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FREQUENT PHRASEOLOGY AS POINTERS TO EVALUATION IN JUDICIAL OPINIONS: A CORPUS-DRIVEN COMPARATIVE PERSPECTIVE

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Abstract
Using *Sketch Engine* to explore two sets of data, a corpus of US Supreme Court opinions and a corpus of opinions from Poland's *Trybunał Konstytucyjny* (in literal translation: Constitutional Tribunal), this paper explores the use of evaluative language in the context of judicial justification. Adopting a corpus-driven approach, the analysis has shown that a number of 3-4-grams are found in co-occurrence patterns with value-laden lexis in both the SCOTUS and the Constitutional Tribunal justifications. In semantic terms, these expressions have been found to serve as pointers to evaluation and as clues to the textual segments where argumentation unfolds. The scrutiny of the relevant co-texts has revealed that these phrases tend to be utilized as building blocks of judicial discourse to help frame interpretive and argumentative concerns.

Key words: evaluation, evaluative language, justification, judicial opinion

1. Introduction

The ways in which evaluative meaning can be expressed are notoriously difficult to establish. On the one hand, evaluation may rely on recognisably evaluative lexis and constructions associated with evaluation, thanks to prior research (see the concept of local grammar of evaluation discussed and explored in the seminal work by Hunston and Sinclair (2000). On the other hand, evaluative meaning might also be evoked and implied because it is expressed using items whose evaluative weight is not intrinsic and it is not part of its immediate semantics (Partington et al. 2013). While the former has received considerable scholarly attention, especially from the perspective of corpus linguistics (Goźdź-Roszkowski and Hunston 2016; Alba-Juez and Thompson 2014), the latter remains an underexplored area of language enquiry because it is resistant to standard methods of searching data for instances of specific categories (Hunston 2007). In this case, the effect of evaluative meaning is cumulative and dependent on

context. In fact, it is the context in which evaluation occurs that seems to be of paramount importance. Recent research has suggested that evaluation and evaluative strategies are both genre and culture-specific (Pounds 2013; see also Alba Juez 2014; Goźdź-Roszkowski 2024). Our understanding which language items may be evaluative is subject to change as a wider variety of genres and registers are explored.

This paper sets out to investigate evaluation in the context of judicial discourse, i.e. the justification of judicial decisions. The reasons for this choice are twofold. First, recent research in legal linguistics points to uniquely strategic nature of justification (also referred to as opinion writing) as a distinct type of judicial writing, and how its strategic nature imposes constraints on how judges express assessments and take stances (e.g. Romano and Curry 2020; Condello 2020; Goźdź-Roszkowski 2024). Evaluative language becomes the primary tool for judges who must balance the need to justify the reason for their decision with an almost equally imperative need to persuade various audiences that their choices are sound. Thus, evaluative language and argumentation are closely intertwined in legal justification. Studying evaluative language helps to understand how judges assess arguments advanced by other legal actors but also how they support their own lines of argumentation (Goźdź-Roszkowski 2021). Second, existing research into evaluation in judicial discourse tends to focus on overt markers of evaluation using a range of related concepts such as *evaluation* (Mazzi 2010; Pontrandolfo & Goźdź-Roszkowski 2014), *stance* (Hafner 2014), *attitude* (Finegan 2010), *stance-taking* (McKeown 2022) *appraisal* (Heffer 2007; Pérez 2022), *evidentiality* (Szczyrbak 2022). For all their differences, such studies explore evaluation in terms of pre-defined linguistic items associated with some aspect of evaluative meaning or stance.

In contrast, the object of the enquiry in this paper are lexical items which do not seem to have any strong inherent evaluative leaning, but whose "evaluative function becomes apparent in [their] interactions with other items of a particular polarity" (Partington et al 2013, p. 52). This study adopts a corpus-driven approach to identify n-grams, also called multi-word expressions or MWEs with a view to uncovering lexical items which are not obviously evaluative. Yet, on closer examination, these linguistic constructs turn out to provide important building blocks for expressing evaluation. The goal of this paper is to identify and analyse such expressions in two large collections of data: a corpus of US Supreme Court opinions and a corpus of opinions from Poland's *Trybunał Konstytucyjny,* the Constitutional Tribunal of Poland.

2. Evaluation and evaluative language in the discourse of judicial justification

Defined simply as "the broad cover term for the expression of the speaker's or writer's attitude or stance towards, viewpoint on, or feelings about the entities or propositions that he or she is talking about" (Thompson and Hunston 2000, p. 5), evaluation is a universal and ubiquitous phenomenon in discourse

communication. Even though, on its face, evaluation may seem deceptively easy to define in dichotomous terms as indicating that something is good or bad, it is in fact extremely complex when considered in its countless applications in discourse and communication (Partington et al. 2013). It is not surprising that evaluation has been approached and analysed from many different disciplinary perspectives: from philosophical explorations of values, through cognitive investigations into emotion, to linguistic studies of evaluation, framed within a wide range of theories, such as appraisal (Martin & White 2005), stance (Conrad & Biber 2000) or evaluation (Thompson & Hunston 2000), and many more (For an in-depth and historical overview of the phenomenon, see Alba-Juez & Thompson (2014). The consequence of this is that anyone attempting to do research on evaluative language has to deal with a bewildering range of different terms to describe the phenomenon: 'evaluation' (Hunston & Thompson 2000), 'appraisal' (Martin & White 2005)', 'stance' (Conrad & Biber 2000) and ('stancetaking)' (Englebretson 2007) are just some of the most frequently adopted by linguists. However, for all the differences in terminology and methods, it is possible to offer some defining and shared features (Goźdź-Roszkowski and Hunston 2016).

First of all, evaluative language represents meanings which tend to be associated with 'subjectivity' or 'attitude' rather than with 'objectivity' and 'factuality'. The positive-negative polar axis is given more prominence than the true-false axis. While evaluation is often perceived in terms of the good-bad dichotomy, it can also be examined across a number of other parameters or values. For example, propositions can be evaluated in terms of how important or how obvious they are, or in terms of the degree of certainty or belief attached to them.

In addition, evaluative language fulfils many functions. Apart from expressing opinion, it performs roles in construing relationships in an interaction and in structuring discourse. Indicating an attitude towards an entity, process or proposition is important in socially significant speech acts such as persuasion and argumentation. Evaluation has many faces. The many ways in which evaluative meanings are expressed are notoriously difficult to pinpoint. Evaluation may be overt or covert. Overt (also referred to as 'explicit' or 'inscribed') evaluation uses recognisably evaluative lexis and/or constructions identified as evaluative, for example: *absurd*, *undesirable*, *it is important to*, *logically impeccable theory* and so on. Evaluative meanings can also be covert (or evoked), which means that evaluation may be implied rather than stated explicitly. In this case, the reader may be presented with evidence for an evaluation rather than the evaluation itself.

