

Some linguistic properties of legal notices

Nicholas Allott
University of Oslo

Benjamin Shaer
Carleton University

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Please send any comments or questions you have to: nicholas.allott@gmail.com

1. Introduction

The fictitious legal notice given in (1a), based on an example constructed by the legal scholar H.L.A. Hart (1958, 1961),¹ is undoubtedly the most famous one in the legal literature, remaining a frequent subject of discussion in legal scholarship (see, e.g., Fish 2005, Schauer 2008).

- (1) a. No vehicles in the park
- b. “UNACCOMPANIED CHILDREN MUST NOT USE THE
 ELEVATOR” (<http://www.flickr.com/photos/jpowers65/3377092111/>)

What, however, has not attracted similar scholarly attention, at least to our knowledge, is a basic linguistic question that this notice and its counterpart in (1b) pose. This is how these notices—whether non-sentential in form, like (1a), or sentential in form, like (1b)—come to have the interpretation, and in particular, the prohibitive force, that they do. This question is related to a more general one that has attracted the attention of legal scholars: namely, that of the source of laws' normative force—that is, their ability to set a standard for conduct—and the connection between this normative force and a law's

This article grew out of Allott and Shaer (2012a), presented at the Workshop on the Pragmatics of Legal Language, University of Oslo, and complements Allott and Shaer (2012b), which also grew out of that work. Please note that our names are given in alphabetical order in the present article but that we assert joint authorship of it. We wish to thank the audience of that workshop, Máire Noonan, Marc Richards, Kjell Johan Sæbø, Hiroyuki Uchida, Ede Zimmermann, and the *CJL*'s anonymous reviewers for very helpful comments. The usual disclaimers apply.

¹ The original form of Hart's example was as follows: “A legal rule forbids you to take a vehicle into the public park” (1958:607). The example is taken up again in Hart's (1961:127) remarks about “the rule prohibiting vehicles in the park”.

illocutionary force.² And this latter question, seen through a linguistic lens, might in turn be recognized as part of an ongoing debate (e.g. Sperber and Wilson 1986; Carston 1988, 1997, 2002; Recanati 1989; Stanley 2000; Merchant 2004; Stainton 2006) about how much of the meaning conveyed by an utterance is syntactically encoded and how much is derived from pragmatic principles and procedures.

In previous work (Allott and Shaer 2012a, 2012b), we have argued (contra, e.g., Marmor 2011) that the behaviour-guiding effect of laws is generally not mirrored in a “directive” illocutionary force—in other words, the force characterizing speech acts such as orders and requests whose “illocutionary point [...] consists in the fact that they are attempts [...] by the speaker to get the hearer to do something” (Searle 1976:13). Instead, their illocutionary force is that of “effectives”, conventional speech acts that “when issued by the right person under the right circumstances [...] make it the case that such and such”, where “such and such” is some institutional fact (Bach and Harnish 1979:113). In the case of laws, this institutional fact is a legal norm or set of norms; and these norms then guide behaviour. Our idea, then, is that laws simply make it the case that some legal norm holds; they thus derive their behaviour-guiding force not from their illocutionary force but from the legal norms that they instantiate. Admittedly, a direct correspondence between “legal” and illocutionary force does at first seem compelling; however, it appears to gain no support from the linguistic properties of laws or from well-established diagnostics of directive force.

In this study, we shall be building on this idea about the illocutionary force of laws by extending its empirical range from laws to legal notices. The normative force of these texts is also largely a matter of their content, which can be adequately understood only with respect to the institutional domain of the law in which they participate. Accordingly, this normative force does not plausibly determine illocutionary force. In other words, “working backwards” from normative force to illocutionary force in seeking to account for the latter property of laws and legal notices alike is unlikely to provide much insight into either the nature of laws or the nature of legal language. What will, we argue, is careful attention to the linguistic properties and behaviour of each.

What makes such a linguistic investigation of legal notices crucial for an understanding not only of legal notices themselves as legal and linguistic phenomena but also of (the linguistic expressions of) laws is that the two kinds of expressions differ in two key respects. Laws that, for example, create offences never have the form of imperatives and only in very specific circumstances have other forms typical of directives, such as finite sentences containing *shall*, *may*, or *must*. By contrast, legal notices commonly do have such a form, making it plausible to analyse them as directives. In addition, laws always have complete sentential forms, whereas legal notices may be “telegraphic” and non-sentential in form, as in the following examples:

² We take *law* to have at least two senses: (i) the text setting out the norm and (ii) the norm itself, which is created through the enactment of that text. In what follows, there are uses of *law* in both senses, but context should make it clear which we intend. For example, when we write that “laws that create offences never have the form of imperatives” we (obviously) intend the first sense, since imperative form is a sentence property.

- (2) a. No dogs in park without leash
- b. No smoking

This raises a question for legal notices that does not arise for laws: namely, how such “fragmentary” forms come to have interpretations akin to those of complete sentences—specifically, expressing a complete proposition with a certain illocutionary force—that they do. The claim that we take to unite all of these apparently disparate examples of laws and legal notices is simply that a “what you see is what you get” approach to the syntactic structure of all of these expressions provides the most empirically robust basis for describing their similarities and differences and for providing a plausible account of their interpretation, which crucially assigns a key role to pragmatic principles.

We thus have two goals for the following discussion. One, based on Allott and Shaer (2012a, b), is to motivate a distinction between the normative force and illocutionary force of laws and legal notices by attending to the linguistic properties and behaviour of each. The other is to show how the illocutionary force, and more generally the interpretation, of different kinds of legal notices can be derived from their linguistic properties and pragmatic principles.

