

# USALITY RELATIONS IN LEGAL JUDGMENTS ON THE EXAMPLE OF THE EUROPEAN COURT OF HUMAN RIGHTS

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**Abstract:** The aim of the paper is to analyze the judgment as a legal genre whereby causality relations behave in a particular way depending on the type of the connective used. The relations of causality are described against a background of interactional linguistics, semantic and lexical vagueness as well as the degree of subjectivity in the selected types of causality. The emphasis in the present analysis is on the epistemic causality as the one most closely related to the judicial discourse and the language of law. In this type of causality it is the author who becomes the source of a logical continuum between the cause and effect as opposed to the other extremity where the source is outside the speaker. The analysed corpus consists of 20 judgments of the European Court of Human Rights (altogether 496 sentences have been identified where particular causal connectives were present) issued between 2007 and 2013 and available at the official site of the court: [http://www.echr.coe.int/ECHR/homepage\\_en](http://www.echr.coe.int/ECHR/homepage_en). The judgments have been selected in order to identify and conduct a quantitative and qualitative analysis of the relation of causality as realized by three English causal connectives: *because*, *as* and *therefore*.

## RELACJE PRZYCZYNOWOŚCI W WYROKACH SĄDOWYCH NA PRZYKŁADZIE EUROPEJSKIEGO TRYBUNAŁU PRAW CZŁOWIEKA

**Abstrakt:** Celem niniejszego artykułu jest analiza wyroku jako gatunku prawnego, w którym relacje przyczynowości wykazują pewne konkretne cechy zależne od rodzaju użytego spójnika. Relacje przyczynowości opisane są w kontekście językoznawstwa interakcyjnego, semantycznej i leksykalnej niedookreśloności oraz stopnia subiektywności w wybranych typach przyczynowości. Analiza kładzie nacisk na przyczynowość epistemiczną jako najściślej powiązaną z dyskursem sędziowskim i językiem prawa. W tym rodzaju przyczynowości to autor staje się źródłem logicznej ciągłości pomiędzy przyczyną a skutkiem w przeciwieństwie do drugiego ekstremum: przypadku, w którym to źródło znajduje się poza mówiącym. Analizowany korpus składa się z 20 wyroków Europejskiego Trybunału Praw Człowieka (ogółem zidentyfikowanych zostało 496 zdań, w których obecne były spójniki przyczynowości poddane analizie) opublikowanych w latach 2007-2013 i dostępnych na stronie: [http://www.echr.coe.int/ECHR/homepage\\_en](http://www.echr.coe.int/ECHR/homepage_en). Wybór materiału do korpusu miał na celu identyfikację oraz przeprowadzenie ilościowej i jakościowej analizy relacji kausalności realizowanej przez trzy spójniki okolicznikowe przyczyny: *because*, *as* i *therefore*.

## 1. Introduction

Causality as such can be deemed to be the driving force in science, in particular in the humanities and the history of mankind. However, the laws of causation had not emerged until after human historical consciousness was born. This milestone as far as historical sciences are concerned is usually associated with two Greek historians: Herodotus and Thucydides. As Donald J. Wilcox observes:

Herodotus and Thucydides used their dating systems to express two fundamentally different sorts of temporal relationships. Some of these relationships were linear, where the temporal order of antecedent events had a determining influence in shaping the final result; others were episodic (...) Episodic time was discontinuous, emphasizing process rather than progressive building of events on one another (Wilcox 1996, 52-53).

The contribution that the Greeks have made in understanding history would be hard to underestimate. It is no longer the merciless gods who pull the strings. The modern concept of causal relationships equips us with the power to control and *make things happen*.

There are various typologies and theories of causality, in both linguistics and in legal theory. As regards types of causality in linguistics, we can distinguish three types, following the distinction of Stukker and Sanders (2009, 9):

- (i) Content non volitional causality: describes causal relations between states of affairs in the observable world, having their source outside the speaker. One physical process ('The Boeing 747 is diminishing in value') induces another one ('the airlines' capital has decreased'). Intentionality is absent in sentence (1):

### Example 1. Non volitional causality

The Boeing 747, the most expensive plane in the air, is continuing to diminish in value rapidly. Therefore, during the past years, airlines' capital has decreased by many billions of dollars.

