus, the active and the passive voices were purposefully used for different reasons; however, the use of the active voice was very frequent; it is simpler in form and direct in meaning than the passive voice.

62.Lawyer: /… ?æssæjjid (x)   jatlubu   tæʕwi:dan li hæ:dihi   lxæsæ:?ir / (ACTIVE).

S   V   O

(Mister (x) asks for payments of   these damages.) (ACTIVE).

S   V   O

Lawyer: / muwækkili: dajjaʕ kull hæ:d lmudda   bæ: ʃ mæ: jəwsəlʃ lhæ:d lwadʕ ijja/. (ACTIVE).

S   V   O

(My client   has lost a lot of time in order not to be in such a state.)(ACTIVE)..

S   V   O

S: subject-   V:verb   O:object.

In general, the passive voice is sparingly used; overuse can make speech seem flat, uninteresting and confusing because it is often unclear who is performing the action

especially in long utterances. However, the passive voice may be used in cases such as the following:

-When emphasizing the receiver of an action is more important than emphasizing the agent or the doer of this action.

63.Lawyer: / muwækkilæti: hija ?awwæl mæn tɔridæt minæ lmæktæb/. (Passive).

(My client was the first one to be fired).(Passive).

PASSIVE VOICE		
OBJECT(receiver)	**VERB(PASSIVE)**	**AGENT**
My client	**was**	**X**
/muwækkilæti/	**/t uridæt/**	**X**

X: there is no agent.

In this example, the lawyer wants to shed light on the one who has been fired , so the doer or the agent is not mentioned , he also uses the pronoun/hija/ (she) to put stress on the receiver of the action.

- The lawyer uses the passive voice as part of his discourse in order to make speech appear objective and fact-based.

64.Lawyer: / ħnæ mæ: jhəmmnæ: ʃ ?ænnu ssæjjida hæ:di **nsərqat** qadd lli jhəmmnæ: ?ænnha: **ndərbəts/.**

(We are less interested in the fact that she **was robbed** rather than in the fact that she **was beaten.**

Underlined words are verbs in the passive form. In these cases, the doer or (the agent) is not mentioned since the lawyer wants to stress the facts of being robbed and beaten.

If we take the first example ……/ssejjida   hæ:di nsərqat…………ndərbət/(…..this lady has been robbed).; /ssejjidæ/ (lady) is the object of the sentence in the passive form,and the agent would be the doer , it would be clearer if we say: /   wæ:ħæd sraq ssejjida hæ:di/ (someone has robbed this lady). In this case /wæ:ħæd/ (someone) is

the agent, but he remains unknown.

Lawyers often use the passive voice when the process or result is more important than the agent.

65.Lawyer: Monsieur le juge, la matière qu'on a achetée est un produit toxique…

(Your Honour, what has been bought is a toxic product).

In this case the lawyer is not interested in who bought the product but what has been bought, which kind of product; thus the agent is not mentioned and the verb is not stressed. Using the passive voice is one of the few times that prove useful, albeit in a somewhat deceptive way. In almost all other cases, it is better rhetoric to use the active voice. It is a better choice for two reasons:

1- Active voice sentences are often more precise and shorter to serve argumentation in avoiding boring words and mentioning both the doer and the receiver of a definite action than passive voice sentences   ,where the doer is often absent .Moreover, expressing the same idea in the passive voice frequently takes more words, thus the meaning may be changed or misunderstood.

66.Lawyer: /sejjidi rra?i:s hæ:d   ʃʃaxs   ndləm , ttəsraq wə ra:h   jxallas …/.

(Your Honour, this man was treated unfairly, he was robbed, and he is paying…).

(Someone has unfairly treated this man and robbed him, now he is paying...).

67.Lawyer: /… wæ lil mæħkæma wæ: siʕ nnaðar min taraf sijæ:dætikum/.

(..and for the court all the time for check by your honour).

Notice that it would be shorter in the active voice to use the same examples:

/wæ:ħæd dləm hæ:d ∫∫axs wə sərqu../(someone has unfairly treated this man and robbed him). /wæ lisijæ:dætikum wæ:siʕ nnaðar/(and for your honour all the time for check).

2- The Passive voice requires weaker words, abstracts words like: /ndrəb/ (he was beaten) /rtfəd/(it was taken), ttəsraq (was robbed).

The demonstrative pronouns:/hæ:d / (this) , /di:k/ (that) and prepositions like :/bi/ (by), /min taraf/(by)….are dull and colourless in comparison to content words. Content words include concrete nouns, powerful verbs and vivid adjectives.

To make clear who is doing what, lawyers who use the passive voice often have to tag unwieldy phrases at the end of clauses such as (par Monsieur(…)(by Mister), ʕæn tari:q æssæjjida(…)(by Mrs…).

Prepositions and articles are dead weight and lawyers' speech is more direct and powerful if fewer prepositions and articles clog the sentence structure. Using the active voice consistently is one way to ensure that this does not happen.

4.6.8 Questions and Interrogatives in Courtrooms:

The most important way of address in courtrooms is the mode of interrogation, that is, the form and the content of questions and questioning strategies with a main stress on the form of the question by the legal authority in relation to the general description of the communicative act of questioning.

4.6.8.1 Questioning as a Mode of Communication:

Questioning in courtrooms has several functions among which the mode of communication is important for judicial and professional goals. This communication influences the different psychological and linguistic behaviours of the addressees and the listeners. Hence, the generated behaviour may communicate particular, sometimes hidden characteristics of the addressee and help the speaker identify his position in discourse. In this respect, Watzlawick et al.(1967) in   Pascual (1999:1) adds, "All kind of behavior – verbal and nonverbal is communication. At the same time, any instance of communication has an effect on behavior".

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Questioning, examining, and interrogating are all terms referring to an activity taking part in courtrooms. In the latter, the questioning or examination is the process by which the lawyer's set of circumstances are transformed into legal categories.

When the defendant of the opposite side cross-examines a witness presented by the opponent, the mode of questioning is much more combative than the mode of questioning of chief witnesses (examining own witnesses or own clients). The latter is more supportive which is partly evident from the content of the questions: on mental states, on intentions…

Thus, the defendant is sometimes cooperative and sometimes defensive, and these two behaviours are often contradictory .They also involve two different styles of communication and argumentation.

68.1 The lawyer as a defender:

Lawyer:…Mais pourquoi y'a t-il pas donc de dossiers administratifs dans les archives ?

(..But why there are then, no administrative files?).

Opponent: Je ne sais pas…, ça a toujours été comme ça.

(I do not know, it has always been like that)

68.2 The lawyer as a cooperative:

Lawyer: …Est –ce que c'était dûr de poursuivre ce traitement dans un hôpital?

Client: C'était vraiment dur, personne ne peut l'imaginer.

The lawyer in the first example aims at disruption of his opponent for the benefit of his client; while in the second example, the lawyer supplies his arguments with a cooperative question to show how much his client suffered in hospital, and he obviously wants to put responsibility on the opponent .

4.6.8.2 Semantics and the Mode of Questioning in Courtrooms

The mode of questioning in courtrooms is recognized among the great number of styles used in interviews .Questions are distinguished between each other with different wordings and specific linguistic choices which mark each question in the purpose of ultimately designing different objects. Sidan (1982:9) states the following:

> The style and lexical choices used in courtrooms are almost never innocent and can and do function as devices that influence and manipulate witnesses. This has been made clear in the research by psychologist Elizabeth Loftus(1974,1975,1976) in which she demonstrates that even small changes in the wording of questions can modify eyewitnesses' memories.

Since witnesses' memory of certain events is of great importance in trials, the reformulations and paraphrases occurring during this are strategies by which a witness' memory is manipulated. Questions in courtrooms generally take a hierarchical distribution and each one is relatable to the preceding one in the sense that one cannot make sense

without the preceding question. As stated by Sebastian (2003:1), "In a conversation, an utterance makes sense only if it can be connected to the preceding utterances in a meaningful way".

69.Lawyer: Qu'est ce que vous avez utilisé pour ouvrir le coffre?

(What have you used to open the safe?).

Party: Une pince et un tournevis américain.

(A wire cutter and an American screwdriver).

Lawyer: / wi:n kunt mxæbbi lməftaħ ?/.

(Where have you hidden the key?).

Party: Dans un pot de fleurs.

(In a pot of flowers).

Lawyer: / zzæwʒ a ttæːʕæk kænət ʕaːrfa mækæːnu ?/.

(Did your wife know its place?).

In this example, the lawyer follows consecutively the main points which determine the doer of a theft. He starts with an introductive question to present the topic, and then moves to the second question to find out the subjects who may be involved in this theft; he finally approaches the wife and asks another question to know whether this one may be involved or not.

4.6.8.3 Mitigation Strategies

The interrogation format is often related to the expression of communicative acts and strategies of accusation, excuse, defence…Mitigation is one of the strategies of accusation and defence used by the judge and the lawyer; the aims are the defendant's confession and the implications of these questions.

Although the questions have sometimes factual content, they are often blame-implicative. The judges offer mitigated versions of accusations which may be more arguable to the defendants. In this sense, the mitigated format of the accusations of the judges is aimed at mobilizing the cooperation of the defendants.

70.Judge: / wə ʃħæ:l <u>mən fadlək</u> kæ:jn mən ʕɔdw fə hæ:d ldʒəmʕijja?/.

(<u>Please</u> how many members are there in this association?).

Party: / tni: n wə ʕəʃri: n /.

(Twenty two).

Judge: / wə ntæ mæ: ʃæ: rəktʃ fə ttæwzi:ʕ ?illæ fi: senet *deux mille quatre*?/.

(And you have not participated in the distribution only in 2004?).

Party: / ?en ʕ æm/

(Yes).

Judge: *si c'est possible de nous citer* / l?æʃijæ:? lli wəzzæʕtu:ha /.

(Could you tell us what things you have distributed?).

Notice in this example the use of some special expressions of mitigation in the underlined sentences where there is a kind of request which makes the receiver at ease in order not to change his habitual and ordinary behaviour as this would have an impact on what he would utter. Crystal (1999:168) says in this respect:

> Interrogatives are descriptive of a grammatical category found in verb forms or sentence and clause types, used in the expression of questions, contrast with declaratives.

In the present work, interrogatives will not be studied as purely linguistic features and analysed through linguistic means; their purely linguistic form will be treated as being closely related to the participant's argumentation and conceptualization of the overall

communicative situation. Also, communication will be understood here in a general sense as behaviour.

Thus, interrogatives will be treated as verbal registers of communicative acts used by lawyers and judges as professional criteria. Specifically, the interrogative sentence type will be treated here as being conventionally associated with a pragmatic or communicative function, they set up a communication setting of the type: A asks B , who is expected to answer.

4.6.8.4 Types of Questions in Courtrooms

Questions have important functions in courtroom interactions; they can be sub-divided as follows:

4.6.8.4.1 Ordinary Questions

An ordinary question is that which is asked by a questioner to a selected answerer. A communicative situation is thereby activated, it takes the form of a dialogue started by the questioner who prototypically requests the addressee's participation by providing the answer to the question, in this situation, we notice a dynamic turn- taking.

71.Lawyer: Pourquoi veux tu que le propriétaire ferme ce magasin?

(Why do you want   the owner to close this shop?).

Party: Parce que tout simplement il nous dérange.

(Because simply he disturbs us).

Lawyer: Vous déranger comment?

(How does he disturb you?).

72.Judge : / wə kæ:jən næ:s mæʕnijji:n bəhæ :d l?amr /.

(Are there special persons concerned with this affair?)

Party: oui /kæ:jən /.

(Yes, there are).

Judge: / ʃkun hu:ma/.

(Who are they?).

In these examples, the lawyer and the judge aim at clarifying the important points that mark these cases in a kind of interview; after each answer, the lawyer or the judge in these examples ask another question and so on. However, ordinary questions (which do not expect an answer) do occur even in much ritualized settings, which is the case of legal monologues in the visited courtrooms which describe a speaker- hearer rather than an interlocutor-interlocutor conversational structure. In this case, real information –seeking questions occur very rarely.

73.Lawyer: / …wæ læki:n ʕəle:ʃ æ:na mænæ:xutʃ l?æb dijæ:li wən ʕæbbi:h ʕænd muwæθθəq?/.

(But why I do not take my father to a notary?).

Lawyer: …est ce que par le temps elle aura beaucoup plus d'effet?

(….would it be more efficient with time?).("elle" (it) refers to a medicine).

In the first example the lawyer asks a question which needs no answer it is a solution which takes the form of a viewpoint.

In the second example, neither the lawyer nor the audience ignore the answer, since it was clear that no medicine is inefficient and by time can become efficient out of body experience.

4.6.8.4.2 Open Unanswered Questions

The special use of questions involves asking a question whose answer is presented by the questioner as having been (suspiciously) unanswered .Although this type of questions may be classified as rhetorical questions , it is claimed here that they do not imply , but rather suggest a direct or an indirect answer .As questions , they are regarded as involving a change in the communicative situation and the discourse structure to challenge the opponent .

An example would be:

74.Lawyer: /sejjidi   rra?i:s   wæ   ʕlæːʃ   hæːd   lmudiːr   jæːkul   draːhəm   lxəddæːmiːn/

Qu'est ce qu'il peut bien cacher derrière ce comportement ?

(Your Honour, why does this director exploits the salary of the workers? What does he hide behind this behaviour?).

 In this example, the use of open unanswered questions was directed to the opponent.

 The lawyer suspected the director for theft, and showed how much he was not a reliable

 man.Thus he had no need to answer these two questions which were   two forms of accusation suggesting serious doubts.

4.6.8.4.3 Yes –No Questions

Yes-no questions are among the most coercive; they are sometimes understood as an invitation to explain or elaborate. Generally, lawyers use this kind of questions in the initial part of their examinations, aiming at introducing the case in fact or guessing the right version of the fact. This may ultimately help them to gather some information guiding

them to some conclusions which are introductions to other opened discussions within the same context.

75.1 Lawyer: / hæl   kunt   ħa:dər   ?æm   la: ?/.

(Were you present or not?).

75.2 Lawyer: / ki: lħaqt   lgi:t   ʒi:ræ:n   fə   da:rə k ?

(Have you found neighbours in your house at your arrival?).

75.3 Lawyer: / hæl   bənnisbæ   li:k   hæ:d   lmæblæɣ   muhimm   ?æm   læ: ? /.

(According to you, this sum of money is important or not?).

We notice in some questions the expressions /hæl…?æm læ: ?/(yes….or no?) which expect a positive or a negative answer , but in the second case the answer would certainly be positive or negative without necessarily using special expressions like the ones mentioned before.

These questions may have other important functions when positioned in the core of the examination; lawyers may point at the confession of the addressee, his denying the truth, his lying …if this is an opponent party , if not the use of these questions would aim at conviction, clarification, explanation and the evidence of honesty.

76.Lawyer to the opponent : / wə   ntæ   ssi: (x)   hæ:d   ʃʃi: *fait partie de votre profession ou pas ?*

(And you Mr (x), is this part of your profession or not?).

Lawyer to the client : / wə *est ce que* nti : na   qəbəlt *les propositions* dijæ:lu wəllæ lla ?/.

(And you, have you accepted his demands or not?).

In these examples, the lawyer asks for a direct answer, 'yes' or 'no', in a developing situation where 'yes no questions' become necessary strategies.

4.6.8.4.4 Disjunctive Questions

Disjunction is according to Crystal (1999:92);"the relating of two propositions so that they are in an alternative or contrastive relationship…"

Disjunctive questions are used in courtrooms to express contradiction between two ideas or propositions, they come to create disruption and upheaval in the addressee's psychological and ideological capacities, this is what may affect his speech and behaviour. Lawyers in this stage are frequently conscious of the right version of fact which they have retained for the right moment of notification in a disjunctive question. In the following example, the lawyer combines the addressee's answer of an ordinary receding question and the real fact, composing a controversial and a confirmative question by which the addressee (generally the accused) is surprised and put between two extremities; thus he is trapped either to choose the right answer given by the lawyer or to denounce the truth pushing the lawyer to look for another argument.

77.Lawyer: / wə *les soixante dix milles dinars*   lli: *ça fait a peine cinq secondes* məlli gultli   rəʒʒaʕthumlæh , rəʒʒaʕthumlæh wəlla   ra :m   ba :qijin   ʕændək? /.
(And the 70 000 dinars which according to what you said   about five seconds ago , you gave him back, did you give him back or you still have them ?).

Lawyer : /_wæ:səm   hijja   ssəlʕæ   lli   kæ:nət   fə l *camion* mæʃi   ?əltənna *quelques_briques, ou bien plus /.*

(And what was the kind of goods which were in the lorry, haven't you told us, these were some bricks, or more?).

In these examples, lawyers' statements contradict the ones of the opponents; this opposition is rendered and expressed in a disjunctive question.

4.6.8.4.5 Tag Questions

Crystal (1999:332) defines a 'tag' as follows:

> The tag is a structure used in tag questions …attached to the end of a statement in order to convey a negative or positive orientation (eg :(inEnglish) It's outside, isn't it?)

Tag questions are also coercive and they have their part of influence on lawyers' language use, their principal task in courtrooms is to push the addressee towards confession. In this context, lawyers use them to enhance their already considerable power over witnesses and the addressees in general in a way to remind and serve argumentation.

In tag questions, the lawyer and the judge suggest an idea and try to prove it through a negative or a positive orientation.

78.Judge : …*Donc , le grand nombre de factures* / ra:h fə la direction/*, n'est-ce- pas* ?

(…so the biggest number of bills is in the head office, isn't it ?).

Lawyer : …/ hæ :d ssijjid dmənlək səttælæ:f dina :r / , /ni:ʃæ:n/?

(… This man promised you 6000 DA, right?).

Underlined expressions are tag questions, the first and the second examples are negative and positive tags respectively which probably have 'yes' answers since the lawyers in using these questions have positive destinations noticeable in the preceding utterances .

4.6.8..4.6 Rhetorical Questions

Rhetorical questions are another kind of questions used in courtrooms; they distinctly expect no answers by extending their orientations towards the whole audience under the purpose of dramatizing the facts.

This question is treated here as an argumentative device which involves an implicature .Such interpretation is taken as the implication of the question's own answer. To follow Ilie (1994:6), the rhetorical question is regarded as an actual question which the speaker poses in such a way that the addressee will find the answer in the questioner's mind .It thus requires a mental response rather than an explicit answer. In other words, the puzzle of the lawyer is in rhetorical questions; the puzzle of the addressee is in looking for the required answer.

When addressing the audience, the lawyer is entirely certain and aware of the audience's intrinsic agreement as if he wants to centralize his idea and gather the whole voices to supply his arguments.

79.Lawyer: …/ wæʕlæːʃ ħnæ nxəlləs mən bæʕd lli nəʃriːw wəllæ nəʃriːw wə bæʕdhæ nxələs ?/.

(Why, do we pay after we buy, or we buy and after we pay?)

Lawyer: … / ʃʃ i lli jəħajjər sejjidi rraʔiːs huwa ttasarruf tæʕ hæːd lmarʔæ , wæːʃ ləmra bəʃaxsijjətha lmuħtarama təldʒæ? lhæːd nnæwʕ minæ ttæhriːb ?/.

(What is amazing your Honour, is the behaviour of this woman. Does a woman with her respectful personality go to such a kind of smuggling?).

Lawyer: …Quelle honte Monsieur le Juge, qu'est ce qu'on doit penser de quelqu'un qui tue sa femme pour une telle raison ?!.

(..What a shame, your Honour, what can we think of a person who kills his wife for such a reason?!).

Clearly, the use of rhetorical questions allows expressing one's opinion of the facts without having to say "my opinion". This question expresses an argument in an implicit rather than explicit manner; it helps to create a powerful speech style.

In the aforementioned examples, underlined expressions show the direction of the lawyer towards the whole audience in implying himself and everyone in the suggestions using the pronoun /ħnæ/ (we) and the phrase "Quelle honte!" which involves the matter into a general and a public concern .

4.6.84.7   Leading Questions

Leading questions may produce more accurate reporting in situations in which the client feels inhibited about admitting some negative facts which the lawyer suspects are true:

80.1 Lawyer: …Mais pourquoi envoyer cet homme si ce n'était pas <u>par curiosité ?</u> .
(Why then send this man if not out of curiousity?).