The rest of this study is organized as follows. First, we review the linguistic properties of legal notices in more detail and then consider both their illocutionary force and that of laws, showing how the former are plausibly seen as directive acts (section 2). Then we embark on a more detailed investigation of non-sentential legal notices, considering both their syntactic structure and their interpretation (section 3). Finally, we offer a summary and some conclusions (section 4).

2. The illocutionary force of laws and legal notices

To proceed, it is worth considering in more detail what exactly legal notices are. As already noted, they are not themselves laws: unlike laws, they do not create new legal norms but simply point members of the public to the existence of particular norms. Examples of various kinds of such notices are given in (3)–(5):

(3) *Imperative notices:*

- a. “Do not Feed the Birds by Order of the Wirral Borough Council”
(http://commons.wikimedia.org/wiki/File:Do_not_feed_the_birds_sign_at_New_Brighton_model_boating_lake_-_DSCF1101.JPG)
- b. “DO NOT LITTER/\$100 FINE” (http://www.123rf.com/photo_13953989_do-not-litter.html)
- c. “NOTICE/Do Not Smoke In This Area” http://www.oshax.org/kb/posters/OSHA%20Notice/do_not_smoke_in_this_area_oshax_caution_sign.pdf)

(4) *Indicative notices:*

- a. “It is a violation to ... [m]ove between end doors of a subway car whether or not the train is in motion...” (NYC Transit Authority Rules of Conduct, cited in Solan 2010:6)
- b. “Removal of sand, coral, rocks, soil or other beach composition is

prohibited/ch code section 15-6”

(http://www.geocaching.com/seek/cache_details.aspx?guid=bc569a3a-4307-4a7e-b218-b6001561cae8)

- c. “It is against the law to smoke in these premises”
(<http://4theworkplace.co.uk/smoking-against-the-law-pack-p-6157.html?osCsid=9d9eb5a1f0504898b7ba6a207d2a1399>)
- d. “Smoking is permitted in this area.” (<http://www.espressoenglish.net/common-english-words-permission-obligation-prohibition/>)

(5) *Non-sentential notices:*

- a. “ONE WAY STREET” (<http://www.roadtrafficsigns.com/one-way-signs-an-american-history>)
- b. “School Zone” (<http://www.freefoto.com/preview/41-22-56/School-Zone-Road-Traffic-Sign>)
- c. “No Smoking” (<http://www6.montgomerycountymd.gov/hhptmpl.asp?url=/content/hhs/license/EnvHealth/Smoking/index.asp>)
- d. “U TURN PERMITTED” (<http://members.virtualtourist.com/m/p/m/1a91a4/>)

Interestingly, many cases of what appear to be “legal” notices are in fact not legal at all, but simply non-binding orders or requests to engage or refrain from engaging in some behaviour. This is highlighted by the fact that such non-binding notices often begin with *please*, as in the following examples:

- (6) a. “Please do not disturb” (<http://www.shutterstock.com/pic-117065173/stock-vector-vintage-metal-sign-please-do-not-disturb-vector-eps-grunge-effects-can-be-easily-removed-for.html>)
- b. “Please do not litter” (<http://www.recyclereminders.com/img/lg/S/Do-Not-Trash-Litter-Sign-S-4266.gif>)
- c. “PLEASE DO NOT FEED THE ANIMALS” (<http://www.campgroundsigns.com/img/lg/K/Feed-Animals-Sign-K-5251.gif>)

We shall not be considering such “non-legal” notices in what follows, although it is worth keeping in mind that, except for the common appearance of *please* in them, they take the same forms as their “legal” counterparts.

For our purposes, what is especially significant about legal notices, as noted earlier, is that many of them, including the examples given in (3), (4), and (5a), plausibly have a (direct or at least indirect) directive function. That is, these notices represent an attempt by their author to have their reader perform or refrain from performing some action, either directly, through the use of an imperative, or indirectly, by identifying some action as prohibited or permitted.

This last observation raises the question of whether the “directive” nature of these legal notices makes them similar to or different from laws themselves in this respect. As it happens, the dominant view in the literature is that laws do have directive force as one component of a “dual” effective-directive force. For example, Searle (1979:28) states that

“[p]romulgating a law has both a declarational status (the propositional content becomes law) and a directive status (the law is directive in intent).” Kurzon (1986:5) analyses laws as “speech act[s] with the illocutionary force of enacting”, with “many sentences within the text [being] speech acts with their own illocutionary force—of permitting, ordering or prohibiting.” More recently, Marmor (2011:4) has argued that “[t]he enactment of a legal requirement, or the official expression of a legal ruling [...] are the kind of speech acts that purport to motivate conduct on [the] part of the addressees by way of recognizing the speech act as providing them with reasons for action.” In other words, the enactment of laws is a directive—or, in Marmor’s terms, an “exhortative”. What is important to see about these claims is that they indicate that the directive force is indirect rather than direct. Indirect speech acts were first noted by Searle (1969: ch. 3), who defined them as “cases in which one illocutionary act is performed indirectly by way of performing another” (Searle 1975:60; see also Bach and Harnish 1979:70). Classic examples of such indirect acts are statements like those in (7a–b), which may be used as indirect requests to leave and for a drink, respectively:

- | | | | |
|-----|----|----------------------|----------------------------|
| (7) | a. | I want you to leave. | (based on Searle 1975:59) |
| | b. | My mouth is parched. | (Bach and Harnish 1979:70) |

These examples illustrate two types of indirectness (Searle 1975:59–60). In the first, the propositional content of the indirect act, the request to leave, is shared by the direct act, the statement of the speaker’s desire that the hearer leave. The second is doubly indirect in that neither the propositional content nor the illocutionary force of the indirect speech act is encoded by the sentence uttered. As we shall show, legal notices that perform indirect speech acts generally fall into the first category: they state a norm and imply that it must be followed.