Worth noting is also that evaluative language has many distinct phases. The process of evaluation includes a 'pre-textual' or 'pre-realization' phase during which a decision is made whether or not perform the act of evaluation, what stance should be taken, and how the stance should be taken. In the pre-textual phase, evaluation can be regarded as a cognitive operation (Bednarek 2009),

a yet-unexpressed stance which might or might not be manifested during the textual phase.

Last but not least, evaluative language is dependent on context, and it is cumulative. This means that the taking items out of context is potentially an unreliable indicator of evaluative meaning and linguistic signals of evaluation may be scattered across a stretch of text and it may be necessary to study the entire text or at least a chunk of it to determine its evaluative function.

In the commonly held belief, judicial discourse is perceived to be impartial and logical, avoiding any language that conveys subjective assessments, particularly those associated with evaluative attitudes. Ideally, judges are expected to limit their communication to presenting facts and propositional information relevant to the decision-making process, refraining from expressing personal viewpoints. However, this perspective diverges from the reality of judicial decision-making processes. Since the legal realist movement of the 1920s and the development of the Strategic Model and Attitudinal Model (Segal & Spaeth 2002), it has been acknowledged that justices' ideologies and values influence how disputes are resolved. In fact, judges' personal values and ideologies subtly shape their formal judicial language. The concept that judges should communicate solely in the detached and dispassionate tones of a professional has been challenged even by the judges themselves. In his influential essay, "Reason, Passion, and 'The Progress of the Law', Justice Brennan' contends that the interplay of reason and passion is crucial for the vitality of the decision-making process. Laura Krugman Ray notes that judicial opinions can employ various rhetorical strategies to justify a position or persuade readers that the majority has made errors (2002, p. 233). In Goźdź-Roszkowski (2024), I demonstrate the interrelatedness between the rhetorical strategies used by judges and the pervasive evaluative language found in the justifications of their decisions. This means that the role of modern judicial opinion cannot be fully grasped without coming to terms with the role of evaluative language in communicating judicial decisions.

More specifically, it can be argued that evaluative items are not used to merely embellish judicial argumentation but they are used to construct the argument. For example, a study reported in Goźdź-Roszkowski (2022), shows how evaluative language is utilized to represent 'sites of evaluation'. These are segments of text found in judicial justifications that contain "explicit assessment of a particular entity, process or argument showing discursive and thematic consistency" (Goźdź-Roszkowski 2022). In cases concerning the responsibility for refusing to provide certain business services (e.g. *Masterpiece Cakeshop vs. Colorado*, or very recently *Creative LLC v. Elenis*), such key sites can mark assessments of solutions to conflict principles, the institutional treatment of a petitioner, the sincerity of religious beliefs and the nature of service provided, and so on. Interestingly, they are found in cases arising in different jurisdictions and legal systems suggesting that evaluative language in fact contributes to the generic integrity of justifications (Goźdź-Roszkowski 2021; 2022).

3. Frequent phraseology and pointers to evaluation

As already noted, evaluation can be expressed using a diverse, and seemingly indefinite, range of linguistic resources. However, in the context of legal justification, the judicial writer faces many choices about how to construct their arguments. The selection of specific words, phrases and/or extended patterns to effectively express their judgments are among the major choices they make. Approaching from the perspective of corpus linguistics, these language resources are viewed in terms of predictable lexico-grammar patterns, a level of language description where lexis (or vocabulary) and grammar, (or syntax) combine into one. A number of legal linguistic studies have demonstrated that evaluation in legal justification can indeed be seen as manifested in patterned verbal behaviour, but judicial writers in particular rely on a restricted range of language patterns to signal their assessments (e.g. Mazzi 2010; Pontrandolfo & Goźdź-Roszkowski 2014; McKeown 2022; Goźdź-Roszkowski 2024).

These patterns can be viewed in terms of distributional phraseology or frequency-driven phraseology, i.e. a range of methods employed to study the use, distribution, structure and/or function of multi-word units (Goźdź-Roszkowski and Pontrandolfo 2015). From the methodological perspective, multi-word units can be identified by pre-selecting such expressions, based on theoretical assumptions and earlier findings and then analysing the corpus to determine how they are used. They can also be studied by generating various contiguous or non-contiguous recurrent word combinations using computer programmes (e.g. kfNgram, ConcGram, etc.). Such linguistic constructs have been variously defined as lexical bundles, clusters, n-grams, skipgrams, phrase frames, prefabricated patterns, and so on. These two methodological approaches are known, respectively, as *corpus-based* and *corpus-driven* (Tognini-Bonelli 2001). When applied to the study of evaluative language, these approaches appear to be complementary. The former builds on, expands and develops what we already know about evaluative language, while the latter helps us to discover new ways in which evaluation could be expressed and/or how certain recurrent expressions might tend to co-occur with other evaluative language items. What underlies both approaches is the goal of describing what is usual and typical. Regarding judicial opinions, evaluation is thus investigated here in terms of what can be identified as common and preferred forms of encoding opinion, not as idiosyncratic or ad hoc language choices made by individual writers. While most legal linguistic studies investigate evaluation in judicial opinions using corpus-based methods, there are virtually no corpus-driven analyses of this phenomenon. This study attempts to fill this gap.

One of the most common corpus-driven methods is the n-gram methodology (Tyrkkö and Kopaczyk 2018, p. 4) which "reveals sequences of recurrent lexical items or other linguistic units in text". N-gram analysis relies on various ways of sequence retrieval (e.g. frequency, strength of association measures such as MI-

scores; see also Biber et al. 1999 for the related concept of 'lexical bundle'). Specialist software is used to generate continuous, uninterrupted sequences of words regardless of their semantic or phrasal structure. The sequences can be of varying length (usually ranging from 3 to 7 words) and they are extracted automatically by a computer programme which moves through the text using an $n + 1$ algorithm (where n is the number of words in a sequence). The emergent strings of words need to be sifted through to discard unwanted or 'uninteresting' strings. It is important to bear in mind that frequency is used to identify the patterns but not to explain them. It is this method of text analysis that is used in the present study to identify what could be referred to as frequent phraseology with evaluative potential.

Partington et al. (2013, pp.52-53) propose four types or categories of language items regarding their evaluative potential. The first, most obvious category, groups items whose evaluative weight is intrinsic, i.e. their evaluative meaning is very easy to identify. For example, the 3-word sequence *consistent with the* could be classified as belonging to this category. There are very few such overt signals of evaluation found in the SCOTUS justifications. The next category includes items whose evaluative function "is not obvious to the naked eye" (2013, p. 52). Rather, it becomes apparent only after applying a corpus analysis to see how the items interact with other items of a given polarity. This type of semantic relations is covered in studies of evaluative, also known as semantic prosody (Sinclair 1991). In yet another category, items also do not display any clear and inherent evaluative leaning. Whether such items express favourable or unfavourable evaluation depends on different contexts. Finally, the last category consists of items which are denotational or deictic and therefore evaluatively neutral. Partington et al (2013, p. 53) demonstrate that even such items (e.g. *book, recent history* or *British government*) can "acquire evaluative 'content', especially if repeated or part of a cohesive chain". The object of the present study are recurrent expressions found in the category of items with a non-obvious evaluative function. It is worth noting that it is only the first category that is clearly distinct, while the other, especially the second and third ones are not watertight and they are likely to overlap in different contexts of use. Any rigid categorization of items seems to be untenable and unhelpful. The analytical efforts are directed at examining frequent expressions which, even if not evaluative themselves, are found to co-occur with other items of a clearly predominant evaluative polarity. Put differently, they may serve as pointers to evaluation, revealing the many diverse ways in which evaluation is dispersed across stretches of argumentative discourse.