- (ii) Content volitional causality: describes an intentional action ('destroy') which is motivated by the situation described in the first segment; concerns reasons for actions as in (2.):

### Example 2. Volitional causality

(In Denmark and in the Netherlands, carcasses of beef cattle older than 30 months are tested for the cattleplague BSE- [authors' explanation]). Other countries are not yet ready for testing all bovine animals destined for consumption individually. That's why they destroy animals on a broad scale.

- (iii) Epistemic causality: a causal relation is constructed on the illocutionary level, between a conclusion of the author presented as the causal effect and an argument functioning as the causal antecedent. In epistemic causal relations, the speaker functions as the source of the causal relation (it is he/she who relates argument and conclusion). In other words: reference to the speaker is obligatory in order to interpret the causal relation correctly, hence the causal relation is subjective.

Example 3. Epistemic causality

Dutch soldiers who served in Bosnia relate the high incidence of leukemia among them to frequent exposure to impoverished uranium. But the current hypothesis attributes the leukemias to a virus. It is thus conceivable that the soldiers who suffer from leukemia now, are victims of something else than impoverished uranium (Stukker and Sanders 2009).

Apart from determining the degree to which the speaker is present in an utterance, those who reconstruct the sequence of events, notably judges and law enforcement agencies, often face the multiplicity of single events, more or less relevant for the case, which have finally led to a prohibited act under investigation. In such situations determining which of the events was the key factor in the cause-and-effect chain might require resorting to some hypothesis.

Various theories of causality advanced in criminal law attempt to facilitate this task by employing strategies that aim to point to the most relevant factors. Among them we include:

- (i) The equivalence theory or the theory of *sine qua non* condition- here the effect is brought about by a set of conditions which constitute the cause. All of these conditions are necessary. The principal test used to determine the cause and effect is the test of *sine qua non* condition. If out of a number of events, we remove one of them and we are able to determine that the subsequent event would not take place, this means that the first event constitutes the necessary condition or the cause.
- (ii) The adequacy theory (the theory of typical causality) limits the liability to only those causes that appear likely to have brought about a crime (according to laws of adequacy, typicality, common sense). This means that to become valid, the cause has to be deemed as such by the judge.
- (iii) The relevance theory- must be preceded by equivalence theory which establishes the main cause of the crime and afterwards the judiciary determines whether the cause in question is relevant (legally valid). We need to therefore apply the norm and compare it with the reality (subsumption) (Dukiet-Nagórska 2008, 90-92, translation mine).

### **1.1. C-relations and the notion of interactional linguistics**

Particular emphasis has been placed on the so called C-relations, a term borrowed from The Rhetorical Structure Theory developed by Elizabeth Couper Kuhlen and Bernd-Dieter Kortmann in their “Cause, Condition, Concession, Contrast: Cognitive and Discourse Perspectives”.

As defined by Couper Kuhlen and Kortmann, C- relations are “a set of relations conceptual in nature but instantiated linguistically which can be said to hold typically between clauses or sequences of clauses in discourse” (Couper Kuhlen, Kortmann 2000, 2-3).

Most of them can be realized in or marked by different linguistic means, e.g. by adverbials, particles, coordinating and subordinating conjunctions, word order. Some can be even realized by the absence of a specific lexical or syntactic markers (ibid, 3-4).

According to the authors, studying the C-relations can bring both, discourse and cognitive linguistics together and may thus represent an interdisciplinary field of research (ibid, 4).

Broadly speaking, there is some disagreement of whether the aforementioned relations are of semantic or rather rhetorical and interactional nature. Judicial discourse in general can be said to be of highly deliberative nature. It necessarily involves the epistemic causality since all “cause and effect” statements and intersyntactic segments which refer to the human logic will inevitably fall under the category of epistemicity.