80.2 Lawyer : / hæ:d   ʃʃi   muħæ:l   si:di   rra?i:s   ,   wəlijjeh   nti:na   fə   lblæ:d   təskun wə ssijja:ra dijæ:lək   təga:riha   fə   l parking   tæ:ʕ   butæʃfi:n   ?!/.
(This is impossible your Honour, why you live in the Town Centre, and you park your car in the parking of Boutachfine?).
(butæʃfi: n (Boutachfine)   is a region about 5 Kilometres from Tlemcen   ).

In this case, the lawyer tries to reach fact based information which the party wants to avoid in using the underlined expressions to give his opinion and affects the psychological and the behavioural guidance of the opponent. Within the same context we can distinguish open from narrow questions:

Open questions were recommended to allow the lawyers' clients to report events in their own words, so as to encourage better recall. They provide emphatic understanding allowing the client the freedom to select what is important to him and the opportunity to raise sensitive topics in the way he feels more comfortable. However, open questions often do not elicit sufficient detail to reach legal conclusions, and they allow the reluctant client to avoid what may be definitive topics. Accordingly, narrow questions are used to elicit detail and to motivate inhibited clients. Notice the following example:

81.Lawyer:… /Wæːʃ   gæːllək   fə   ttiːrifuːn ? /.

(What did he tell you on the phone?).

Party: / gæːlli   nətlæqaːw   ʕlæ   lʕaʃra , gutlæh   daːkuːr , gæːlli   mæː tənsæːʃ   ssəlʕa   gutlæh   waːh /.

(He told that we will meet at ten, I said ok, he asked me not to forget the goods, I said yes).

Lawyer: / wə kiːfæːʃ   təmmət   lmuwaːfaqa ?/.

(How did you arrive at an agreement?).

Party : /gæːlli bəʃħæːl   txəlliːhæːli, gutlæh   mən bæʕd   nətfæːhmu /.

(He asked me how much, I said to him: we will discuss the matter later).

Lawyer : / wə mən bæʕd ? :

(And after?)

Party: / mən bæʕd tlægiːna ʕlæ lʕaʃra ʒæːw mʕæːh   ʒmæːʕa   kæːnuː dæːrgiːn , ʃæːfha gæːlli ʃħæːl ssuma ttæːlija gutlæh xməstaːʃ /.

(We met at ten, he was accompanied with a group of men, and he looked at the goods and asked me about the last price, I said fifteen).

Lawyer: / xməsta:ʃ wæ:ʃ ? /.

(Fifteen what?)

Party:/ xməsta:ʃ məlju:n ….gæ:lli saħħa ddæ:ha fə llɔ:tɔ gæ:lli ra:ni ʒæ:jj nʒ i:blək ddra:hm, hæ:di:k hijja ddæ:whum wə hərbu: /.

(Fifteen million ….he accepted he took them in the car and told me; I am coming to bring you money, from there, they took them and escaped).

Lawyer: / ssi: (x) ʃħæ:l sæ:fərt mən mərra fi: ʃhar   ?u:t ? / .

(M[r] (x) how many times have you travelled during the month of August?).

Party: / rəbʕa   mərra:t /.

(Four times).

Lawyer: / ʃħæ:l   bəʕt   səlʕæ /.

(How many goods you bought?)

(For how much did you buy?).

Party: / wæ:ħəd…..θθlæ:θi:n   məlju:n /.

(about….thirty million).

Lawyer: / mi:n   ʒæ:k   ra:s lmæ:l /.

(Where did you get money from?)..

Party: / kunt   déja   nbi:ʕ /.

(I was already buying)

(I was a businessman).

Lawyer: / wə ʃħæ:l kunt næ:wi ddəxxəl   tæʕ   rrəbæħ ?/.

(And how much money you expected to have as a surplus?).

(How much money you expected to win?).

Party: / wæħd   lʕaʃra   ha:kkək /.

(About ten).

It is worth noting that open questions are particularly recommended at the outset of the interview and the lawyer begins each new topic with an open question. In the aforementioned example, the client sets forth his dilemma in a comfortable manner and speaks about what is important to him. The lawyer in this case gives him a way to express freely the answers of the questions without being bounded with specific questions. In this example all underlined expressions are open questions while the others are narrow questions. The lawyer moves to a narrow question to obtain details that may be legally relevant; in this example she asks about the origin of the money, the amount of money that the party aims to win, the amount of money he got in exchange for his goods, etc…All these are questions which need direct answers without giving the opportunity to avoid the answers designed by the lawyer.

4.6.9 Interruptions

An interruption is an overlaying speech by two, or more, speakers. In the context of this study, interruption may show cooperation or competition .It is cooperative when the lawyer repeats the client's emotion, expresses empathy, reflects the client's emotion or begins to supply an answer while the client is still speaking.

Cooperation:

82.1 Client: / mi:n   dxəlt   mæ   lgi:t   ħættæ ……

(When I came I found no...).

Lawyer:

/ mæ   lgæ:t   hættæ: wæ:hæd   kull   ʃ i: mbəllæʕ   /.

<u>(She found nobody, every thing was closed).</u>

82.2 Client: ..../ ʕændi: ɣi:r hæːd lwəld …

(I have only this son ….)

Lawyer: /ʕændhæ ɣi:r hæːd lwəld lli jəxdəm ʕliːhæ/.

(She has only this one who works for her).

 In this example, the interruption of the lawyer is an attempt to guide the client and supply him with positive argumentations in favour of his innocence, and these interruptions usually occur at the end of the client's utterances as shown by the underlined expressions.

Competitive interruptions include those where the lawyer changes the topic, insists on an answer to a question the party might have been avoiding, or ignores what the client is saying. They typically occur in mid-utterance, indicating an attempt to control the conversation.

Competitive:

83.1 Opponent Party: / dxəlt kima: mda:ri wə gʕætt nəxdəm ħættæ lətnaːʃ ...

(I went as usual and set to work until twelve.).

(I went to work as usual until twelve o'clock…..).

Lawyer: /mnə lʕaʃra ħættæ ltnaːʃ wə nta təktəb fə wæθiːqa wæħda /.

(From ten to twelve you were just writing one document).

(From ten to twelve you have filled one form only).

83.2 Opponent Party: ./A sept heures du matin j'étais en route ……

(At seven in the morning I was on my way…).

Lawyer : exactement à Ain Temouchent où tu as croisé Madame (x).

(Exactly at Ain Temouchent where you met Mrs (x).). (Ain Temouchent is about 80

Kilometres from Tlemcen).

In this example, the lawyer attempts to stop the opponent and cause trouble in his interaction by using competitive interruptions which ultimately aim at a conclusion or at an end of the communication in a favouring situation where he takes the floor to give his own argumentations and suggestions.

The primary linguistic technique that encouraged clients to continue and complete their statements of concerns was the use of neutral utterances known as "continuers", "Mmh hmm", /kəmməl/, /zi: d/… (go on), je vois (I see).

4.6.10 The Diversity of Technical Vocabulary in Courtrooms

Language in courtrooms is characterized by highly technical vocabulary used in specialized ways. In the present study, technical vocabulary was largely diversified comprising medical, chemical, economical, religious and judicial items.

When dealing with different legal cases, lawyers are very frequently subject to language and register variations. During the examination of a criminal litigation in which a group of doctors and nurses took part, lawyers were compelled to use medical, technical, and chemical items either under obligation or as a manner of intimidation whereby the use of technical vocabulary would be felt as commonly shared and used as any other vocabulary. It is psychologically perceived as non- limited, thus non-attractive (by its usual users). In this context, lawyers often focus on definitions as an introductory strategy to attract the whole audience attention.

84.Lawyer: L'hyperthyroidie, Monsieur le juge, est un ensemble des troubles provoqués par une activité exagérée de la glande thyroide.

(Hyperthyroids, your Honour, is a group of troubles provoked by an exagerated activity of the thyroid gland).

(Hyperthyroids, your Honour, are troubles provoked by an exagerated secretion by the thyroid gland).

Because French is the language of science widely used in Medicine in Algeria, verbal technical vocabulary in courtrooms is in French. However, Standard Arabic seems challenging French in the speech of the young generation of lawyers who beside the frequent use of French medical vocabulary, either by the specialists or by old lawyers, often give the relevant technical definitions in Standard Arabic.

85.Lawyer:/sejjidi rra?i:s hæ:d ddæwæ:? huwa ʕiba:ra ʕæn hurmu:n lɣudda ddarakija ...../

(Your Honour, this medicine is a hormone of the gland of thyroid).

It is a way of expressing divergence; linguistic divergence, identity divergence and social divergence.But, it is also a way to enlighten ideas and facilitate conceptual perceptions by the audience including the judge and the juries.

86.Lawyer: Qui est ce qui est chargé de ce malade ?. Est ce le médecin , l'infirmier ou bien le garde malade ?

(Who is in charge of this patient? Is it the Doctor, the nurse or the home nurse?).

Doctor : Le docteur est bien évidemment responsable de ces malades, mais il y a quand même l'infirmier qui est chargé par leur schéma de traitement donné par le medecin. (The doctor is evidently responsible for these patients, but all the same there is a nurse who is in charge with   their scheme of treatment given by the doctor).

Lawyer : le schéma qu'a suivi ce malade est plutôt thérapeutique, comment expliquez vous sa mort ?

(The scheme of patients is therapeutic, how do you explain his death?).

(This man followed a therapeutic scheme, how do you explain his death?).

Nurse : Quand il est mort j'étais pas là, donc je n'ai aucune idée.

(When he died I wasn't there, so I have no idea).

Lawyer : Mais vous étiez en pleine garde ?

(But you were on duty).

Nurse : Oui , mais kunt fə l cardio à ce moment là..

(Yes, but I was in the service of Cardiology at that moment).

Lawyer(B):/sejjidi rra?i:s hæ:d ʃʃaxs lli twəffa kæ:n jæ:xud næwʕ mina lmuxæddiræ :t wsəfhu:mlu ttabi :b mi:n kæ :n fə maslaħat ttibb rra?s wæ l?aʕsa:b, kæ:n jʕæ:ni mən ʒalta dæmæwijja fi lmuxx, læ:kin bqa jæ :xud hæ:d lmuxæddiræ:t ?ilæ jæwmi wæfæ:tih/.

(Your Honour , this man who died was taking a kind of drug which the doctor prescribed him when he was in the service of neurology; he was suffering from blood coagulation in his brain, but he has continued taking these drugs until the day of his death)..

Underlined words show the diversity of technical items in courtrooms, they are sometimes in French and other times in Standard Arabic.

Furthermore, religious vocabulary represents a necessary and a highly evaluated vocabulary, which lawyers often use as a recommendation in an argumentative manner. It is a role model where no chance is offered to flee Islamic rights and obligations. This vocabulary encompasses God's and the Prophet's Hadiths:

87.1 Lawyer : /…kæmæ: qa:la lla:h : ʕæfæ: lla:hu ʕænkæ lima ?æðinta læhum ħætta jætæbæjjæna læka llæði:na sadaqu: wæ tæʕlæma lkæ:ðibi:na/.

(...As Allah says: Allah forgives you for what you permitted them, until you know the ones who have been faithful and the liars).

87.2 Judge: /li qawli rrasu:l ʕælæjhi ssala:t wæ ssælæ:m : kullukum ra: ʕin wæ kullukum mæs?u:l ʕæn raʕijjætih/.

(In respect of the Prophet (prayor and peace be upon him) saying: Every one of you is responsible and every one of you is responsible for his duties).

In the two examples, we notice the use of Standard Arabic, the language of Islamic religious revelations. The first one is a verse taken from the Coran, and for its sacred value it can never be interrupted or represented in another language or variety of language rather than Standard Arabic. This religious aspect is the only way to keep alive Standard Arabic linguistic and social values which are of a great importance in Law which itself is the creation of God. Lawyers are consciously relating the use of Coranic verses and Hadiths to Islam, thus to the symbol of correctness and human rights. In this study, we have mainly focused on the speech of lawyers and some judges; however, this does not mean that there is not written forms in courtrooms which enlighten lawyers' argumentations in addition to other written forms which include some important points and identifications for decision makings.

4.6.11 The Written Language in Courtrooms

In specific situations, we can expect some written forms in courtrooms, including some arguments presented by lawyers during their debates , these may be certificates, acts , prescriptions, signatures, etc….The ones noticed during this research were primarily written in Standard Arabic . As far as final decisions are concerned, Standard Arabic is the only language of decisions either in spoken or written forms.

88.Judge:/….wæ ʕælæ hæd l?æsæ:s qarrarat lmæħkæmæ ?æn tæ?xuda bi ʕæjn l?iʕtiba:r tasarrufæ:t ?æssæjjid(x) ?ælmuxæ:lifa li ʃʃarʕ wælilqa:nu:n wæ bittæ:li tæħkum ʕælæjh bi sittæt ?aʃhur ħæbs næ:fida/.

(And on this basis, the Court has decided to take into consideration the behaviour of Mr (x) which opposes religion and Law, so the court sentences him to six months in prison).

The official status of courts of law as institutions preserving and executing the law of the state should imperatively be interpreted by the respect and the acceptance of Standard Arabic as the national official language of Algeria; thus, if in court litigations, French, colloquial Arabic, and other varieties of language have been implicitly permitted for the sake of intelligibility, Standard Arabic should be the only language used by judges in verdict beside some important and necessary documents presented by lawyers in the course of trial. In this respect, Macdonald (1997:36) states the following:

> Typically judges would write only in one language, choosing that language On the basis of the total context-language of pleadings, language of litigants, predominant language of extended audience, character of justificatory source material, and rhetorical and syntactical properties of a language – of their literary endeavour.

Language in the investigated courtrooms is then related to judicial, social, educational, governmental ….constraints. Courtrooms are grounds for multilinguistic and multilingual variations since they receive persons of various ethnolinguistic and sociolinguistic backgrounds; it is the field where all persons with different ages, genres and different sociocultural specifities…may take part in litigations, in accusations, in testimonies, in mediation or in defence .

The following diagram is a representation of taxonomy of structural variables affecting language and linguistic variations in courtrooms:

Language And Linguistic Variations in Courtrooms

Status	Community	Institutional Support
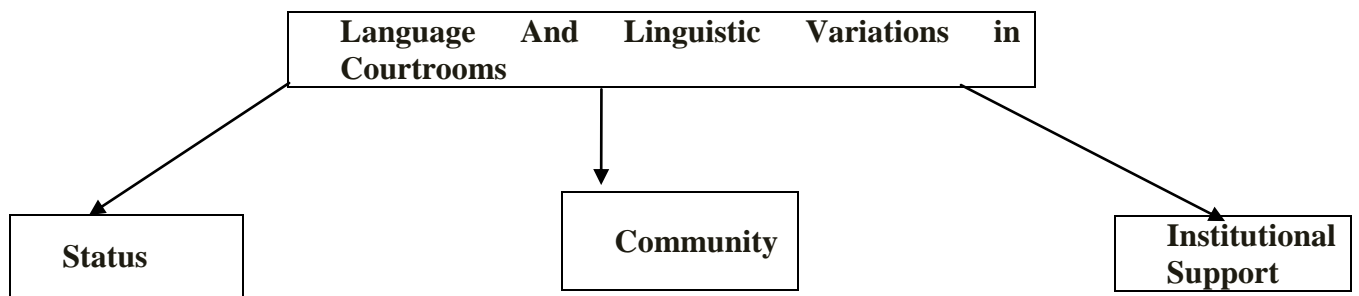
Tlemcen and some of its outskirts

Judicial status
Courtrooms

Religious status

Religion

Economic status

Culture

Social status

Education

Sociohistorical status
Scientific status

Government
services

Fig.4.2 *A taxonomy of Structural Variables Affecting Language and Linguistic Variations in Courtrooms*

Chapter Four: Ideological study of Sociolinguistic Variation in Courts

Standard forms of language, par excellence, are not necessarily attributed to formal settings as courtrooms. Dialects have become other forms of language which can be urgent and appropriate to some situations where Standard forms are inefficient even in formal message contexts. In this investigation, legal discourse was largely conducted in colloquial Arabic which has proved to be one of the major linguistic systems representing the Algerian speech community even in formal settings to discuss cultural and educational problems; as revealed in l'école Algérienne au Miroir des Interactions Pédagogiques et Sociales de ses Maîtres : "It is the Mother tongue which vehicles culture, and structures the personality of individuals" [9] .

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[9] C'est la langue maternelle en effet qui véhicule la culture et structure la personnalité de l'individu"(original).

4.7 Conclusion

The present chapter has tackled the analysis of excerpts in relation to the problematic of the whole work and organized the results on account of the factors dominating discourse in the court of law. Indeed, the analytical approach has drawn its lines from the theory of van Dijk (1998) stated in the literature review of the present dissertation and focused on the basic concepts used in the description of ideology. Van Dijk's theoretical concepts and philosophical distinctions in the understanding of ideology have largely contributed in the crystallization of basic guidelines that involve a clear understanding of ideology in the light of soiciolinguistic variations and that corresponds to the framework of the study.

Chapter Five

Discussion and Results

5.1 Introduction

The examination of sociolinguistic situations in the court of law has guided the expectations of the present work to further details in the study of ideology. Hence, the approach to excerpts needed a diligent analysis for the understanding of the core elements of discourse that shape meaning and the way they interact with other context dimensions to form ideological behaviours. Indeed, the discussion of the collected speech acts has been devoted a whole chapter as it calls upon the basic conclusions of the previous chapters and summarizes the whole work in a set of concluding results.

5.2 The Court Conversation Framework

In a conversation, speakers use language in order to attain their goals and express their intentions. Conversations are then defined as language use in process, composed of different a part in which attaining goals represents the last one. Thus, conversations in courts are formulated in a coherent organization of ideas and parts of discourse that may fit the model proposed in Clark (1997:319): … "the conversation consists of a hierarchy of parts: conversation, sections, adjacency pairs, and turns". In each part, the speaker defines a particular goal to attain and manages his conversation frame with a set of linguistic structures that trace the limits of each part in the following way:

Judge:

/alʒalsa maftu: ħa/

(The audience is open)

The lawyer goes on and addresses the culprit:

/anta muttahem bi….waʃ tqul?/

(You are accused of...what do you say…?)

The culprit would generally give a negative statement to renounce its guiltiness. After that, the floor is assigned to the opponent party (the civil party) which is going in its turn to abjure the culprit's innocence. Consider the following sample on the distribution of roles and the organization of ideas in a court conversation:

Judge:

 The audience is open; Mr. (x) , the son of Mr. (x), and Mrs. (x) is guilty for having voluntarily beaten a minor girl, what do you think about that?

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<u>Accused (the culprit)</u>:

I didn't beat her, your Honour, this girl is lying.

<u>Judge</u>:

The civil party to the bar please.

<u>Civil Party</u>:

This man beat me violently

<u>Judge</u>:

Lawyer (A) of the civil party to the bar please

<u>Lawyer</u>:

Your honour, my client is a minor; on one hand she is a girl, and on another hand she is less than 13, what proves her weakness and disability to face a man like the one in front of you. He beat her violently all over her body, especially her head which is assumed to be the most sensitive and vulnerable part, and here are arguments and proofs signed by a doctor working on that night. My client got to him around eight at the moment of her arrival at home, and she was taken by her family.

<u>Judge</u>:

lawyer(B) of the culprit to the bar please.

<u>Lawyer(B)</u>:

CHAPTER FIVE: DISCUSSION AND RESULTS

Thank you your Honour. Your Honour, my client Mr (x) is innocent of such culpability. First, my client confirms that he does not know this minor, he saw her for the first time on that day, they talked for some time and got separated after. That is what happened.

