Normative and ideological coding in the legal register – The case of the 19th-century legal language

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Abstract: This paper proposes a methodological approach to the study of legal language, grounded in the framework developed by the Croatian and Yugoslav legal scholar Nikola Visković in his book Jezik prava (The Language of the Law), published in Zagreb in 1989. Visković approaches legal language from semiotic and communicative perspectives. We adapt his framework to examine nineteenth-century Serbian legal texts dating from 1835 to 1898. Our starting assumption is that legal language is double-coded: it operates simultaneously with a natural-language code (in this case, the nineteenth-century Serbian literary idiom) and with a distinct legal code. A second assumption distinguishes the legal norm as a deep, universal structure from the legal provision, which is its surface representation. This distinction enables us to identify various surface realizations of the basic if–then legal norm. The third assumption differentiates normative from ideological coding in legal texts: we contend that the basic if–then form can be reconstructed in every legal text, while what remains constitutes the ideological residue. This does not imply that ideological coding is absent from the underlying form of the legal norm, but rather that the basic legal norm exhibits a degree of universality across different legal language corpora. Nineteenth-century Serbian legal texts provide a particularly clear illustration of these claims, especially those produced during the era of the Ustavobranitelji (literally, the Defenders of the Constitution). In that period, preambles were often lengthy and comprised both obligatory normative elements and motivational passages that were not required by the legal norm but encoded ideological, political, and cultural contextual information.

Keywords: Legal language, Normative coding, Legal coding, Nikola Visković, 19th century Serbian law.

Summary: 1. Introduction; 2. The characteristic of Serbo-Croatian legal language theory by Nikola Visković; 3. Our approach; 3.1. Double coding in Serbian legal texts; 3.2. The difference between a legal norm and a legal provision; 3.3. Normative and ideological coding in non-restrictive relative clauses; 3.4. Ideological coding in the dependent sentences; 4. Conclusion.

1. Introduction

The aim of this paper is to present a methodological approach to the study of legal language, with special emphasis on the Serbian legal language of the nineteenth century. Our approach is grounded in the semiotic and communicative perspective on legal language set out in Jezik prava (The Language of the Law) by Croatian and Yugoslav legal scholar Nikola Visković (1989). Because of the historical circumstances affecting the last decade of the twentieth century in the former Yugoslavia, this approach has not been explored in detail on Serbian-language texts. Visković's basic assumption is that legal language is double-coded: by the rules of natural language and by the rules of the normative (legal) code. He distinguishes between the deep structure of the legal norm, which is assumed to be universally expressed in an if–then form, and the surface structure of the concrete norm, which may be realized in various forms. The notions of deep and surface structure originate in early studies of generative-transformational grammar by Noam Chomsky. In the legal context, it is assumed that the normative code supplies all elements necessary for the legal norm, and that the remainder belongs to ideological coding. Ideological coding comprises the political, sociological, and cultural contexts that reveal important

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details about the period in question. In this paper, we assume that normative and ideological codes can be distinguished at the level of the dependent clause. Our corpus comprises Serbian legal texts from the nineteenth century, when the modern Serbian legal language was formed (Luković 1994). The nineteenth century is the period in which Serbia gained independence from the Ottoman Empire and began to develop its own legal system based on continental, primarily German and French, legislation. Our aim is to propose a methodology suitable for studying Serbian legal texts at the level of the dependent clause. We have used Serbian legal texts from 1835 to 1898. First, we introduce the theoretical framework based on Visković's work; then we proceed to the analysis of the corpus. In this paper, we confine ourselves to a review of Nikola Visoković's theory and examples drawn from Serbian legal language; in the second part of the paper, we shall demonstrate its integration into the broader theory of legal language and its applicability to English.

2. The characteristic of Serbo-Croatian legal language theory by Nikola Visković

More than thirty years have passed since the publication of the book *Jezik prava* by the Croatian and Yugoslav jurist Nikola Visković (Zagreb, 1989), and it appears that the methodology proposed there has not found full reception in the region. In this book Nikola Visković approaches law from a semiotic perspective and from the standpoint of an integral theory of law[1]. The book *Jezik prava* is conceived as an introduction to an approach to the language of law that integrates the achievements of linguistics and those of legal science. In Serbia, despite the appearance of one edited volume and several papers dealing with law from the perspectives of legal science and linguistics, with the exception of Marko Janićijević's study *Discourse of legislative acts in English and Serbian: a developmental-comparative approach* (2015)[2], there are no more systematic approaches to legal language.

Throughout the book and especially in the introductory chapters, the author emphasizes that, despite jurists' awareness of how important language is for legal activity, up to the time the book was written, there were no systematic studies of legal language[3], which remains true for the territory of Serbia even after thirty years. Language in law has a special status; it is "a linguistic activity and one that is markedly different from the linguistic activity of morality and custom — and this, among other things, because of the law's essential governability as an order of social control directed at the external manifestations of human behaviour and because of its pronounced formalization."[4]. Furthermore, Visković elaborates on the nature of language of law and defines it as: "a linguistic subsystem employed by persons competent to pronounce legal norms, both general and individual, by jurists in their practical and scholarly work, and by all those who perform linguistic acts by reproducing the modes of expression of norm-creators and jurists."[5] Thus, the definition is given not according to the internal properties of legal language, but according to who uses it.

Nikola Visković emphasizes that the phenomenon of law can generally be approached from different aspects and from the standpoint of different methods: (a) from the standpoint of social relations (the sources and aims of legal norms), on which the relational conception of law rests; (b) from the standpoint of social values (whereby social relations and legal norms are justified), on which the value-based conception of law rests; (c) from the standpoint of legal norms (through which relations and values are expressed and normed)[6], on which the normative conception of law rests. Visković advocates an integral theory of law[7]. At the core of this approach is the study of law in its entirety, from all its aspects, because

[1] M. MATULOVIĆ,*Viskovićeva integralna teorija prava*, in: J. GUČ, H. JURIĆ (eds), *Nikola Visković : pravo - politika - bioetika : simpozij povodom osamdesetog rođendana Nikole Viskovića, Split, 23.-24. veljače 2018,* Zagreb, 2018, pp. 28–29.
[2] M. ЈАНИЋИЈЕВИЋ, *Дискурс законских аката на српском и енглеском језику: развојно-упоредни приступ*, Београд, 2015.
[3] N. VISKOVIĆ, *Jezik prava*, Zagreb, 1989, pp. 7–9.
[4] N. VISKOVIĆ, *op. cit.*, p. 8.
[5] N. VISKOVIĆ, *op. cit..*, p.16.
[6] N. VISKOVIĆ, *op. cit.*, p. 18.
[7] N. VISKOVIĆ, *op. cit..*, p. 18.

"an inquiry that begins from any dimension of law presupposes an understanding of, and simultaneously leads to an understanding of, all its other dimensions."[8].

Visković also notes that a communicative approach to law is possible. The communicative approach implies an integral approach to the phenomenon of linguistic expression in law[9]. Communication in law consists of: (a) the subjects of communication—senders and recipients of legal messages; (b) the legal message—which is a linguistic sign message or a sign message of another type, consisting of the signifier and the signified[10]; (c) legal objects (legal acts, natural objects and human artefacts); (d) legal codes—the linguistic system, the logical system, the value-ideological system and the system of general legal norms, which represent "collections of signs and rules historically constituted, entrenched, and 'stored' in people's consciousness governing the use of signs that are, to a greater or lesser extent, coercive in the course of legal communication."[11], and serve to encode and decode legal messages; (e) the media of legal communication (legal acts, official publications, etc.); (f) subject situations (situations in which the subjects of legal communication act)[12].