As already noted, in previous work (Allott and Shaer 2012a, b) we have challenged the dominant view of the illocutionary force of laws, arguing that enactments of laws are not directive but rather “effective” in force, to use Bach and Harnish’s (1979) term. As they explain, “to perform an effective is just to issue an utterance (in a situation) which is mutually believed to be such that a certain institutional state of affairs is thereby produced” (p. 113). Included in this category, among many other speech acts, are “resigning, bidding, vetoing, seconding, exempting, [and] bequeathing” as well as enacting laws (pp. 113–14). As it happens, Bach and Harnish (1979:114) devote particular attention to the enactment of laws, remarking that even an “obscure law exists in virtue of meeting certain mutually recognized conditions, namely, being passed by the duly constituted legislature (perhaps also being signed by the executive)”.

Also worth noting about Bach and Harnish’s (1979:113–14) characterization of effectives is that, although most of those that they enumerate can be performed by means of an effective verb and, they claim, every such verb “can be paraphrased in institutional fact-changing terms” (p. 113), such verbs are by no means necessary for a statement to have effective force. Thus, whether or not the enactment of laws makes use of traditional “enactment formulae” like those given in (8), this enactment can be seen as effective in force by virtue of its “institutional fact-changing” character alone.

- (8) a. “Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows...” (Canada)
- b. “Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That...” (USA)
- c. “BE it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows...” (UK) (cited in Allott and Shaer 2012b:ex. (6))

Our claim about laws, then, is that while they can be seen as typically guiding behaviour, this behaviour-guiding effect follows simply from the institution of the law that they are a part of and does not indicate that they have the indirect illocutionary force of a directive. In fact, similar remarks apply to many other effectives, such as naming a ship or vetoing a proposal. Once a ship is named or a proposal vetoed, it seems clear that the name should be used and that the proposal should not be considered any further.³ However, it does not follow that the naming or vetoing utterances should be treated as indirect directives.

Returning to legal notices, we can now see that there is strong support for distinguishing at least some of them from laws on the basis of illocutionary force: as we noted earlier, the legal notices in question are indeed plausibly analysed as either direct or indirect directive acts, whereas the foregoing consideration of laws had led us to reject a directive analysis of them. We can pursue this directive analysis of legal notices by revisiting a distinction mentioned earlier, between notices expressed with imperative forms and those expressed otherwise. Consider again the examples given in (3a–c) and (4 a–c) and repeated (in abbreviated form) below, which respectively illustrate this distinction:

- (12) a. “Do not Feed the Birds”
- b. “DO NOT LITTER”
- c. “Do Not Smoke In This Area”
- (13) a. “It is a violation to ... [m]ove between end doors of a subway car whether or not the train is in motion...”
- b. “Removal of sand, coral, rocks, soil or other beach composition is prohibited”
- c. “It is against the law to smoke in these premises”

Imperative notices are very clearly direct directive acts, since they encode their directive force directly through grammatical form.⁴ Indicative notices like those in (13) are arguably

³ As Austin (1962:117) says, once something has been named, referring to it by a different name is “out of order”—abstracting away, of course, from entities with multiple names, nicknames, and the like.

⁴ Note, however, that not every sentence that is imperative in form is a directive, as the following examples (Wilson and Sperber 1988:§2) demonstrate:

- (i) Go on. Throw it. Just you dare.
- (ii) Get well soon!

indirect directives: their surface meaning does not indicate an attempt by their author to have their reader do or not do something, but instead simply signal that some behaviour is prohibited or otherwise undesirable. However, it is straightforward for a reader of such notices to infer that they are intended to guide the reader's behaviour: in particular, the notice states that some behaviour is undesirable and it is placed in a salient location close to where such behaviour is likely to occur (and notably not in other possible but less attention-grabbing locations). In other words, while it is certainly possible, as we have argued in the case of laws, for an author to bring a particular legal norm into effect without at the same time communicating that the hearer should follow this norm, many legal notices do, by virtue of their particular context of use and role in the institution of law, communicate that a particular norm should be followed.

It is important to note, however, that while many legal notices have directive force, it does not seem to be the case that all do—an observation that we see as providing further support for our general effort to dissociate the normative force of laws and legal notices from their illocutionary force. Consider the legal notices given in (14) (repeated from (5)):

- (14) a. “No Smoking In This Area”
- b. “ONE WAY STREET”
- c. “School Zone”
- d. “U TURN PERMITTED”

Although (14a) is clearly a directive,⁵ it is not obvious that the same can be said of (14b–d). The information that some street is a one-way street is compatible with a range of actions, including making the appropriate turn onto the street and looking for traffic moving in the appropriate direction. This suggests that the notice serves essentially to announce the presence of a one-way street—it has only *representative* illocutionary force, like a purely assertive use of the sentence *This is a one way street*—rather than to direct readers of the notice toward any particular behaviour. Likewise for a notice about a school zone: from this notice one can infer that one should reduce speed, pay attention to children crossing the street, or anticipate the presence of buses, among other actions. Finally, the notice regarding U-turns indicates only that these are permitted but similarly does not direct readers to make them or not to make them. Plausibly, then, such notices are similar to statutes in not having directive illocutionary force. Unlike statutes, however, such notices are descriptive rather than effective: that is, they merely give notice of a particular institutional state of affairs rather than creating it.⁶

(iii) Please don't be in.