4. Materials and methods

The quantitative stage of the analyses was carried out using Sketch Engine as a tool to explore two sets of data: a corpus of US Supreme Court opinions

(1,270,049 words in 108 documents) and a corpus of opinions from Poland's *Trybunał Konstytucyjny,* the Constitutional Tribunal of Poland. The corpus consists of 102 documents, totalling 1,234,162 words. All frequency data provided in this paper will be presented as normalised figures, calculated per million words.

The corpus of the SCOTUS justifications was searched for n-grams with sizes of 3 and 4 words a minimum frequency of 100 and a maximum of 330. These criteria were adopted to eliminate unimportant data and bring the emergent n-grams into focus. In addition, the n-grams were checked for document frequency (a value showing how many documents contain this item) and average reduced frequency (a modified frequency whose calculation prevents the results from being excessively influenced by a high concentration of a token in only one or more small parts of the corpus). As a result, 147 n-grams have been retrieved and analysed regarding their evaluative potential.

The same procedure was repeated on the Polish data except for removing the cap on the maximum number of n-grams. Unlike in the SCOTUS data, some very frequent n-grams have a stance-indicating function (see the discussion in the next section). Bearing in mind the differences between the two languages, different n-gram lengths were considered to allow for unique ways in which lexical items combine and form recurrent expressions. Eventually, the same criteria were adopted and 141 n-grams with a minimum absolute frequency of 100 have been extracted for further analysis. It is important to bear in mind that the aim of this study is not to provide an exhaustive and contrastive comparison between Polish and English frequent phraseology. Rather, it is to determine whether frequent and repeated language forms tend to have similar evaluative potential in the shared genre of judicial justification.

5. Results and discussion

As noted above, there are not many n-grams expressing overt evaluation of writers' attitudes. Most represent types of meaning associated with epistemic stance, i.e. indicating a source of knowledge or marking the perspective from which information is given. For example, the sequence *held that the*, found with a frequency of 118.97 per million tokens, consists of a verb phrase with *court* usually in the subject position (emphasis in italics added in all examples throughout this paper):

(1) The Court has *held that the* First Amendment is implicated by government regulation of contributions and expenditures for political purposes.

Another, even more frequent expression is *the fact that* occurring 175.1 per million tokens, which marks a proposition as factual (see, however Goźdź-Roszkowski 2018 for a study of the phrase *the fact that* and its Polish counterpart fakt, że/iż which shows that it can be also used evaluatively) :

(2) This Court's conclusion clearly did not hinge either on *the fact that* dial-a-porn operators could prevent callers in particular communities from accessing their messages or on an assessment of how burdensome it would have been for dial-a-porn operators to take that step.

Predictably, there are also stance-indicating n-grams centring around first-person pronouns (singular and plural) to indicate stance subjects and index their (dis)agreement: *I do not*, followed by *think, believe, share, find,* and so on, or *I agree with.* But these occur much less frequently (51.86 per million tokens and 48.2 per million tokens, respectively) and do not represent evaluation in the sense of ascribing value judgement to a particular proposition.

One point of similarity between the US and Polish data is that the most frequent n-grams in Constitutional Tribunal justifications also refer to a source of knowledge and/or mark the perspective from which new propositional content is given. These include phrases such as *w związku* z (*in connection with*), which occurs 1,203.25 per million tokens and it is followed by reference to a specific legislative provision, *na podstawie art*. (*on the basis of Article* with a frequency of 340.31 per million tokens), or *z punktu widzenia* (*from the perspective of*; 270.63 per million tokens). However, the Constitutional Tribunal justifications diverge regarding the very frequent occurrence of phrases signalling (non)-compliance with constitutional provisions using overtly value-laden adjectives : *niezgodny z art.* (non-compliant with art with a frequency of 249.56 per million tokens), *jest zgodny z* (compliant with) occurring 219.58 per million tokens:

(3) W podsumowaniu Marszałek Sejmu RP stwierdził, że skarga konstytucyjna nie jest zasadna, a kwestionowany przepis *jest zgodny z* konstytucją.

[In summary, the Marshal of the Sejm of the Republic of Poland [speaker of the lower house of the Polish parliament) stated that the constitutional complaint is not justified, and the questioned provision is *in compliance with* the constitution].

Admittedly, these two phrases express evaluation framed within a strongly institutional context and perhaps should be viewed as a neutral descriptor of how the court rules in a given case. Given that in both datasets, there are very few frequent overtly evaluative n-grams, the analysis focused on examining the co-texts of evaluatively neutral n-grams.

The examination of the most frequent n-grams in the SCOTUS data has revealed that there is a distinct and sizeable structural category of items consisting of a noun phrase with *of*-phrase fragment: *the text of, the meaning of, in light of, the nature of, the basis of, in the context of*, etc. Functionally, many of these n-grams are used to refer to legal concepts, institutions, instruments, processes and so on by specifying their attributes (e.g. *the text of, the meaning of, the nature of*), while the other are more text-oriented functioning as framing signals (Hyland 2008, p. 14) because they contextualize arguments by specifying limiting

conditions (e.g. the basis of, in light of, in the context of). Five of these have been selected for a closer scrutiny: *the text of* (89.68 per million tokens), *the meaning of* (106.77 per million tokens), *in light of* (92.74 per million tokens), *the nature of* (70.16 per million tokens) and *in the context of.* As can be seen, all of these are very frequent and representative of the two different discourse functions.

A similar approach has been adopted to identify n-grams in the Polish data. The following five expressions have been selected: *w tym kontekście* (in the context of; 76.98 per million tokens), *w tym zakresie* (in this respect), *w świetle art.* (in light of Article; 68.87 per million tokens), *z punktu widzenia* (from the perspective/point of view; 301.42 per million tokens), and *w rozumieniu art*. (within the meaning of art.;110.2 per million tokens). Two of them correspond to the two English items: *in light of* and *in within the meaning of* . The others are different but they perform very similar functions of providing framing signals and adding focus to a proposition.

5.1 Frequent phraseology in US Supreme Court justifications

5.1.1 The phrase the text of

This phrase has been found to attract evaluative statements, in large measure, due to its co-occurrence with words which display clear argumentative and interpretive concerns (in 67% of the cases): *reading* (or its related forms), *interpretation*, *argument* and *position*. Examples 4 and 5 illustrate this interrelatedness while also showing how evaluation combines with interpretation:

(4) *The text of* the statute does not support this reading.