Visković distinguishes the following modalities of legal communication: (a) normative and non-normative communication (whether the messages are norms or other prescriptive and descriptive attitudes); (b) unequal and equal communication; (c) intergroup, individual-group and interindividual communication; (d) more or less formalized communication; (e) direct and indirect communication; (f) public, non-public and secret communication[13].

According to its linguistic characteristics, the language of law belongs to the general, natural language; that is, it is a subsystem of the general language, retaining for the most part its features at the level of expression and content[14]. In addition, the language of law is a special and technical sociolect, which differs in its characteristics from other linguistic subsystems[15]. The language of law differs from the general language at all linguistic levels except the phonetic. It is emphasized that it is a misconception that the language of law does not differ from the general language at the syntactic level[16].

We distinguish four layers of expression and meaning: (a) Unchanged elements of the general language—all morphological categories and many lexical-semantic categories. These are used selectively, and the choice of linguistic means in law is poorer than in the general language. Differences in the frequency of linguistic means are caused by differences in the specificities of the social relations that are being normed; (b) Modified elements of the general language—expressions from the general language that have narrowed or expanded meanings adapted to the needs of the language of law; (c) Professional legal expressions and meanings—specialist legal terms. This layer also includes terms of foreign origin; (d) The fourth layer belongs to the terminological systems of other linguistic disciplines[17].

The historical and sociolinguistic legal language contains several structural and functional varieties. These are also different historical types of law. Moreover, within national systems there is variation between different branches of law[18].

Another important aspect of Visković's research that is relevant for our own is the nature of definitions in law[19]. The determination of terms from the general language is achieved by lexical definitions. Such a definition has a descriptive function and is, to a greater or lesser extent, true or false.

[8] N. VISKOVIĆ, *op. cit.*., p. 19.
[9] N. VISKOVIĆ, *op. cit.*., p. 19.
[10] N. VISKOVIĆ, *op. cit.*., p. 21.
[11] N. VISKOVIĆ, *op. cit.*., p. 22.
[12] N. VISKOVIĆ, *op. cit.*., p. 23.
[13] N. VISKOVIĆ, *op. cit.*., pp. 23–24.
[14] N. VISKOVIĆ, *op. cit.*., pp. 25–26.
[15] N. VISKOVIĆ, *op. cit.,* p. 26.
[16] N. VISKOVIĆ, *op. cit.*., p. 26.
[17] N. VISKOVIĆ, *op. cit.*., pp. 26–28.
[18] N. VISKOVIĆ, *op. cit.*, p. 31.
[19] N. VISKOVIĆ, *op. cit.*, pp. 32–40.

This is how words from the general language are defined whose meaning is accepted as unchanged in the legal language[20]. Professional legal terms are not recognized but are created by the definitions themselves. These definitions are called stipulative definitions. They can declare or add new meanings. These meanings do not exist in the general language. This is achieved through: (a) stipulative redefinition or reconstruction of meaning—meanings of words from the general language are modified; (b) stipulative construction of meaning—new meanings are created. In both cases, the meaning obtained by a stipulative definition has a prescriptive role, and thus these definitions are discussed in terms of purposiveness/non-purposiveness[21].

There have long been debates in law about so-called legal or normative definitions (legal meanings in laws and other legal acts)[22]. Legal definitions are part of the legal code and they "coercively determine the legal concepts employed in normative and other legal acts."[23]. Different use of legal definitions is sanctioned either by failure to achieve the desired effect or by the legal invalidity of the legal norm[24]. Legal definitions are a kind of rule of interpretation in law. They are created both by norm-makers and by jurists in legal science. These definitions can be used to achieve the qualification of concepts[25].

Furthermore, both the micro and macro structures of legal language are very hierarchical. In legal register "strictly formalized procedural rules prevail, establishing a hierarchized flow of linguistic self-regulation."[26]. Given the rigidity of this system, one part of the language in legal communication consists of the unchanged elements of the general linguistic code (its lexical-semantic, syntactic and pragmatic subcodes). The other part consists of the reconstructed general linguistic code filtered through the prism of general legal norms and the constructed legal language with specific lexicon, semantics, syntax and pragmatics. The reconstructed general language and the constructed legal language constitute the normative-legal code[27].

The central concept that our study is researching is the logical-semantic structure of legal norms[28]. The majority of expressions and meanings of legal norms, both legal and general, belong to the normative-legal code. A legal norm is a kind of prescriptive attitude and a subtype of social norms. The object of a legal norm is the pre-normative legal relation, and its meaning consists in motivating human behaviour. In this way they participate in the formation of normative legal relations between legal subjects. For a legal norm to exist, it must belong to an effective and formalized system; that is, there must exist a class with economic and political power that can produce valid legal norms[29].

One of the most important questions of legal theory is the question of the logical-semantic structure of legal norms[30]. There is agreement that the general deep structure of a legal norm is in the form "if H then Y", or that if there is a fact-condition, then a legal consequence follows. From this it follows that the deep legal norm is a hypothetical judgment, and semantically it is a relation of inclusion, that is, "a message that, by means of the functor 'treba' ('ought'), connects the assertion of a fact with specific legal meanings as its consequences.". In criminal provisions it can be reduced to the form "if Delict then

[20] N. VISKOVIĆ, *op. cit.*, p. 33.
[21] N. VISKOVIĆ, *op. cit.*, p. 33.
[22] N. VISKOVIĆ, *op. cit.*, pp. 34–35.
[23] N. VISKOVIĆ, *op. cit.*., p. 35.
[24] N. VISKOVIĆ, *op. cit.*., p. 35.
[25] N. VISKOVIĆ, *op. cit.*, pp. 35–36.
[26] N. VISKOVIĆ, *op. cit.*, pp. 45.
[27] N. VISKOVIĆ, *op. cit.*, pp. 45–46.
[28] N. VISKOVIĆ, *op. cit.*, pp. 51–59.
[29] N. VISKOVIĆ, *op. cit.*, pp. 51–52.
[30] N. VISKOVIĆ, *op. cit.*, p. 51.

Sanction"[31]. Nikola Visković proposes the following structure of a legal norm as a disjunctive judgment composed of two hypothetical judgments: if H then T, or if D (not-T) then S[3233].

This is a schema that represents the deep structure of general legal norms that "qualify entire classes of legal relations abstractly and a priori."[34] (Висковић 1989: 54). The advantages of this model are: (a) it represents the unified thought carried by normative attitudes as motivational factors; (b) it shows the ontological freedom to which each norm refers (the freedom of behaviour to perform or not perform the demanded act); (c) it points to the importance of distinguishing legal norms from legal provisions; (d) by concretizing and deformalizing this schema, normative legal concepts can be obtained[35].

To fully understand the given corpus, it is necessary to understand the distinction between a legal norm and a legal provision[36], relying on the deep and surface structure from Noam Chomsky's generative grammar. Visković stresses that one of the main problems for researchers of legal language is that they do not distinguish the categories of legal norm and legal provision. A legal norm is a deep structure, while a legal provision is its surface structure or the expression of the normative language of law[37]. A legal norm is "a complete thought, logically a double hypothetical judgment and semantically a prescriptive attitude"[38]. A legal provision is "a statement, composed of one or more sentences, which expresses a complete norm or individual parts of a norm and constitutes a relatively autonomous semantic unit of some normative linguistic act or legal instrument"[39] .