Epistemicity denotes the speaker’s commitment to the presented line of argumentation. Epistemic modality, the term which is more often used in the discussions devoted to the so-called stance-taking techniques (Szczyrbak 2008, 2), is related to certainty or uncertainty and may thus express the possibility of a particular event or prediction taking place in the outside world. The emphasis is more on what is going on in the mind of the speaker (thus, the cognitive aspect of the analysis) and the inference which the speaker makes in relation to the facts presented earlier in the judgment would necessarily be of subjective, rather than objective, nature.

### **1.2. Vagueness as an inherent feature of the language of law**

The general conclusion that one arrives at having examined the corpus in question would be that vagueness, which is an inherent feature of language itself (and in particular the language of law), provides for mostly speculative nature of judicial reasoning and the epistemic kind of causality that mark this type of discourse. The cause and effect relations will be represented differently in scientific, and differently in legal contexts.

Law, as belonging to the sphere of humanities, represents a field where objectivity is the most sought for albeit not so easily achievable quality. A sentence indicating cause and effect can be of either ontological or of speculative nature depending on the methodology one assumes. The statement:

Example 4.

The defendant is thought to be involved in murder since his fingerprints were found on the gun from which the victim had been shot [sentence mine].

Is not the same as, say:

Example 5.

The sequence of day and night is due to the rotation of the earth around its axis [sentence mine].

The former is concerned with the process of fact-finding and speculation on the part of the law-applying organs.

The latter, in turn, refers to the extralinguistic reality which is beyond our control and is purely ontological.

Yet another type of causality would be involved in the sentence such as:

Example 6.

The First World War occurred principally because Germany grew in force considerably due to the foundation of the German Empire in 1871 and since Otto von Bismarck strived to build an economic and political power to catch up with the British colonial and marine empire [sentence mine].

This type of causality is not fact-finding per se such as we would encounter in the course of a trial or during a hearing of witnesses.

Causality in historical investigations is to a large extent speculative. Although, we no longer ascribe the occurrence of a war to angry gods (such as chroniclers before Herodotus), there is still considerable amount of speculation in the description of events of the past.

Of course, it is always the human factor which is involved. The difference between sentences (1.) and (3.) lies in the generality of the event. While as the murder case in (1.) revolves around one individual, the background events that spurred the First World War cannot be ascribed to only one individual (e.g. Otto von Bismarck or Gavrilo Princip, a Bosnian Serb student who assassinated Archduke Franz Ferdinand of Austria). Thus it turns out that the more general a situation or context, the less sure we are and the more epistemicity would be involved. In legal contexts however, the term *vagueness*, which constitutes the backbone of modern cognitive linguistics, turns out to be helpful. While as precision yields for generating more and more specialized terms which would categorize and divide reality into more and more particles, vagueness and indeterminacy leave more room for interpretation. In the case of law, it may tell us something about the state policy. Specialized terms and long enumerations in codes and statutes are binding for courts and judges while as general notions can account for an infinite number of situations (Panek 2010, 9)

This type of situation where language becomes to a considerable extent context-dependent has been referred to as 'referential indeterminacy' and has attracted the attention of numerous scholars, notably William Labov acclaimed as the founder of modern sociolinguistics (Panek 2010, 32).

Vagueness is inevitable whenever general notions come into play. There will always be some ‘fringe areas’ of meaning which will depend upon the context, e. g upon the culture of the speaker. Judges are therefore the interpreters and determiners of the meaning based on reference. In our case, it is reference to evidence and facts revealed in the trial.

Since the word ‘speculation’ in science and in the Humanities does not bring to mind any positive connotations, there have been numerous attempts to ‘overthrow’ it by reducing every possible event in history to scientific factors, e.g. geographical, climate conditions and even biology. Such reductionist attempt has been criticized since it would be impossible to account for the occurrence of the First World War by referring to chemical particles and atoms.