Judge:

After having listened to both parts, the audience is suspended to look firmly at the case. The example exhibits the process of a conversation between the principal members in court interaction. The situation introduces four members, the judge, two lawyers and two parties. At first impression, the hearer would perceive a case dealing with litigation between two sides under the leadership of the judge who is the decision-maker. This one turns on the arguments provided by the two lawyers who are in charge of defending litigants. Thus, it would be logical to expect a turn-taking situation where the structure of the conversation would split into the following sections:

1/The opening of the conversation + the exposition of the problem

2/Shaping Conversation:

*Question1/answer1

*Question2/answer2

3/The core of Conversation Process

* argumentative sections

4/Concluding Decisions

Notice that the judge is the actor in charge of opening and closing conversations. Between the two sections, he controls the conversational process and manages the turn-taking situation. That was a general review on conversations; however, as the study aims at

analyzing legal discourse, it would need to attain deeper discursive segments that make up conversation process and that shape up its goals. Going back to the example in chapter three on leading questions,

Lawyer: what did he tell you on the phone?

Party: He told me that we would meet at ten, I said OK, he asked me not to forget the goods, I said yes.

Lawyer: and after?

Party: We met at ten, he was accompanied with a group of men, and he looked at the goods and asked me about the last price, I said fifteen.

Lawyer: fifteen what?

Party: fifteen million…he accepted, he took them in the car and told me; "I am going to bring you the money, from there"; they took it and escaped.

Lawyer: Mr (x), how many times have you travelled during the month of August?.

Party: Four times.

Lawyer: How many goods did you buy?

Party:about….Thirty million.

Lawyer: Where did you get the money from?

Party: I was a business man

Lawyer: How much money did you expect to win?

Party: About ten approximately.

In the core of the communication process where ideas are developed and things are made clearer and clearer, we notice the production of hierarchical details; these are then the product of holding ideas enhanced by the current opposition between the two parties; thus, the situation would provoke challenging and argumentative statements by which both sides aim at attaining beneficial goals in different ways.

The handled example shows that the conversation inside the court follows a pre-organized form of interaction unified and existing in all courts of law. Accordingly, all the members of the trial prepare in advance major points that are to be exposed to the judge. However, this human agent is interestingly querying about the subject. He can very currently raise unexpected questions that should be excellently handled by the two lawyers. At that very point, the conversation will take another shape, since lawyers will talk to get things done, but they do not have previous ideas about what they will exactly do. The reason is that they do not always know in advance what the judge will say. Occasionally, the judge in turn will have to shape ideas in relation to what the lawyers may provide the trial with, and start his query about unexpected information and contextual communication. Consequently, the conversation held in a trial can have two main forms: planned conversations and unplanned conversations. The first one exposes the problem, and in the second one, the problem is considered closely and thoroughly.

Consider the following diagram:

Planned conversation: Turn-taking unified conversation

Judge /p1/ p2/ L1/ L2

General reflection

-Judge-

Unplanned Conversation: Query about the subject in respect to information provided

Question1+answer1

Question2+answer2

Question3+answer3

Challenging statements between lawyers
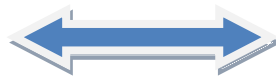
Goal(A)   **Goal(B)**
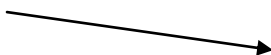
Main Objective

P: Party   Fig.5.1 **A Representation of Planned and Unplanned Conversations**

L:Lawyer

In his work on Using Language, Clark (1997:280) introduced as a prior step the concept of *joint commitment* in conversation. He says in this respect that "Autonomous actions are things that individuals have to be willing and able to do, but joint actions take the commitment of *all* the participants". Willingness and ability are then two main concepts that Clark implies in his definition of autonomous actions. They work in cooperation to determine a specific action that an individual aims to perform. If (X) asks a question, he must be able to do it and he must have the will to do it. However, Clark goes on and adds a definition about joint actions; in this respect he uses the word "participants" as in joint actions there is more than one person sharing conversation to what everyone should commit themselves with ability and willingness.

From this perspective, Clark would draw on his findings the following diagram:
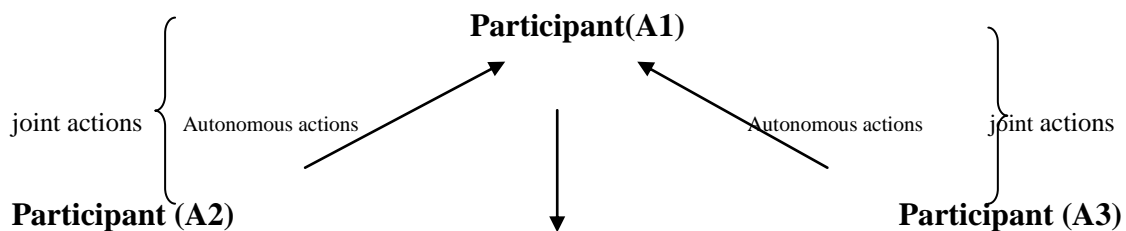
Fig.5.2 **Participants Involvement in Joint Actions**

Therefore, in terms of structure, the same planning would apply to the management of courtroom interaction; however, in this case, joint actions will inevitably implicate the participants in the conversation and imperatively invite their willingness and ability to join the purpose of participantA1 who is obviously the judge. Participants in courtrooms are then presumed to shape logical commitment to joint actions in interactions. They are as a matter of fact, juristically submitted to legal norms that make it obvious for parties and

lawyers to commit themselves to the subject that has been individually and autonomously approached by the judge.

Lawyers at this point would have a former idea about the way the judge would draw his introduction since it is part of the daily planned discourse that any judge would initiate his speech with. Thus, lawyers will in this case join a planned conversation where the parties will have to answer direct questions for the judge to know their place in the litigation that is opened to resolution in the trial. This planned conversation does not have much to bring for all the staff at the trial. However, the next conversations should inevitably open way for discussion and let unplanned conversation get installed through unexpected questions and unplanned answers. These conversations are unplanned but very purposive; they would rely on 'minimal joint projects' to deal with broader purposes. In this case, the situation emerges on a kind of sections which will explicitly give a planned image to the conversation hold, but in reality it is only so in retrospect; conversations are created opportunistically and progressively. Each section will bring new facts and new ideas that the participants will negotiate and fulfill throughout proofs and arguments. Clark (1997:319) states that "In the opportunistic view, the hierarchical structure of conversation is an emergent property".

Following Herbert's view, unplanned or opportunistic conversations are the product of 'successful joint activities' where participants in courts work in coordination. In this respect, content is the core element of renewed conversations, since at this real point it will work together with process. What participants will tend to do in the opportunistic view is to close sections of conversations, while they keep holding the communicative process. They work together to achieve certain conversation principles that should work in pairs,

like in advance and absorption, when the former gets introduced, the latter is interpreted in actions to seize the idea being proposed; e.g.

judge: (Lawyer (A), would you provide the audience with arguments and evidence).

Lawyer(A): (Your Honour, would you have a look at the present document, and here are some collected photos explaining the act.).

Also, signaling and decoding to rely on signs in building ideas and shaping images; as when the judge shows expressive disapproval that may be decoded by the lawyer (though sometimes body language does not necessarily express a particular action that may either cooperate with or denounce a statement or a behaviour) and the lawyer becomes more determined to provide tangible arguments to the audience. Another dichotomy joins presentation to configuration in discourse; in this case, lawyers exhibit the set of arguments and proofs to the audience and the members of the jury classify beside the judge the most reasonable facts and evidences that favour one party over the other.

At the application of these principles, some elements of communication will take place in a turn taking form, these are: adjacency pairs and conversational sections. In the present work, turn taking will be tackled as a basic conversational process in which participants commit themselves to interaction following non-fixed turn allocations. In this respect, it is of great interest to consider a landmark paper on turn taking proposed by Harvey Sacks, Emanuel Schegloff, and Gail Jefferson in 1974. According to Sacks et al.'s proposal (in clark,1996), turn-taking is governed by rules; they assume that a turn "consists of one or more turn-constructional units" ranging from single words to clauses and each unit ends at a transition-relevance place – a point at which the next speaker could begin a turn.

In all examples selected for this study in the previous chapter, turn taking is noticeable in interactions between lawyers, between lawyers and judges, between parties and lawyers and parties and judges. The first participant taking the word in a conversation will or will not 'select' the next speaker either by asking a question or raising a point that incites the addressed participant to take the word at the transition –relevance place. Sacks et al (ibid) call this technique the "current speaker selects next" technique.eg,

Lawyer: What did he tell you on the phone?

Party: Ha asked me to meet him at ten.

Hence, no others than the party selected would answer or take the turn than the one under obligation or necessity to do so. In other situations, the speaker may not use the current speaker selected next technique then, "self-selection for next speakership" may, but unnecessarily, be instituted according to Sack and all's view. In the same token, the current speaker may, but need not continue, unless another self- select takes place. Clark (1996) calls these rules "turn-allocation" *rules* in the sense that they 'govern the allocation of turns' (Sack et al, 1974 in Clark (1996:321)).

However, there are other conversational situations in courtrooms that do not split up into 'two two-party conversations', when there is a bias towards brief turns especially when a lawyer is engaged in a narrative discourse in a story telling.

Courtroom discourse is distributed in turn taking where implication of interlocutors is determined by role affiliation .Thus, most of the time, turn-taking is reactive ; interlocutors determine their turn until the current turn has ended; however, there are cases of objection emerging as response to juridical undefined reproaches and that come mid turn that is before the current turn has ended to raise a point of order, to raise a

question of privilege, or to make an inquiry that requires an immediate response. According to Clark (1996), these forms of discourse violate the turn-allocation rules although they are not considered violations by their users. (See examples on interruption chapter four).

Three procedures are then accounted for in interaction, these are: joint actions, understanding messages and up taking turns. The deliberate respect of these procedures is only realized by execution and attention, two significant features in discourse that invite the consciousness and the interest of all interlocutors to project for the turn-allocation uptake in accordance to role relationships thus contributing to the current joint activities. Participants in courts of law do not interact following turn-taking allocation rules to adhere but to contribute to joint actions and more importantly to succeed.

5.3 Sections in Conversations

Court interaction framework will split into conversational sections in respect to the hierarchy of events and to the local uniform of court interaction where court members are called to follow an introduction-body-conclusion model of conversation whose length is quasi-relative to the sub-defined goals that interlocutors might need to reach in the body of conversation since they are not planning specific aims on entering the conversation, thus actions attributed to actors will vary in respect to emerging goals; otherwise, actors are engaged in a short communication to reach simply general goals. The managing element in each example of conversation in chapter three has proved to be contextual; in courtroom interactions it is possible to distinguish two major contexts whose function will elaborate two or more structures of interaction. The first one, *basic context,* suggests a domain-oriented structure: introduction (opening section)- body(developing section) - conclusion(closing section);it is institutionally determined as a judicial one. The second,

emergent context(s), is functionally and structurally relevant to the basic context; it is occasional and productive; a number of unexpected contexts often generate as outcomes of one emergent. Around the basic context, interlocutors would have already defined their membership and the roles attributed to them are already selected. Therefore, the conversational opening section is rather introductory than challenging in comparison to the other conversational sections in which a number of emergent contexts would need more attention and awareness from the part of lawyers and judges. Ideas are consecutive and subsequent, and lawyers are not necessarily in the know of events since they are not endowed with the ability to guess the micro distribution of ideas and contexts in this section. The final section is a closing one; it is largely dependent on the previous one since it comes after a final resisting statement of either lawyer that is generally not opened to discussion or not subject to challenge. At the opening of this section, the judge is open to feel regress in the conversational power; actions often get conventionalized and ideas getting rather clearer, more defined, and more exact, and very often, they display a significant power in the decision making. The participants reach a mutual belief to exit conversation; at this stage, they should agree on the fact that the last idea is complete.

However, reaching such agreement would be tricky in courtrooms, since both lawyers would want to rise and take up the challenge. In this respect, the judge would then offer a *"pre-closing statement"* by making expressive gestures, while, at the same time, lawyers are aware of the restricted time and the elaborated turn-form attributed to them; so they are very conscious about the way they should drive their speech to draw a necessary end.

In conclusion, it is worth noting that judges are well placed to receive new ideas each time contexts vary; in other words, ideas produce contexts and in turn contexts generate

ideas. This interdependent relationship defines how much each side involves advance in information and productivity as to which meaning progressively takes power and develops perception.

Meaning   Idea(1)   Meaning   Idea(4)**C(A)**

CONTEXT ⟹ Idea(2) ⟹ Idea(5)**C(B**   **Perception**

Idea(3)   Idea(6)**C(c)**
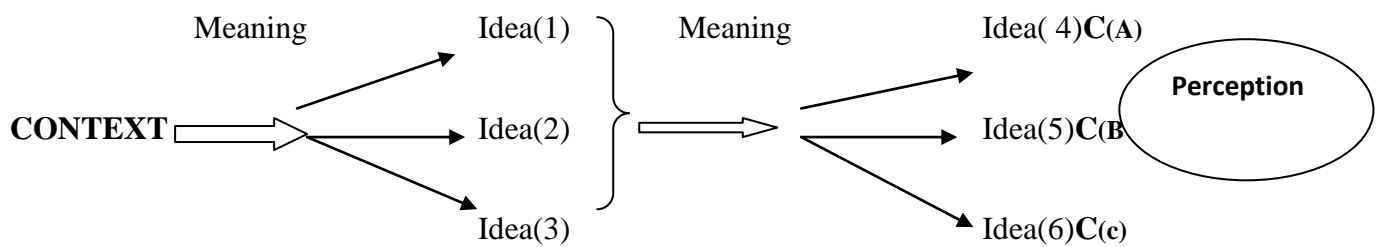
Fig.5.3 **Generation of contexts by New Ideas and Meanings**

5.4 Models of Discourse

The conversational process in courtrooms must exhibit the identical interpretation of discourse and joint activity where situational and contextual grounds of discourse and discursive exchange make up the legal discourse. In this respect, Clark (1996:53) says that "The idea is that the participants in a discourse keep track of a discourse representation, which has two main parts. One part is the *textual representation*, a representation of the language and other signals used during the discourse. The other is the *situational representation*, a representation of the situation being talked about."

Following Clark's distinction, all examples of legal discourse collected in this work would be discourse representations constituting textual and situational models while

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keeping one total common ground, the two representations vary from one example to another in respect to different types of topics and situational variations. In the textual representation, the participants would appropriately and logically follow the use of utterances to use linguistic signals in discourse, mainly sounds, words, and logical syntactic forms, and issue a particular situation where the meaning of each word, each sentence is important for a precise conversation . In this part of discourse, turn allocation is also textual and forms part of signals, since exchange also monitors language use. In the situational representation, the participants would respect the situation of the conversation, and each "extralinguistic" element, such as the participants, the time, the place, and the environment, in addition to the particular use of some linguistic *referents* ("intralinguistic factors"). Further, the "social commitments" are interpreted by the participants' words and

utterances to reach the desired actions in the conversation. The following example shapes the two representations (textual and situational) .

5.4.1 Precision in Discourse

Participants in legal discourse need not say more than they must do. Additional utterances might be misleading and cause failure or nullness of arguments and ways of defense. In spite of their fluency in using language, lawyers would not excessively approach conversations before the judge. They are called to respect parallelism between ideas, actions and language use. As such, when a lawyer feels convinced about arguments he has provided, that would mean that he has reached a point of conviction that is only achieved by his choice of appropriate words and appropriate syntactic structures. Both linguistic signals would contribute to the realization of desired actions whose meaning correspond to the context. Some cases revealing failure of lawyers are outcome of lack of precision which is the result of unnecessary use of linguistic forms and utterances which

represent supplements in discourse. Some other cases reveal success of lawyers when precision is perfectly drawn in the lines of speech. In this situation, the words and utterances used will be the only ones that are called to achieve the transaction, though it is always possible for lawyers to say more and add information. However, supplements in discourse even functional are not always advantageous.

5.4.2 Speech Acts in Courtrooms

Speakers in courts follow an interactional process to make their targets recognize what they mean; it is interpreted through a set of 'actions', and in this respect, John Austin in his 1957 William James Lectures "How to do Things with Words" (Austin, 1962), proposed the Theory of Speech Acts. He described communication as an act in which the speaker and the hearer complete each other to give a certain reason to the use of language in all its forms. The speaker, according to Austin, produces words and sentences to form utterances which are represented as 'locutionary acts'; these are linguistic elements that shape the starting point of a communication.

Hereafter, the logical combination of these words and sentences will bring a certain function to the communication; this function shapes the 'force' of the linguistic structure and the one of the message given by the speaker and perceived by the hearer. In this respect, Austin might have talked about the 'force' of an utterance because it is *performative* in the sense that it carries a typical idea that is strongly felt and perceived by the hearer, the one who will consciously or unconsciously show some attention to the speakers' words. It is therefore quite different to give a simple statement than to make a command, an order, a warning, or a piece of advice. In a simple statement, the hearer will not develop the feeling of responsibility, of concern, of awareness; motives enhancing him to get engaged in the conversation, as opposed to performative acts mentioned above

which as a matter of force call upon the hearer's attention and make him feel concerned about the intention behind the 'illocutionary act' Which according to Austin (1962) in Clark (1996:133), is "the act of getting the audience to recognize the speaker's meaning". Speakers may sometimes use in their speech, some specific words that work together with the sentence modality in order to specify the illocutionary act they are performing; this is what Levinson (1983) has called *illocutionary force identifying devices(IFIDs) while Searle and Vanderveken (1985) often speak about what they call 'illocutionary force indicating devices' referring to the same device(s). (IFIDs)* are then aspects of linguistic devices which indicate that the utterance is made with a certain illocutionary force that it constitutes the performance of a definite illocutionary act. An interrogative mood for instance indicates that the utterance is intended as a question and the linguistic device containing the illocutionary force might be the mood; intonation , word order and stress; all of them constitute different IFIDs in an utterance. The identifying devices of illocutionary force have been captured in a variety of examples selected during the research, and each situation shows the importance of the devices and their opposite function in relation to context.

Consider the example   /i ðæ: kæ:n mumkin   ?iʕæ :dæt   ssu ?æ:l mən fadlək/; the expression iða: ka:n mumkin…. mən fadlək/; /is an IFID used in this sentence to mark politeness and request, in English , the expression would mean "please" "would you like", "if possible, please" , etc. If the utterance was considered in an unknown context, the linguistic situation would afford an anticipated image about extra-linguistic circumstances governing the utterance provided by means of IFIDs used in the sentence and that determine how formal and respectful the conversation is. By contrast, it is possible to have utterances without informative IFIDs helping to understand the particular illocutionary

force, the case in which the illocutionary act can only work in harmony with the message with reference to the context of conversation. The bare in /mædæbina nəxta:sər wə nətruk baɛđ mina lwaqt liba:qi: ttaæwwura:t/ can be used as a request, command, advisory, offer, warning about time, and it has no IFIDs to tell us which. Such kind of utterances does not rely on any definite IFID to pin down the illocutionary act the judge would want to perform by means of words and expressions like: / nəxta:sər /, /mædæbina/, / wə nətruk baɛđ mina lwaqt liba:qi: ttaæwwura:t /.The judge might probably point at something like the respect of the time, and by the way offering occasions for other arguably important events for the case. However, the use of the same word / nəxta:sər / might have a different interpretation if the judge wants to drive the conversation towards an immediate end for a precise reason. In the same example, the social function of discourse in courts may be interpreted by means of different ways of using language; very frequently in an indirect way that aims at localizing a piece of advice advanced by lawyers and judges. Though, the professional intention of judges does not offer any emotional behaviour in their use of language, their role in courts give them the power of judgment with intuitive attitudes of innocence in respect to arguments provided for the favour of the party they are' taking side' with. Further, and in the same example, , it is possible to feel there is a meaning of offer where the judge tries indirectly to assign ground for more important arguments that he would want the interlocutor to arrive at.

Illocutionary acts in this example are undoubtedly performative with one of the possible propositions suggested; however, the expression / mædæbina nəxta:sər wə nətruk baɛđ mina lwaqt liba:qi: ttaæwwura:t/ has been analyzed with no definite context or without having any information about the context in which the utterance was used and this was one of the tendencies of the present research work . The analysis of the aforementioned examples confirms the extent to which the implication of context in speech

acts must be viewed as a social practice in which illocutionary acts and ideologies have their origins and would not exist without the social institutions in which they are formalized.