The relationship between legal norms and legal provisions is as follows:**(A)** Rarely does a single provision carry a single legal norm. As a rule, one norm is expressed in several provisions from the same or different legal acts.**(B)** For reasons of economy and systematic connection, different elements of legal liability for criminal and misdemeanor delicts and sanctions are gathered in separate criminal and misdemeanor laws . **(C)** Legal provisions typically do not list all essential components of legal norms[40]; rather, these components are implied and the recipient supplies them, relying on the "firm logical-semantic structure of the norm" and on "contextual understanding"[41]. Sometimes the initial hypothesis is not stated in full. **(D)** A single provision may set out elements for several or many legal norms[42]. **(E)** One thought can be expressed through several variations of expression. Different choices of expression indicate stylistic variations but also the pragmatic intention of the norm-maker[43].This distinction between legal provision and legal norm opens the possibility for their analytical investigation and symbolic representation[44].

Lastly we will give a brief overview of the ideological function of legal language[45]. Like religion and politics, law is an order of power and of the powerful[46]. Like religion and politics, it is based on: methods of authoritarian control of social behaviour, on control with threats against violators, on limited competence within the ruling circle, on secret linguistic communication within the ruling circle, on the

[31] N. VISKOVIĆ, *op. cit.*, pp. 52–53.
[32] N. VISKOVIĆ, *op. cit.*, p. 53.
[33] N, D—two hypotheses (initial condition and condition-delict); T, S—two consequences (the claim of legal obligation and legal authority, sanction) (N. VISKOVIĆ, *op. cit.*, p. 53).
[34] N. VISKOVIĆ, *op. cit.*, p. 54.
[35] N. VISKOVIĆ, *op. cit.*, p. 54.
[36] N. VISKOVIĆ, *op. cit.*, pp. 71–77.
[37] N. VISKOVIĆ, *op. cit.*, p. 71.
[38] N. VISKOVIĆ, *op. cit.*, p. 71.
[39] N. VISKOVIĆ, *op. cit.*, 1989, p. 72.
[40] N. VISKOVIĆ, *op. cit.*, pp. 72–73.
[41] N. VISKOVIĆ, *op. cit.*, p. 73.
[42] N. VISKOVIĆ, *op. cit.*, p. 74–75.
[43] N. VISKOVIĆ, *op. cit.*, p. 75.
[44] N. VISKOVIĆ, *op. cit.*, p. 76.
[45] N. VISKOVIĆ, *op. cit.*, pp. 124–132.
[46] N. VISKOVIĆ, *op. cit.*, p. 124.

obedience and silence of the masses, and on a mechanism of dogmatic inference regarding meanings produced by higher levels of power[47].

In technical register, as in any other type of language, different parts of reality are revealed and concealed, and the criterion for this is what is necessary for legitimizing and carrying out the interests of the ruling social groups[48]. One must also not forget the particular interest of the legal estate, i.e., the modern bureaucracy. In older language the law openly expresses privileges and discriminates against certain groups of people—for example, it explicitly expresses relations between free and unfree persons, men and women, older and younger, gentry and peasants, etc. In such systems this is enabled by physical coercion. Still, such norms appeal to God's will and to higher justice and to the common good[49]. Only in more recent times does ideology cease to be an external factor that supplements legal norms and serves as justification for inequality and authority by divine or estate justice, and instead "enters into the linguistic expression of legal institutions in order to hide their deep meanings"[50]. This is achieved by emphasizing ideas of equality and freedom at the foundation of an increasing number of legal institutions. While an increasing number of citizens are recognized as normative free citizens with equal rights, in reality relations of inequality and unfreedom still prevail[51] . However, as long as what is left unsaid is not examined and social relations are not investigated as contexts of legal discourse, "the deep meanings of legal language—i.e., the possibilities and impossibilities of realizing normative freedoms and equality—remain invisible"[52]. In the modern era, it is precisely by appealing to legal statements that normative mystifications are proven to be real[53].

In the paper *Non-restrictive relative clauses in the administrative legal style of 19th century Serbian (preliminary research)*[54] we examined the status of non-restrictive relative clauses on a corpus of legislative legal texts from the pre standard and early stabilization periods of modern Serbian. It was established that the corpus is dominated by restrictive relative clauses, which is conditioned by the non referential nature of the administrative style. Non-restrictive relative clauses of the continuative type are encountered more frequently; these provide additional explanation of the duties of certain officials or state organs. Continuative non-restrictive clauses carry important information from the standpoint of the legal norm and can theoretically be omitted, but doing so would harm the completeness of legal information. Non-restrictive clauses most often occur with unique referents, typically state institutions, the king, ministers, or persons with a unique external reference. The basic semantic division of relative clauses follows the criterion of the scope of the referent of the noun, according to which relative clauses are divided into: (a) restrictive (attributive), which narrow the scope of the referent of the noun; and (b) non-restrictive (appositive), which do not affect the semantic scope of the referent[55]. In a non-restrictive clause the relative clause does not affect referentiality or definiteness but only introduces additional information about the nominal. A non-restrictive clause can be elided without semantic consequences[56]. Following Lehmann's typology, non-restrictive relative clauses are divided into continuative and parenthetical types. Continuative clauses have the same informative value as their superordinate clause and are important for discourse construction. Parenthetical clauses carry less essential information and can be omitted without significantly reducing the informativeness of the text[57].

[47] N. VISKOVIĆ, *op. cit.*, p. 124.
[48] N. VISKOVIĆ, *op. cit.*, p. 128.
[49] N. VISKOVIĆ, *op. cit.*, p. 129.
[50] Ibidem.
[51] Ibidem.
[52] Ibidem.
[53] Ibidem.
[54] Ј. ПАВЛОВИЋ ЈОВАНОВИЋ, *Нерестриктивне релативне реченице у административно-правном стилу српскога језика 19. Века (прелиминарна истраживања)*, *Verba iuvenium*, vol. 2, Пловдив, pp. 33–47.
[55] Т. РУСИМОВИЋ, *Релативне реченице са форичким супстантивним антецедентом у савременом српском језику*, unpublished doctoral thesis, Facutly of Philology and Arts, Kragujevac, p. 45.
[56] S. KORDIĆ, *Relativna rečenica*, Zagreb,1995, p. 29.
[57] S. KORDIĆ, Relativna rečenica, Zagreb, p. 100; Т. РУСИМОВИЋ, *op. cit.*, pp. 67–68.

3. Our approach

3.1. Double coding in the legal texts in Serbian legal texts

In our approach we start from the premise that legal language is doubly coded—by the rules of the natural-language code and by the rules of the normative-legal code.Such a sentence is encoded doubly. First, according to the rules of the natural-language code, where the structure is realized as[58]:

subject + administrative verb + complement clause in the form of an object complement

The linear structure is further fragmented according to the rules of the normative-legal code:

NP + VP + CP[59] (→ fragment the structure)

Ми, Александар Први Обреновић, решили смо и решавамо да донесемо закон [We, Alexander I Obrenović, have resolved and will resolve to enact the law.]