(5) And contrary to the plurality's interpretation, *the text of* §2a(c) makes clear that this "manner" refers exclusively to state law.

In (4), the judge in *Barnhart v. Sigmon Coal Co.* rejects various interpretations (readings) proposed by Barnhart, the Commissioner of Social Security by evaluating them negatively in light of the *Coal Industry Retiree Health Benefit Act.* The relatively frequent occurrence of the phrase *the text of* is evident of textualism as one of the methods of interpretation used by judges. Indeed, example (5) taken from the case *Branch v. Smith*, shows how textualism is closely related to the concept of the plain meaning of words (Tomza-Tulejska & Higgins 2022) . Characteristically, the text is simultaneously evaluated adopting the criterion of clarity. In addition, the purported quality of the text serves the purpose of strengthening the dissent's argument against that of the plurality. More evidence of the strong link between text, argument and evaluation can be found in (6) sampled from the dissent *In New York Times Co. V. Tasini*:

(6) Not only is petitioners' position consistent with Congress' general goals in the 1976 Act, it is also consistent with *the text of* §201(c).

The evaluation of the petitioners' position as consistent often occurs in judicial argumentation which must demonstrate that a rule is consistent with the existing body of legal rules (Feteris 2017: 111-112). MacCormick (1978: 250-251) considers arguments of consistency as good canons of argumentation since they contribute (along with consequentialist arguments and arguments of coherence) to securing what he regards as a well-founded conception of the rule of law.

In examples (4) – (6), argumentative propositions are evaluated against standards of interpretation derived from legislative texts. However, It is worth pointing out that the text itself can be the object of evaluation in as many as 17% of the cases:

(7) Dissatisfied with *the text of* the statute, the Commissioner attempts to search for and apply an overarching legislative purpose to each section of the statute.

(8) Taking a fair view, *the text of* §921(a)(33)(A) is ambiguous, the structure leans in the defendant's favor, the purpose leans in the Government's favor, and the legislative history does not amount to much.

In (7) sampled from the opinion of the Court in *Barnhart v. Sigmon Co*. The negative assessment of the legislative text is attributed to one of the parties to the case and it is used to account for the Commissioner's interpretive position (*to search for and apply an overarching legislative purpose to each section of the statute*). In contrast, example (8) taken from a dissenting opinion in *United States v. Hayes,* shows a negative evaluation of a legislative text averred by the dissenting judge and used an argument against the majority's opinion. Chief Justice John G. Roberts, joined in his dissent by Justice Antonin G. Scalia criticized the majority opinion's use of grammatical rules by which it reached its conclusion. He argued that the rule of lenity should apply as the Gun Control Act was ambiguous and therefore should be interpreted in the defendant's favour.

5.1.2 The phrase the meaning of

This is another phrase which serves to aid interpretative efforts in the discourse of judicial argumentation. Indeed, determining the meaning of a legislative act is one of the fundamental tasks assigned to courts. In 82% of the cases, the phrase is found in a longer sequence 'within the meaning of'. It usually functions as a neutral descriptor of how a particular, usually challenged term is to be understood according to the court's ruling. The court determines whether an action, a concept or an object falls within the sense provided and proscribed by a given legislative act or its provision as evidenced in (9) and (10):

(9) The city's proposed disposition of petitioners' property qualifies as a "public use" *within the meaning of* the Takings Clause.

(10) We similarly reject petitioners' suggestion that an MMS letter or payment order constitutes a "complaint" *within the meaning of* §2415(a).

Example (9) comes from the holding (ruling) in *Kelo vs New London,* which illustrates the fundamental and constitutional role of the Supreme Court in assessing whether an action of a legal or natural person complies with a relevant legislative provision. In the same vein, example (10) shows that it can be referenced in an act of disagreeing and rejecting a position advanced by one of the legal actors, the petitioners in *BP America Production Co. v. Burton.*

However, the phrase *within the meaning of* is also found in contexts in which attitudinal meanings are very clearly inscribed. Among all evaluative concerns, invoking reasonableness seems to be the most desirable and most readily associated with judicial argumentation (Goźdź-Roszkowski 2024). Reasonableness is a standard used almost universally to assess the merits of judicial reasoning. Drawing on the quality of reasonableness, as a tacit assertion of legitimacy, is in keeping with the commonly accepted equation between reasonableness and the soundness of an argument (cf. Feteris 2017):

(11) "[U]nder our general Fourth Amendment approach" we "examin[e] the totality of the circumstances" to determine whether a search is reasonable within the *meaning of* the Fourth Amendment.

Examples (12) and (13) show a strong co-occurrence between the phrase *within the meaning of* and value-laden adjectives:

(12) The Government contends, however, that the Sixth Amendment violation is not "complete" unless the defendant can show that substitute counsel was ineffective *within the meaning of* Strickland v. Washington, 466 U. S. 668, 691-696 (1984)--i.e., that substitute counsel's performance was deficient and the defendant was prejudiced by it.

(13) In passing over that question, however, we observed that "[p]unishments are cruel when they involve torture or a lingering death; but the punishment of death is not cruel *within the meaning of* that word as used in the Constitution.

The emerging phraseological pattern assumes the form that can be schematized as follows:

‘evaluative marker’ + *within the meaning of* + legal (legislative) instrument

This pattern which uses value-laden lexis accounts for as many as 25% of all the occurrences of the phrase ‘within the meaning of’.

Similarly to what we observed in the previous section on the phrase *the text of’,* ‘the meaning of’ is often found in co-texts indicating that the meaning itself can become the target of evaluation:

(14) Any lingering doubts about *the meaning of* the phrase were certainly dispelled by our discussion of the issue in ACLU I, 521 U. S., at 874, n. 39,

and we presume that Congress legislates against the backdrop of our decisions. Therefore, Justice Thomas has correctly refused to rewrite the statute (*Ashcroft v. American Civil Liberties Union*).

(15) A negative inference of the sort the Court relies upon might clarify *the meaning of* an ambiguous provision, but since *the meaning of* §1005(e)(1) is entirely clear, the omitted language in that context would have been redundant. (*Hamdan v. Rumsfeld*)

Worth noting is that both examples show how are the phrase and the co-occurring value-laden items are embedded within a highly argumentative discourse of the justifications. In (14) the evaluative statement associated with the meaning of the term "contemporary national standards" serves the purpose of justifying the position taken by Justice Thomas in a case in which judges were tasked with deciding whether a Child Online Protection Act's requirement that online publishers prevent children from accessing "material that is harmful to minors" is likely to violate the First Amendment by restricting too much protected speech. The evaluation of the meaning in (15) is indicative of the textualist approach to legal interpretation permeating the judicial discourse of the US Supreme Court.

