

Linguistic Expressions of Conditions of Chinese Legislative Provisions: A Register Grammar Perspective*

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Abstract—There is difference in the distribution of grammar phenomena in different registers. This paper has carried out a comprehensive study of the linguistic expressions of *Conditions* in Chinese legislative provisions. In legislative provisions, the *Conditions* are usually used to indicate the preconditions or circumstances for the legal norm, which are referred to as *hypothetical conditions* in this paper. In contrast, the clauses introduced by the words *dan* ‘but’ or *danshi* ‘but/however’ are called *danshus* ‘provisos’. *Danshus* are always positioned after the main clauses, so they are called *post-conditions*. Legal norms can be categorized into authorization norms, obligatory norms, and compound norms. As special legal norms, *danshus* can also be categorized into *authorization*, *obligatory* and *exclusionary danshus* respectively. Through a corpus-based analysis of conditions of Chinese legislative provisions, this study has concluded that: i) *hypothetical conditions* are always expressed by *de*-constructions; ii) *post-conditions* are always expressed by *danshus*, including *exclusionary danshus*, *obligatory danshus* and *authorization danshus* respectively; iii) the use of *danshus* in Chinese legislative provisions are less than 7% of the total clause numbers; and iv) the co-occurrence of hypothetical conditions and post-conditions are less than 3% of the total clause numbers. Suggestions for future legislation and amendments: First, more *danshus* should be used; Second, the use of *de*-constructions should be more standardized; and Third, the co-occurrence of *de*-constructions and *danshus* should be increased.

Index Terms—legislative provisions, hypothetical conditions, post-conditions, linguistic expressions, register grammar

I. INTRODUCTION

From the register grammar perspective, there is difference in the distribution of grammar phenomena in different registers, and so does the applicability of grammar rules. Zhang (2005) asserts that different registers have different grammars, and Zhang (2007) emphasizes the consciousness of register in grammar research and concludes that ‘looking for the right examples from the right register, and explaining the examples reasonably in the right register’ (p. 8). Tao (1999) advocates that register-centered grammar research is of great significance, and it should be a basic starting point of linguistic research in the future. Feng and Shi (2018) summarize the systematization of register grammar from different linguistic levels. This paper has carried out a comprehensive study of the linguistic expressions of Conditions in Chinese legislative provisions.

In terms of legislative technology, in order to enhance the economy and normativity of legal texts, the legislative provisions need to adopt formulaic sentence patterns (Chen, 2004a). The sentence patterns, sentence types and syntactic structure of legal texts are subject to the logical structure and meaning of legislative provisions, and it is only by combining these aspects that we can break through the dilemma that little is known about the legislative sentences (Pan, 2017).

II. LITERATURE REVIEW

A. Hypothetical Conditions of Legislative Provisions

In natural language, conditional sentence generally consists of two parts, conditional clause and result clause, and are usually referred to as hypothetical compound sentences.

In order to adapt to the characteristics of Chinese legislative provisions, the conditional clauses are often condensed into *de*-constructions to express complex meaning relationships (Sun & Zhou, 1997). There are many studies on *de*-constructions in Mandarin Chinese, for example Zhu (1983) argues that *de*-construction can be used in the sense of *zizhi* ‘self-referring’ or *zhuanzhi* ‘transferred-referring’ (pp. 17-19). In Chinese legislative provisions, Yu (1990), Sun and Zhou (1997), Wang (1997), Liu (2003; 2007), Chen (2004a; 2004b) focus on the linguistic characteristics of *de*-constructions, and consider the Chinese character *de* as structural particles, and the *de*-constructions can be used in

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hypothetical contexts.

Some other studies argue that the misuse of *de*-constructions in Chinese legislative provisions, such as Zhou (2002), Yin and Yin (2020) and the abuse of *de*-constructions, and *de* should be deleted or altered (Zhang, 2015).

What's more, the Chinese character *de* can be considered to be conditional marker in Chinese legislative provisions, such as Dong (2012), and Hu (2022). The conditions preceding the legal Subject in legislative provisions are usually used to indicate the preconditions, conditions or circumstances under which the legal norms are to be applied, and they are referred to as *hypothetical conditions* in this study.

B. Post Conditions in Legislative Provisions

Adversative clauses are one of the general types in natural languages, and they indicate the semantic relations between two clauses. In Chinese, adversative clauses can be marked by direct markers of *dan/que* 'but' or indirect markers of *suiran* 'although' (Xing, 1992, p. 81).

In legislative provisions, the clauses introduced by the words *dan* 'but' or *danshi* 'but/however' are called *danshus* 'provisos', which are special norms which provide for exceptions, limitations, additions, etc. to the main clauses (Zhou, 1991, p. 56), and they are referred to as *post-conditions* because of their position after the main clauses. The CONDITIONS of legislative provisions discussed in this study include both hypothetical conditions and post-conditions.

C. Logical Structure of Legislative Provisions

The language of law refers to the national language that is used in all legal activities (including legislative, judicial, administrative activities and scientific interpretation of laws) (Pan, 2020, p. 2). George Coode (1843), in his paper '*On Legislative Expression, or the Language of the Written Law*', points out that legislative provisions are generally composed of four elements, namely *legal Subject, legal Action, the Case and the Conditions*. (cited in Doonan & Foster, 2001, pp. 142-143). Li (2008) argues that there is no essential difference between *the Case* and *the Condition*, so George Coode's legal sentence pattern can be reduced to 'Condition + legal Subject + legal Action' (p. 77). In China, Pan (2017) proposes two logical models for legislative sentences: i) Condition + legal Subject + legal Action, and ii) Condition + Subject + Action + Sanction. The former is applicable to the sentence patterns of obligatory and authorization norms, while the latter is the standard format for those of Prohibitive norms. These two legislative sentence patterns can be merged into one: *Condition + legal Subject + legal Action + (Sanction)* (Hu & Jiang, 2017).