At the end a graphically highlighted hierarchical structure is obtained, which by its visual appearance resembles a Panopticon[60]. This is achieved by graphostylistic means, i.e., by the choice and position of letter size:

NP →Ми, Александар Обреновић [We, Alexander I Obrenović]

VP → решили смо и решавамо [have resolved and will resolve]

CP → да донесемо закон [to enact the law]

In *Ustrojenije Soveta* the name and title of the ruler are clearly visible. The predicative part of the administrative sentence is printed in smaller letters and placed in a visually less prominent position:

МИЛОШ ОБРЕНОВИЋЪ [MILOŠ OBRENOVIĆ]

КНЯЗЪ СРБСКІЙ [THE PRINCE OF SERBIA]

са согласіемъ Совѣта опредѣлилисмо и опредѣлюємо [with the permission of the Council, we have determined and hereby determine] (Устројеније/Regulation 1839/40: 16).

The deep structure of the preamble remains the same within the normative-legal code across the period. Surface realizations vary depending on the dominant ideological coding. During the

[58] The schema is, with certain adjustments, adopted from J. Павловић, *Методолошки аспекти анализе зависносложених реченица у правним текстовима на српском језику (предстандардни период)*, у: К. Чъкарова (ур.), *Словото – идеи, идеали, утопии, Сборник с доклади от Деветнадесетата национална конференция за студенти и докторанти*, Пловдив, 2018, p. 202.

[59] NP — nominal phrase; VP — verbal phrase; CP — complement phrase (subordinate clause). In this paper, we use these labels in the sense of the normative legal, not the natural language, code.

[60] Bentham's Panopticon looks like this: "On the circumference there is a ring-shaped building; in the centre there is a tower; on the tower are large windows that look onto the interior of the ring-shaped edifice, divided into many cells; each of those cells extends across the full width of the building and each has two windows, one facing the interior opposite the windows of the tower, while the other on the opposite wall allows the light coming from outside to pass through the cell along its entire length. Thus, a single overseer in the central tower is sufficient, and in each cell is confined one madman, patient, convict, worker or pupil." (М. Фуко (Foucault), *Надзирати и кажњавати: настанак затвора*, Сремски Карловци – Нови Сад. 1997).

Ustavobranitelji period, shorter decrees begin with a direct address to the addressee (e.g., *Popečiteljstvu Finansija [Ministry of Finances]*, *Popečiteljstvu Unutrašnjih dela [Ministry of Internal Affairs]*, etc.). Laws from this period are characterized by preambles that explicitly state the motivation. In the *Ustavobranitelji* period the verb *odrediti* (to determine) predominates, accompanied by a sociative adverbial expression in collocation with the Council, which shows that although the prince is legally superior, the Council also plays an important role.

The presence or absence of explicit motivation is the main difference between decrees from the *Ustavobranitelji* period and decrees from the time of Prince Mihailo. We will cite several examples of these preambles, where the superior sentence directly connects to the graphically highlighted articles of the law. It can be seen that codification at the level of natural language was followed by codification based on the normative-legal code, according to which subsequent provisions were fragmented into articles. The sentence complex is split into an introductory part, hierarchically set off in the preamble, and into articles:

Example 1:

Александеръ Карађорђевићъ, [Alexander Karađorđević]

князъ србскій, [the prince of Serbia]

са согласіємъ Совѣта [with the consent of the Council]

Како се почувствовала потреба за правило, по комъ бы Архіереи нашегъ Отечества знали, колико су они и на какавъ начинъ властни своимъ иманѣмъ на случай смрти последньомъ вольомъили тестаментомъ располагати, и у комъ бы надлежне власти прописъ нашле, како ће массе оны Архіерея, кои бы се безъ тестамента преставили, расправити и средити: тако смо на учинѣно [As the need arose for a rule by which the Archbishops of our Fatherland would know to what extent and in what manner they are authorized to dispose of their property, in the event of death, by last will or testament; and by which the competent authorities would find prescribed how the estates of those Archbishops who should depart this life without a testament are to be adjudicated and settled: thus we have, in accordance with this need, enacted]

намъ о овомъ предмету представленѣ одъ стране выше духовневласти и одъ Попечительства Просвѣштенія слѣдующе опредѣли: (…) [and, upon the submission presented to us on this matter by the higher ecclesiastical authorities and by the Ministry of Education, we have determined the following: (…)]

(1) Да се све покретне ствари, коє су од покойника набавлѣне, приберу и попишу, а од одъ исты да се само оне за Епископію задрже, коима ће се попунити моћи оне такове ствари, коє є онъ затекао у Епископіи, па коє су се за живота нѣговогъ сасвимъ изквариле или кои є нестало, а остало све покретно иманѣ покойниково да се разпрода. [That all movable property acquired by the deceased be gathered and inventoried, and that only those items be retained for the Episcopate which may serve to replace such articles as he found in the Episcopate, but which during his lifetime became entirely ruined or have gone missing; and that all the remaining movable property of the deceased be sold.] (Зборник/Collection of Laws 1847: 22)

Example 2:

Александеръ Карађорђевићъ, [Alexander Karađorđević]

князъ србскій, [the Prince of Serbia]

са согласіємъ Совѣта опредѣлили смо и опредѣлюємо: [with the consent of the Council we have determined and hereby determine]

КАЗНИТЕЛНЫЙ ЗАКОНЪ ЗА ПОАРЕ И КРАЂЕ. [PENAL LAW ON ARSON AND THEFT]

Како се потреба показала, да се они, кои безбѣдность иманя а поред ове и личну жителя у нашой земльи нарушаваю, чрезвычайнымъ строгимъ казнима подвргаваю; то смо, на особито о томе
учинѣно представленѣ Попечительства Внутреньи Дѣла, слѣдующе за такове преступнике опредѣлили; [As the need became evident that those who violate the security of property, as well as the personal safety of inhabitants in our land, should be subjected to exceptionally severe punishment, we have, upon a special submission on this matter from the Ministry of Internal Affairs, determined the following for such offenders;]

1.) Свакій, кои кућу, дућанъ, стасину, или другу какву зграду, обіє или отвори и поару, макаръ какву и ма' одъ какве вредности, учини, као и онай, кои кога на путу или буди гди нападне и поара га или му што отме, да се казни смрћу. [Whoever breaks into or opens a house, shop, warehouse, or any other building and commits arson, regardless of the type or value of the property, as well as anyone who attacks another on the road or elsewhere and commits arson against him or seizes anything from him, shall be punished by death.]

2.) Свакій, кои коня или вола или другу домаћу живу стоку, или буди какву стварь у вредности одъ 10. талира већой, украде, да се казни мртвомъ шибомъ, т. є. таковомъ крозъ триста момака дванаесть пута на мѣсто. [Whoever steals a horse, an ox, or any other domestic livestock, or any item of a value exceeding 10 thalers, shall be punished with the deathly rod, that is, by being struck twelve times on the spot through a crowd of three hundred men.]

3.) За краће манѣ, одъ вредности до 10. талира, да се преступницы казне по досадашнѣму, боемъ сирѣчь штаповима, и затворомъ или робіомъ, но све строжіє, соразмѣрно овымъ, у 1ой и 2ой точки одређенимъ казнима. [For thefts of property valued up to 10 thalers, offenders shall be punished according to the existing practice, that is, by rods, and by imprisonment or servitude; yet all punishments shall be made more severe, in proportion to those prescribed in points 1 and 2 above.]