5.1.3 The phrase in light of

The phrase *in light of* has also been found to co-occur with explicit markers of evaluation. In 26% of the cases, it is preceded by an evaluative adjective:

(15) No other reading of §1367 is plausible *in light of* the text and structure of the jurisdictional statute.

(16) Held: CAA authorizes EPA to stop construction of a major pollutant emitting facility permitted by a state authority when EPA finds that an authority's BACT determination is unreasonable *in light of* 42 U. S. C. §7479(3)'s prescribed guides.

This co-occurrence between in light of and value-laden lexical items is even stronger (in 35% of the cases) when we take into account other parts of speech, i.e. value-laden nouns, such as mistake in Example (17):

(17) Sultan's testimony provides some support for the argument that the strategy of emphasizing Thompson's positive attributes was a mistake in light of Thompson's deteriorated condition 13 years after the trial (*Bell v. Thompson*).

Example (17) is noteworthy because it illustrates how the phrase *in light of* does not only perform a text-oriented function by evaluating an entity or action on the basis of a legal instrument, usually a legislative act, but it also serves to provide a focal point for important circumstances. The negative evaluation of the strategy has emerged by pointing out the respondent's (Gregory Thompson) serious mental illness.

This means that the use of the phrase goes beyond merely indicating a legislative instrument as grounds for constructing an argument or adopting a stance. On closer scrutiny, it turns out that the phrase is also used to signal an important change in the circumstances which affects the propositional content communicated in an argument (emphasis in italics added):

(18) The majority is simply wrong to suggest that no one in the courtroom harbored a doubt about what Lee's family members would have said if they had returned. On the contrary, *in light of* the *witnesses' sudden disappearance*, it is more likely that no one in the courtroom would have had any idea what to expect. (*Lee v.Kemna*).

It turns out that in 32% of the cases, the phrase *in light of* is indeed followed by lexical items signalling other parameters of evaluation, such as unexpectedness and uncertainty:

(...) convicted him ***in light of*** *the new evidence*

(...) require reconsideration in light of evolving new information

(...) particularly problematic ***in light of*** *that statute's unprecedented breadth and vagueness.*

(...) continuing vitality of Waco is dubious ***in light of*** *more recent precedents.*

(...) require reconsideration ***in light of*** *evolving new information.*

Based on these findings, it is possible to posit another phraseological pattern schematized as follows:

'evaluative marker' + *in light of* + unexpectedness/new circumstance

5.1.4 The phrase the nature of

This phrase's major discoursal function is to indicate attributes of legal concepts, institutions, instruments, processes and so on. There is in fact a wide range of referents found for this phrase, which vary in terms of their specificity and category and these may include *question, claim, order, remedy, things, rulemaking* and so on. In comparison with the other three phrases discussed above, *the nature of* does not co-occur with value-laden items to the same extent. The co-occurrence with evaluative items preceding the phrase does not exceed 17% and it is relatively restricted. Typically, it is a rule that is evaluated as inconsistent as evidenced in:

(19) The plurality's newly minted clear-statement rule is also fundamentally inconsistent with *the nature of* the common law which, by definition, evolves and develops over time and does not, in all cases, "say what may be done." Similarly, it is inconsistent with *the nature of* warfare, which also evolves and

changes over time, and for which a flexible, evolutionary common-law system is uniquely appropriate. (*Hamden v. Rumsfeld*)

What (19) also shows, however, is how framing a particular aspect of law is used in argument evaluation. Both the evaluative lexical item and the phrase can be used as cohesive devices constructing and developing further counter-argument to the plurality's position. More evidence of how *the nature of* combines with both evaluation and argument is provided in (20) and (21):

(20) While this description of Missouri law is dubious, see, e.g., State v. Scott, 487 S. W. 2d 528, 530 (Mo. 1972), the Court's underlying, quite novel argument ignores *the nature of* rulemaking. If the Court means what it says on this point, few procedural rules will give rise to an adequate state ground. (Justice Kennedy's dissent in *Lee v. Kemna*)

(21) At the outset, we address a disagreement concerning *the nature of* the dispute at issue here--whether it involves only a freestanding claim of patent invalidity or rather a claim that, both because of patent invalidity and because of noninfringement, no royalties are owing under the license agreement. (*Medimmune, Inc. v. Genentech, Inc.)*

In Example (20) the large occurrence of explicitly evaluative items (*dubious, ignores*) can be attributed to the fact that they are found in a dissenting opinion and dissenting opinions tend to be somewhat more explicit in the expression of evaluation (McKeown 2022; Goźdź-Roszkowski 2024). Worth noting is also an explicit reference to the majority's argument. One may be struck by the generality of the reference to 'rulemaking' but this type of sweeping statements are typically followed by a much more specific explanation.

Finally, as can be seen in (21), the link between the phrase *the nature of* and argumentation is manifested in lexis signalling (dis)agreement. In pragma-dialectical terms (Feteris 2017), legal justification is treated as a regulated discussion, constrained by rules of procedural and substantive law, and the use of *the nature of* helps to signal the confrontation stage. During this stage, the difference of opinion is established by delineating the scope and content of a dispute.

5.2 Frequent phraseology in Poland's Constitutional Tribunal

5.2.1 The phrase "w świetle art."

We now turn to consider phrases identified in the justifications of the Constitutional Tribunal in Poland. Our discussion starts with the phrase *w świetle art.,* which literally means *in light of article*, referring to the basic unit of a Polish statute. There are 413 occurrences of the phrase *w świetle* and the 3-gram *w świetle art*. represents its most frequent extended variant, accounting for as many as 21% of the total number of its occurrences. Its frequent occurrence is not surprising

in decisions handed down by a constitutional court. There are some obvious parallels between the uses of *w świetle art.* and *in light of*. The Polish phrase quite often (in 35% of the cases) co-occurs with an evaluative lexical item. Given that Polish is an inflected language, and it has a relatively free word order, value-laden lexis is found to both precede and follow that phrase (extra emphasis added in italics to highlight the evaluative items):

(22) Pogląd taki jest *uzasadniony w świetle art.* 178 pkt 1 k.p.k. – pomimo, że adwokat udzielający osobie zatrzymanej pomocy prawnej w trybie art. 245 § 1 k.p.k. nie jest obrońcą, to jednak w zakresie faktów, o których dowiedział się udzielając tej pomocy, istnieje bezwzględny zakaz dowodowy jego przesłuchania jako świadka.

[This view is *justified in light of Art.* 178 point 1 of the Code of Criminal Procedure (…)]

(23) Wnioskodawca twierdzi, że ograniczenie to jest *nieproporcjonalne w świetle art.* 31 ust. 3 Konstytucji.

[The Applicant claims that the limitation is *disproportionate in light of Art.* 31 Section 3 of the Constitution].