5.5 The Exploration of Context in the Elaboration of Ideologies

The macrostructure of legal discourse, and in respect to the structural framework of courtroom interactions shaped in this chapter, represents the dominant general context of conversations held in different trials; however, the microstructure of these interactions reveals the presence of a variety of sub-contexts that display an elementary function in driving conversations dealing with many social situations. Thus, the social aspect of the discourse offers ground to the presence of sociolinguistic phenomena that work in complementary distribution with the general context and sub-contexts as well; these include code switching, accommodation, stylistic variations, metaphors, etc.

5.5.1 Ideological Code Switching

Code switching in Algerian courtrooms must be considered as an important phenomenon dominating the legal discourse; very often it ensures the validity of statements and reinforces the ideology of exchange in trials. The linguistic situation where codes[1] are switched is a mixture of codes that perhaps seems bewildering for a monolingual in another language, or even monolinguals and multilinguals not intentionally engaged in the conversation. However, every attempt to switch or to choose a definite code (a language choice) is determined to achieve a social/psychological function in courts.

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[1] The term is used to mean all linguistic tools used for communication: language, varieties of language, registers; etc.

CHAPTER FIVE: DISCUSSION AND RESULTS

The analysis of the collected examples on code switching and language choice has shown that agents in a trial tend consciously to use one or another code for communicating a definite message in respect to the social/ psychological constitution of the Algerian linguistic community in which each individual possesses at least one common code and every one understands the reason behind switching from one to another in given contexts. This mutual intelligibility is more understood and well exploited by educated persons like lawyers and judges, and sometimes civil agents to achieve professional and personal goals respectively. Code switching in this situation is an outcome of two main contexts that assign floor to the use of different codes. The first general context is the sociolinguistic situation in Algeria which includes historical considerations. Submitted to this context, Algerian speakers

should have already acquired a previous knowledge about the function, the importance, the value and the social connotations attributed to each language or variety of language.

Consequently, when a group of Algerian educated speakers like lawyers find themselves before a legal situation that tackles a social problem between Algerian speakers of different educational background (from those educated in Standard Arabic, other in French, bilinguals, to uneducated ones, using dialects only); the situation takes a planned shape that can be represented in a table as follows:

Table 5.1 Codes Characterizing Educated Participants

Lawyers (L1 and L2)	Civil Parties
Educated	*Educated*
L1: French**(F) /L2:** Modern Standard Arabic **(MSA)** **L1:F / L2:F** **L1:MSA / L2:MSA**	**F /MSA**

Table 5.2 Codes Characterizing Educated vs Uneducated Participants

L1 and L2	Civil Parties
Educated	*Uneducated*
F / MSA **F / F** **MSA/ MSA**	**Dialects**

All linguistic situations represented in both tables are specific contexts which favour the use of code switching besides the kinds of topics and litigations handled in each case that also dominate the necessity or not of switching codes. In both courts contexts (general and specific), actors understand the social meanings of each code; very often, they

draw a stereotypic image of the code used by them or by other interlocutors. In the example on Judge's reprimands in French: / næħnu fi mædʒlis ʕædl wa ʕædæ :læ lilfasl fi kulli qadijja/, vous devez répondre à la question sans reproches!, there is a noticeable switch between two languages where the hearer can perceive a kind of contrast between the two codes. The first part of the sentence in Arabic represents the part of discourse which is the most ordinary and natural as it habitually occurs in this language. However, in the second part of discourse in French, the speech of the judge is rather attractive and different in function in comparison to the first, though they both form one sentence. The result is a combination of two social functions with two different structures. The social function of the part in Arabic contextualizes the legal aspect of the speech within a standard academic language, the one institutionally elaborated for court interactions. The social function of the second part is rather social/psychological, it guides the hearer to get out of that ordinary, monotonous speech to another code that is different in structure and tune; a stimulating state which develops the function of the ear to notice attentively a different way of address and which might carry a typical message that is important for the trial; this part of discourse switched to in another language is then given a different value from the preceding one. However, another attempt behind the use of French in this example would make apparent the judge's understanding of the social context where it is obvious that the party uses French very frequently. Therefore, the judge tries to join the function of code switching to the real context which offers him a way of exercising an appropriate fruitful linguistic behaviour in which French effectually carries a particular social message.

Code switching is then a phenomenon that responds to the variety of social situations making it necessary for the speaker to switch and achieve definite purposes. However, this phenomenon may appear in courts not in respect to the given context but to
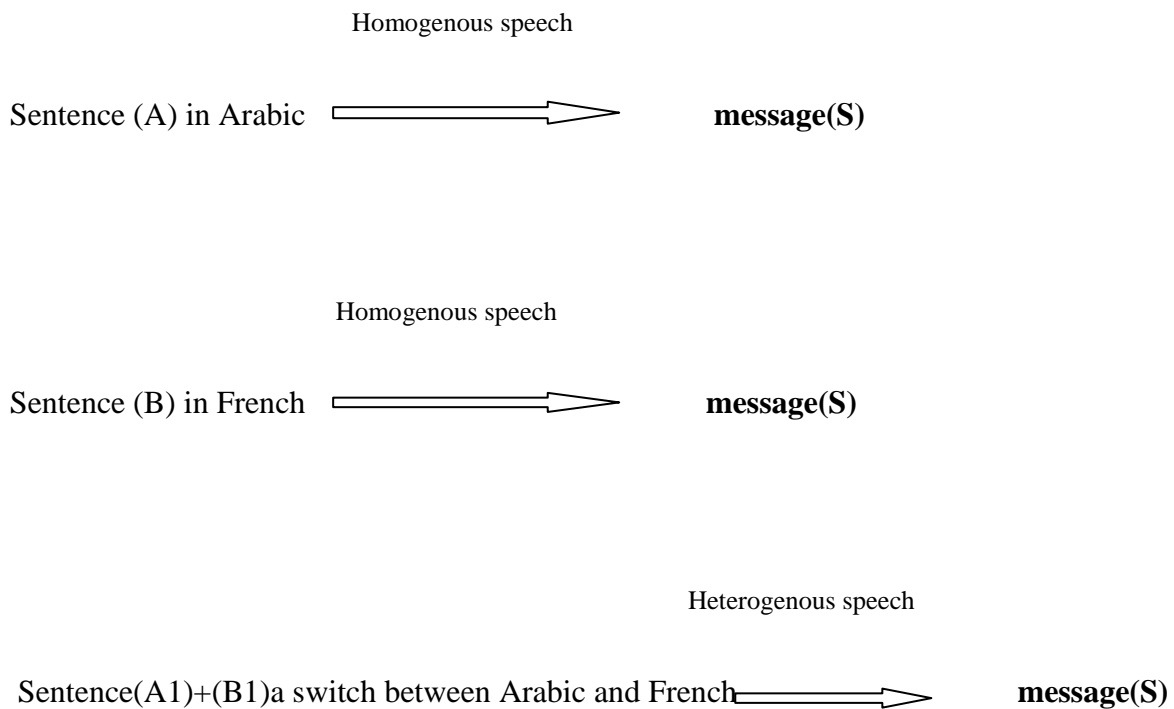
contextualize a given point of a particular stretch of talk. Accordingly, code switching for emphasis does not occur out of necessity of stressing a point through its repetition in the same or a different language unless there is a misunderstanding from the part of the hearer. The example on code switching for emphasis exhibits a kind of switching in which lawyers tend to emphasize a part of discourse already given in the other language. Although the stretch of talk in Arabic is clear and quite understandable, the switch towards French to sponsor the original idea has got a typical function. It widens the meaning of the idea by providing a specific position to the emphasizing stretch; this one appears in the end of the statements with a complementary aspect that revises the preceding statement and gives force to its function. This action provokes a contextualization of the message within a situation that appears to call for an explanation or a clarification of the same idea in two languages. Here again, code switching displays a functional attitude towards the elaboration of clear messages in which one language completes the other in terms of roles attributed for each. Furthermore, the reason to switch codes goes beyond transmission functions in which utterances work in coordination with context to give contextual messages. In this case, it serves the human agent in elaborating those messages when no real proficiency in one or another language characterizes the discourse. In examples eight and nine, the speaker (lawyer) seems to have no real proficiency in Standard Arabic, then his switch to French is used to avoid an endless blank in speech, the use of complex sentences in Arabic, or the use of a sentence in Arabic that does not fit the meaning desired. Then being certain about the meaning of the words switched to in French, the lawyer calls upon his ability in using this language to avoid misunderstanding or nullness of speech. Therefore, examples eight and nine are not homogenous in structure but have correspondingly joined the limits of proficiency in both utterances (In Arabic and French) with respect to the grammatical order of both languages to produce a heterogeneous code

with appropriate meaning fitting the context of conversation. This situation can be represented as follows:

Homogenous speech

Sentence (A) in Arabic ⟹ **message(S)**

Homogenous speech

Sentence (B) in French ⟹ **message(S)**

Heterogenous speech

Sentence(A1)+(B1)a switch between Arabic and French ⟹ **message(S)**

Fig.5.4 Generation of the same message in Both Homogenous and Heterogenous Speech

Notice in this conclusion that the three combinations (homogenous and heterogeneous) result in the same message (S); therefore, code switching in this example has been resorted to for the resolution of a linguistic problem of competence and realizes a semantic goal. It is then a linguistic means used in court discourse to cover linguistic deficiencies; it involves a variety of linguistic codes through which meaning is by the end undoubtedly conveyed to addressees of different educational backgrounds and to talk about topics of different nature.

Courts are then appropriate grounds to achieve interlocutions between different groups of people with different linguistic codes, preferences, attitudes and socio-cultural backgrounds. Motives behind what code switching achieves intercultural, social and interlinguistic exchanges. This functional side of this sociolinguistic phenomenon reveals much about its position as a means of maintaining all sociolinguistic and socio-cultural traits that characterize the Algerian speech community, and so accommodation will act in a sociolinguistic situation that exists in Algeria as a rewarding situation in the resolution of professional and social affairs.

5.5.2 Ideological Accommodation

In the same token, the history of the Algerian society has caused primordial changes in its social structure in terms of linguistic differences which have brought about the appearance of sociolinguistic phenomena beside code switching, like accommodation which has shown a remarkable presence in social relationships for daily contacts and professional goal achievements. Examples collected in courts expressively show how it is possible to exploit a multilingual or a bilingual situation for professional realizations; lawyers are language managers or more accurately, code managers who choose their way of communication in respect to different situations where differences in topic, addressees, social and linguistic distinctions are taken into account to respond to professional needs.

5.5.3 Ideological Metaphor

Studies on metaphor have brought different definitions to the literary concept albeit almost all the definitions turn around the common view that metaphors are associated with poetic language and literature. However, in the present work, some collected data on the subject exhibit 'metaphorical' forms used in course of trials to attain professional goals when used by lawyers and other aims in the language of the civil parties as to pronounce one's innocence. These metaphorical forms denote a particular use of ordinary words in an utterance (an expression, a saying or a proverb). However, the combination of these words is semantically not correct or not logical if to give it a simple natural interpretation. It is then of major necessity to consider the context in which the expression has been used since this will contribute in a determined way to the making of meaning. However, the use of metaphor will inevitably cause mutual intelligibility in the course of trial since this phenomenon is truly pervasive in everyday speech, and interactions must have been passed by at a given point in time of their daily conversations in which they are not taking part in the context of their use; they explain concepts by making reference. Budiu (2001) calls the concept 'topic' or 'target' and considers the reference either as 'direct' or 'indirect', a 'vehicle' or 'source'; in this sense he provides the following example of aphorisms "Time is money"; the vehicle here is the word 'money' and the topic is the word 'time'. In cases where the topic is not clear or not explicit, Budin (2001) uses 'anaphoric metaphor'. Accordingly, example fifty   / ħnæ mæːdæbiːna nʃuːfu ħænnət jəddiːh/ can shape anaphoric metaphor especially when the context of its use is not clear , though the basic meaning can be understood in relation to common ground culture, however, still the pragmatic orientation of the expression remains vague when used without context. It is then impossible to understand the sentences in respect to the meaning of the external combination of the concepts. Yet, there exists

another internal meaning that will relate the given concepts in a different way to provide readers with the actual one .However, the choice of the words making the sentences is not random, that is each word supplies the idea with its identical meaning when used in isolation.

Searle(1979) in Budiu (2001:3) claims that "When confronted with a metaphor, people first try to understand the sentence literally, and in case of failure they look for a metaphorical interpretation". In this respect, the choice of appropriate meanings of a metaphor depends quite largely on context. In the example/ ħnæ mæ:dæbi:na nʃu:fu <u>ħænnət jəddi:h/</u> , the lawyer uses the metaphor in a context where it would be advantageous to the party to give convincing arguments and prove his innocence as he had tendency to oppose the statements of the opponent lawyer which act against his safety.

The word 'henne' refers to a natural herbal substance mixed with water and frequently spread on hands to give a brown colour; when the substance is pure (of a good quality) the colour is neat, in case it is not the colour is rather pale. Hence, the colour of the henne is exactly the thing that will metaphorically reflect the physical or mental power of someone in doing something. If the person in concern has been able to prove aptitude, capability, competence, success, etc. then that henne should figuratively appear in a neat brown colour on his hands. Here again, the presence of context shows a powerful assistance in connecting two different concepts; real and symbolic, the latter reflects the former in an idiomatic representation that only obtains its logical meaning in a definite situation.

5.5.4 Ideology in Mediating Styles

Another form of language use will have as objective the resolution of problems between the litigants in courts with the assistance of a mediator (the lawyer and sometimes the judge). In this case, problems in couples' relationships are handled with mediation. Obviously, the mediator manages his speech in relation to the context of the conversation between the members involved in the litigation and the context of the trial as a whole.

In the facilitative style, there is an attempt to resolve the litigation by making apparent the desire of each litigant in the trial; however, the attempt of the mediator for choosing this style, among many, should match the situational conditions offered by the structure of the trial; to mean that all extra-linguistic factors involved in the constitution of the trial and that distinguish it from others define for the mediator the availability of this style or another and make the result of the attempt predictable well before the act of mediation is initiated. Accordingly, if the mediator has already opted for the facilitative style, he should have assured from the two sides in litigation the possibility of responding in transparency to general but more importantly to private questions which aim at localising the obscured desires of the two parties.

Therefore, in an attempt to realize social and professional achievements behind the facilitative style, the mediator focuses on the following criteria :

1/The degree of privacy of the subject of the litigation in the parties' views.

2/The apparent disposition of each litigant

3/The kind of problem between the litigants

4/How adversarial is the litigation between the couples

5/How optimistic can be the result of the mediation by the use of the facilitative style.

When the lawyer studies the five criteria above, he draws a definite idea about the context of the trial in question. Once again, context drives the style of the conversation and validates its function within an interactional process. Thus, in the example 45 about the facilitative style, both parties respond with all transparency to the questions asked by the lawyer, and the attempt to resolve the problem is evident by avoiding separation and preventing the stimulation of the conflict from developing into a serious one. In this respect, another type of context takes place to constrain the mode of communication that should respond positively and successfully to the act of mediation. In this case, the mediator's style of interaction depends on the first utterance given by the party, in the example (I have not enough money) to build up a corresponding way of address and questions that suit a couple relationship context. That is why the mediator asks a kind of private question that should be addressed to the wife; but to the husband he asked: "does your wife possess the sum of money?". This tendency to engage the husband to answer a question in place of his wife is an act of mediation which tends to put some responsibility upon the wife, as for the mediator she is the most complicated side of the litigation; this question should, in the lawyer's view, cause some feeling of injustice in the wife's perception, and he wants to make her listen not to speak in order to influence her; she might by the end give floor to a peaceful understanding. The aim of the mediator behind this special attempt is well comprehensible in the last passage of his conversation, when he addressed the wife: "And you lady, try to understand his conditions, give him this chance, be patient and you will be under cover of law if he does not give you back the money"; as if the mediator focuses on the regrettable situation of the husband believing in the impact of this strategy on the feelings of the wife. Obviously, the first answer given by the husband has traced way for a successful use of the facilitative style in which the lawyer has

been able to build up ways of address in relation to the first impression obtained from one of the sides. The second context here is then sociolinguistic and joins the answer given by the husband to his social status. The mediator in this respect, indirectly accentuate the valuable function of expressions like:/mæɛændiʃ/….and /kæfi/….

However, beside the facilitative style where litigants are offered some opportunity to express their desires with the evaluative style, the mediator seeks for the final decisions the litigants may want to come to. Thus, the form of the conversation is rather direct, brief and denoting an almost closed session requiring stable and steady decisions from both sides. Further, the use of the evaluative style also largely depends on the context of the trial; the mediator would not want to know about obscured intentions from the litigants; rather, he aims at reaching a decision. In this case, the situation might not assign a floor for discussion and the reasons may stem from the nature of the conflict, the period of time allotted for the treatment of the case, the extent to which the litigation is serious and deserving a study of the case by the mediator, and the disposition of clients and their dispirited attitudes towards reconciliation. In examples (46/47) about the evaluative style, the judge is the mediator. In (46), he wants to close the conversation by proposing a way of resolution by which the party becomes more and more dread and seeking for a peaceful end. The judge in this situation seems to have handled the case before in a facilitative style, and he seems to know the litigants' intentions which show that one side decision is fixed and not apt to change, he therefore moves to the evaluative style as a final step before closing the case; this extra-linguistic context of the conversation makes necessary the use of an evaluative style. However, a linguistic context is also involved in this situation in which the use of the word /msəmməm/ implies that one of the sides has already validated his decision in one of his utterances.

In the second example, as opposed to the first one, the judge's style seems to follow an optimistic situation; he immediately goes across a peaceful resolution suiting the context of the conversation and he asks for a possible reconciliation in case the determination is strong. The use of the evaluative style here again might come after a conversation driven in

a facilitative style and once again the mediator knows about the general conditions of the case. It is understandable that the parties think about a possible reconciliation but they hesitate, and this offers way for the mediator to suggest agreement between the two sides as a first attempt.

As another kind of style mediation, in the context of the transformative style the mediator focuses on the attitudes of both litigants vis- a vis the reason of their dispute. Always for the aim of reaching reconciliation, he employs words or forms of language and as income he expects direct revelations from the litigants acting as an important issue towards clarification and a determination of what might go wrong between them. In example (48), the lawyer who acts as a mediator activates in a transformative style a direct question to obtain an immediate target answer. In respect to the context of discourse, he examines a situation in which the potential to come to grips with conflicts remains small. Therefore, his attempt to use once again the facilitative or the evaluative styles might be useless and a discussion between the parties in conflict seems necessary and perhaps advantageous since it is the best time for making clear feelings and opinions to each other after sometimes a long-termed dispute where it has been impossible for both to discuss their real problem in face- to- face conversation. Now, with the help of the mediator, this communication has become possible even if it takes the shape of a planned, organized and systematic dispute. The difference between the transformative style and the two others is that this one is more direct and closes way for details by closing communication in the two styles. This strategy

opens way for final conclusions, decisions and objectives; it acts as a point of departure for another attempt towards reconciliation by the mediator. The expression/ɣir beʃwija wəntfæhmu/ explains the way the mediator keeps optimistic in tracing way for compromise; it activates a new mediation process after most final decisions seem to have taken place in the discourse of the litigants. In the example, the expressions:

A: .. « à une séparation immédiate »

B:… « tu es dur /wə kæn kunt ħæsba hækda bəzzæf mæ nəgɛudlək/ »

Further, beside the three kinds of mediation styles aforementioned, the narrative style is very often called upon for mediation purposes, and it serves as way of discourse through which details are explored to maintain the real form of the story or the event. The mediator, in this respect, first focuses on the context of the conversation in the trial to decide about the time when the story should be told; he therefore considers only the positive lines of the event in his narration in order to keep open the way for compromise, and in mediation, this applies naturally even to situations where one of the parties is right-minded and the other is not.

The choice of style for mediation purposes is a strongly context-related strategy that mediators maintain in the elaboration of peace and satisfaction between litigants especially couple-relationships. However, forms of language use still offer more valuable ways of address and ways for defense in court litigations in the aim of serving the civil agent that is represented by a lawyer. Thus, the task attributed to the lawyer should respond to the need of the civil agent under his submission, though, very often, and by reason of defense, the lawyer cannot show any righteous hand to the opponent, and his main source to achieve the task is the use of language which displays how incandescent a lawyer can be in managing it in a hard- pressed competition. Among other forms of language use, grammar is also

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present as a sociolinguistic means in court trials; grammatical strategies are very widely consulted to achieve valuable ways of defense without disassociating the social aspect of the legal discourse from the aim of the conversation.