4.) Ятацы да се казне као они, кои су поару или крађу учинили. [Accomplices shall be punished in the same manner as those who have committed arson or theft.] (Зборник 1847: 28).

In the first example the main clause is followed directly by the first clause of the object clause, which constitutes the first provision. The second example is more interesting because it shows that the introductory sentence simultaneously applies to four provisions. This is possible thanks to the fragmentation and linearization of legal language[61]. These features allow a law to be read both linearly as a whole and fragmentarily in parts. If the law is read as a whole, we obtain a multi-clausal complex with a superordinate clause and several coordinated object clauses connected by the conjunction *and*, which on the surface are represented by numerical enumerative connectors (1, 2, 3, 4). This is important from the perspective of the normative-legal code as a whole: related norms need to be grouped into a single legal provision, thereby achieving economy of legal text (it is not necessary to repeat the superordinate clause each time). Thanks to recursivity, which is particularly realized at the level of

[61] N. Visković, *Jezik prava*, Zagreb, 1989, pp. 85–86; Ј. Павловић, К. ЧЪКАРОВА (ур.), Словото – идеи, идеали, утопии, Сборник с доклади от Деветнадесетата национална конференция за студенти и докторанти, Пловдив: Университетскоиздателство „Паисий Хилендарски", 2018, pp. 203–204.

object clauses and coordination, such clauses can be listed without limit; in other words, a legal text can contain an arbitrarily large number of articles.

Reading 1 (linear/global): a single multi-clausal complex with coordinated relations among clause members: the legislator (subject) + determinative verb (superordinate clause) + object clause 1 + (and) object clause 2 + (and) object clause 3 + (and) object clause 4.

Reading 2 (fragmentary): the text is parsed into separate superordinate + object clause pairs so that the reader can access only the articles relevant to their case. At the deep level we encounter multiple double (binary) clause complexes that share the same superordinate clause but have different object clauses encoding concrete offences:

- Clause 1: *In agreement with the Council we have determined that anyone who pillages a house shall be punished.*

- Clause 2: *In agreement with the Council we have determined that anyone who steals livestock shall be punished with the death-rod.*

- Clause 3: *In agreement with the Council we have determined that minor offences shall be punished by imprisonment.*

- Clause 4: *In agreement with the Council we have determined that accomplices shall be punished as those who committed the pillage or theft.*

At an abstract level the schema is:

- **Linear/global reading:**

Legislator (subject) + determinative verb (superordinate clause) + object clause 1 + (and) object clause 2 + (and) object clause 3 + … (unlimited, constrained only by perception and, in printed form, by reproduction limits).

- **Fragmentary reading:**

Legislator (subject) + determinative verb (superordinate clause) + object clause 1. Legislator (subject) + determinative verb (superordinate clause) + object clause 2. Legislator (subject) + determinative verb (superordinate clause) + object clause 3. Legislator (subject) + determinative verb (superordinate clause) + object clause 4.

Both readings remain available at any moment.

A similar possibility for linear (global) and fragmentary reading is realized at the level of articles. Below is an example of fragmentation of a legal provision in which the superordinate sentence is set off and the object clauses are fragmented and graphically highlighted by numerical enumerative connectors:

Попечителству Правосудія и Просвѣштенія относит’ ће се Началничество Окружно по свима дѣлима кругу нѣговомъ принадлежећима, и то: [The District Authority shall report to the Ministry of Justice and the Ministry of Education in all matters pertaining to its district, namely:]

А) По части Правосудія вообщте у свима онима, коя у союзу са Судомъ Апеллаціоннымъ, Судовима Окружнымъ и Примирителнымъ стоє, коима у случаю потребе притицати мора, или

на ньіово зактеванѣ, или по собственной дужности своіой, као: [In matters of Justice in general, in all cases connected with the Appellate Court, the District Courts, and the Conciliation Courts, to which recourse must be had in case of necessity, or upon their request, or by virtue of their own duty, as follows:]

а) Да свакогъ оногъ, кои бы каково злочинство учиніо, быо онъ одъ Судейске власти позватъ или не, самъ или посредствомъ Срезскогъ Началника увати и надлежномъ Суду преда. [That anyone who commits any crime, whether summoned by judicial authority or not, be apprehended by himself or through the County Chief and delivered to the competent Court.]

б) Да на зактеванѣ Суда свакога, кой бы, макаръ и парничне пресуде, сведочанства и сурочења ради нужданъ быо, позове и пошлѣ, а упорнога премора. [That, upon the request of the Court, anyone who is required, even for the purpose of civil judgments, testimony, or other necessary proceedings, be summoned and sent, under penalty for noncompliance.]

в) Да на поискаванѣ Суда, а и самъ извѣщава Судъ о станю пупила, и да ову одъ свакогъ неправедногъ прикосновенія и вредачува. [That, upon the request of the Court, he shall also inform the Court of the condition of the pupils, and shall protect them from any unlawful interference or harm.]

г) Да Пресуде Судейске самъ, или посредствомъ Срезки Началника, у извршенѣ приводи мотрећи, да у томе не поступи противу Чл; 44. Устава. (Законик 1845: 80–81). [That Judicial Decisions, whether executed personally or through the County Chief, shall be carried out with oversight, so as not to act contrary to Article 44 of the Constitution.] (Zakonik/The Collection of Laws 1845: 80–81).

This is a description of duties. Hierarchy can be realized on multiple levels, which is achieved by using two types of amplifying connectors (capital and small letters). In the first case, binding the noun duty opens the possibility for a global reading (e.g., *The duty of the District and Conciliation Courts is to hand over anyone to the higher court, to issue summonses and compel those who refuse, to report on the state of wards, and to bring judgments into execution*). A fragmentary reading of individual sentences is also possible, so that within a single legal provision there are several legal norms that share a common superordinate clause:

- It is the duty of the District and Conciliation Court to hand over the offender.
- It is the duty of the District and Conciliation Court to summon litigants and to compel the obstinate.
- It is the duty of the District and Conciliation Court to report on the state of wards.
- It is the duty of the District and Conciliation Court to supervise the execution of judgments.

This construction remains stable until the end of the century and characterizes the administrative-legal style throughout the period. By compressing the administrative sentence, fragmentation and redundancy are achieved, and the text can be read either linearly (as a single duty) or fragmentarily (as a list of duties). Below is a longer example from the end of the period translated into English:

The school administrator (headmaster) has the duty:

- To exercise direct supervision over teaching, upbringing and order in the schools entrusted to his administration.

- To attend teachers' lectures and ensure the faithful execution of the curriculum and prescribed orders.

- In cases of urgent need, to grant teachers leave of up to three days, of which he must always subsequently inform the district inspector.

- To personally perform or order substitutions for teachers in cases of short-term illness or absence.

- To induct teachers and trainees into duty and to give them necessary instructions and guidance.

- To keep and properly maintain the school library and archive, for which he is responsible.

- To appoint and dismiss school servants.

- To conduct correspondence with all authorities.

- To communicate to teachers all orders of school and other authorities and to ensure their execution.

- To care for the maintenance of the school building and timely propose necessary repairs.