⁵ Our claim is that it is an indirect directive. The reader enriches ‘No smoking’ to something like ‘No smoking is allowed here’, and this implicates a directive: ‘Do not smoke here’. We return to this point in the text in subsections 3.2.2 and 3.3.

⁶ There are cases, however, that appear to be intermediate between laws and standard legal notices: namely, those in which officials are authorized to post signs, as appropriate, related to certain institutional facts, including permitted or prohibited behaviour. Examples of these include the following ones:

- (i) [Posted by a police officer:] Crime scene. No entry.
- (ii) [Posted on a carriage by a railway official:] First class.

We can conclude, then, that legal notices, like laws, cannot be seen as directives simply on the basis that they seem to refer to or describe norms or entities derived from norms (such as one-way streets) that guide behaviour. Rather, those that are directives can be demonstrated to be so either on the basis of their grammatical form as imperatives or on the basis of the calculability of their indirect directive force given their encoded content and context of use.

3. The syntax and interpretation of non-sentential legal notices

The answer that we offered in the previous section to the puzzle of the illocutionary force of legal notices takes us some way toward explaining how these notices may express such a variety of norms while still serving a broadly similar institutional function. The idea was that legal notices, by virtue of their content, all play a normative role in society given the basis of their content and authority in the institution of law.

What we still have not yet addressed, however, are the various linguistic questions that arise in considering how legal notices come to have the interpretations that they do. One class of legal notices in particular—those, as illustrated in (14), that are non-sentential in form—pose many questions for analysis. In this section, we shall be arguing, following Stainton (2006) and others, that such notices are not just superficially but also structurally non-sentential, and that their interpretation necessarily involves pragmatic enrichment.

3.1 Some possibilities for analysing non-sentential notices

Before we do so, however, it is worth taking a closer look both at the notices in question and at some of the other possibilities available for analysing them. One such possibility is to see non-sentential notices as not truly reflecting ordinary language use at all but rather as reflecting a metalinguistic phenomenon akin to “telegraphic” speech. After all, the absence of determiners in notices like those in (15) most plausibly represents deviations from grammaticality attributable to a non-linguistic source: namely, the restricted space available for the notice.

- (15) a. Keep dog on leash.
b. No smoking on premises.

Yet, the deviations from grammaticality exemplified in these notices are neither radical nor unpredictable. Moreover, it is far from clear that every instance of a missing determiner

(iii) [Posted by a forest ranger:] No forest fires.

What we can say about these cases is that they are still notices rather than laws but give notice of the official’s (legally authorized and enforceable) decision rather than of the enacted law itself, which simply gives the official authorization to make such decisions. Such an analysis is supported by the fact that, for example, a police officer can presumably say to a member of the public, “You can’t enter that area—it’s a crime scene” even before he or she posts a notice to that effect. Thanks to an anonymous reviewer for drawing our attention to these cases and for providing the ranger example.

that we find in such notices reflects “telegraphic” speech.⁷ Consider the notice in (16a) in the context of examples like those in (16b–c), which likewise contain NPs without determiners:

- (16) a. Warning: Dangerous dog.
 b. A: Spot nearly bit my hand off. B: Wow, dangerous dog!
 c. Damned dog, it nearly bit my hand off.

There is little reason to believe that the latter examples involve telegraphic speech, since they appear to reflect very general linguistic patterns, as suggested by (17) (Shaer 2009:390):

- (17) a. A: They just fired Bob. B: (*A) Poor guy!/Bob!
 b. Poor guy/Bob, he just got fired.
 c. A: Mister, this is a no smoking zone. B: No smoking zone, my eye.

These considerations indicate that this “metalinguistic” hypothesis is of limited utility in explaining the language of legal notices.

More promising is the claim of Merchant (2004) and others that non-sentential structures like those in (14) represent the pronounced parts of complete but otherwise unpronounced sentences. According to Merchant, phrases like *John* in (18a) have base structures like that shown in (18b). The DP [John] moves to the specifier of a projection in the C-domain, as shown in (18c); this movement is, by hypothesis, of the same kind as that involved in “left-peripheral movements like clitic left-dislocations” (Merchant 2004: 675). The head of this projection contains an “E” feature, which “triggers non-pronunciation of the clause” below it (p. 675), as shown in (18d):

- (18) a. Who did she see? John.
 b. She saw [John].
 c. [John]₁ she saw t₁
 : g
 z-----m
 d. [John]₁ ~~she saw t₁~~
 : g
 z-----m

⁷ Other studies have reached similar conclusions regarding the proper characterization of these NPs lacking determiners. Indeed, Paesani (2006) claims that all of the missing determiners in “special registers” such as diary-writing, note-taking, “telegraphese”, and headlines (p. 152) are best explained in linguistic terms akin to those described in the text rather than in metalinguistic terms.

A key virtue of this analysis is that it is able to capture superficially “fragmentary” answers representing a broad range of underlying positions by means of a single movement-and-deletion mechanism, as suggested by the examples in (19):

- (19) a. [Holding up a letter:] From Spain ~~[this letter is]~~.
 b. Who did she see? John ~~[she saw]~~.
 c. Who did it? Lauren ~~[did it]~~.⁸

Yet, there appear to be many non-sentential utterances that this analysis cannot capture. These include legal notices like that in (20a), for which the movement-and-deletion derivation represented in (20b–d) fails to produce the attested string:⁹

- (20) a. One Way Street
 b. [this is [a one way street]].
 c. [[a one way street]_i this is t_i]
 d. [[a one way street]_i ~~this is t_i~~] ≠ (20a)

Of course, we could achieve empirical adequacy simply by stipulating that the output of the movement-and-deletion process is subject to some post-grammatical “telegraphic speech” process that deleted determiners. Yet, such a stipulation would make the pattern illustrated in (16)–(17) essentially coincidental, even though these and other examples suggest that the absence of determiners in non-sentential utterances is quite routine:

- (21) a. Poor guy!
 b. Damned dog!
 c. Nut!