5.5.5 The Implication of Grammar in the Construction of Ideology

5.5.5.1 The Functions of Reported Speech

One of the most primary functions of indirect (reported) speech is to report speech acts. However, the functions of this form of speech in discourse vary in respect to the framework of discourse types. Accordingly, forms of reported speech used for legal purpose differ from the ones used for instance inside classrooms to teach history and philosophy. The analysis of instances of reported speech in courts defines its different possible functions that may obtain for different social but mainly legal purposes; functions are promptly joined to the communication situation of the discourse, and this explains the key importance of context in treating speech instances from the view of grammar and sociolinguistics. Respectively, the speaker taking part in a conversation in court makes special attempt to using reported or direct speech forms in relation to the different criteria that make up the conversation ; these like, the identification of the "who" ; the persons involved in the conversation(speakers and hearers), social relationships, social situations, discourse purposes, message intended, etc. In the same token, speakers using the reported speech in courts can repeat former utterances used by participants in the court trial and by other persons involved in the process of events or proceedings but who do not constitute joint action sides in the conversation. In this respect, the context of the discourse calls for the use of reported speech to 'occasionally' invite agents constituting sides of the affair in question and make deductions about how important their involvement in treating the case can be.

Further, the use of reported speech in courts may downplay what has already been expressed (in a bad, impolite, informal, a weak-tuned manner or a non-sympathetic tone of voice, etc.) by a definite party whose lawyer wants to shed light again on what has been said but in a more evolved manner in terms of function. Here again, reported speech can only bring fruitful results if its use suits the context of discourse and responds to the situational discursive requirement in terms of linguistic, social and legal functions. The context of interaction in legal discourse joins definite instances of language use to particular functions in discourse; like these, the use of reported speech in court follows some rules of interaction and situations to achieve a communicational task with generally an informative purpose, and professionally a defensive one. Accordingly, being submitted to professional purposes, lawyers endeavour to report what has been said by another person. Hereafter, other purposes may come to define specific functions of reported speech in court:

1/ Reporting the idea to offer an opportunity of using synonymous words, the aim being to downplay a dangerous fact or stress an important point.

2/To report the same idea with a more impressive and emotional way of address in respect to given conditions.

3/ To make some possible change on word and /or sentence structures causing an intentional but unperceived change in meaning.

4/ To assign ground for the introduction of a 'new', frequently 'unknown' human agent taking part either directly or indirectly in the affair.

5/ To permit the introduction of an 'important' human agent in the affair in order to obtain the audience attention .

6/ To add new information and to expand the utterance adding details, etc.

Consider the following excerpt:

89. Speaker one (S1): /" ma   ʕ labaliʃ   wa   ʕ laʃ   rahum jaɣɣabnu fija kul xatra"/.

(I don't know why they tire me each time).

Speaker Two (S2): /sejjidi rraʔ:is   muwa kkili   rah jatsæ:ʔæl wa ʕlaʃ   rahum jʕaddbu fih   kul marra jaʃqa fiha ʕla / *les papiers..*

(Your Honour, my client wonders why they tire him in each time he asks for his papers).

The intention towards using reported speech in this example can be read by reference to the way linguistic forms are used and structured; hence the addition of words not originally found in the source speech and the extension of the utterance to append new information illustrate how professionally approved is the return to reporting the others speech. In the underlined expression of the example above, the word jʕaddbu reports in a more agonized way the meaning of the word jaɣɣabnu in the original utterance. Speaker (2) still intends to adopt new ideas in his report and gives an extension which serves to clarify the situation that causes S1's annoyance.

 90. (S1): /"ʔanaja kbart fi dar   ʒwer**i**n, l ħa ʒʒa   (x) hija rabbatni"/.

 (S2):…./ rah jqu:l kbar fi dar   ʒ wer**i:**n), walli rabbatu ħ**æ:** ʒʒ a/

Notice here that the words /   ʒwer**i:**n/ and / ħ**æ**ʒʒa/ are said with a very impressive intonation with expressive hand gestures used by the lawyer to stress the importance and the seriousness of the situation.

91. (S1): /"hada waldi wana   ʕtitlu   lʔiðn bæʃ   jatsarraf fedrahmi"/.

(S2): sejjidi…./rah jqul huwa   ʕ ati   l?iðn ləlwlijjəd bæʃ jatsarraf f drahmu/..

The attempt of S2 in this example is toward word formation change where /wəldi/ and /ləlwlijjəd/ would act differently in terms of conceptual references. In the reported version of speech, the word /ləlwlijjəd/ is an 'attenuated' word structure of the original /lwəld/, here and with respect to the case handled, S1 aims at exculpating his son of a definite offence. Accordingly, the lawyer in defense of the two persons (the father and his son) utilizes the reported speech and focuses on the central word in S1's utterance (/wəldi/); he reports it as /ləlwlijjəd/ to accord it a typical connotation; so as the word would not only mean "my son, or the son of someone" but my/ or "the little, innocent, inattentive…" son (of)….

92. (S2):/ sejjidi, lmuʃrif   ʕla hæ d lmaʃ ru:ʕ   Monsieur (x); juθ bættæ nna ?ahammijett hæd lmarħala fel maʃru:ʕ   , <u>wejqu:l ?ænnu   ʕændu wæθi:qa wizarija msændætu/..</u>

93. (S2)…./Sejjidi rra?i:s, assajjid (x) lbæliɣ mina lʕumr 44 sana…..wa huwa lmæs?u:l ʕala lʒænæ:ħ attarbawi l?i ʒ timæ:ʕ i<u>; jqu:l ?annu…../</u>

In examples 92 and 93 above S2 reports the speech of other speakers in the trial with the aim of introducing important persons making influence on the case handled. Reported speech is ultimately prescribed as a grammatical structure that invokes sociolinguistic functions. Beside the social function that grammar has achieved in this respect, the use of passive and active voice structures is also conductive for an adversarial interaction in court trial.

5.5.5.2 The Functions of Passive and Active Forms

The use of passive voice structures in courts have proved to have an important role in telling against adversaries in court interactions; as the term "voice" indicates the relationship between the subject of a sentence and its verb (Merriam-Webster, 1993); this relationship in the passive is interrupted by the subject being acted upon by the verb, and therefore the verb is in the passive form. Examples in chapter three show that the passive is often resorted to as the structure of choice for lawyers for many advantageous reasons among which avoiding to mention the agent in case it is not known or according to conversation situation and context, to mention the agent is not likely for the safety desired, or sometimes the agent is not mentioned because information about him is confidential.

In another attempt to use the passive, the lawyer tends to place emphasis on the person or thing upon what the action falls and give importance to the relationship between the receiver and the action (the verb) in order to focus on 'what undergoes what' in a given case. Therefore, passive voice structures vary in function in respect to given contexts and the lawyer may take benefits from this structure when considering the relationship between elements composing the utterance in discourse. Hence, the receiver is placed in the beginning of the utterance to introduce the core element of the discourse topic (a person or event, etc.),while there are cases where agents appear in passives to serve a particular function mainly when these are indefinite nouns bringing new important information to the discourse topic. In other cases, the agent may be expressed by speakers when it represents an unexpected event or an ignored person.

Evidently, the present study does not include an approach towards exploring all possible forms of the passive voice, unless instances in this regard express an action carried out on the subject of the sentence. It is possible then to distinguish a kind of passive named

"stative passive" (Celse-Murcia and Larsen-Freeman,1983:5); these seem to follow a passive voice construction, but they do not contain an explicit implied agent; their function is both descriptive and informative with a mere description of the state or condition of the subject of the sentence. Accordingly, the difference between the passive voice and the stative passive constructions in discourse can only be recognized by context. The latter acts as a determining factor as to whether the aim of the passive form is to describe the subject of the sentence or to importantly express the relationship between the action and the subject in the sentence with the implication of an agent.

Nevertheless, it is possible to distinguish a passive from a stative passive when to consider the properties of both in discourse; that is, in 'standard' passive constructions, there must be an agent by what a definite action is initiated; this agent can either be mentioned or not for one of the reasons mentioned earlier. Further, in a standard passive, actions are carried out on the subject of the sentence, thus making evident the existence of an active voice counterpart.

5.5.5.3 The Functions of questions and interrogatives in courtroom interactions

The mode of communication in courtroom interactions is variable and can be achieved by different styles and structures, each of which serves definite functions. People can communicate with language as a social mediator by which social relationships are made possible, while this same tool can be used as a system of communication as to give importance to the way it is structured with respect to given contextual conditions. Hence, the structure of language defines the different possible modes of interaction that can be used between interlocutors to achieve communicational needs. The questioning mode can be one of the ways that indicate how systematically different structures in discourse can be from ordinary structures as in simple declarative sentences. This difference mainly lies on

the way questions and/or interrogatives are articulated when both structure and intonation work together to shape both the meaning and the function of the interrogation. Respectively, lawyers use the mode of questioning in courts for different reasons, regardless of the usual aim of questions in communication which generally aim at finding out information or at testing someone's knowledge and ability, etc. In this respect, if there exist other reasons behind questioning which exceed their ordinary function, then these kinds of questions must be functional if they are structured in a way to achieve professional goals in court.

Questions in courts are classified with respect to the intentions of the interrogator, and/or on grammatical constructions (Ct Fillmore, 1986). In the present work, our data disclose different functions of questions that respond to the social institutional location discourse if compared to ordinary discourse situations. Therefore, by the aim of achieving professional goals, the questioner may want to express solidarity, identity, opposition, and/or authority which depend on the kind of relationship between interlocutors in a trial. If the questioner and the addressee are engaged in a cooperative relationship, then the meaning of the question should maintain solidarity between them. By contrast, if interlocutors have opposing intentions, especially lawyer/opponent relationships, the meaning of the question will largely depend on the status of both in terms of goals and roles of each one. Obviously, interactants in the court are aware of possible intentions of the opposing agent and the cooperative one and they can 'predict the reaction and the behaviour of the other. Prediction involves understanding the others' intentions, and if questions determine them, then it will be more tangible to refer here to modes of questioning; they are special structures that are deliberate to convey typical intentions and not others.

In the present work, the global classifications of the different modes of questioning that can be used in courts distinguish ordinary questions from rhetorical and examination questions. In the first, the aim of the questioner is to elicit information; he wants to obtain knowledge about something that he assumes the addressee knows. In the second kind of questions, no answer is necessary or truly expected from the addressee; and the modes of questioning that act within it are open unanswered questions and leading questions. In the third kind, the lawyer and the judge aim at seizing important information that they need for the trial, or at finding out whether the addressee knows the answer or not, and here it is possible to classify tag questions, disjunctive questions, and sometimes yes/no questions as modes of questioning in which examination is expressed by indirect actions and leading forms that may cause addressees to be trapped within the core goal of their questioner. However, in this kind of questions, it is semantically and pragmatically possible to identify some positions of the questioner and the addressee in the course of

examination; as in the example of disjunctive questions[2]. In this example, the lawyer is trying to make something clear by investigating ideas previously settled by the party; in the underlined sentence, he seems to express a certain incredibility of the party's previous statement about the sum of money, and it gives him a dominant position in discourse; the situation makes it difficult for the addressee to feel himself 'unbelieved' and then requests a lot of precaution and a defence mechanism to convince the trial. In another example of examination questions, the situation may define the position of the addressee as being

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[2] and the 70 000 dinars which according to what you said about five seconds ago, "you gave him back", <u>did you give him back or you still have them?</u>

dominant in discourse since in this case, the questioner will want to obtain a clear answer from him as shown in one of the examples of yes /no questions[3].

On the other hand, there are various functions of rhetorical questions in courtrooms, as to obtain the attention of the addressee by stressing the importance of some points in questions, in one example[4], the questioner tries to foreground a general act using the personal pronoun "we" and displays in a dialectical way the meaning of breakdown that needs no answer to be apprehended. The previous example defines some objectives of rhetorical questions:

- to give prominence to a particular argument (failure).

- to hold the attention of the most important person in the trial, generally the judge.

- to express an immediate involvement where the questioner shows a personal engagement

 in the situation (the use of the personal pronoun "we").

- to denote ironical behaviours by the use of dialectic (a way of discovering what is true by

 considering the opposite).

Communication in courtrooms is managed by linguistic structures that determine the grammatical and the pragmatic functions of each way of address, though questions are commonly perceived to require answers and to elicit information, they are ipso facto other ways of communication that convey definite messages in courtrooms. Further, modes of questioning in courtrooms can be commonly integrated within the act of interruption, another linguistic means of communication which settles some precise professional

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[3] According to you, this sum of money is important or not?
[4] Why? should <u>we</u> pay after we buy?, or <u>we</u> buy and after we pay?)

tendencies by either showing competitive or cooperative. The sum of structures and the semantic denotations that the present work has exploited throughout a variety of situations has simultaneously examined the body function of language (the written and the spoken forms), and linguistic structures in their grammatical arrangements, with great attention given to lexical engagement such as choosing one word over another or to use technical terms to respond to different situations   that may occasionally treat cases related to a variety of disciplines and scientific activities like: medical sciences, chemistry, economics, etc.

5.6 Final Results

The discussion of excerpts collected from court discourse have guided the present work to concluding ideas about the global parameters involved in the understanding of discursive and sociolinguistic forms and their relationship with the extralinguistic factors surrounding them, including the ideological behaviours of the participants and the way they identify themselves as parts of discursive events, and more importantly as considerable members of the Algerian society.

In response to the problematic stated previously in the general introduction, the present study accounts for the major details deduced from the analysis of discursive forms as embodied in sociolinguistic structures. For the first question, we assume that the sociolinguistic situation in Algeria evidently shapes societal dimensions of ideology. The different sociolinguistic situations produced or provoked in the course of interaction imply a kind of mathematical interplay between participants through which the addition A+B leads to C, and the subtraction A-B or B-A leads to D. (A) and (B) represent linguistic and

ideological elements of discourse that can be managed in respect to given contexts and situations, they are, in this sense, exposed to achieve argumentative functions or avoided to bypass entrapment and conundrums. Yet, the societal dimensions of ideology in the Algerian context vary in respect to the basic beliefs and traditions that have largely contributed to the structuring of the Algerian society. The analysis of excerpts exposes the different ideological criteria accounted for and displayed in the production of discourse and ideas, among these, language attitudes which represent one of the results that have emerged from the aspect of the sociolinguistic situation in Algeria, and through which people have long traced their ideological belonging back to historical events in Algeria, especially during the French occupation. Standard Arabic and French have since then come into challenging, sometimes opposing manifestations from francophones and arabophones who seem to have developed ideological approaches towards these languages and people using them. Hence, this attitude is remarkably is remarkably interpreted in sociolinguistic phenomena like code switching, extended diglossia, accommodation, registers, etc. and participants in the court use them to achieve different purposes with a variety of intentions, the use of Standard Arabic has for instance typical functions which are fundamentally tied to religion and the Coran, other functions may be tied to identity by which people express opposing attitudes to French, the language of the colonizer. In the same token, French is naturally used by speakers educated primarily in this language, however, it can be used for ideological purposes with a specific attitude attributed to this language by speakers who believe in its modern and scientific, thus reasonable aspect.

The sociolinguistic situation in Algeria has also shaped the societal dimensions of ideology by the functions it has offered to the use of colloquial Arabic and the typical attitudes that speakers have developed towards this code in comparison to others. In this respect, rural and urban dialects have been assigned different attitudes that return back to historical facts

whereby individuals have been distinguished on the basis of their geographical locations. Therefore, the sociolinguistic phenomena described in this study have not only represented the existing ideological orientations towards colloquial Arabic in comparison to French and Standard Arabic, but also within the same Arabic between rural and urban. It is generally assumed that urban dialects characterize regions which have seen larger concentration of the colonizer for economic and administrative reasons and have by the way received academic education mainly in French and religious education in Classical Arabic, while rural Arabic characterizes regions which have not benefited from academic education especially during colonization. The existence of these codes in Algeria has then favoured the installation of ideological beliefs which are generally shaped in stereotypic features characterizing the speakers.

In response to the second question stated as problematic in the general introduction and which seeks to classify the use of language in a scale of three dimensions, as whether it is context-related, ideologically- based or an interpretation of common ground culture. The analysis of excerpts from the court of law has tackled the different manners in which the use of language can appear to attain different goals. Among these, language use can be manipulated by speakers at different linguistic and stylistic levels. At the linguistic level, the speaker can focus on the phonetic, the morphological, the lexical and the syntactic units of language, and at the stylistic level, some grammatical, literary, and linguistic parameters can be managed in such a way to express precise ideas. Sociolinguistic dimensions are also accounted for in communicative events; when participants shape their ideas and messages in respect to the features characterizing the environment of the communicative event, including the participants, the topic, the place, etc. this environment becomes itself ideological as it orients the speakers to utilizing convenient linguistic and conceptual material in the construction of ideas. Hence, both the

formation and the perception of ideas in this case are mentally shaped in the same way by both the speaker and the hearer. Therefore, the sociolinguistic dimensions are parts of context which *per se* can shape ideological features. However, the concept of common ground culture has shown significant interpretation of ideological beliefs shared by the members of the Algerian society but which have been borrowed to achieve ideological purposes between the members of this same community. Participants, in this case, show mutual understanding of the common ground feature, either being cultural, religious, or social and give its employment in the communicative event the same interpretation especially in respect to the context dimensions of the discourse. The expression /ħǽnnət jəddi:h/ is an excerpt from the cultural common ground of Algerian speakers, and it is used to ask someone for his capacities and abilities in a given field, it can be used with good intentions as to know about someone's professionalism to benefit from his/her experience in the domain of economics for example, however, the same expression can be used with rather corrosive intentions as to underestimate someone with unfair prejudgment concerning his capacities in a given field . Algerian speakers are then aware of both possible interpretations of the same expression when used in definite contexts. Accordingly, the use of language in the court of law is context-related, ideologically-based and an interpretation of common ground culture.

Further, and in response to the third question stated in the general introduction concerning the sociolinguistic situation in Algeria as whether if it is effectively causing a problem of communication as it has been assumed by some authors or not. When rigorous attention is given to the way language is managed in the court of law, one noticeable thing can come to one's thinking is the ability of each speaker to use language and/or variety of language in such a way that is not generally confined to one way or to one code, but it is represented in a variety of linguistic behaviours that accommodate to different

communicative needs. This situations explains the way Algerian speakers have decided to live with plurilingualism, hence not by choosing one way of address but by adapting themselves to respond to communicative needs in the way they feel themselves more expressive. Some have decided to fundamentally use French, while switch to Arabic or slightly use it for necessity, others have decided to fundamentally use Standard Arabic in precise situations, while using French for extreme necessity, another group of speakers have decided to stay neutral, using sometimes French and some other times Standard Arabic when convenient. However, speakers who are neither fluent in French nor in Standard Arabic, are obliged to use Colloquial Arabic, and they may sometimes use cumbersome French or Standard Arabic to express themselves and they seem to be given the full right to use any code they want even in formal contexts. Other situations show a rather balanced way of using language in the attempt of spreading information over people of different social and educational backgrounds; in this case they use ESA. Algerian speakers have then offered themselves and their addresses communicative ways that ensure mutual intelligibility with preserving more or less the nature of the environment surrounding them, as to keep aware of the formality of the context.

An answer to the fourth question concerning the effect of discourse in courts on the formation and the transformation of ideologies primarily focuses on the linguistic and the conceptual characteristics of discourse which may or may not exhort ideological behaviours. There are some elements of discourse that produce a challenging tension in the course of interaction, they may be linguistic and /or conceptual and cause countervailing behaviour from the opponent. This act becomes itself a new situation with some if not almost different characteristics from the former one(s) which served to introduce the problem or to describe it. The difference between situations turns on the basic points of disagreement, challenge and conflict between the two sides, and may

make use of the different dimensions of power and sometimes dominance that the conflicting sides define as the most reliable ones for defense. Therefore, in the present work, the act of employing personal, professional, linguistic, cultural, educational, and other dimensions that interestingly make the difference between the conflicting sides is itself ideological and generate other motives that activate the ideological tension. However, not only the formation of ideologies is regarded as a defensive way for the interest of the self, but also the phenomenon of the transformation of ideologies can be another defensive way which involves a temporal change of the real ideological belonging and a borrowing of an ideological substitute which may suit a given situation. This transformation is itself ideological in the sense that the actor, though believing in the interest he/she may attain by his/her original ideological belonging, equally believes in the possibility of attaining another interest when borrowing a different ideological attitude in a definite discursive situation.