- To submit at the end of each month an accurate and detailed report on the overall state of the schools entrusted to him to the school inspector. (Stenographic notes 1899, Draft Law on Elementary Schools, 240),

Decrees from the time of Prince Mihailo are characteristic because they reduce the motivational preamble that is present in *Ustavobranitelji* decrees. Short regulations are reduced to the necessary normative-legal elements. In this period decrees often contain only a fragmented complement clause. This is interpreted as a manifestation of Mihailo Obrenović's absolutism and a tendency to automatize and template the legislative process. A few examples enacted during Mihailo's reign illustrate three possibilities in short decrees:

Example 1:

Михаилъ М. Обреновићъ III. [Michael M. Obrenović III.]

по милости божіойи вольи народа князъ србскій, [By the grace of God and the will of the people, Prince of Serbia]

По договору са државним Советомъ решили смо и решавамо: [By agreement with the State Council, we have resolved and hereby resolve:]

1. Да се при министерству финансіє княжескимъ указомъ изъ православлова установи, сталный православловный одборъ, у брою одъ деветъ чланова, но тако да онъ не може радити безъ најманћ петъ чланова. (Указ бр. 1863/63: 4). [That, by a princely decree, a permanent Judicial Council shall

be established at the Ministry of Finance, consisting of nine members, provided that it cannot act without at least five members.] (Decree no. 1863/63: 4).

Example 2:

Михаилъ М. Обреновићъ III. [Michael M. Obrenović]

по милости божіойи вольи народа князъ србскій, [By the grace of God and the will of the people, Prince of Serbia]

На предлог Нашега министра унутрашньи дела, и сагласно са државнимъ Советом одъ данашнѣгь № 388. решили смо и решавамо: [Upon the proposal of Our Minister of Internal Affairs, and in accordance with the State Council of today, no. 388, we have resolved and hereby resolve:]

„Да Топчидеръ са своимъ просторомъ подпадне у полицайноме погледу подъ надлежность управительства вароши Београда.“ [That Topčider, together with its territory, shall fall under police supervision within the jurisdiction of the City Administration of Belgrade.]

Наш министеръ унутрашньи дела има да изврши ово решенѣ. [Our Minister of Internal Affairs shall execute this resolution.]

1. Юнія 1863. [the 1st of June 1863]

У Београду. [In Belgrade]

М.М. Обреновићъ, с.р. [M. M. Obrenović, manually signed]

Example 3:

Михаилъ М. Обреновићъ III. [Michael M. Obrenović III.]

по милости божіойи вольи народа князъ србскій, [By the grace of God and the will of the people, Prince of Serbia]

ПО ДОГОВОРУ СЪ ДРЖАВНИМЪ СОВЕТОМЪ РЕШИЛИ СМО И РЕШАВАМО [After the consultations with the State Council we have decided and hereby decide]

Да се §. 8 буџетскогъ закона одъ 1858. год. (збор. XI стр. 98) измени овако: (…) (Измене закона 1864/64: 5). [That § 8 of the Budget Law of 1858 (Collection XI, p. 98) be amended as follows: (…) (Amendments to the Law 1864/64: 5)]

The three examples illustrate three possibilities in short decrees. The first illustrates an initial and introductory sentence in a longer regulation; the sentence is fragmented at the level of the normative-legal code and the administrative sentence is hierarchically (visually and graphically) set off. The lower part of the regulation is introduced by numerative connectors. In the second example the entire regulation is enacted: the superordinate sentence is graphically and visually highlighted so that it explicitly reads as a superstructure. The provision itself is given in the form of an object clause, which is graphically emphasized by quotation marks and set off to facilitate perception. In the last example amendments to a law are presented in the form of an object clause; the amendments, referred to cataphorically by the demonstrative *ovako* (thus), are located in the central part of the regulation. The

verb in the introductory part appears in the non-mobile present tense[62]. Use of the present tense is characteristic of the administrative-legal style from the Middle Ages to the modern language and aligns with the tendency of legal language to make enacted provisions appear universal.

3.2. The difference between a legal norm and a legal provision

The basic distinction we adopt is the difference between a legal norm and a legal provision. A legal norm is realized in the form *if H, then Y*, i.e., *if delict, then sanction*. The ideal surface representation of a legal norm is the conditional sentence introduced by the conjunction *if* and related conjunctions (*provided that*, *in case*), a form that proved stable throughout the history of Serbian legal language from the Middle Ages to modern Serbian. In 19th-century Serbian legal codes the basic form for expressing a legal norm via normative-legal coding is the clause structure introduced by the conjunction *if*[63].

Examples of equivalence between legal norm and legal provision:

Ако се дѣломъ освѣдочи и предъ Државнымъ Совѣтомъ и предъ Народномъ Скупштиномъ, да є найстаріи сынъ Княза малоуман, или због тѣлесны каквы недостатака неспособанъ къ княжескому достоинству, или ако се истый самъ одрекне права свога на достоинство княжеско, *у томъ случаю* слѣдоваће за ньимъ найстаріи нѣговъ сынъ, ако ли не има своій синова ни потомака одъ истый синова, а оно слѣдоваће найстаріи брат (Устав 1835: 5–6). [**If it is established both before the State Council and before the National Assembly that the eldest son of the Prince is of unsound mind, or physically incapacitated to assume the princely dignity, or if he himself renounces his right to the princely dignity**, in that case his eldest son shall succeed him; if he has no sons or descendants of his sons, then the eldest brother shall succeed.] (Constitution 1835: 5–6).

However, the deep *if–then* hypothesis can also be expressed by other types of subordinate clauses in 19th-century Serbian legal language:

- Free relative clause introduced by the relative conjunction *koji* (who/which): **Кои годъ што нибудъ у вредности одъ 100 талира фонду приложи** [**If someone donates something worth 100 talirs to the fund**], добыће писменну благодарность одъ стране Попечителства Просвѣштенія (Уредба (18) 1841/45: 20); **Кои бы противъ овогъ поступао**, већъ є самъ по себи злочинацъ, кога треба судити и казнити по законима (Устав 1835: 8) [**If (any) member of the State Council acted against this procedure**, he is already by himself a criminal who must be tried and punished under the laws].
- Conditional clauses introduced by *kad* (when/if): **Кад би Краљ, по потреби, отишао на неко време из земље**, заступа га по праву вршења уставне Краљевске власти Наследник престола, ако је пунолетан. (Устав 1888: 13) [**If the King, when necessary, were to leave the country for some time**, he is represented in the exercise of constitutional royal authority by the heir to the throne, if he is of age]. (When transformation into a conditional clause the verbal form changes to the future in the first-person singular in some contexts.)
- Local/contingent clauses: Четврта или пета ослобоћена глава, ако главнымъ Кметомъ постане, ондаза Кметовство ослобоћава се іоштъ єдна глава у кући **тако, да гди су четыри главе, само ће се две, а гди су петъ глава, само три у рубрику данакъ плаћаюћи глава уписивати** (Правила (66) 1843/45: 222) [If the head of household becomes the main head, **then for the household the tax register is adjusted so that where there are**

[62] М. Ивић, *О употреби глаголских времена у зависној реченици: презент у реченици с везником ДА, Зборник за филологију и лингвистику*, vol. 13/1, pp. 43–54.
[63] Ј. Павловић јовановић, *Условне реченице уведене везником ако у административно-правном језику 19. века*, Српски језик, vol. XXIX, 2024, p. 425.

four heads only two are entered for tax purposes, and where there are five heads only three are entered].