### **1.3. Structure of a judgment in the European Court of Human Rights**

The below scheme shows the structure of a typical judgment issued by the European Court of Human Rights:

#### **THE FACTS**

- 1) The circumstances of the case (background and to-date procedures are mentioned)
- 2) Relevant domestic law/documents and practice
- 3) Relevant public international law/documents and practice

#### **THE LAW**

- 1) Alleged violation of article X of the convention
  - a. Admissibility
  - b. Merits
- 2) Alleged violation of article Y of the convention
  - a. Admissibility
  - b. Merits

#### **A FORMULA: ‘FOR THESE REASONS, THE COURT UNANIMOUSLY...**

1. Declares the complaint under Article X the Convention Admissible/inadmissible;
2. Holds that there has been (no) violation of Article X of the Convention’.

According to Broadbent ‘There are good reasons for legal process to distinguish questions of fact from questions of law: for example, clarity of reasoning, justice, and common sense. The latter suggests that, if a question before a court is one of fact, it is to be answered by evidence, and sound inferences from the evidence. Whereas if it is one of law, it is to be answered by statute, precedent, and policy, to the satisfaction of an expert in those things – which usually means a judge’ (Broadbent 2009, 2).

From the aforementioned, we may conclude that ‘the Facts’ can be described as a sound inference from the evidence as in:

In the case of the applicant, there had been no time to convene any committee as she had come to the hospital a very short time before delivery (CASE OF V.C. v. SLOVAKIA , Application no. 18968/07).

‘The Law’ part, in turn, is based on the reference to the statute, precedent, policy. An example of such a statement is demonstrated below:

With reference to the conclusions reached by the civil courts, the Government further argued that the sterilisation procedure had been performed in accordance with the law then in force and that it had not amounted to medical malpractice. The applicant had **therefore** not been subjected to treatment contrary to Article 3 of the Convention (CASE OF V.C. v. SLOVAKIA, Application no. 18968/07).

## 2. The Practical Part

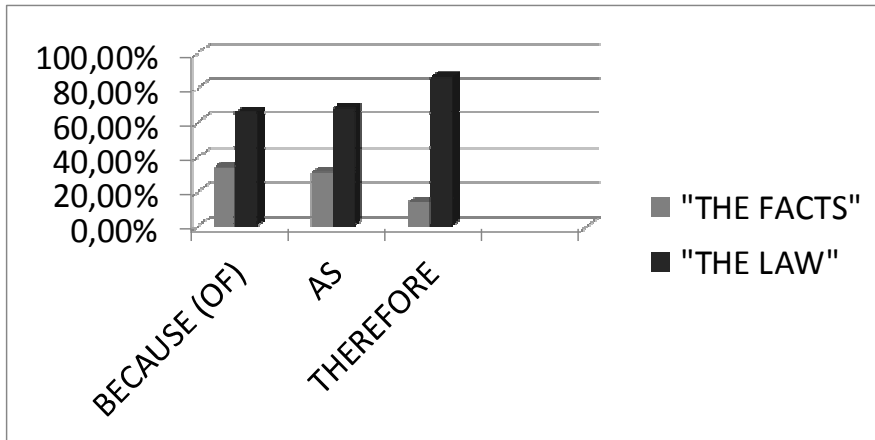
In order to gain more reliable data on causality, the author analyzed the judgments not in their entirety but as consisting of two distinct parts: the part concerning the facts and the part concerning the law. The part concerning the law has been proved to contain considerably more causality markers, in particular the epistemic causal connective ‘therefore’ which we shall see later on.

The analysis is tentative and does not aspire to be ‘final and binding’ as such but merely undertakes to verify some hypotheses of deliberative nature.