The answer to the question about the effect of ideology on court discourse forms and meanings is that ideology, being a set of beliefs and attitudes, needs to exhibit ideological features through language and language use, hence, when a speaker code switches to accommodate to the others' code, explains the extent to which ideological features take their meaning in discourse and mainly via a definite management of language. Similarly, when a speaker uses the passive instead of the active form to focus on the doer of the action, he/she employs ideological beliefs about the grammatical and the sociolinguistic function of this form to shape a precise meaning.

Another question in the present work is about social ideology, whether it is consciously transported from the area of common needs to the area of professional

social needs or not. To answer this question we should define the common needs and professional needs; the former represents a social situation that corresponds to the speaker's daily life, while the second examines the social and the professional needs in the context of work for personal and financial interests. Yet, professional needs are considerable parts of daily life needs and can make use of some social elements and dimensions that have been habitually adopted in the life of individuals in order to attain definite interests. Thus, in the same way, ideological behaviours that are motives behind common needs can themselves be unconsciuosly employed for professional purposes. However, the special nature of the professional sector, being attributed a financial and a reputation reward, necessitates another ideological behaviour that corresponds to the different situations encountered along the professional task. In other words, some ideological behaviours are the outcome of professional experience and are by the way consciously approached in the course of interaction.

The last question in the present work was about the way context models and event models can be ideologically controlled. When van Dijk (1998) talked about the notion of models in describing mental and event models, he approached a literal use of the word model, to mean a representation that individuals can shape about a definite object or subject. Event models are then personal representations of events and situations that follow specific perceptions drawn from a number of criteria surrounding interpersonal relations. In the case of court interactions, participants develop subjective understandings about a given affair or action on account of linguistic structures, intonation, word choice, language choice, stylistic variation, behavior, physical appearance, etc. all these elements have significant importance in the construction of ideas and understanding, and its differs from one person to another in respect to ideological inclinations. Therefore, ideology with its special structure that comprises a

set of beliefs, opinions, attitudes and knowledge that differ from one group of individuals to another, has a great influence on the employment of social, cultural and linguistic dimensions in the understanding of events and the particularities of contexts. Participants in the court then, perceive ideas in respect to the functions attributed to sociolinguistic variations, the use of proverbs, specific grammatical and linguistic structures, in addition to the social dimensions taking part in the interactional environment.

5.7 Conclussion

The present chapter has tackled the analysis of excerpts in relation to the problematic of the whole work and organized the results on account of the factors dominating discourse in the court of law. Indeed, the analytical approach has drawn its lines from the theory of van Dijk (1998) stated in the literature review of the present dissertation and focused on the basic concepts used in the description of ideology. van Dijk's theoretical concepts and philosophical distinctions in the understanding of ideology have largely contributed in the crystallization of basic guidelines that involve a clear understanding of ideology in the light of soiciolinguistic variations and that corresponds to the framework of the study.

GNENRAL CONCLUSION

Though the linguistic studies in the area of sociolinguistics and /or pragmatics have taught the researcher in this field the way approaches to language studies can be numerous and not limited, the logic of concluding a research work remains quasi-disciplinary.

In the statement of the research problems in the beginning of this work, a number of questions were selected in order to draw a linear investigation in the study of language and ideology. This field of research which finds itself implicated in a multi-disciplinary centre that joins sociolinguistics, pragmatics, psycholinguistics, sociology, anthropology and justice, describes the use of language in relation to context dimensions.

However, the prominent questions that has appealed to the study of ideological dimensions in language use was whether if the sociolinguistic situation in a multilingual state like Algeria shapes societal dimensions of ideology or not, and in case it does, then how it can do in respect to court of law discourse contexts. Accordingly, the results of the study have implied that the sociolinguistic situation in Algeria has importantly contributed to the formation of social and linguistic phenomena with regard to cultural and linguistic inclinations characterizing Algerians. These phenomena are then considerable parts constituting the organization of the Algerian speech community. They have an important role in shaping the ideological landmarks characterizing the society. That is, the sociolinguistic situation in Algeria with its multilingual character, has divided the society into ideological groups whose determination lies on the identification of the self as an important member in the society, and more importantly in the achievement of a set of interests in respect to their ideological belonging. The description of ideology in the Algerian society has been relatively summarized in court of law interactions and communicative events of different natures. Evidently, the use of language in this institutional setting has basically got a professional purpose, however, that is not the only

one. The study and the analysis of excerpts from court of law conversations have shown a social purpose with an ideological orientation. Almost all participants, as active actors, rely on their social, linguistic, and cultural belonging in achieving professional and social goals in court interactions.

In another investigation, the present study sought to state whether if language use in an Algerian court is context-related, ideologically-based, or an interpretation of a common ground culture. Evidently, context is the condition for the production, the distribution and the consumption of language. However, context is thoroughly present in different forms in a course of interaction, it is represented by the participants themselves, their physical, behavioural and social characteristics, in addition to the topic and its domain. Further, the spacial and temporal dimensions have also impact on expression and language use. Yet, the global static context may generate other situations which themselves may develop other new contexts with different characteristics. Accordingly, the dimensions of context listed above are likely to develop ideological features in respect to different beliefs and thoughts which themselves control the speech of participants in the court. However, the concept of common ground culture denoting the set of cultural beliefs shared by the members of the speech community has shown to be a dominant factor in the management of communicative events inside the court. It relatively represents an ideologically biased phenomenon that characterizes the members of the community in the same way. Yet, the same phenomenon can be the source behind the formation of ideological groups when common culture becomes a tool that all participants use in the course of competition. In this case, similar (not different) knowledge and perceptions are the themes of attack against the other. However, the notion of ideology in this respect is not, as usually described, a set of thoughts and beliefs characterizing groups as different from others on the basis of different ideological inclinations. It is then, a kind of dynamic

ideology that does not characterize groups but the whole society and which is, in this case, explored for serving a momentary purpose and interest. In other words, this kind of ideology is variable and non-static, participants show ideological features in response to conflicting situations only. Hence, the notion of ideology here turns around sameness in the perception of common culture by each individual.

In another attempt to investigate language use and ideology, the present work states as problematic the sociolinguistic situation in Algeria, causing or not a problem of communication as it has been assumed by some authors. According to the excerpts collected for this research work, the tendency of participants to achieve different interests is rigorously based on the social structure of the environment where the interaction takes place. Hence, Algerians seem to have been largely and deeply acquainted with the existence of different codes to achieve their daily needs. They have the power to decide which code(s) to use in different situations, as they almost have the ability to understand messages in different codes. Though, the status attributed to Standard Arabic as official and national is more or less present in institutions, but it seems that the place of this language remains quasi-dependent on the presence of other codes in the same environment. In other words, Standard Arabic survives on French and colloquial Arabic, and can seldom exist on its own in a given institution. Therefore, the results drawn from the present study conclusively deny the idea that the sociolinguistic situation in Algeria is causing problems of communication, and multilingualism has permitted individuals of different educational backgrounds and social status to show their identities and social existence inside institutions like the court of law. Yet, some speakers are able to use different codes in a course of communication in response to different situations, and perceive ideas in different codes as well.

Further, other questions have been treated along the study of ideology in the court of law, among these; the present work has explored the effect of discourse in courts on the formation and the transformation of ideologies. Indeed, along discursive stretches, participants meet different ideas that are developed in contexts, the formation of these ideas permit the speakers to identify their positions in respect to what is going on in the semantic and the pragmatic discourse, they then, try to locate themselves in discourse in respect to the interests they may take from the conversation. In this case, they either choose to form ideological attributes, or occasionally transform their ideologies and accommodate to others', and in such cases, they may dissemble their true feelings and beliefs. The answer of this question may lead to another issue that this work has tackled concerning the effect of ideology on court discourse forms and meanings. In this respect, ideology is described as a system of thoughts that make use of language and socio-cultural attributes to preserve its existence. Hence, participants in discourse construct their utterances and expressions in respect to what they belief, think, and appreciate; language use in this case is subjected to a meticulous organization as for the choice of words, the use of precise grammatical structures, and the control of the intonation and the stress in the production of each discursive form. Obviously, the organization of language use should naturally provoke a semantic and a pragmatic perception of ideas in the way the speaker plans it.

Continuously, one other prominent question in this work was whether if social ideology is consciously transported from the area of common needs to the area of professional social needs or not. Indeed, ideology is a system of thoughts and beliefs that exists in the society in a number of groups of individuals. However, ideological features can only be clear and revealed in an act of competition, as it is the case for political parties. Then, individuals express their social belonging in these situations and

proclaim their identities in public places. In other words, each individual in the society supports a kind of ideology that helps him to preserve his existence and membership. However, ideologies are only conflicting when groups compete for the same target, and this does not necessarily mean that ideological groups in the society are in permanent disagreement during their daily lives. Accordingly, in face-to –face interactions as in the court of law, ideological groups expose their ideologies to participate in challenging situations. In this case, lawyers may show two ideologically- oriented speech acts; one of them revealing their belongings as ordinary social participants, the other with a rather professional character that places them in the rank of justice members. Obviously, lawyers too, have got their own beliefs and opinions about the political movement, the economic situation, and the social conditions in Algeria for instance, and may be greatly influenced by these opinions during their professional activities. However, the nature of the lawyers' profession necessitates a particular attention at the level of language use and the expression of ideological beliefs. Hence, the transport of ideological features, as they appear in the personal status of individuals, can or cannot be consciously done for the achievement of professional purposes, that is, lawyers carefully awake their caution in communicative events to avoid any mistake in their way of defense, and their speech acts may be characterized by consciously transported features that correspond to their interests, but sometimes some ideologies are prestigious and highly-evaluated by the members of the society that they are unconsciously transported to professional activities to become important parts of professional ideologies.

Always in the understanding of ideologies, the present study has explored the notions of model in context models and event models exposed by van Dijk in his work in order to see the way context models and event models can be ideologically controlled. Then, as ideologies are produced and reproduced to serve group interests and

professional interests, participants' attention focuses on the perception of ideas in the course of interaction. That is, they draw mental models about context and events throughout a thorough use of language, and by their sides, participants develop similar perceptions about the context and the events. On another hand, the communicative events develop new contexts and events about the topic, and in this case ideological groups draw mental models about the context and the events according to their own beliefs and opinions. The shaping of models becomes then subjective and ideologically-based.

The study of ideology has then revealed a lot about the sociolinguistic and the social organization of the Algerian nation, it tried, at a certain extent, to draw ideological parameters in relation to the social, cultural and linguistic architecture of the Algerian society. Further, it has investigated the different concepts and dimensions deduced by van Dijk in his multidisciplinary approach to ideology, notably the implication of mental models in understanding this system of beliefs and the way ideological groups are formed, produced and reproduced in the course of interaction. The court of law represents then an eligible ground for the study of ideology, and it brings a lot to this area of research when approached in a multilingual situation. In this respect, the formation of ideologies becomes rather sophisticated and interesting as it externalizes the social realities of individuals and identifies the different points of power and dominance of groups having significant presence in the society, and by the way, the dominated groups become also apparent. Yet, part of the present work has tackled aspects of ideology which are not stable but situational and proposes a kind of ideology that is rather borrowed. Indeed, although borrowed ideology may not truly characterize individuals from different groups, it still represents forms of ideology that truly exist in the society, or are drawn from stereotypic beliefs.

Accordingly, approaches to ideology may interestingly account for the sociolinguistic situation in a given context, and certainly bring more information when tackled in a monolingual context for instance, as a future investigation.

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APPENDIX

APPENDIX

1/. La loi n°91-05 du 16 janvier 1991 :

Chapitre I

DISPOSITIONS GENERALES

Article 1

La présente loi a pour objet de fixer les règles générales de l'utilisation, la promotion et la protection de la langue arabe dans les différents domaines de la vie nationale.

Article 2

1) La langue arabe est une composante de la personnalité nationale authentique et une constante de la nation.

2) Son usage traduit un aspect de souveraineté. Son utilisation est d'ordre public.

Article 3

1) Toutes les institutions doivent œuvrer à la promotion et à la protection de la langue arabe et veiller à sa pureté et à sa bonne utilisation.

2) Il est interdit de transcrire la langue arabe en caractères autres que les caractères arabes.

Chapitre II

DOMAINES D'APPLICATION

Article 4

Les administrations publiques, les institutions, les entreprises et les associations, quelle que soit leur nature, sont tenues d'utiliser la seule langue arabe dans l'ensemble de leurs activités telles que la communication, la gestion administrative, financière, technique et artistique.

Article 5

1) Tous les documents officiels, les rapports, et les procès-verbaux des administrations publiques, des institutions, des entreprises et des associations sont rédigés en langue arabe.

2) L'utilisation de toute langue étrangère dans les délibérations et débats des réunions officielles est interdite.

Article 6

1) Les actes sont rédigés exclusivement en langue arabe.

2) L'enregistrement et la publicité d'un acte sont interdits si cet acte est rédigé dans une langue autre que la langue arabe.

Article 7

1) Les requêtes, les consultations et les plaidoiries au sein des juridictions, sont en langue arabe.

2) Les décisions de justice et les jugements, les avis et les décisions du Conseil constitutionnel et de la Cour des comptes, sont rendus ou établis dans la seule langue arabe.

Article 8

Les concours professionnels et les examens de recrutement pour l'accès à l'emploi dans les administrations et entreprises doivent se dérouler en langue arabe.

Article 9

1) Les sessions et séminaires nationaux ainsi que les stages professionnels et de formation et les manifestations publiques se déroulent en langue arabe.

2) Il peut être fait usage de langues étrangères de façon exceptionnelle et parallèlement à la langue arabe, lors des conférences, rencontres et manifestations à caractère international.

Article 10

Sont établis exclusivement en langue arabe les sceaux, timbres et signes officiels spécifiques aux institutions, administrations publiques et entreprises, quelle que soit leur nature.

Article 11

Toutes les correspondances des administrations, institutions et entreprises doivent être rédigées exclusivement en langue arabe.

Article 12

1) Les relations des administrations, institutions, entreprises et associations avec l'étranger ne s'effectuent en langue arabe.

2) Les traités et conventions sont conclus en langue arabe.

Article 13

Le *Journal officiel* de la République algérienne démocratique et populaire est édité exclusivement en langue arabe.

Article 14

Le *Journal officiel* des débats de l'Assemblée populaire nationale est édité exclusivement en langue arabe.

Article 15

L'enseignement, l'éducation et la formation dans tous les secteurs, dans tous les cycles et dans toutes les spécialités sont dispensés en langue arabe, sous réserve des modalités d'enseignement des langues étrangères.

APPENDIX

Article 16

1) Sous réserve des dispositions de l'article 13 de la *Loi relative à l'information* destinée aux citoyens, l'information doit être en langue arabe.

2) L'information spécialisée ou destinée à l'étranger peut être en langues étrangères.

Article 17

Les films cinématographiques et/ou télévisuels ainsi que les émissions culturelles et scientifiques sont diffusés en langue arabe ou traduits ou doublés.

Article 18

1) Sous réserve des dispositions de la loi relative à l'information, toutes les déclarations, interventions et conférences ainsi que toutes les émissions télévisuelles se déroulent en langue arabe.

2) Elles sont traduites si elles sont en langues étrangères.

Article 19

1) La publicité, sous quelque forme qu'elle soit, se fait en langue arabe.

2) Il peut être fait à titre exceptionnel, le cas échéant, usage de langues étrangères parallèlement à la langue arabe, après autorisation des parties compétentes.

Article 20

1) Sous réserve d'une transcription esthétique et d'une expression correcte, les enseignes, les panneaux, les slogans, les symboles, les panneaux publicitaires ainsi que toute inscription lumineuse, sculptée ou gravée indiquant un établissement, un organisme, une entreprise ou un local et/ou mentionnant l'activité qui s'y exerce, sont exprimés dans la seule langue arabe.

2) Il peut être fait usage de langues étrangères parallèlement à la langue arabe dans les centres touristiques classés.

Article 21

Sont imprimés en langue arabe et en plusieurs langues étrangères et à condition que la langue arabe soit mise en évidence, les documents, imprimés, emballages et boîtes comportant des indications techniques, modes d'emploi, composantes, concernant notamment:

- les produits pharmaceutiques,
- les produits chimiques,
- les produits dangereux,
- les appareils de sauvetage et de lutte contre les incendies et les calamités.

Article 22

1) Les noms et indications concernant les produits, marchandises et services et tous objets fabriqués, importés ou commercialisés en Algérie sont établis en langue arabe.

2) Il peut être fait usage de langues étrangères à titre complémentaire.

Chapitre III

ORGANES D'EXECUTION, DE SUIVI ET DE SOUTIEN

Article 23

1) Il est créé auprès du chef du gouvernement un organe national d'exécution, chargé du suivi et de l'application des dispositions de la présente loi.

2) Sa composition et les modalités de son fonctionnement seront fixées par voie réglementaire.

Article 24

Le gouvernement présente dans le cadre de la communication annuelle à l'Assemblée populaire nationale un exposé détaillé sur la généralisation et la promotion de la langue arabe.

Article 25

Les assemblées élues et les associations veillent dans les limites de leurs prérogatives au suivi de l'opération de généralisation et à la bonne utilisation de la langue arabe.

Article 26

L'Académie algérienne de langue arabe veille à l'enrichissement, la promotion et le développement de la langue arabe pour assurer son rayonnement.

Article 27

Il est créé un centre national chargé de:

- généraliser l'utilisation de la langue arabe par tous les moyens disponibles modernes,

- traduire les recherches scientifiques et technologiques éditées en langues étrangères et assurer leur publication en langue arabe,

- Traduire les documents officiels sur demande,

- Assurer le doublage des films scientifiques, culturels et documentaires,

- Concrétiser les recherches théoriques de l'Académie algérienne de la langue arabe et des autres académies arabes.

Article 28

1) L'état décerne des prix aux meilleures recherches scientifiques réalisées en langue arabe.

2) Les modalités d'application du présent article seront fixées par voie réglementaire.

Chapitre IV

DISPOSITIONS PENALES

Article 29

APPENDIX

1) Tout document officiel préparé dans une autre langue que l'arabe est considéré comme nul et non avenu

2) La partie ayant rédigé ou authentifié ledit document assume l'entière responsabilité des effets qui en découlent.

Article 30

Toute violation des dispositions de la présente loi constitue une faute grave entraînant des sanctions disciplinaires.

Article 31

Toute infraction aux dispositions des articles 17, 18, 19, 20, 21 et 22 est passible d'une amende de 5000 à 10 000 DA.

Article 32

1) Quiconque signe un document rédigé dans une langue autre que la langue arabe, lors de l'exercice de ses fonctions officielles, est passible d'une amende de 1000 à 5000 DA.

2) Toutefois, il est possible de signer des documents traduits destinés à l'étranger.

Article 33

1) Les responsables des entreprises privées, les commerçants et les artisans qui contreviennent aux dispositions de la présente loi sont passibles d'une amende de 1000 à 5000 DA (dinars algériens).

2) En cas de récidive, il est procédé à la fermeture temporaire ou définitive du local ou de l'entreprise.

Article 34

1) Les associations à caractère politique qui contreviennent aux dispositions de la présente loi sont passibles d'une amende de 10 000 à 100 000 DA (dinars algériens).

2) En cas de récidive, il leur est fait application des dispositions de l'article 33 de la loi n° 89-11 du 5 juillet 1989 relative aux associations à caractère politique.

Article 35

Toute personne ayant un intérêt matériel ou moral dans l'application de la présente loi peut intenter un recours auprès des autorités administratives ou une action en justice contre tout acte contraire aux dispositions de la présente loi.