3.3. Normative and ideological coding in non-restrictive relative clauses

From the perspective of the normative-legal code, restrictive relative clauses play a key role in organizing legal text because they single out, from the set of all available entities, those that fall under legal norms. In other words, when they are part of stipulative definitions they determine the characteristics, an entity must possess to fall within the class defined by law. Sometimes a new entity becomes such precisely by virtue of the law (for example, all state institutions obtain their legal definition through statutes). For this reason, certain lexemes from the general language are determined in laws by **restrictive relative clauses**, because their legal meaning and their general meaning do not coincide in some segments; that is, the legal meaning is necessarily more restrictive than the general one: *Public are those schools that are opened and maintained at their expense by municipalities, districts, counties or the state. Private are those schools that are opened and maintained by private persons, individual endowments (funds) or certain associations* (Stenographic notes, Draft Law on Elementary Schools, 229); *A municipality in which there are at least 40 children for a school is obliged to open a primary school* (Stenographic notes, Draft Law on Elementary Schools, 230); *Children are admitted to primary school who on 1 September of that year are not younger than 6 nor older than 10 years* (Stenographic notes, Draft Law on Elementary Schools, 230); *For a senior teacher a teacher may be appointed who has passed the higher teacher's exam or a trainee professor who has passed the professor's exam or the higher teacher's exam* (Stenographic notes 1899, Draft Law on Elementary Schools, 235).

If the referent is unique, the relative clause is **non-restrictive**[64]. This is most often the case in administrative-legal decisions and documents. The clause is a continuative non-restrictive relative clause because it supplies information about the document in question. This is highly important from the standpoint of normative-legal coding: *Указъ отъ 20. Ноємврія1842. В. № 154. коимъ се уничтожава купленъ жита у Обштинске кошеве* (Зборник 1845: contents); *Рѣшеніе одъ 18. Марта 1843. В. № 383. коимъ се 20. Членъ Устроєнія пограничны Састанака преиначава* (Зборник 1845: contents). [Decree of 20 November 1842, V. No. 154, by which the purchased grain in the Municipal Granaries is abolished (Zbornik 1845: contents); Resolution of 18 March 1843, V. No. 383, by which Article 20 of the Regulation on the Border Meetings is amended (Zbornik 1845: contents)].

If a document is cited only by its generic title, it is unclear whether the relative clause is restrictive or non-restrictive, because resolving this requires context that is not available to us: *Где бы пакъ последный Князъ одъ садашнѣ княжеске фамиліє ОБРЕНОВИЋА изоставіо то учинити, а оно државный Совѣтъ и Скупштина народна бираю найспособнієга и найдостойнієга мужа између себе и моле обштенародно Султана, да призна и потврди нѣга у наслѣдственномъ достоинству Княза Српскога сходно берату, кои є дарованъ Князу МИЛОШУ ТЕОДОРОВИЋУ ОБРЕНОВИЋУ 7га Ребюлъ-Евеля 1246. године по турскомъ календару.* [(…) *they petition the Sultan, on behalf of the nation, to recognize and confirm him in the hereditary dignity of the Prince of Serbia in accordance with the berat*]. The transformation shows that the sentence is fully grammatical if the relative clause is omitted. This opens the possibility of a dual interpretation: **(a)** the clause is non-restrictive, and the addressees know from context which *berat* is meant, so the relative clause serves to make the normative-legal coding explicit; **(b)** the clause is restrictive, distinguishing one particular

[64] S. KORDIĆ, *Relativna rečenica*, Zagreb, pp. 64–66.

berat from several *berats* granted to Prince Miloš Obrenović (in the period 1829–1830 the Ottoman Sultan issued three *hatı-şerifs*).

Uniqueness of the referent is also characteristic of institutions that are unique of their kind in the state or region (county, municipality, or district). A clause introduced with such referents is of the continuative type because it refers to information important from the standpoint of the normative-legal code, usually duties of a given institution: *Законъ о располаганю данка на народъ за сваку годину не може се издати безъ одобренія народне Скупштине, коя ће се тога ради сваке године сазивати, и коя ће састављена быти изъ сто найодабраніи, найразумніи, и народно повѣреніє найвећма заслужующи Депутата* (Устав 1835: 4) ["The Law on the levy of taxes on the people for each year cannot be enacted without the approval of the National Assembly, which shall be convened for this purpose every year, and which shall be comprised of one hundred Deputies selected for being the most distinguished, the most capable, and the most deserving of the people's trust. (Constitution 1835: 4)].

The adjective *isti* (the same), which has a cataphoric function—both cataphoric reference to the relative clause and anaphoric intratextual reference to the previously mentioned abstract entity—contributes to interpreting the clause as non-restrictive and specifically as a **parenthetical non-restrictive clause**: *Лице Князя Србскогъ свето є и неприкосновено; Князъ не одговара ни за какво дѣло владѣніяни правлѣнія, за коя одговараю остале власти Србске, свака по свомъ одѣлѣнію; зато не може никo ни тужити ни судити Княза Србскога за иста дѣла, коима є свакой одређено своє дѣло* (Устав 1835: 4) [The person of the Prince of Serbia is sacred and inviolable; the Prince is not responsible for any act of governance, for which the other Serbian authorities are accountable, each within its own jurisdiction; therefore, no one may sue or try the Prince of Serbia for acts for which each authority has been assigned its own responsibility. (Constitution 1835: 4).] The non-restrictive clause is parenthetical in type, as evidenced by the fact that it can be omitted without any consequences for the meaning of the superordinate clause (*therefore no one can sue or judge the Prince of Serbia for the same acts*).

One example illustrates how ideologemes are encoded within the administrative-legal style of the nineteenth century: *Но никад не може бити изабран за Књаза србског нико од фамилије и потомства Карађорђевићева, на које је бачено проклетство народно.* (Устав 1869: 6) [*However, no member of the Karađorđević family or their descendants shall ever be elected Prince of Serbia*][65] . The example concerning the Karađorđević family is more complex and allows two readings: **(a)** restrictive, where only those members of the family on whom a popular curse has been pronounced are excluded from election as prince; **(b)** non-restrictive, where all members and descendants of the Karađorđević family are excluded because a curse has been pronounced on the entire family. Since the example comes from a constitution enacted during the Obrenović period, the second reading is the relevant one and illustrates the ideological relation of one dynasty to another.

3.4. Ideological coding in the dependent sentences

Ideological coding concerns information that is not necessary from the standpoint of the legal code but appears in legal text as data about the dominant political, religious or cultural ideology of the epoch. Such material reveals the motivation for enacting a statute and is usually found in preambles[66]. Below we give several examples of ideological coding.

The subordinating conjunction *ukoliko* (if, provided that) can appear in an interposition with a potential mood. The potential indicates a lower probability that the action will occur. In the example from the Turkish constitution the interposition is further emphasized by the use of a comma: *И као што є сходно преимуществама и свободама, дарованыма издревле Хрістіянима, жительима

[65] Ј. Павловић Јовановић, *Нерестриктивне релативне реченице у административно-правном стилу српскога језика 19. Века (прелиминарна истраживања),* Verba iuvenium, vol. 2, Пловдив, pp. 39–40.
[66] М. Јанићијевић, *Дискурс законских аката на српском и енглеском језику: развојно-упоредни приступ*, Београд, 2015, p. page number.