**TABLE (1): Distribution of selected causal expressions in the corpus:**

causality marker	‘The Facts’	‘The law’	Altogether
Because/ because of	56 = 33,9%	109 = 66,1%	165
As	39 = 31,4%	85 = 68,6%	124
Therefore	29 = 14%	178 = 86%	207

**DIAGRAM (1): Distribution of causality markers/causal connectives in the ECHR Judgments (case-law)**



### 2.1. Remarks on the corpus

The Corpus for the study consists of 20 judgments of the European Court of Human Rights issued between 2007 and 2013 and available at the official site of the court: [http://www.echr.coe.int/ECHR/homepage\\_en](http://www.echr.coe.int/ECHR/homepage_en). Altogether 496 sentences have been identified where particular causal connectives were present.

The supra-national character of the cases brought before the European Court of Human Rights makes it possible to analyze judgments against a context of public international law, not the national law. The European Convention on Human Rights adopted in 1950 is binding for all 47 member states of the Council of Europe established in 1949 to further the cooperation between the parties as regards the protection of human rights. The countries who signed the Convention are obliged to execute the judgments finding violations. As far as the motives for trials are concerned, more than a third of the judgments in which the Court found a violation included a violation of Article 6 (right to a fair trial), whether on account of the fairness or the length of the proceedings. 49% of violations found by the Court concern Article 6 and Article 3 (Prohibition of torture and inhuman or degrading treatment). More than 23% of violations found by the Court concern the right to life or the prohibition of torture and inhuman or degrading treatment (Articles 2 and 3 of the Convention) (Facts and Figures as of 2011). In the below excerpt from *The Case of Al-Saadoon and Mufdhi v. The United Kingdom* (Application no. 61498/08), we can trace how the interim measures imposed by the Court are to be executed by the member state:



Example 6.

Article 34 will be breached if the authorities of a Contracting State fail to take all steps which could reasonably have been taken in order to comply with interim measures indicated by the Court under Rule 39 of the Rules of Court. It is for the respondent Government to demonstrate to the Court that the interim measure was complied with, or in an exceptional case, that there was an objective impediment which prevented compliance and that the Government took all reasonable steps to remove the impediment and to keep the Court informed about the situation.

**2.2. Distribution of the causal connective ‘because’:**

‘Because’ is the most frequently used expression. It may denote either cause and effect or reason and consequence (Quirk et al. 1985, 1103-4). The sentences below are an example of the difference between the two:

Example 7.

The flowers are growing so well because I watered them.

Example 8.

She watered the flowers because they were dry.  
(Quirk et al. 1985, 1103-4)

As can be seen in the example (8.), ‘because’ is a conjunction which can also mark backward causation. An example of backward causation (also: retrocausality, retro-causation or retro-chronal causation) is given by Mirna Pit in ‘How to express yourself with a causal connective: Subjectivity and causal connectives in Dutch, German and French’:

Example 9.

He loved her, because he came back.

As the author points out, *because* can have more than one equivalent in languages such as Dutch, German and French. The Dutch *doordat*, *omdat* and *want*, the German *weil* and *da* and the French *puisque* all mark backward causation (Pit 2003, 69). The English *because* marks both- forward and backward causation. There is obviously a difference between the two below sentences:

Example 10.

He came back because he loved her.

Example 11.

He loved her, because he came back.

In German, the first one would be expressed by means of ‘denn’ or ‘weil’. The second one would have to be rendered with the aid of ‘da’:

Example 12.

Er kehrte **zurück** denn er liebte sie/Er kehrte **zurück** weil er sie liebte.

Example 13.

Da er liebte sie, kehrte er **zurück**.

As inferred on the basis of the collected data, *because* can mark both subjective and objective causal relations.

According to Traxler, Sanford et al. (Traxler et al. 1997, 95), it is ‘underspecified’ when it comes to subjectivity. It is thus a connective of ‘mixed’ nature.