The major discoursal functions of both *w świetle art.* and *in light of* overlap when it comes to indicating a legislative instrument as grounds for constructing an argument or adopting a stance. As can be seen, both (22) and (23) provide attributed evaluation, i.e. assessments are assigned to other legal voices. The assessments are part of the interactants' legal standpoints, their position taken with regard to a certain issue reflecting a difference of opinion (cf. van Eemeren & Henkemans 2017). Justifications of the Constitutional Tribunal's judgments invariably consist of three clearly marked parts . First, there is a section called *część historyczna* 'historical part', because it refers to all the documents relevant to the case and filed at different stages of the proceedings. This part of the justification provides the details of a charge or complaint, and the arguments advanced by parties to the proceedings. A large proportion of the occurrences of the phrase *w świetle art.* is found there. Returning to the pragma-dialectics (Feteris 2017), constitutional court judges in this part of the justifications determine the difference of opinion by carefully reconstructing the standpoints advanced by the parties to a case. Typical in this context is the co-occurrence between the word *pogląd* (viewpoint, position) and the phrase *in light of*.

Interestingly, no evidence has been found to show that *w świetle art.* or the more general 2-word expression *w świetle*, are used to signal an important (albeit unexpected and new) change in the circumstances, which might affect the propositional content communicated in an argument, as observed in the use of the phrase *in light of*.

5.2.2 The phrase "w rozumieniu art."

This phrase, literally meaning "within the meaning of Article …", is similar to *w świetle art.* because it also refers to specific provisions of legislative, usually constitutional provisions. Another point of similarity is the co-occurrence with evaluative lexis. In almost one-third of all the instances when the phrase is used, there is an explicit evaluation of actions undertaken by entities (natural or legal):

(24) Ingerencja ustawodawcy w sferę własności publicznej jest bowiem *dopuszczalna* i nie stanowi ona wywłaszczenia *w rozumieniu art.* 21 ust. 2 konstytucji.

[The intervention of the legislator in the sphere of public property is *permissible* and does not constitute expropriation *within the meaning of* Article 21(2) of the constitution.]

In Example (24), the legislator's intervention is assessed favourably as a result of interpreting specific constitutional provisions. This use is thus analogous to what was observed for the phrase *within the meaning of* in the SCOTUS justifications. It is the court's chief task to determine whether an action, a concept or an object falls within the sense provided and proscribed by a given legislative act or its provision.

(25) Brak również podstaw do uznania, że wprowadzone zróżnicowanie, w oparciu o cechę czasu trwania zatrudnienia, nie ma *charakteru racjonalnie uzasadnionego* i nie jest dokonane według kryterium *relewantnego w rozumieniu art.* 32 Konstytucji.

[There is also no basis to conclude that the introduced differentiation, based on the length of employment, lacks a *rationally justified character* and is not made according to a *relevant* criterion **within the meaning of** Article 32 of the Constitution.]

Yet another similarity between the uses of the Polish and US phrases can be found in invoking standards of rationality (as shown in Example (25) and reasonableness (Example 11) used almost universally to assess the merits of argumentation. The distribution of hits in the corpus has shown that *w rozumieniu art.* tends to cluster in the third part of the justification that contains the Court's reasoning and argumentation (The first two parts combined seem to correspond to what is known as 'procedural history' in common law jurisdictions, and which is placed in the syllabus of a US Supreme Court opinion; see Goźdź-Roszkowski 2020).

5.2.3 The phrase "w tym kontekście"

The phrase *w tym kontekście* (in this context) is another very frequent phrase which co-occurs with evaluative language. This co-occurrence is exceptionally

strong as it reaches 83% of the cases where this phrase is found. The evaluation can be intense and it is cumulative, i.e. various evaluative items are scattered across different parts of a paragraph, as shown in (26):

(26) *W tym kontekście nieuzasadnionym* i wręcz *błędnym* jest powołanie – w pkt 1 sentencji – wzorca konstytucyjnego zawartego w art. 118 ust. 1 Konstytucji, a to wobec oczywistej jego *nieadekwatności* do ocenianego przez Trybunał Konstytucyjny stadium postępowania ustawodawczego, tj. do uchwalania poprawek Senatu i kolejnych (z punktu widzenia następstwa czasowego) czynności ustawodawczych (normowanych postanowieniami art. 121 ust. 2 i ust. 3 Konstytucji).

[*In this context,* it is *unjustified* and even *erroneous* to refer – in point 1 of the sentence – to the constitutional standard contained in Article 118(1) of the Constitution, given its obvious *inadequacy* to the stage of legislative proceedings being assessed by the Constitutional Tribunal, i.e., the enactment of Senate amendments and subsequent (from the perspective of temporal sequence) legislative activities (regulated by provisions of Article 121(2) and (3) of the Constitution)].

Note the intensity of evaluation in (26). The action of referring to the constitutional standard is assessed first as "unjustified and even erroneous" and then in terms of "obvious inadequacy". Reagrding its distribution, the phrase *in this context* tends to occur in the argumentative part of the justification. This example reflects the Constitutional Tribunal's task of determining the standard of constitutional review (Królikowski 2015).

However, the analysis has revealed that *in this context* is also found in separate opinions to voice an individual judicial opinion:

(27) *W tym kontekście* przyjąć – w moim przekonaniu – należało, iż przywołany przez wnioskodawców zarzut naruszenia, przy stanowieniu art. 4 pkt 30, 37 i 43 ustawy z 15 lutego 2002 r., art. 119 ust. 1 mieści wskazanie *całkowicie nieadekwatnego* wzorca konstytucyjnego.

[*In this context,* it should be acknowledged – in my opinion – that the allegation of violation raised by the applicants, in the enactment of Article 4 points 30, 37, and 43 of the law of February 15, 2002, Article 119(1) constitutes a reference to *a completely inadequate* standard of constitutional review.]

While all the Polish phrases discussed so far are text-oriented, indicating the basis for making assessments, they have a varying referential range. Unlike *w świetle art* and *w rozumieniu art*., the phrase *w tym kontekście* does not reference any specific legislative instrument. Its function is not strictly deictic. Rather, it could be regarded as an argumentative indicator, i.e. signalling that the evaluation has been made based on prior argumentation. More evidence of this discursive pattern can be found in (28):

(28) W tym kontekście niedopuszczalne jest dość swobodne ponowne rozporządzanie mieniem stanowiącym podstawę ukształtowanej własności samorządowej, czy też takie jej ograniczanie, które faktycznie uniemożliwiałoby pełne korzystanie z uprawnień właścicielskich.

[In this context, it is impermissible to freely dispose again of property that constitutes the basis for established municipal ownership or to impose limitations that would effectively prevent the full exercise of property rights].

The rather categorical statement about municipal property should be disposed of comes after citing prior case law of the Constitutional Tribunal regarding this point of law.

5.2.4 The phrase z punktu widzenia

Finally, it is interesting to consider the phrase *z punktu widzenia* (*from the point of view* or *from the perspective*). It acts as a framing signal to contextualize an argument or a claim. Interestingly, in one-third of the cases, the phrase refers to a point of view adopted by a human interactant:

(29) Przymusowy – *z punktu widzenia* wnioskodawców – charakter przekształcenia prawa wynika z zestawienia art. 1, art. 2 i art. 3 ustawy.