Chapitre V

DISPOSITIONS TRANSITOIRES

Article 36

Les dispositions de la présente loi entreront en vigueur dès la publication de la présente loi et en tout état de cause au plus tard le 5 juillet 1992.

Article 37

L'enseignement dans la seule langue arabe dans les établissements et instituts d'enseignement supérieur entrera en vigueur à compter de la première année universitaire 1991/1992 et se poursuivra jusqu'à l'arabisation totale et définitive au plus tard le 5 juillet 1994.

Article 38

1) Les rapports, analyses et ordonnances médicales sont établis en langue arabe.

2) Toutefois, et à titre exceptionnel, ils peuvent être établis en langue étrangère jusqu'à l'arabisation définitive des sciences médicales et pharmaceutiques.

Article 39

Il est interdit aux organismes et entreprises d'importer les équipements d'informatique et de télex et tout équipement destiné à l'impression et la frappe s'ils ne comportent pas des caractères arabes.

Chapitre VI

DISPOSITIONS FINALES

Article 40

Sont abrogées les dispositions de l'ordonnance n° 68-92 du 26 avril 1968 portant obligation de la connaissance de la langue arabe par les fonctionnaires, les dispositions de l'ordonnance n° 73-55 du 1er octobre 1973 portant arabisation des sceaux nationaux ainsi que toutes les dispositions contraires à la présente loi.

Article 41

La présente loi sera publiée au *Journal officiel de la République algérienne démocratique et populaire*.

Fait à Alger, le 16 janvier 1991.   Chadli BENDJEDID

2/- L'Ordonnance n°96-30 du 21 Décembre 1996 :

Cette loi modifie et complète la loi n° 91-05 du 16 janvier 1991

Portant   généralisation de l'utilisation de la langue arabe.

Article 11

1) Les échanges et les correspondances de toutes les administrations, entreprises et associations, quelle que soit leur nature, doivent être en langue arabe.

2) Toutefois, les échanges des administrations et associations avec l'étranger doivent s'effectuer selon ce qui est requis par les usages internationaux.

Article 12

Sous réserve de ce qui est requis par les usages internationaux, les traités et conventions sont conclus en langue arabe.

Article 18

1) Toutes les déclarations, interventions, conférences et émissions télévisées doivent être en langue arabe.

2) Elles doivent être traduites à l'arabe lorsqu'elles sont en langue étrangère.

Article 23

APPENDIX

1) Un conseil supérieur de la langue arabe est institué et placé sous le patronage du président de la République. Il est chargé notamment:

- Du suivi de l'application des dispositions de la présente loi et de toutes les lois visant la généralisation de l'utilisation de la langue arabe, sa protection, sa promotion et son développement;

- De la coordination entre différentes instances supervisant l'opération de généralisation de l'utilisation de la langue arabe, de sa promotion et de son développement;

- De l'évaluation des travaux des instances chargées de la généralisation de l'utilisation de la langue arabe, de sa promotion et de son développement;

- De l'appréciation de l'opportunité des délais relatifs à certaines spécialités de l'enseignement supérieur, prévus à l'article 7 modifiant et complétant l'article 36, alinéa 2;

- De la présentation d'un rapport annuel au président de la République sur l'opération de généralisation de l'utilisation de la langue arabe.

2) D'autres prérogatives peuvent être prévues en vertu d'un décret présidentiel.

Article 32

1) Sera puni d'une amende de 1000 à 5000 DA quiconque signe un document rédigé dans une autre langue que la langue arabe, pendant, ou à l'occasion de l'exercice de ses fonctions officielles, sous réserve des dispositions des articles 2 et 3 modifiant et complétant les articles 11 et 12 de la présente ordonnance.

2) En cas de récidive, l'amende est portée au double.

APPENDIX

Article 36

Les dispositions de la présente ordonnance sont applicables dès sa promulgation.

ملخص:

هذه الأطروحة مقاربة سوسيولسانية لدراسة الإيديولوجيا في المحكمة الجزائرية (تلمسان). هدفها فهم دور اللغة و استعمالاتها في تفسير و تطوير التصرف الإيديولوجي و الذي هو بدوره يمثل مختلف الإيديولوجيات الموجودة في المجتمع الجزائري.

الكلمات المفتاحية: اللغة- الإيديولوجيا- التنوعات السوسيولسانية – المحكمة الجزائرية

Résumé :

Le présent travail est une approche sociolinguistique en vue de l'étude de l'idéologie dans la cour de justice de Tlemcen (Algérie). Elle a pour but la compréhension de la manière dont la langue et son utilisation contribuent à l'interprétation et le développement du comportement idéologique. Celui-ci, lui-même, reflète les différentes idéologies qui existent dans la société algérienne.

Mots clefs : La langue- l'idéologie- variations sociolinguistiques-la cour de justice.

Summary :

The present work is a sociolinguistic approach to the study of ideology in the court of law in Algeria, more precisely in Tlemcen. It aims at understanding the way language and language use contribute to the interpretation and the development of ideological behaviour, this one itself reflects the different ideologies that shape the Algerian society

.

Key Words: Language- ideology- sociolinguistic variations- the court of law.

Summuary. Résumé

A close examination of the constitution of the Algerian society may reveal much about the features characterizing its speakers and their attitudes vis a vis languages and dialects and other varieties of language. Algerian people seem to accept the heterogeneity in their linguistic distribution and more than that they seem to manage their life with a great reliance on the use of one or more codes in respect to offered situations, and each code seems to serve differently the objective traced by its user.

Accordingly and within the study of language in the Algerian society, the present work has found a special way to analyze in a more detailed and precise manner the way members of the Algerian society with different attitudes, identities, linguistic inclinations, etc. manage their language use in response to different situations. The study proposes the court of law as the local of research which may gather people of different characteristics in terms of positive and negative beliefs towards politics, the society, the way of living, towards other individuals, social problems, the law, education, money, in addition to different status, age, social positions etc. Hence, it has been regarded as an appropriate localization of approximately all kinds of individuals living in Algeria.

Respectively, the present dissertation delimits its study to the use of language in Algerian court of law, and more precisely the one of Tlemcen. It has approached as a particular field of study the question of language ideology as shaped in legal discourse. Thus a description of ideology is necessary in this attempt since it has been defined differently by different scholars making research about ideology in its different localizations. After residing on van Dijk's description, it is also worth considering

others' definitions to evaluate the degree to which they can be similar or different, and at which level, if the case, the difference lies.

The salient point about the work is to settle a group of related questions associated to the phenomenon of ideology and language use in a legal context. Hence, the main problematic of the present study is the following:

- Does the sociolinguistic situation in a multilingual state like Algeria shape societal dimensions of ideology? If yes, how can it do in respect to court of law discourse contexts?

-Is language use in an Algerian court context-related, ideologically-based, or an interpretation of a common ground culture?

- Is the sociolinguistic situation in Algeria effectively causing a problem of communication as it has been assumed by some authors, or not?

Other questions that are also problematic in this work are summarized in the following: 1/What is the effect of discourse in courts on the formation and the transformation of ideologies?

2/What is the effect of ideology on court discourse forms and meanings?

3/ Is social ideology consciously transported from the area of common needs to the area of professional social needs or not?

4/ How can context models and event models be ideologically controlled?

The present dissertation is divided into five chapters, the first of which is a description of the sociolinguistic and to some relevant extent the historical background to the Algerian society to serve as basic introduction to the whole dissertation and

representing the global context of the study, it takes into account the process over which the organization of the Algerian speech community has linguistically, socially, legally and politically evolved since its colonization by the French.

The second chapter is the literature review; it represents the most prominent works in the field of ideology and discourse particularly the ones described by van Dijk.

Teun Adrianus van Dijk (May, 7th, 1943) is a scholar in text linguistics, discourse analysis and Critical Discourse Analysis (CDA). Within this framework, his major studies have focused on the study of discursive reproduction, theories of ideology and context since 1980. Accordingly, this chapter offers the basic ground for the understanding of the major aims of the dissertation and the framework within which the problematic is arranged.

In the third chapter, a preliminary representation of ideology as reflected in written texts is considered as a necessary former step before assigning extensive attention to ideology as shaped in discourse in the court of law. This chapter introduces the other form of ideology as implemented by ideological groups sharing the same profession in the course of legal drafting which itself is designed in such a particular way to be directed to individuals and ideological groups sharing the same beliefs and attitudes. Hence, this work considers the written form of legal texts as a different form of ideology whose conceptualization is recognized in the way linguistic structures are formulated to address people in offence as well as the members of the legal profession in charge of executing the word of the law. In this respect van Dijk (1998:6) states:

> Language use, text, talk and communication (together subsumed here under the overall term of 'discourse are needed and used by group members to learn, acquire, change, confirm, articulate, as well as to persuasively convey ideologies to other ingroup members, to inculcate them in novices, defend them against (or conceal them from) outgroup members or to propagate them among those who are(as yet) the infidels.

Van dijk in this statement may have the attention to shape the expression of ideology in discourse in its different forms: written and spoken, and makes a distinction between ideological groups that may be different in respect to uncommon particularities and proper beliefs between the existing ones, then individuals of the same group are ingroup members and all the rest are outgroupmembers(in this case these may or may not form ideological groups).

The fourth chapter represents the methodology on which the present research work is based; it explains the different techniques used to collect the data and the way they were handled in an institutional setting, in addition to the way instances were selected among others in respect to the aim of the study.

The fifth chapter tackles the analysis of instances with concluding remarks and results in a way to respond to the set of questions exposed in the general introduction among the main problematic of the study.

The final step is a general conclusion which summarizes the major extracts from the study after approaching the different areas related to the whole objective. It exposes the future possible research questions in the same field and that, to some extent, have not yet gained a large area of interest in the field of sociolinguistics.

The subject of this investigation will necessarily fit all proposed functional categories. The methodology proposed in this study will tend to examine how meaning and structure interconnect to produce a basically directive and a mutually intelligible legal text,

one that will objectively reach the hearer's or the reader's mind in the same way without creating individual peculiarities in the understanding of the text, and provide by the way a'true' *mean*ing.

The research method used to collect data in the present study was based on recordings and observation in the court of law of Tlemcen. Subjects for the collection of data transcend eighty persons among whom we distinguish native speakers (speaking the Tlemcian (TSN) dialect) and non-native speakers (speaking regional dialects), and having different backgrounds ranging from intellectuals, educated, uneducated, literate and illiterate persons distributed between males and females. It should be mentioned that the use of recordings inside the court of law is almost impossible and illegal. However, in some situations, the occasion permitted me to record a number of conversations, while others were observed and reported following the method of field research with which I could appear as a member of the audience especially composed of complainants and summoned persons and sometimes their relatives. Furthermore, the selection of participants tried to be diverse in terms of age, gender, social and educational backgrounds, etc. Data was collected with no prior attention assigned to the communicative events, but in a next step, definite excerpts were selected according to the theme of the study.

The informants in this investigation are especially lawyers and judges, however, the structure of the study necessitates an implication of civil parties in the analysis of excerpts as they are significantly active actors in discourse, and ideology has been investigated in respect to the interaction between all the participants involved and interacting in a communicative event.

Evidently, the present research work does not aim at a quantitative examination of the group of speakers using a definite language or a variety of language, rather, it aims at detecting the presence or not of ideological features, the way they are shaped in case they figure, and what might be the different criteria that incite their production and reproduction in discursive situations. The study then, basically interprets the position and the function of sociolinguistic phenomena in the court to understand ideological features. It tried as possible as it could to collect a variety of excerpts exhibited in different sociolinguistic ways and analyzed them in respect to the context dimensions they were produced in, these vary from age, gender, physical appearance, social and educational features, linguistic abilities, identity, place and time, content, etc. In other words, the procedures of research aimed at defining the position of ideology in communicative events and in this respect, it looked for different situations in terms of the qualities and the characteristics of participants, in addition to the diversity of topics. Furthermore, ideological behaviours are understood by a prior understanding of the kind of relationship between one participant and another, as to distinguish adversarial groups from allies, in addition to the distinction made between lawyers in terms of identity that is straightforward perceived in Arabophony and Francophony. However, many other dimensions can be accounted for in the perception of ideological features as to age and sex distinctions, and sociolinguistic markers of native or non-native speakers.

The courtroom is then a social setting where various kinds of litigations are discussed and resolved. It provides an ideal ethnographic place to carry a sociolinguistic study of the interrelation between language, interaction and cognition. Courtroom interaction is then articulated by principal participants distributed in a trilogy, its basic structure involves:1) an actor who has to convince,2) an addressee to be convinced , and 3) an opponent to be defeated. This trilogy of courtroom interactions will have a big impact on the social

dimension of the courtroom and will influence the conceptualization of ideas and forms of speech.

In addition to the structural and the functional dimensions of courtrooms, language displays the core element of interaction in courtrooms that shapes conversation and manages ideas and objectives; its main function lies on the challenging nature of litigations that calls for safety.

The situation provides an environment where the use of different languages and dialects can be observed and systematically studied because participants interact in a relatively unrestricted way with the surrounding of extra-linguistic constraints.

A Courtroom constitutes such environment where linguistic and extra-linguistic elements are in constant contact that relies on the structure, the language and the aim of the interaction. The overall aim of the judicial system (henceforth the judicial aim) is to secure that the citizens' legal disputes are solved in accordance with the existing laws. Language in the investigated courtrooms is then related to judicial, social, educational, governmental ….constraints. Courtrooms are grounds for multilinguistic and multilingual variations since they receive persons of various ethnolinguistic and sociolinguistic backgrounds; it is the field where all persons with different   ages, genres and different sociocultural specifities…may take part in litigations, in accusations, in testimonies, in mediation or in defence .

The discussion of excerpts collected from court discourse have guided the present work to concluding ideas about the global parameters involved in the understanding of discursive and sociolinguistic forms and their relationship with the extralinguistic factors surrounding them, including the ideological behaviours of the participants and the way

they identify themselves as parts of discursive events, and more importantly as considerable members of the Algerian society.

In response to the problematic stated previously in the general introduction, the present study accounts for the major details deduced from the analysis of discursive forms as embodied in sociolinguistic structures. For the first question, we assume that the sociolinguistic situation in Algeria evidently shapes societal dimensions of ideology. The different sociolinguistic situations produced or provoked in the course of interaction imply a kind of mathematical interplay between participants through which the addition A+B leads to C, and the subtraction A-B or B-A leads to D. (A) and (B) represent linguistic and ideological elements of discourse that can be managed in respect to given contexts and situations, they are, in this sense, exposed to achieve argumentative functions or avoided to bypass entrapment and conundrums. Yet, the societal dimensions of ideology in the Algerian context vary in respect to the basic beliefs and traditions that have largely contributed to the structuring of the Algerian society. The analysis of excerpts exposes the different ideological criteria accounted for and displayed in the production of discourse and ideas, among these, language attitudes which represent one of the results that have emerged from the aspect of the sociolinguistic situation in Algeria, and through which people have long traced their ideological belonging back to historical events in Algeria, especially during the French occupation. Standard Arabic and French have since then come into challenging, sometimes opposing manifestations from francophones and arabophones who seem to have developed ideological approaches towards these languages and people using them. Hence, this attitude is remarkably is remarkably interpreted in sociolinguistic phenomena like code switching, extended diglossia, accommodation, registers, etc. and participants in the court use them to achieve different purposes with a variety of intentions, the use of Standard Arabic has for instance typical functions which are fundamentally tied

to religion and the Coran, other functions may be tied to identity by which people express opposing attitudes to French, the language of the colonizer. In the same token, French is naturally used by speakers educated primarily in this language, however, it can be used for ideological purposes with a specific attitude attributed to this language by speakers who believe in its modern and scientific, thus reasonable aspect.

The sociolinguistic situation in Algeria has also shaped the societal dimensions of ideology by the functions it has offered to the use of colloquial Arabic and the typical attitudes that speakers have developed towards this code in comparison to others. In this respect, rural and urban dialects have been assigned different attitudes that return back to historical facts whereby individuals have been distinguished on the basis of their geographical locations. Therefore, the sociolinguistic phenomena described in this study have not only represented the existing ideological orientations towards colloquial Arabic in comparison to French and Standard Arabic, but also within the same Arabic between rural and urban. It is generally assumed that urban dialects characterize regions which have seen larger concentration of the colonizer for economic and administrative reasons and have by the way received academic education mainly in French and religious education in Classical Arabic, while rural Arabic characterizes regions which have not benefited from academic education especially during colonization. The existence of these codes in Algeria has then favoured the installation of ideological beliefs which are generally shaped in stereotypic features characterizing the speakers.

In response to the second question stated as problematic in the general introduction and which seeks to classify the use of language in a scale of three dimensions, as whether it is context-related, ideologically- based or an interpretation of common ground culture. The analysis of excerpts from the court of law has tackled the different manners in which the use of language can appear to attain different goals. Among these,

language use can be manipulated by speakers at different linguistic and stylistic levels. At the linguistic level, the speaker can focus on the phonetic, the morphological, the lexical and the syntactic units of language, and at the stylistic level, some grammatical, literary, and linguistic parameters can be managed in such a way to express precise ideas. Sociolinguistic dimensions are also accounted for in communicative events; when participants shape their ideas and messages in respect to the features characterizing the environment of the communicative event, including the participants, the topic, the place, etc. this environment becomes itself ideological as it orients the speakers to utilizing convenient linguistic and conceptual material in the construction of ideas. Hence, both the formation and the perception of ideas in this case are mentally shaped in the same way by both the speaker and the hearer. Therefore, the sociolinguistic dimensions are parts of context which *per se* can shape ideological features. However, the concept of common ground culture has shown significant interpretation of ideological beliefs shared by the members of the Algerian society but which have been borrowed to achieve ideological purposes between the members of this same community. Participants, in this case, show mutual understanding of the common ground feature, either being cultural, religious, or social and give its employment in the communicative event the same interpretation especially in respect to the context dimensions of the discourse. The expression /ħænnət jəddi:h/ is an excerpt from the cultural common ground of Algerian speakers, and it is used to ask someone for his capacities and abilities in a given field, it can be used with good intentions as to know about someone's professionalism to benefit from his/her experience in the domain of economics for example, however, the same expression can be used with rather corrosive intentions as to underestimate someone with unfair prejudgment concerning his capacities in a given field . Algerian speakers are then aware of both possible interpretations of the same expression when used in definite contexts.

Accordingly, the use of language in the court of law is context-related, ideologically-based and an interpretation of common ground culture.

Further, and in response to the third question stated in the general introduction concerning the sociolinguistic situation in Algeria as whether if it is effectively causing a problem of communication as it has been assumed by some authors or not. When rigorous attention is given to the way language is managed in the court of law, one noticeable thing can come to one's thinking is the ability of each speaker to use language and/or variety of language in such a way that is not generally confined to one way or to one code, but it is represented in a variety of linguistic behaviours that accommodate to different communicative needs. This situations explains the way Algerian speakers have decided to live with plurilingualism, hence not by choosing one way of address but by adapting themselves to respond to communicative needs in the way they feel themselves more expressive. Some have decided to fundamentally use French, while switch to Arabic or slightly use it for necessity, others have decided to fundamentally use Standard Arabic in precise situations, while using French for extreme necessity, another group of speakers have decided to stay neutral, using sometimes French and some other times Standard Arabic when convenient. However, speakers who are neither fluent in French nor in Standard Arabic, are obliged to use Colloquial Arabic, and they may sometimes use cumbersome French or Standard Arabic to express themselves and they seem to be given the full right to use any code they want even in formal contexts. Other situations show a rather balanced way of using language in the attempt of spreading information over people of different social and educational backgrounds; in this case they use ESA. Algerian speakers have then offered themselves and their addresses communicative ways that ensure mutual intelligibility with preserving more or less the nature of the environment surrounding them, as to keep aware of the formality of the context.