Examples from the corpus:

- (1.) ‘The applicant and her lawyer had not been able to have their meeting in private because she had been unable to move, walk on her own or be seated.’
- (2.) ‘According to her, the conditions of her detention in the colony could not be regarded as adequate, in particular, because she had not been able to have a daily outdoor walk.’
- (3.) ‘The applicant had limited access to the toilet inside the cell because it was continuously occupied by other cellmates.’
- (4.) ‘In particular, the applicant complained that his diabetes had not been monitored because he had had no access to specialised medical care and his sugar level had hardly ever been tested.’
- (5.) ‘Article 13 § 2 provides that, in cases where the satisfaction obtained under Article 13 § 1 is insufficient, in particular because the injured party’s dignity or social standing has been significantly diminished, he or she is also entitled to financial compensation for non-pecuniary damage.’
- (6.) ‘Most countries, with the exception of those in Latin America, deny outright the claim to diplomatic asylum because it encroaches upon the state’s sovereignty.’
- (7.) ‘It could not comply with the Rule 39 indication precisely because it was on the territory of another State.’
- (8.) ‘They had failed to comply with the indication in this case only because there was an objective impediment preventing compliance.’

While as examples (1.)-(4.) refer to conditions in the outside world, the second half (5.)-(8.) are clearly of different nature. The causative factor of the first half of sentences (here the deprivation of certain particular facilities to the patient such as toilets, proper medical care, consultations with lawyer, outdoor walks) can be verified as evidence on the basis of fact-finding process (hearing of witnesses etc.). The second half is concerned with legal provisions. If we consider sentence no (7.), it is not the political or geographical boundaries that constitute the real cause. What is of importance here is that according to the Rule 39 the fact in question should have taken place on the territory of the home country.

### 2.3. Distribution of the causal connective ‘as’:

The analysis of ‘as’ occurrences in the corpus can lead to the conclusion that the reason lies mostly ‘outside’ of the speaker.

In comparison with ‘therefore’, the causal connective ‘as’ is distributed with greater frequency in ‘The Facts’ part of the analysed judgments.

In particular, ‘as’ could often be found in cases where medical error or patient’s maltreatment were filed as charges. This may imply reference to external reality and objective character of this connective since medicine belongs to the realm of natural sciences.

Examples from the corpus:

- (1.) **As** there was no emergency involving imminent risk of irreparable damage to the applicant’s life or health, and **since** the applicant was a mentally competent adult patient, her informed consent was a prerequisite to the procedure.
- (2.) **As** she was in the last stage of labour, her recognition and cognitive abilities were influenced by labour and pain.
- (3.) The Government explained that that entry in the delivery record indicating the applicant’s ethnic origin had been necessary **as** Roma patients’ social and health care had frequently been neglected and they therefore required “special attention.
- (4.) The Court welcomes these developments but notes that they cannot affect the applicant’s situation **as** they are subsequent to the relevant facts of the present case.

Accordingly with the above conclusions, we are less likely to encounter ‘as’ in sentences where reference to law is made. Grammatically, however, a statement like the one below is perfectly imaginable:

**As** the injured party’s dignity or social standing has been significantly diminished, he or she is also entitled to financial compensation for non-pecuniary damage.

or:

As it was on the territory of another State, it could not comply with the Rule 39 indication.

Instead, we would find more factors of external nature like being in the last stage of labour, absence of imminent risk, failure in the observance of Roma patients’ social and health care, delay in the introduction of particular facilities aimed to improve the patient’s situation.

The above examples can illustrate how particular connectives behave and in what type of surroundings they occur insofar as causality relations in sentences are concerned.

### 2.4. Distribution of the causal connective ‘therefore’:

‘Therefore’ displays very high frequency in ‘The Law’ part in comparison with ‘The Facts’ part. It is most often to be encountered in epistemic causal settings where the speaker functions as the source of the causal relation.