[The compulsory nature – *from the standpoint of* the applicants – of the transformation of the right arises from the juxtaposition of Article 1, Article 2, and Article 3 of the law.]

In the context of a Constitutional Tribunal justification, the phrase is typically used to reconstruct the standpoints advanced by the parties and other relevant third parties and interactants at various stages of the proceedings.

In the other cases, the range of referents of *z punktu widzenia* can be very broad but it usually includes legal rules or principles:

(30) Uzasadnia to rozpatrywanie zakwestionowanej regulacji zarówno z *punktu widzenia* ogólnych konsekwencji zasady demokratycznego państwa prawnego (art. 2), jak i z *punktu widzenia* ochrony własności (art. 64 ust. 2 i art. 21 ust. 1) – Trybunał Konstytucyjny nie widzi w tej sprawie potrzeby wdawania się w rozważania wzajemnego stosunku tych przepisów i odsyła do stwierdzeń zawartych w wyroku z 12 stycznia 1999 r., P. 2/98, OTK ZU Nr 1/1999, s. 15)

[This justifies the examination of the contested regulation both *from the perspective of* the general consequences of the principle of a democratic rule of law (Article 2) and *from the perspective* of property protection (Article 64(2) and Article 21(1) – the Constitutional Tribunal does not see the need to delve into considerations regarding the mutual relationship of these provisions in this

matter and refers to the statements contained in the judgment of January 12, 1999, Case No. P. 2/98, OTK ZU No. 1/1999, p. 15).]

Example (30) shows two instances of this phrase referring to the broad concept of the rule of law and the more specific provision regulating property protection. This example reflects one of the recurring elements found in virtually all Constitutional Tribunal justifications, namely delineating the object of the constitutional review and specifying the constitutional issue in question. The phrase is then used in a process during which the judge decides on certain crucial points: whether to accept the application in full or only in part; what constitutes the object of the constitutional review and how the constitutional issue should be specified.

6. Conclusions

The findings presented and discussed in Section 5 have addressed the research question posed at the outset about the possibility of using of n-gram methodology to uncover non-obvious evaluative functions in judicial justifications. First, the analysis has shown that evaluative meanings, understood in terms of attitudinal stance, are generally not explicitly communicated using very frequent phrases. In both datasets, there are relatively few phrases that are inherently evaluative. Rather, frequent phraseology marks epistemic stance indicating the source of knowledge and/or signals the perspective from which propositional content is provided. This corroborates previous findings pointing to the largely idiosyncratic nature of judicial justification in the US Supreme Court opinions (Goźdź-Roszkowski 2011). The absence of 'inscribed' evaluative items has also been noted in the Constitutional Tribunal justifications, with the exception of a very restricted lexis signalling (non)-compliance of a contested legislation with the constitution.

Second, the analysis has revealed that a number of 3-4-grams are found in co-occurrence patterns with value-laden lexis in both the SCOTUS and the Constitutional Tribunal justifications. It turns out that the text-oriented function, ascribed to them based on previous research, does not fully account for their uses in the discourse of justification (cf. Goźdź-Roszkowski 2011). In semantic terms, these expressions have been found to serve as pointers to evaluation and as clues to the textual segments where argumentation unfolds. The scrutiny of the relevant co-texts has revealed that these phrases tend to be utilized as building blocks of judicial discourse to help frame interpretive and argumentative concerns. The building blocks can be represented in terms of broader phraseological patterns such as the one centred around the phrase *in light of*, and revealing the semantic prosody of the unexpected and the new. These results have important practical implications for researchers investigating judicial argumentation. The n-grams identified as relevant in this study converge towards the focal points of

justifications guiding the researcher to sites around which judicial argumentative discourse will revolve.

The similarities between the uses of frequent phraseologies in the data that are derived from two different judicial institutions and legal systems seem to suggest a shared genre-specificity of judicial justification. The results of the analysis provides further evidence for the interrelatedness between the pervasive evaluative language and argumentation found in judicial decisions. It appears that, irrespective of a particular institutional context, evaluative language contributes to the generic integrity of justifications, or more broadly, judicial decisions.

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References

Alba-Juez, Laura and Thompson, Geoff. 2014. The many faces of evaluation. In G. Thompson & L. Alba-Juez (eds.), *Evaluation in context*, 3–23. John Benjamins. https://doi.org/10.1075/pbns.242.01alb

Bednarek, Monika. 2009. Emotion talk and emotional talk: Cognitive and discursive perspectives. *Pragmatics and Cognition* 17(1), 146–176. https://doi.org/10.1075/pc.17.1.05bed

Biber, Douglas, Johansson, Stieg, Leech, Geoffrey, Conrad, Susan and Finegan Edward. 1999. *Longman Grammar of Spoken and Written English*. Longman.

Condello, Angela. 2020. *New Rhetorics for Contemporary Legal Discourse*. Edinburgh University Press. https://doi.org/10.1515/9781474450584

Conrad, Susan and Biber, Douglas. 2000. Adverbial marking of stance in speech and writing. In G. Thompson and S. Hunston. (Eds.). *Evaluation in text: Authorial stance and the construction of discourse*, 56–73. Oxford UP. https://doi.org/10.1093/oso/9780198238546.003.0004

Englebretson, Robert (ed.). 2007. *Stancetaking in Discourse: Subjectivity, Evaluation, Interaction.* John Benjamins. https://doi.org/10.1075/pbns.164

Feteris, Eveline T. 2017. *Fundamentals of Legal Argumentation. A Survey of Theories on the Justification of Judicial Decisions*. Springer. https://doi.org/10.1007/978-94-024-1129-4_6

Finegan, Edward.2010. Corpus linguistics approaches to 'legal language': Adverbial expression of attitude and emphasis in Supreme Court opinions. In M. Coulthard and A. Johnson (eds.), *The Routledge handbook of forensic linguistics*, 65–77. Routledge.