These observations lead us back to the possibility introduced earlier: that the non-sentential legal notices in (14), like non-sentential utterances more generally, are simply “bare phrases” or “orphans” (e.g., Haegeman 2009, Shaer 2009): that is, well-formed syntactic units that are not part of (syntactic) sentences. We elaborate on this idea in the next subsection.

3.2 Toward a “bare phrase” analysis of non-sentential legal notices

To pursue this “bare phrase” analysis, let us spell out some of its basic features. Adopting a minimalist description, we can take bare phrases to be assembled from a Numeration according to standard merging operations, consistent with the observation that they display conventional internal structure. Of course, where these phrases do depart from typical grammatical outputs is in their lack of additional “external” structure. Now, the possibility of an unembedded expression “be[ing] a full expression in itself” (Chomsky 2005:6) has

⁸ Note that on Merchant’s account, even the DP in subject position (which, on some accounts, is its base position) needs to move string-vacuously to the left-peripheral position appropriate for the licensing of the deletion of material below it. Thanks to an anonymous reviewer for asking us to clarify this.

⁹ Also, crucially for our argument, no movement operation is available that permits the extraction of [one way street] from the DP [a one way street].

long been recognized in minimalist research; and the treatment of non-sentential assertions in “bare phrase” or “orphan” terms has attracted steady attention over the years (e.g. Barton 1990, Barton and Progovac 2005, Progovac 2006, Stainton 2006, Fortin 2007, Shaer 2009). Although various ideas have been explored to capture the absence of “external” structure, what unites them all is the claim that the grammar may license a structure that is not “embedded in a larger structure” (Fortin 2007:69).

Fortin (2007) offers a particularly detailed account of the grammar of non-sentential assertions within a minimalist framework, and so is worth dwelling on here. Fortin argues that the narrow syntax can generate non-sentential structures, which in particular contain no unvalued features that would lead the derivation of these structures to crash. The idea is that these syntactic structures are simply built from lexical items contained in a Numeration, the content of which is itself unconstrained. Since “Numerations are generated randomly”, a Numeration containing “a compatible combination of lexical items” will permit the syntax “to generate a grammatical [...] syntactic object from it. Conversely, if the Numeration contains an incompatible combination of items, the syntax will be unable to generate a convergent syntactic object from it, and the derivation will crash” (Fortin 2007:74). In other words, the difference between the non-sentential structure in (22a) and its sentential counterpart in (22b) “is reducible to the content of the Numerations that they are constructed from”, this difference being irrelevant to the syntax, which “only concerns itself with whether or not a derivation creates a convergent syntactic object” (Fortin 2007:75).

- (22) Have you seen my book?
 a. On the desk.
 b. It is on the desk. (based on Fortin 2007:73, ex. (18))

What is crucial for Fortin’s analysis of non-sentential structures—which include, among various other constituents, prepositional phrases and noun phrases lacking structural Case, both of which will be relevant in the following discussion—is that they involve Numerations that do not introduce into a derivation any lexical items that create requirements that go unfulfilled, which would cause the derivation to crash. In particular, there is no V^0 present to assign θ -roles, and no T^0 or v^0 containing unvalued ϕ -features (Fortin 2007:77).

A more complicated issue is that surrounding Case features. Fortin’s claim is that some nominal expressions in non-sentential structures, such as [the desk] in (22a), bear uninterpretable Case features that are straightforwardly valued by the preposition. Other nominal expressions, such as English vocatives, as illustrated in (23a), are bare NPs with no uninterpretable Case features to begin with; thus no “crash at the interfaces” would result from the presence of unvalued features (Fortin 2007:84). This picture is complicated somewhat by the existence of vocative forms in some languages, including Greek, that bear distinct morphological cases, as shown in (23b). Here, Fortin appeals to Schütze’s (2001) analysis of default case forms—that is, “those that are used to spell out nominal expressions [...] that are not associated with any case feature assigned [...] or otherwise determined by syntactic mechanisms” (Schütze 2001:206). On Schütze’s analysis, then, nominal

expressions in various environments where no such syntactic mechanism exists for Case assignment receive a default morphological case in the morphological component of Spell-Out (Schütze 2001:206–207; see Fortin 2007:81, n. 18).

(23) *Vocative forms*

- a. [to get someone’s attention] Lulu. (English: no morphological case)
 - b. Aléxandre. (Greek: distinctive vocative case)
- (based on Fortin 2007:81, ex. (33a), n. 18)

In fact, the morphological and syntactic patterns that Schütze and others have observed in default case environments suggest that vocatives are far from the only non-sentential nominal structures whose case-marking is amenable to such an explanation. Among other such structures are the following examples, which include some of the legal notices that we have already examined, and at least some of which have the accusative forms that are understood to reflect default morphological case in English:

- (24) a. Who wants to try this game? Me/*I.
(based on Schütze 2001:211, exx. (6), (7a))
- b. Poor them/*they!
(Schütze 2001:215, ex. (15))
- c. Dangerous dog!
(= (16a))

What examples like (24c) also highlight is the possibility of orphan NPs having syntactic shapes lacking determiners that are ungrammatical for argument NPs (Barton and Progovac 2005:76–77).¹⁰ Given the absence of any grammatical motivation for fuller structure, orphans with such syntactic shapes appear to be well-formed.