In many analyzed cases, ‘therefore’ occurs where ‘The Court’ or ‘The Government’ constitute the subject of the sentence as in the below provided examples:

Examples from the corpus:

- (1.) The court **therefore** concluded that the evidence fell well short of establishing substantial grounds for believing that the applicants would face a real risk of treatment contrary to Article 3 if transferred into the custody of the IHT.
- (2.) The Court **therefore** finds the complaint under Article 13 admissible and it finds violations of Articles 13 and 34 of the Convention.
- (3.) The Court **therefore** concludes that there is no sufficient indication that the Rwandan judiciary lacks the requisite independence and impartiality.
- (4.) The Court, nevertheless, indicated that where the alleged violation no longer persisted and could not, **therefore**, be eliminated with retrospective effect, the only means of redress was pecuniary compensation.
- (5.) The Government explained that the reference to the applicant's Roma origin had been necessary as Roma patients frequently neglected social and health care and **therefore** required special attention.
- (6.) ... I recognised that, if possible, it would be desirable for UK forces to be in a position to continue to hold the Claimants for a period of time whilst this litigation is resolved. I **therefore** considered with colleagues whether it would be appropriate to raise this issue with the Iraqi negotiating team.

According to Oxford Advanced Learner's Dictionary of Current English, *therefore* is used "to indicate the logical result of something that has just been mentioned" (Hornby et al. 2005, 1591).

According to Online Etymology Dictionary, 'therefore' is derived from the Old English pronominal adverb where 'fore' meant 'formerly' or 'previously' (Online Etymology Dictionary) hence it is not a typical conjunction. In terms of morphology and semantics, it has more to do with adverbs such as *therefrom*, *thereunder*, *therein*, *thereby*-forms frequently used in legal language.

This morphological complexity may partly account for the frequency of occurrence of 'therefore' in the analysed corpus when compared with the two other conjunctions.

### **3. Conclusions and areas still to be investigated**

The present analysis undertook to gain an insight into how causality operates in the genre of legal judgment and refer these to the issues such as the subjectivity in legal language, cognitive and interactional linguistics and the phenomena of vagueness and indeterminacy as perceived from the point of view of cognitive sciences.

However, measuring causality on the basis of lexical markers may not bring the expected outcome insofar as causality is often inserted in larger segments untraceably, i.e. without any specific wording.

An example below may show that causality is often to be deduced rather than found on the basis of e.g. a subordinate clause:

Example 14.

I fully endorse this latter basis for attaching responsibility to the Government under Article 3. The applicants were initially classified as ‘security internees’, their notices of internment recording that they were suspected of being senior members of the Ba’ath Party under the former regime and of orchestrating anti-MNF violence by former regime elements and that, if released, they would represent an imperative threat to security. (Partly dissenting opinion of judge Bratza concerning “The Case of Al-Saadoon and Mufdhi v. The United Kingdom (Application no. 61498/08).

We might easily insert ‘since’ between the first two sentences of the above excerpt. This is to demonstrate that in many cases lexical analysis does not exhaust the textual nuances in legal language.

As observed by Hiltunen, as far as expressing cause and reason is concerned, “instead of explicitness, we tend to find implicitness, i.e. causality is implicated or presupposed rather than expounded. Linguistically, this type of causality tends to be expressed through lexical, phrasal or textual means (Hiltunen 1990, 93)”.

Nevertheless, the following conclusions can hold to be true insofar as the present analysis is concerned:

“The Facts” part concerning the circumstances and background to the case is not devoid of causal expressions although it does not abound in them as much as the “Law” part does. The type of causality to be encountered here is often of objective nature although the subjectivity element is also present.

‘Because’ can mark both subjective and objective causal relations, it is ‘underspecified’ with respect to subjectivity.

In comparison with ‘therefore’, ‘as’ occurs more often in objective settings where the reason lies outside of the speaker and the subject is absent or his/her presence is not that conspicuous.

In the case of ‘therefore’, a causal relation is constructed on the illocutionary level, between a conclusion of the author presented as the causal effect and an argument functioning as the causal antecedent. In epistemic causal relations, the speaker functions as the source of the causal relation (it is he/she who relates argument and conclusion). In other words: reference to the speaker is obligatory in order to interpret the causal relation correctly. Hence the causal relation is subjective.

Boundaries of subjectivity-objectivity categories are never clearly marked. Each case needs to be interpreted separately in order to be classified as either subjective or objective. Clear-cut cases are very rare, especially when it comes to legal discourse.

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