Царства Отоманскогъ одъ завладѣнія, да Началницы Священства совершенымъ образомъ управляю дѣлама Закона и Церкве, (у колико то не бы дирало у дѣла политическа/ ако то не би дирало у дела политическа /*у којој мери би то дирало у дела политическа), равно као што су опредѣлена награжденія одъ стране народа ньинымъ Митрополитима, ньинымъ Игуменима и ньинымъ Священицыма* (Устав 1838: 6–7) [And just as, in accordance with the privileges and freedoms granted from time immemorial to Christians residing in the Ottoman Empire, the heads of the Clergy shall govern in a complete manner the affairs of the Law and the Church (insofar as this does not interfere with political matters), so too shall the rewards be determined by the people for their Metropolitans, their Igumens, and their Clergy. (Constitution 1838: 6–7)] In this example from the Turkish constitution we encounter ideological coding because clergy are allowed to manage church affairs without interference in politics. In this context the degree-measure is entirely lost, since only two alternatives are possible—either there will be interference in political affairs or there will not be. This also shows the path by which the conjunction *и koliko* evolved from an ambiguous connector to a purely conditional one.

Spatial adverbial meanings in the corpus also show local-causal interference[67]. Here ideological coding is signaled, i.e., the reasons for enacting a law. In the following example the local clause is in interposition and contains a weak modal verb of ability[68]: *И они войницы, кои бы у већемъ числу на подозрителнимъ мѣстима састанке чинили, и ту противу Правительства и законногъ поредка неприличне речи просипали, одъ куда се незадовольство: и самый бунтъ породити може, да се као бунтовницы сматраю и строго казнѣни да буду.* (Закон XXI 1839/40: 147–148) [And those soldiers who, in greater numbers, gather in suspicious places and there utter improper words against the Government and the lawful order, from which dissatisfaction—and even rebellion—may arise, shall be considered as rebels and be strictly punished. (Law XXI 1839/40: 147–148).] This sentence is an excellent example of ideological coding because the legislator sought to anticipate all situations that might provoke dissatisfaction among subjects.

In the next example ideological coding is not present in the law itself but is read from the broader cultural layer of the epoch, which presupposed decent and expected behaviour of women in the nineteenth century: *Но такове безчадне удовище, о коима ће надлежный Судъ по прописанымъ документима пензіоной Депутаціи доставити, да су доиста у станъ пензіе ступиле, свагда ће саме свою пензію примати, и, наблюдаваюћи, као што имъ пристои, правила честнога владаня, по своимъ потребама уживати.* (Уредба (73) 1843/45: 267) [But such indigent widows, concerning whom the competent Court, pursuant to the prescribed documents, shall certify to the Pension Department that they have indeed entered into the state of receiving a pension, shall always receive their pension themselves, and, observing, as befits them, the rules of honest conduct, shall enjoy it according to their needs. (Regulation (73) 1843/45: 267)].

In the following example ideological coding is expressed by a causal clause: *Тако исто да се ни єданъ Оффицыръ неусуди одъ плате, раане, или какве амуниціе своій войника штогодъ за себе задржати и тимъ поступкомъ подчинѣнима то укидати; єръ є таковый раванъ државномъ крадльивцу, и зато лишит'ће се чина и морат'ће задржано вратити, и іоштъ толико, као глобу на шпиталь платити* (Закон XXI 1839/40: 140) [Likewise, no Officer shall dare to withhold for himself any part of the pay, rations, or any ammunition of his soldier, and by such action deprive the subordinates thereof; for such a person is equivalent to a state thief, and shall therefore be deprived of his rank, required to return what was withheld, and additionally pay a fine to the hospital. (Law XXI 1839/40: 140)].

The following examples come from preambles of laws and from short decrees (the shorter legal form in the nineteenth century that enacts only a single provision). They motivate the enactment of certain laws and are not necessary within the law itself. Examples introduced by the conjunction *budući da* (given that / since) include: *Будући да є трговина у Сербіи свободна: то свакій Сербинъ може ю упражнявати свободно (…) * (Устав 1838: 5); *Но будући да више людій изъ оне стране кушаю, у*

[67] М. Ковачевић, *Узрочно семантичко поље*, Београд, 2012, pp. 173–175.
[68] М. Јанићијевић, *op. cit.,* pp. 131–139.

ову наш прелазити, то є нуждно, да кордонске страже удвоєномъ пажньомъчуваю, да се нико одъ оностранаца крадомъ овамо преко границене увуче, или какве ствари оданде нашима да не претури или преда. (Правила (30) 1841/45: 124). *Будући се пакъ овомъ Уредбомъ укида пазаръ у свету Неделю, то да бы свакій Србинъ своје кућевне потребе, које є дояко съ піяце набавляо, или на піяцы продавао, и одяко съ піяще набавлятиили на піяцы продати могао: то се овомъ Уредбомъ за сваку варошь и мѣсто, гдѣ є обычай дояко быо, піяцу у Неделю држати, опредѣлює шестый данъ сваке Неделѣ т. є. Субота, а за варошъ Бѣоградъ поредъ Суботе опредѣлюєсе и Вторникъ, у коя ће се ова два дана піяца и пазаръ држати* (Уредба XV 1839/40: 114–115) [*Since trade in Serbia is free, every Serb may exercise it freely… (Constitution 1838: 5); But since more people from beyond the border attempt to cross into our territory, it is necessary that the border guards maintain double vigilance, so that no foreigner secretly enters, or transfers or delivers any goods from there to our people. (Regulations (30) 1841/45: 124). And since, by this Regulation, the market on Sunday is abolished, every Serb may obtain his household necessities, whether purchased at the market or sold there, and may continue to do so; therefore, by this Regulation, in every town and place where custom has hitherto existed, the market on Sunday shall be held on the sixth day of each week, that is, Saturday, and for the town of Belgrade, in addition to Saturday, Tuesday is also designated, on which these two days the market shall be held. (Regulation XV 1839/40: 114–115)].

The last example is interesting because it carries a **cultural code**: the market day is abolished on Sunday, which, according to Christian belief, is a holy day and was highly respected in the traditional community.

4. Conclusion

In this paper, we examine the role of normative and ideological coding in legal texts, using as an example Serbian-language documents from the 19th century. Our approach is grounded in the theory of legal language presented in *Jezik prava* (The Language of the Law) by Nikola Visković, a prominent Croatian and Yugoslav legal scholar. We build on the concept of double coding in legal language: first, through natural language (its phonetics, morphology, and syntax) and second, through normative form. This duality enables the fragmentation and linearization of sentences into appropriate legal structures.

Within the analyzed texts, the structural pattern NP + VP + complement clause can be observed. The complement clause appears as an implicit component of every legal norm. In addition, we adopt the distinction between a legal norm and a legal provision. The basic form of a legal norm has an if–then structure and is typically expressed through conditional sentences. At the level of deep structure, all legal norms conform to this model; however, at the level of surface structure, a variety of subordinate (dependent) clauses emerge, such as relative and spatial clauses.

The distinction between legal and ideological coding becomes particularly evident in the domain of restrictive and non-restrictive relative clauses. Normative coding constitutes an essential part of continuative (non-restrictive) relative clauses, whereas ideological coding is characteristic of the parenthetical type. Ideological coding also appears in various types of dependent clauses, revealing important information about the dominant political, sociocultural, and ideological context of 19th-century Serbia.

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