Goźdź-Roszkowski, Stanisław. 2024. *Language and Legal Judgments. Evaluation and Argument in Judicial Discourse*. Routledge. https://doi.org/10.4324/9781003333302

Goźdź-Roszkowski, Stanisław. 2022. Evaluative language in legal professional practice: the case of justification of judicial decisions. In B. Lewandowska-Tomaszczyk and M. Trojszczak (eds.) *Language use, education, and professional contexts*, 3-20. Springer. https://doi.org/10.1007/978-3-030-96095-7_1

Goźdź-Roszkowski, Stanisław. 2021. Hostility to religion or protection against discrimination? Evaluation and argument in a case of conflicting principles. In J. Giltrow, F. Olsen and D. Mancini (eds.),

Legal Meanings: The Making and Use of Meaning in Legal Reasoning, 57-75. De Gruyter Mouton. https://doi.org/10.1515/9783110720969-004

Goźdź-Roszkowski, Stanisław. 2020. Move analysis of legal justifications in Constitutional Tribunal judgments in Poland: What they share and what they do not. *International Journal for the Semiotics of Law* 33(3), 581–600. https://doi.org/10.1007/s11196-020-09700-1

Goźdź-Roszkowski, Stanisław. 2018. Facts in law: a comparative study of *fact that* and its phraseologies in American and Polish judicial discourse. In S. Goźdź-Roszkowski and G. Pontrandolfo (eds.), *Phraseology in Legal and Institutional Settings. A Corpus-based Interdisciplinary Perspective*, 143-159. Routledge. https://doi.org/10.4324/9781315445724-9

Goźdź-Roszkowski, Stanisław. 2011. *Patterns of Linguistic Variation in American Legal English*. *A Corpus-Based Study*. Peter Lang. https://doi.org/10.3726/978-3-653-00659-9

Goźdź-Roszkowski, Stanisław and Hunston, Susan. 2016. "Corpora and beyond – investigating evaluation in discourse: introduction to the special issue on corpus approaches to evaluation." *Corpora.* 11(2), 131-141. https://doi.org/10.3366/cor.2016.0089

Goźdź-Roszkowski, Stanisław and Pontrandolfo, Gianluca. 2015. Legal phraseology today: corpus-based applications across legal languages and genres. *Fachsprache 37* (3-4), 130-138. https://doi.org/10.24989/fs.v37i3-4.1287

Hafner, Christoph. 2014. Stance in a professional legal genre: The barrister's opinion. In R. Breeze, M. Gotti & S. Guinda Carmen (eds.), *Interpersonality in Legal Genres,* 137–160. Peter Lang.

Heffer, Chris. 2007. Judgement in Court: Evaluating participants in courtroom discourse. In K. Kredens and S. Goźdź-Roszkowski (eds.), *Language and the law: International outlooks,* 145–179. Peter Lang.

Hunston, Susan, 2007, Using a corpus to investigate stance quantitatively and qualitatively. In R. Englebretson (ed.), *Stancetaking in discourse: Subjectivity, evaluation, interaction,* 27–48. John Benjamins. https://doi.org/10.1075/pbns.164.03hun

Hunston, Susan and Sinclair, John. 2000. A local grammar of evaluation. In S. Hunston and G. Thompson (eds.), *Evaluation in text: Authorial stance and the construction of discourse*, 74–101, Oxford University Press. https://doi.org/10.1093/oso/9780198238546.003.0005

Królikowski, Jakub. 2015. *Uzasadnienia orzeczeń Trybunału Konstytucyjnego* [Justifications of Constitutional Tribunal Decisions]. In: I. Rzucidło-Grochowska & M. Grochowski (eds.), *Uzasadnienia decyzji stosowania prawa* [Justification in judicial decision-making process], 427–439. Warsaw.

MacCormick. Neil.1978. *Legal Reasoning and Legal Theory*. Oxford University Press.

Martin, James and White, Peter. 2005. *The Language of Evaluation: Appraisal in English*. Palgrave.

Mazzi, Davide. 2010. "This argument fails for two reasons...": A linguistic analysis of judicial evaluation strategies in US Supreme Court judgements'. *International Journal for the Semiotics of Law* 23(4), 373–385. https://doi.org/10.1007/s11196-010-9162-0

McKeown, James. 2022. Stancetaking in the U.S. Supreme Court's abortion jurisprudence (1973-present): Epistemic (im)probability and evidential (dis)belief. *International Journal of Legal Discourse* 7(2), 323–343. https://doi.org/10.1515/ijld-2022-2075

Partington, Alan., Duguid, Alison and Charlotte Taylor. 2013. *Patterns and Meanings in Discourse. Theory and Practice in Corpus-assisted Discourse Studies (CADS).* John Benjamins. https://doi.org/10.1075/scl.55

Pérez, Maria. J. 2022. A corpus-based comparative analysis of the evaluative lexicon found in judicial decisions on immigration. In S. Goźdź-Roszkowski & G. Pontrandolfo (eds.), *Law, language and the courtroom: Legal linguistics and the discourse of judges,*126–143. Routledge. https://doi.org/10.4324/9781003153771-11

Pontrandolfo, Gianluca and Goźdź-Roszkowski, Stanisław. 2014. Exploring the local grammar of evaluation: The case of adjectival patterns in American and Italian judicial discourse. *Research in Language* 12(1), 71–91.https://doi.org/10.2478/rela-2014-0014

Pounds, Gabrina. 2013. Genre- and culture-specific aspects of evaluation: Insights from the contrastive analysis of English and Italian online property advertising. In M. Taboada, S.D. Suarez, E.G. Alvarez (eds.) *Contrastive Discourse Analysis. Functional and Corpus Perspectives*, 240-261. Equinox.

Ray, L. Krugman, 2002. Judicial Personality: Rhetoric and Emotion in Supreme Court Opinions, 59 *Washington and Lee Law Review* 59(1/6), 193-234.

Romano, Michael, Curry, Todd. 2020. Creating the Law. State Supreme Court Opinions and the Effect of Audiences. Routledge. https://doi.org/10.4324/9780429461828

Segal, Jeffrey. A. and Spaeth, Harold. 2002. *The Supreme Court and the Attitudinal Model revisited.* Cambridge University Press. https://doi.org/10.1017/CBO9780511615696

Sinclair, John. 1991. *Corpus, Concordance, Collocation*. Oxford University Press

Szczyrbak, Magdalena. 2022. Evidentiality in US Supreme Court opinions: Focus on passive structures with *say* and *tell*. In S. Goźdź-Roszkowski & G. Pontrandolfo (eds.) *Law, language and the courtroom:Legal linguistics and the discourse of judges*, 26–38, Routledge. https://doi.org/10.4324/9781003153771-3

Thompson, Geoff and Hunston, Susan. 2000. Evaluation: An introduction. In: S. Hunston and G. Thompson (eds.), *Evaluation in text:. Authorial stance and the construction of discourse*, 1–27, Oxford University Press. https://doi.org/10.1093/oso/9780198238546.003.0001

Tognini-Bonelli, Elena. 2001. *Corpus Linguistics at Work*. John Benjamins. https://doi.org/10.1075/scl.6

Tomza-Tulejska, Anna, Higgins, Patrick. 2022. Do the words of the American Constitution still matter? The question of "the meaning of meaning" in current judicial argumentation. In S. Goźdź-Roszkowski and G. Pontrandolfo (eds.), *Law, Language and the Courtroom. Legal linguistics and the discourse of judges*, 185-197. Routledge. https://doi.org/10.4324/9781003153771-16

Tyrkkö, Jukka and Kopaczyk, Joanna. 2018. Present applications and future directions in pattern-driven approaches to corpus linguistics. In J. Kopaczyk and J. Tyrkkö (eds.), *Applications of Pattern-driven Methods in Corpus Linguistics*, 1-12, John Benjamins. https://doi.org/10.1075/scl.82.01tyr

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