An answer to the fourth question concerning the effect of discourse in courts on the formation and the transformation of ideologies primarily focuses on the linguistic and the conceptual characteristics of discourse which may or may not exhort ideological behaviours. There are some elements of discourse that produce a challenging tension in the course of interaction, they may be linguistic and /or conceptual and cause countervailing behaviour from the opponent. This act becomes itself a new situation with some if not almost different characteristics from the former one(s) which served to introduce the problem or to describe it. The difference between situations turns on the basic points of disagreement, challenge and conflict between the two sides, and may make use of the different dimensions of power and sometimes dominance that the conflicting sides define as the most reliable ones for defense. Therefore, in the present work, the act of employing personal, professional, linguistic, cultural, educational, and other dimensions that interestingly make the difference between the conflicting sides is itself ideological and generate other motives that activate the ideological tension. However, not only the formation of ideologies is regarded as a defensive way for the interest of the self, but also the phenomenon of the transformation of ideologies can be another defensive way which involves a temporal change of the real ideological belonging and a borrowing of an ideological substitute which may suit a given situation. This transformation is itself ideological in the sense that the actor, though believing in the interest he/she may attain by his/her original ideological belonging, equally believes in the possibility of attaining another interest when borrowing a different ideological attitude in a definite discursive situation.

The answer to the question about the effect of ideology on court discourse forms and meanings is that ideology, being a set of beliefs and attitudes, needs to exhibit ideological features through language and language use, hence, when a speaker

code switches to accommodate to the others' code, explains the extent to which ideological features take their meaning in discourse and mainly via a definite management of language. Similarly, when a speaker uses the passive instead of the active form to focus on the doer of the action, he/she employs ideological beliefs about the grammatical and the sociolinguistic function of this form to shape a precise meaning.

Another question in the present work is about social ideology, whether it is consciously transported from the area of common needs to the area of professional social needs or not. To answer this question we should define the common needs and professional needs; the former represents a social situation that corresponds to the speaker's daily life, while the second examines the social and the professional needs in the context of work for personal and financial interests. Yet, professional needs are considerable parts of daily life needs and can make use of some social elements and dimensions that have been habitually adopted in the life of individuals in order to attain definite interests. Thus, in the same way, ideological behaviours that are motives behind common needs can themselves be unconsciuosly employed for professional purposes. However, the special nature of the professional sector, being attributed a financial and a reputation reward, necessitates another ideological behaviour that corresponds to the different situations encountered along the professional task. In other words, some ideological behaviours are the outcome of professional experience and are by the way consciously approached in the course of interaction.

The last question in the present work was about the way context models and event models can be ideologically controlled. When van Dijk (1998) talked about the notion of models in describing mental and event models, he approached a literal use of the word model, to mean a representation that individuals can shape about a definite

object or subject. Event models are then personal representations of events and situations that follow specific perceptions drawn from a number of criteria surrounding interpersonal relations. In the case of court interactions, participants develop subjective understandings about a given affair or action on account of linguistic structures, intonation, word choice, language choice, stylistic variation, behaviour, physical appearance, etc. all these elements have significant importance in the construction of ideas and understanding, and its differs from one person to another in respect to ideological inclinations. Therefore, ideology with its special structure that comprises a set of beliefs, opinions, attitudes and knowledge that differ from one group of individuals to another, has a great influence on the employment of social, cultural and linguistic dimensions in the understanding of events and the particularities of contexts. Participants in the court then, perceive ideas in respect to the functions attributed to sociolinguistic variations, the use of proverbs, specific grammatical and linguistic structures, in addition to the social dimensions taking part in the interactional environment.

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SOMMAIRE

ARABIZATION AND TRANSLATION IN ALGERIA AND THE MAGHREB

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Arabization is a linguistic policy which aims at restoring the Arabic language to its pre-eminent place that the French language occupied for a long time in the Maghreb. This policy was vehicled by a number of pro-Arabization leaders(Arabists),who were ascendant in the government following independence. Their aim was to restore Arabic as the national Language, and Islam as the religion, in addition to the restoration of the national identity. The major efforts were centered around Arabic to be the official language, this became the hallmark of Arabization which has aroused the most controversy and outright opposition between the Francophone and the Arabophone elites.

I. Arabization in Algeria:

Under the policy of Arabization, Algerian Institutions and administrations have been Arabized under the imposition of Arabic as the official language of the State. Two methods have been used. One which according to Grandguillaume may be called "Translation", consisted of saying and doing in Arabic what had previously been said and done in French. In the other, which can be called "Conversion",Arabic was essentially seen as the expression of a different culture, the aim was to reject modern technical advances ,but to restore close links with the culture that of a better term can be called Arabo-Islamic.

The choices have been between two ideological options: to accept attainments transmitted through colonization or to reject them. One was bilingual and the other monolingual.

1) Arabization and Translation in Law:

In Law,Arabization has concentrated on translation from French after the restoration of the Algerian Justice, and the result has been frequently a set of judicial texts and laws mostly ambiguous including a complex linguistic composition Because the Algerian legal system has mostly been based on French legal texts and laws, the result of the Long-termed French judicial occupation, Arabization was determined to impose Arabic in Justice and all what constituted the French written judicial language has been translated to Standard Arabic. But it is not easy to translate legislative writings in a sphere of linguistic deficiencies mainly composed of Francophone or even Arabophone elites who do not share a bilingual competence in mastering both French and Arabic at the same time, and ensure a good translation.

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The majority of the Algerian judicial texts are written in Standard Arabic, however, the problem is not in the amount of writings but in their composition and their form, which both represent fundamental points for a general comprehension to attract everyone to read legislative texts and make everyone aware of the national and the international legislations.

2.The Importance of the French Law in Algerian Justice:

In the world of law and justice, there exist many judicial schools, Anglo-Saxon, Latin, Islamic and Germanic.
Some of the Arabic countries take as reference the Latin school in which France is the representative.

In the Algerian context,historical and judicial factors justify the importance of the French Law which still has a function in the Algerian judicial system since Constitutions which have been essentially elaborated from the French Law are still used. Consequently, the comprehension of the French judicial texts implies the mastery of the source language.

The importance of French law had an impact on the organization of Algerian law;the latter mainly depended on translation from French to Arabic.

3.Legal and Administrative Terminology:

Writing is the principle source of technical language in Law either for documents of official Characteristics (law, judicial decisions,treatises,deeds,wills,opinions..) This specialization of the judicial and the administrative judicial terminology poses a number of problems to translators mainly in the comprehension and the interpretation of the texts; moreover, the passage from one system to another presents some difficulties either in the conceptual plan which is particularly illustrated by the translation of laws in bilingual countries ,of documents like notarial acts ,or in the formal plan.

The problem of translation in Algeria does not only concern language itself but also translators. Not every text that is generated in connection with legislative, judicial or administrative activities ,or in connection with the practice of the legal profession automatically contains legal and administrative terminology.
Since Law and Administration cover aspects of human life, a number of problems arise when we try to distinguish legal and administrative terminologies from the terminologies of other technical language or even from the vocabulary of Standard language.

Translation of course has not revealed all its secrets, and the methods used with respect to a given field(technical,literary,medical,legal,scientific) can occasionally serve as an example to jurists, especially to practitioners.

But, technical vocabulary represents a problem. Specialized lexicography is a difficult art, certainly in a plurilinguistic framework like Algeria, and especially when two or more legal systems are present .Note that more than 7300 new terms are added to the world of knowledge in the world each year. This is equal to 20 terms each day.

while the number of new terms added to the Arabic language each year does not transcend 2500 terms .

4. Translation Problems:

Some Algerian texts of a French origin relied on translation to Arabic. However, there has been a great number of difficulties and translation problems in the domain of Law like the problem faced by translators in understanding French legal texts ,the main cause being the translator who may not necessarily be able to comprehend the meaning of the text if he is not a trained one. The translator should be an expert in the law of the source language as well as in the one of the target language to insure ideal translation.

The difference between the French and the Arabic legal systems is also identified as a major problem, since the translator is called upon to translate the terminology describing concepts that are unknown in the target language or that do not exist in exactly the same form in that language .This may be due to judicial,political,but also cultural and social differences between French and Algerian States.

Law in Algeria has also faced a problem of polysemy which poses principally a problem of interpretation.

A number of items in Law are written in the same way as in French, but they have different meanings in Standard Arabic. Therefore, the task of translating these items from French to Arabic has caused complications in using different Standard Arabic equivalents for the same words in French.

There are many other problems including phonological and morphological ones, especially in terms of phonological and morphological differences between the two systems (French and Arabic).

Conclusion:

The success of Arabization in judicial writing strongly depends on the way translated legal text , laws, are shaped from French to Arabic.

Numerous viewpoints come with various suggestions on how drafting of laws can be successful if it relies on translation. Some of them accuse the drafters,others the language itself, but in fact both of them may be responsible for either a bad or a good translation.

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SOMMAIRE / CONTENTS

Teaching Medical Translation
at Algerian University

Khalida KISSI
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A Proposal

Medicine is a science occupying a primordial place in the life of humanity. It aims at fighting against disease and stating healthy bodies. Doctors are working agents serving medicine; they work in direct contact with persons who are ill, and involve some social-psychological factors in their examination of patients as to get aware of the personality of each, and frequently the social situations dominating their lives.

The importance of this science then touches on the life of each human on earth regardless of their social class or financial capacities since it is stated among the necessary availabilities in the human rights organization. Therefore, and as this science should be made general in the world with no preferences at the level of cure, medical information appears in one language that is the source language which will become subject to translation to other target languages in the world.

The dominating language of this science is generally English, as it is the international language possessing the largest number of users (speakers and persons understanding the language); it represents then the target language in which medical information is firstly drafted, beside other source languages like Chinese and French.

However, although medical translation is one of the oldest kinds of translation approached by specialists in the past, it remains embarrassedly considered in Algerian universities.

If different kinds of translation have raised out of the need of communication between cultures, between speech communities, and between different countries, for social, political, economic, and religious purposes, and for the aim of developing general knowledge and preserving tradition that
have marked the humanity for centuries, medical translation would have appeared to achieve communication between the working medical staff worldwide about new productions and advance in the field of medicine. This communication then should have as a main objective the universality of information, and unity in the practical forms of treatments and some cure theories. However, the question to be asked in this respect would be to know in which language most medical writings are originally drafted, then how to translate and to which language. Three

questions should be necessarily approached to talk about medical translation or scientific translation, since it is a technical activity that needs accuracy and care in the transmission of sensible information.

The paper then would aim at seizing the beneficial aspect of medical translation on the life of individuals by proposing insights on the elaboration of translation materials in Algerian universities. The tendency behind the proposal is to communicate information to students from the faculty of medicine and sometimes to doctors who cannot frequently afford to obtain translated versions, while original ones are very often available on the net or in books.

First, this kind of translation cannot be functional without setting institutions or departments to obtain trainings. Then, trainings should be stated for persons of the domain especially doctors or graduation students of medicine whose training would probably bring better results in comparison to training translation students for this task. The reason is that medicine is a science that needs attention and big capacities to be learned and to be understood, and its students should have been prealably selected in respect to their ability to get committed to this sensible field of study.

Therefore, this selection will certainly achieve an important part of the translation training in which

the seizure of content is possible and easy. Content is the most important import in the original text that translators should care about, since misunderstanding is inexcusable when dealing with human's health. Another important step would touch up the teaching of translation techniques for these trainees while keeping some teaching methods used with students in the department of translation and interpretation; however, some revision is to be done in the area to propose interdependent and complementary modules. These, like modules treating synonymy and equivalence of technical items with the study of their origin. Hence, with the consideration of context, ideas would get clearer and the placement of technical items would be based on their meaning as isolated words and their meaning in the text to form an intelligent combination that corresponds to the source objective.

Furthermore, the teaching of medical translation would need some backward attention to the different theories of scientific translation proposed to be helpful for future translators. Among these, the *text-typology* of scientific texts by Gopferich, and *Skopos* theory by Reiss and Vermeers.

The first theory is concerned with the different criteria that help the reader in the identification of texts genre, type and class; in this respect, trainees would be taught to distinguish interactional texts

from transactional ones. In the former, medical texts would want to achieve contact with medical agents, and in the second, they would want to convey particular messages that are designed for application by doctors or learners in the field.

In the Skopos theory, translation should primarily take into account the function of both the source and target texts. In this respect, Paul Kussmaul says:

> *The functional approach has a great affinity with **Skopos theory**. The function of a translation is dependent on the knowledge, expectations, values and norms of the target readers, who are again influenced by the situation they are in and by the culture. These factors determine whether the function of the source text or passages in the source text can be preserved or have to be modified or even changed (Paul Kussmaul. 1995).*

Hence, this theory's main objective is to consider cultural and situational realities and facts of both the target and the source readers since these factors influence translation and perception especially for target readers whose texts should be structured according to the external situational factors dominating the source speech community and securely apply

them to the receiving speech community in away to maintain the original meaning.

It is sometimes not possible to maintain equivalence of meaning between source and target texts due to differences of extra linguistic elements characterizing both communities, and in this case modification or even change in meaning might happen, though this would bring about important drawbacks. This theory then indicates that the translator ill realize different skopoi for the same text in respect to different social groups. To conclude, both skopos and text-typology theories will focus on the recipient's manner of understanding and qualities of their acquired knowledge.

Therefore, the programme will focus on the nature of target speakers, i.e, the cultural, social and psychological aspects dominating their lives in the aim of ensuring parallelism between source information and socio-cultural realities of the recipient. Psychology and sociology are then two main sciences needed in the training of medical translators; they may develop social contacts and set them up in doctor-patient relationships.

Further, the trainees will receive technical training in which they are in direct treatments of texts drafted in source languages.

Consider the following sample of a medical text on Thyroid:

What are the treatment options for a pregnant woman with Graves' Disease/hyperthyroidism?

Mild hyperthyroidism (slightly elevated thyroid hormone levels, minimal symptoms) often is monitored closely without therapy as long as both the mother and the baby are doing well. When hyperthyroidism is severe enough to require therapy, anti-thyroid medications are the treatment of choice, with PTU being the historical drug of choice. The goal of therapy is to keep the mother's free T4 and free T3 levels in the high-normal range on the lowest dose of antithyroid medication.

Targeting this range of free hormone levels will minimize the risk to the baby of developing hypothyroidism or goiter. Maternal hypothyroidism should be avoided. Therapy should be closely monitored during pregnancy. This is typically done by following thyroid function tests (TSH and thyroid hormone levels) monthly.

In patients who cannot be adequately treated with anti-thyroid medications (i.e. those who develop an allergic reaction to the drugs), surgery is an acceptable alternative. Surgical removal of the thyroid gland is only **very rare-**

ly recommended in the pregnant woman due to the risks of both surgery and anesthesia to the mother and the baby.

Radioiodine is contraindicated to treat hyperthyroidism during pregnancy since it readily crosses the placenta and is taken up by the baby's thyroid gland. This can cause destruction of the gland and result in permanent hypothyroidism.

Beta-blockers can be used during pregnancy to help treat significant palpitations and tremor due to hyperthyroidism. They should be used sparingly due to reports of impaired fetal growth associated with longterm use of these medications. Typically, these drugs are only required until the hyperthyroidism is controlled with anti-thyroid medications.

What is the natural history of Graves' disease after delivery?

Graves' disease typically worsens in the postpartum period, usually in the first 3 months after delivery. Higher doses of anti-thyroid medications are frequently required during this time. At usual, close monitoring of thyroid function tests is necessary. For further details on this and other thyroid-related topics, please visit the patient resources section on the

American Thyroid Association website

Medical translation, and in dealing with medical texts, will have to look first at the topic of the text through the title, the thing that will help identify the circle of the study, hence of the translation. The translator will have to look at the macrostructure and the microstructure of the text.

In approaching the macrostructure of medical texts, trainees will be taught to recognize all the text elements working above paragraphs and that fulfill complementary tasks together with microstructure elements; these as opposed to macrostructures are all linguistic forms constituting texts from paragraphs and down.

In the sample above, the macrostructure of the text would comprise the text's title, its aim, its origin, its type, and the addressee to whom it is particularly designated.

Texts in general are classified by genre and type; in the former, it can be a letter, a film review, a recipe, etc. while in the latter, texts are classified by purpose, hence there exist descriptive texts, narrative texts, procedural texts, etc. In the example provided, the text is a kind of health circulation in a type of a procedure/information. The macrostructure of the text is only achieved by microstructure combinations, these are the elements that perform the purpose of the text and shape its genre. This task is mainly

made apparent by typical technical word use, sentence forms, logical combinations, semantic identification of recipients; the group of recipients whom the text is addressed to is identified by the meaning and the aim of the text, in addition to other components of language and forms of language use.

In the text selected, the title denotes the medical genre of the text perceived by general words like pregnant and technical words and expressions like treatment options, Graves' disease, hyperthyroidism; while the lines below denote the Procedural-informative function of the text. These functions are made clear by the use of words like: *Mild hyperthyroidism... is monitored closely without therapy/ anti-thyroid medications are the treatment of choice, with PTU being the historical drug of choice/The goal of therapy is to keep the mother's free T4 and free T3 levels in the high-normal range on the lowest dose of antithyroid medication, etc.*

Beginning from the title, the first level of perception is advanced before dealing with the whole text, and the core subject is vehicled across this title to delimit the group of addresses who might be interested in the subject. In medicine, recipients are generally doctors, patients, students, trainees, and other members of the medical staff; however, there are other groups who might not be addressed by a medical text simply because they are thought not to be

concerned with the medical information, but this group can believe it is a member of the community that is "consciously"concerned with the medical information as it represents one of the most sensible forms of human rights. Trainees, in this respect, will be taught to develop a general idea about the speech community they are translating for, and develop another definite idea about the target group whom the original writer might want to reach.

Next, the trainee will be trained to give a strong attention when reading between the lines of the text. Trainers will have to provide a structure to the ideological form of the text. They will focus on the main paragraphs composing it, and distinguish the different ideas approached in respect to macro-structure elements mentioned earlier. Subsequently, trainees will shape a logical combination between language components; lexis, morphology, phonology, syntax and semantics to grasp the "pure" meaning vehicled in the source text. After that, they will focus on the transmission of the original message in other words in the target language. Hereupon, trainees will receive another step of training in which they are asked to work with a different linguistic community that might be culturally, socially, and economically different from the one addressed in the source text. At this level, the trainee is asked to act as an author and handle the text according to the structure that readers in the target community would

expect it to be because languages differ in structure and word order, thus the target text should carry the same message and simultaneously obey to the linguistic parallelism appropriate to the target language structure. However, the task of the translator will always need some revision by an expert reader.

Beyond the manner trainees should be taught translation, it is noteworthy considering some pitfalls that a translator might meet in the medical translation. At the level of terminology for instance, trainees will have to study the origin of words, as mentioned earlier, and study the logical combination of morphemes with the semantics of each in relation to historical effects.

Another difficulty can take place while dealing with medical texts, and it lies on acronyms that are numerous in medical texts, these are abbreviations standing for technical terms or expressions generally long in length or heavy to pronounce; these groups of letters standing for medicines, therapies, ways of treatment, or illnesses, are sometimes difficult if not impossible to translate since they represent foreign words or expressions for which the trainee will be therefore taught to translate first the foreign words and give their respective acronyms, or very often keep the same acronym for international use in order to avoid misunderstanding.

Beside Acronyms, eponyms are proper names identical to the names of persons who have first discovered syndromes, illnesses, or medical theories. Thus, it is impossible to change their names in the translated version. However, it might happen that the same medical ideas be discovered by different doctors at the same time, and the task of the translator would remain subjective when it relies heavily on the source information, that is why documentation and bibliographical reference should occupy an important place in the translational activity. Therefore, trainees are also taught to develop research approaches that match public welfare.

Many other pitfalls are to be treated in advance during the course of training especially to avoid "incorrect" or "impossible" translations. In the field of medical science, many phrases and patterns are not to be translated because their equivalents in the target language cannot obtain , perhaps for original specific lexical combinations, or for cultural-specific reasons that can only apply to the audience with whom the source writer shares common socio-cultural traits that influence his writings.

Teaching medical translation to members of the medical staff in Algeria remains a hope for doctors and students at university; but more than this it is believed to be of a great importance and necessity for the progress of this science in Algeria. This mod-

est paper came to sensitize leaders in the domain about the proposal of making possible the realization of this project which is not difficult to realize since today, training in medical translation has become easier thanks to human resources improvements and available documentations and electronic dictionaries, in addition to the availability of human agents in the field who show strong motivations towards the establishment of this "new" structure at the level of university.

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