

# shall usage in legal texts is motivated by genre, not writing process or content

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## Background & Motivation

Deontic *shall* is ubiquitous in legal English, but rare in other contexts.

- (1) *The Senate **shall** have the sole Power to try all Impeachments.* [U.S. Const. art. 1§3]  
(2) *No State **shall** enter into any Treaty, Alliance, or Confederation.* [U.S. Const. art. 1§10]

But why?

### Hypothesis 1:

*Shall* expresses deonticity, which is common in legal texts describing obligations.

### Hypothesis 2:

*Shall* signals performativity and legal authority, regardless of content.

## Methods

Participants (N=67) were given descriptions of crimes and instructed to pretend they were:

- (1) tour guides writing a **guidebook**; vs.  
(2) lawmakers drafting **laws**.

2x2 manipulation of genre and writing process

| Tour guide, from scratch | Legal, from scratch |
|--------------------------|---------------------|
| Tour guide, editing      | Legal, editing      |

You are a lawmaker tasked with writing a law that prohibits a certain crime, and specifies the punishment for that crime. Below are the specifications for the law. Please write the law in the text box below, ensuring that it sounds authentic, authoritative and legally binding.

Requirements of guilt for offense:

- Whoever
  - Taking an oath before a competent tribunal
  - States any material matter which he does not believe to be true

Punishment of offense:

- Up to 5 years in prison

Progress

Next

## Results

**Genre accounts for *shall* usage while content and writing process do not.**

- shall* usage was much higher in the legal genre condition ( $p = 0.001$ ).
- shall* was used 319 times in the legal genre, and only 18 times in the tour guide genre.
- shall* was used at relatively similar rates regardless of whether edits were allowed.

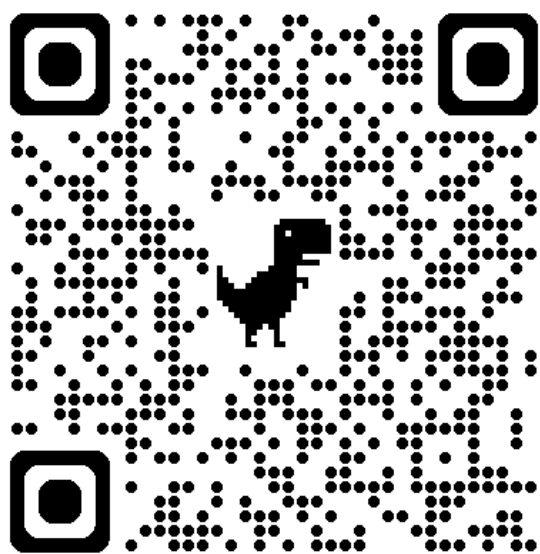
## Discussion

*Shall* usage in legal texts is not explained purely due to the prevalence of deontic concepts.

We argue the markedness of legal language serves a signaling function. Infrequency in non-legal contexts allows the modal *shall* to signal strong legal obligation (Williams 2009).

**Acknowledgements.** Thank you to Emily Goodwin, Josh Phillips, Cleo Condoravdi, and Kim Tien Nguyen for their helpful feedback on this project.

**Project github!**



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