Admittedly, the issues just described are not the only ones raised by minimalist research for a “bare phrase” analysis of non-sentential assertions. Another, which Fortin (2007) discusses at some length, is how to square the categorical status of non-sentential

¹⁰ Barton and Progovac (2005:76–77) argue, drawing on Longobardi (1994), that bare NPs are grammatically parallel to non-argument NPs, given examples like (ia–c):

- (i) a. *Teacher*, can I please answer the question?
- b. They elected her *president*.
- c. I saw *(the) man/president. (based on Barton and Progovac 2006:76, exx. (12a–c))

In fact, the contrast between argument and non-argument NPs appears to be somewhat more complicated than these examples suggest, given apparently “name-like” uses of bare NPs (Shaer 2007) such as those in (ii):

- (ii) a. Brother and sister were at breakfast.
 - b. Dog succeeded dog, and apartment succeeded apartment.
 - c. It has to grow, and to be handed down from father to son.
- (Hewson 1972: 128, cited in Shaer 2007)

However, the parallel between orphan and non-argument NPs and the contrast of both with argument NPs does emerge quite clearly in the case of adjectivally modified NPs without determiners, as (iii) indicates:

- (iii) a. *Strange teacher*, she never answers my questions.
- b. They nominated her *best teacher*.
- c. I saw *(the) *best teacher*.

structures with the claim that only CP and vP are “phases” and thus proper syntactic objects for Spell Out. Although detailed consideration of this problem would take us too far afield here, we can suggest one way to address it: this is simply to stipulate that any derivation that exhausts its Numeration is a phase.

3.2.2 The interpretation of bare phrases

We believe that the foregoing “bare phrase” description of non-sentential assertions, including legal notices, offers a plausible and empirically adequate account of their syntactic structure. However, even if we accept such a syntactic description, we must still address the question of how such structures receive appropriate interpretations. Detailed consideration of the conversation context in which non-sentential assertions occur, as found, in particular, in Barton (1990), has suggested that such context does provide the information necessary to supplement that provided by their encoded meaning alone. In what follows, however, we shall take a different tack, showing how we can arrive at plausible logical forms for non-sentential structures and how these then play a role in the hearer’s interpretation of a non-sentential legal notice. One very perspicuous way to capture the logical forms of these structures is in terms of Discourse Representation Theory (DRT) (e.g., Kamp and Reyle 1993; Kamp, van Genabith, and Reyle 2011). On this theory, such logical forms, or “discourse representation structures” (DRSs), identify a set of discourse referents, the “entities talked about in a discourse”, and “conditions that express constraints [...] on those discourse entities” (Kamp, van Genabith, and Reyle 2011:133).¹¹ A simple example of such a DRS is given in (25b) for the legal notice repeated in (25a):

- (25) a. One Way Street
 b. $[x: \text{street}(x), \text{one-way}(x)]^{12}$

The idea, then, is that this legal notice contributes a discourse referent and the conditions that this entity is a street and that it is one-way.¹³

Significantly, such structures are commonly taken to represent a discourse’s encoded meaning alone. However, we follow Kadmon (2001), among others, in seeing them as “contain[ing] not only material which directly represents the text of [a] conversation, but also additional material supplied by the immediate speech situation, world knowledge, and various pragmatic processes” (p. 97).¹⁴ This view of DRSs will inform our discussion of

¹¹ Largely for reasons of space, we shall be assuming familiarity with the DRT framework in what follows and shall be using the linear DRT notation of Geurts and Beaver (2011) rather than conventional DRT “box” notation. For an introduction to this framework, see, e.g., Gamut (1991), Geurts and Beaver (2011).

¹² Note that on this DRT representation, the notice *One way street* is treated in terms of two open formulae, with the free occurrences of the discourse referent x being bound by x in the set of discourse referents. This DRT expression can be understood as indicating that the notice makes essentially the same contribution to interpretation as the expression $\textcircled{x}(\text{street}(x) \wedge \text{one-way}(x))$ on more traditional approaches.

¹³ Although we shall not be providing a model-theoretic interpretation of DRSs, we take such an interpretation to be unproblematic. See, e.g., Kamp, van Genabith, and Reyle (2011:147ff.) for a description of the interpretation of DRSs.

¹⁴ Note that hearers’ decoding and enrichment of encoded meaning may well occur simultaneously or involve heuristic “shortcuts”. We think that this is particularly likely in cases of highly conventionalized

legal notices in the following subsection, in which we shall seek to test our “bare phrase” analysis of them.

3.3 Testing the “bare phrase” claim

The approach to legal notices and other non-sentential assertions that we have just offered strikes us as having a number of virtues, including its ability to capture a large range of the syntactic forms that these notices display and compatibility both with a well-developed theory of discourse interpretation and with considerations of how speakers treat form with respect to parsing/pragmatics trade-offs—that is, how to make it easiest for the hearer to arrive at the appropriate interpretation of an utterance. Yet, its rather “skeletal” nature inevitably raises the question of why we would see such an approach as preferable to one in which their intended interpretation is captured more directly, in particular by appeal to a richer covert structure.

We have already demonstrated that our approach is able to capture various syntactic patterns that have no obvious derivation on the most sophisticated version of this “richer covert structure” approach that we are aware of, that of Merchant (2004). What we have not yet shown, however, is that the “skeletal” nature of the approach that is a seeming disadvantage emerges as an advantage, in that it is able to capture different interpretations of a single non-sentential assertion, attributing these different interpretations to differences in the contexts of use of a single syntactic structure and thus avoiding a proliferation of syntactic structures to capture these interpretations. In what follows, we shall demonstrate this and other conceptual and empirical advantages of the “bare phrase” approach.¹⁵

To do so, let us return to the non-sentential legal notice with which we began this article, repeated below:

(26) No vehicles in the park

Pursuing our bare phrase analysis of this notice, we follow Progovac (2006) in assigning it a “small clause” syntactic structure, as in (27a);¹⁶ we take this structure to correspond to the DRS given in (27b).

(27) a. [PP [DP No vehicles] [P' in the park]]

notices such as *No smoking*, typically used to express the proposition ‘No smoking is allowed here’ and (as discussed in the text) to convey the indirect directive ‘Do not smoke here’. We do not believe that allowing this possibility commits us to the view that the existence of such conventionalized notices entail any linguistic ambiguity, just as Searle argues that *Can you pass the X?* and similar expressions need not be treated as linguistically ambiguous, regardless of their conventionalized use as directives (1975:67–8). This is simply because their use as directives can be derived straightforwardly on the basis of contextually available information (Grice’s “calculability”) and because they have non-directive uses (i.e., the implied directive is “cancellable” in Grice’s terms). This is independent of the routinized nature of the directive. Thanks to an anonymous reviewer for raising this issue.

¹⁵ Thanks to Hiroyuki Uchida for his suggestions regarding the analysis presented in the text.

¹⁶ Thanks to Máire Noonan for suggesting this possibility and to an anonymous reviewer for pointing us to Progovac’s (2006) analysis.

- b. [x: park (x), ¬[y: vehicle (y), in (y, x)]]

We see the structure in (27a) as being assembled through standard merging operations and akin to other “root small clauses” that Progovac (2006) adduces, as illustrated in (28):

(28) “Root” small clauses:

- a. PP: [PP [NP class] [P' in session]]
- b. VP: [VP [NP problem] [V' solved]]
- c. AP: [AP [NP battery] [A' dead]]
- d. DP [DP [DP this] [D' a bargain]]

(based on Progovac 2006: 35–36, exx. (25), (6), (20), (28))

It is worth noting that this small clause structure appears not to be the only one available to the string *no vehicles in the park*. As the acceptability of (29a) suggests, this string may also correspond to the DP given in (29b):

- (29) a. [No vehicles in the park] were operational.
- b. [DP [D' no vehicles [PP in the park]]]
(= ‘no park-situated vehicles’)

Of course, the existence of this structural ambiguity highlights the need to offer independent motivation for a small clause analysis of the legal notice *No vehicles in the park*.

In fact, robust evidence for this structure is readily available, which takes a number of forms. One of these consists of certain syntactic patterns that the structure [No vehicles in the park], on its relevant reading, displays when it occurs in a sentence. These patterns include the extraction behaviour of the DP constituent [no vehicles], which is the behaviour expected of a phrase in a specifier position. As the examples in (30) show, this DP is able to undergo extraction when it cannot receive Case *in situ*:

- (30) a. The police permitted [PP [DP No vehicles] [P' in the park]]
(= ‘The police permitted no vehicles to be in the park.’)
- b. * was permitted [PP [DP No vehicles] [P' in the park]]
- c. [No vehicles]₁ were permitted [PP t₁ [in the park]] cf.
- d. ? [DP [D' No vehicles [PP in the park]]]₁ were permitted t₁

That is, the DP [no vehicles] is able to receive Case from the verb *permit*, as shown in (30a), but not from the passive form of this verb, as shown in (30b). In the latter case, however, this DP can move to the subject position of the tensed clause and receive Case in that position, as shown in (30c), as predicted from its hypothesized base position in the specifier of the PP small clause. By contrast, the occurrence of [no vehicles] in (30d), where

it is part of the complex DP structure given in (29), cannot undergo extraction without stranding the adjunct PP in this DP structure, so that in this case the whole DP must move.

Further support for a small clause analysis of [no vehicles in the park] as a legal notice is its agreement behaviour. As (31) shows, this phrase takes a singular verb form when in subject position, just as other clausal subjects do:

- (31) a. No vehicles in the park *are/is a good idea. Cf.
 b. [To be or not to be] is the question.
 c. [Going for a smoke] is a bad idea.

A different kind of evidence for this small clause analysis is the appropriateness in some cases of a small clause interpretation and inappropriateness of a DP interpretation in contexts that would, at least grammatically speaking, be consistent with either structure. These include contexts in which [no vehicles in the park] serves as the complement of a verb that may take either a clausal or nominal complement, as in (32):¹⁷

- (32) A: What did the Mayor want? B: He wanted no vehicles in the park.

B's response is clearly interpreted as describing the Mayor's desire for a state of affairs in which there are no vehicles in the park, corresponding to the small clause structure.

What still needs to be pointed out about this interpretation, however, is that, while it does reflect the DRS given in (27b), this observation suggests that this DRS does not actually correspond to the intended meaning of the legal notice in (26). If it did, the notice would indicate, as it clearly does not, only that there are no vehicles are in the park. One simple way to remedy this weakness is to posit that, in the case of the interpretation of [_{PP} [_{DP} No vehicles] [_{P'} in the park]] as a legal notice, the second condition in the DRS corresponding to this structure is strengthened through pragmatic inference. This would result in the following DRS (where "OB" stands for 'it is obligatory that'), which we take to correspond to its intended meaning:

- (33) [x: park (x), OB¬[y: vehicle (y), in (y, x)]]

This indicates that there must be no vehicles in the park (where 'must' has deontic force).

Of course, it might well be argued that neither the syntactic structure in (27a) nor the DRS in (27b) plausibly represents the legal notice in (26), given that each serves to capture its meaning only indirectly. What might, on this view, serve instead as an appropriate

¹⁷ Also consistent with this evidence is the clear ambiguity that emerges with counterparts to [no vehicles in the park] such as [all vehicles in the park], which permit both small clause and DP interpretations in the this grammatical context:

- (i) A: What did the mayor want? B: He wanted all vehicles in the park.
 a. = 'He wanted all vehicles to be in the park.'
 b. = 'He wanted all park-situated vehicles.'

representation for (26) is one along the lines of (34), which encodes the prohibitive force of the directive explicitly:

- (34) [are allowed [PP [no vehicles] in the park]]

Such a representation indicates, then, that the encoded meaning of the notice expresses a prohibition on there being vehicles in the park.

Of course, given the fact that the legal notice as pronounced (or read) does not contain the material *are allowed*, an analysis positing (34) as the underlying structure of the legal notice would go through only if some mechanism were available to delete this and only this material. Yet, given our earlier examination of the movement-and-deletion approach, it is not obvious that such a mechanism is available. What we would seem to be left with on such an approach is the structure given in (35b), which clearly does not correspond to the legal notice in (26):

- (35) a. [[No vehicles]₁ t₁ are allowed [t₁ in the park]]
 b. [[No vehicles]₁ ~~t₁ are allowed [t₁ in the park]]~~ ≠ (26)

What we might posit, then, as the underlying structure of (26) is instead something along the lines of (36), where we stipulate the existence of a phonetically null verb expressing obligation. This would directly capture the prohibitive force of the legal notice while avoiding the need for a problematic deletion procedure.

- (36) [V_{obligation} [PP [no vehicles] in the park]]

It turns out, however, that the structure in (36) also encounters a serious problem of overgeneration, related to the attested range of PP types. As (37) suggests, this range is narrower than would follow directly from an analysis of (26) that posited a base structure containing either an overt or a null verb; and the impossibility of pronounced forms such as that in (37c) would require some further (rather obscure) stipulation about the semantic category of verb that could enter into such structures.

- (37) a. [V_{obligation} [PP [no vehicles] into the park]]
 b. [[No vehicles]₁ V_{obligation} [t₁ into the park]]
 c. * No vehicles into the park

Yet, structures like that in (36) containing null verbs do seem to be independently necessary, in order to capture the acceptability of utterances like the following ones:

- (38) a. Everybody out of the pool!
 b. Any doctor on board into the cabin!

What we might conclude, then, is that the more complex null verb structure given in (36), though offering a plausible basis for an account of non-sentential directives like

those in (37), does not provide any ready means to rule out unacceptable directives like that in (37c). We might speculate, then, that directives like that in (26) involve a simple predication structure, which is adequately represented by the “bare” small clause structure given in (27a). However, the licensing of directives that encode directional motion, like those in (38), requires the presence of a verb, with a thematic structure that likewise encodes such directional motion. While these considerations ultimately favour the more “skeletal” syntactic structure that we have proposed for the legal notice in (26), they do suggest that richer structures may be necessary to capture thematically more complex directives.

Further consideration of the more “skeletal” representations reveals that they have further conceptual and empirical benefits. One is that they avoid proliferating ambiguities in order to capture different interpretations of what is putatively the same small clause syntactic structure. We have already seen that (26), understood as a legal notice, is understood to express the assertion represented in (32). This meaning, however, is hardly the only one that (26) may bear. Consider the scenarios depicted in (37):

- (37) a. A: What do you see? B: No vehicles in the park, at least.
 b. A [approaching the park]: I don’t think there’ll be any vehicles in the park.
 B [as A and B see that the park is full of cars]: No vehicles in the park, eh?

For (37a), the basic meaning of (26) given in (27b) appears to be the appropriate one, since it simply expresses the absence of vehicles in the park. For (37b), the same putative syntactic structure appears to receive an “echoic” interpretation reflecting B’s ironic comment on A’s original statement. Thus, (37a) and (37b) share a feature that neither shares with (30): namely, that in each, the proposition in play, whether asserted or ironically echoed, is not within the scope of a deontic operator but is instead simply ‘There are no vehicles in the park.’ Although one could, of course, posit two (or three) distinct syntactic structures respectively corresponding to the three interpretations sketched for (26), doing so would overlook the obvious possibility that these interpretations arise from the hearer’s pragmatic enrichment of a skeletal logical form to infer the speaker’s likely intended meaning.

4. Conclusion

In this study of legal notices, we have argued that such notices may take various forms, imperative, indicative, and non-sentential, and may convey various illocutionary forces depending on their particular content. Notices prohibiting actions—unlike laws prohibiting actions—typically have “directive” illocutionary force; and the different linguistic classes of legal notices arrive at this force through different routes, given their distinct linguistic properties. We dwelled on the class of non-sentential notices, which we took to be the most puzzling from the perspective of linguistic analysis, concluding that the most adequate analysis of these was one that assigned them a “bare phrase” structure. We showed how the interpretation of such “bare” structures could be perspicuously captured in terms of the Discourse Representation Structures of Discourse Representation Theory, which we took to be amenable to pragmatic enrichment as a means of accounting for certain aspects of the

intended meaning of legal notices. Finally, we argued that the sparse syntactic and semantic representations proffered on this analysis had distinct conceptual and empirical advantages over analyses that posited richer underlying structures, avoiding the positing of ambiguity to capture the range of readings available to what was putatively a single syntactic structure. Although many open questions remain for our analysis, we believe that it represents a fruitful direction for future research.

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