Crystal and Davy (1969) claims that most legal sentences have one of the following forms:

If X, then Y shall do Z,

or

If X, then Y shall be Z,

where 'If X' stands for the case(s) to which the rule of law applies, 'Y' stands for legal Subject, and 'Z' refers to legal Action (cited in Bhatia, 1993, p. 206).

From the analysis above, it can be seen that English and Chinese legislative provisions share the same elements of legislation: **Condition, legal Subject, legal Action, and (Sanction)**.

III. METHODOLOGY

A. Analytical Framework

Specific sentence patterns are abundant in legislative provisions, and it is necessary to compare and analyse them in sufficient quantity to summarize the rules of their use, to analyse the motivation for their existence, and to further refine the rules for the use of specific sentences patterns. Although hypothetical conditions and post-conditions of legislative provisions are different in terms of sentence type, sentence patterns and positions in the provisions, they are both essentially the CONDITIONS to which the legislative provisions apply, therefore, they are included in the unified category of CONDITIONS in this study.

The study links the linguistic expressions of hypothetical conditions to their semantic classification (indicating legal Subject or the Circumstance or the Case), and the linguistic expressions of post-conditions to the classification of legal norms such as authorization norms, obligatory norms and prohibitive norms. The Corpus of Chinese Legal Conditions (CCLP) has been created for the systematic counting, description and analysis of the linguistic expressions of hypothetical conditions and post-conditions. Based on the motivation of the linguistic expressions, the rules for the linguistic expressions of hypothetical conditions and post-conditions are summarized. The analytical framework of this study is as follow in Table 1.

TABLE 1
ANALYTICAL FRAMEWORK OF CONDITIONS OF LEGISLATIVE PROVISIONS

Conditions of legislative provisions		
Perspective of law	Hypothetical conditions	Post-conditions
Sentence types	Conditional sentence	Adversative clauses
Sentence patterns	<i>de</i> -constructions	<i>dan/danshi</i> clauses
Perspective of meanings	i. description of the Case	i. <i>exclusionary danshus</i>
	ii. indicating legal Subject	ii. <i>authorization danshus</i>
		iii. <i>obligatory danshus</i>
		iv. <i>prohibitive danshus</i>
Linguistics expressions	i. <i>de</i> -constructions (self-referring)	i. <i>dan/danshi...chuwai, etc</i>
	ii. hypothetical conjunction <i>ruguo</i> 'if/ where'	ii. <i>dan/danshi...keyi, etc.</i>
	iii. hypothetical conjunction + <i>de</i> -constructions (self-referring)	iii. <i>dan/danshi...yingdang, etc.</i>
	iv. <i>de</i> -constructions (transferred-referring)	iv. <i>dan/danshi...bude, etc.</i>

B. Research Questions

1) What are the linguistic expressions of hypothetical conditions?

In legislative provisions, hypothetical conditions can be expressed by means of hypothetical conjunctions *ruguo* 'if/ where', *de*-constructions, and hypothetical conjunctions in combination with *de*-constructions.

The questions about the linguistic expressions of hypothetical conditions are as follow:

- i) what are the frequencies of the three linguistic expressions of hypothetical conditions?
- ii) which hypothetical conjunctions are preferred in legislative provisions, and what are their stylistic, grammatical and semantic mechanisms? and
- iii) what are the semantic and syntactic features of *de*-constructions in legislative provisions?

2) What are the linguistic expressions of post-conditions?

In legislative provisions, different post-conditions are expressed with typical expressions, for example, *exclusionary danshus* are always expressed by *dan/danshi...chuwai etc.*, *authorization danshus* by *dan/danshi...keyi etc.*, *obligatory danshus* by *dan/danshi...yingdang etc.*, and *Prohibitive danshus* by *dan/danshi...bude etc* respectively.

The questions about the linguistic expressions of post-conditions are as follow:

- i) what are the frequencies of linguistic expressions of post-conditions?
- ii) what are the functions and uses of sentence pattern *dans/danshi...* in legislative provisions?
- 3) what are the interaction between hypothetical conditions and post-conditions?

In some legislative provisions, both hypothetical conditions and post-conditions are used.

Through qualitative and quantitative analysis, this study has looked into the interaction of hypothetical conditions and post-conditions, and the interactions of its linguistic expressions *de*-constructions and sentence pattern *dan/danshi...*

C. Description of Corpus

This study collects 100 pieces of the latest laws enacted by the National People's Congress and its Standing Committee, covering eight legal departments. Thirty eight pieces of laws do not use *danshus*, and the remaining 62 pieces of laws are chosen to create CCLP, 7110 articles in total, with 841803 Chinese characters, 7512 *de*-constructions, and 481 *danshus*.

IV. RESULTS AND DISCUSSIONS

A. Linguistic Expressions of Hypothetical Conditions

(a). Self-Referring and Transferred-Referring of De-Constructions

In CCLP, there are 7512 *de*-constructions, in which 6360 are used as self-referring and 1152 are *transferred-referring*.

Zhu (1983) argues that *de*-constructions can be used for self-referring and *transferred-referring*. The term *transferred-referring* means a major shift in meaning after nominalisation, from denoting the action to refer to the participant of the action. The term self-referring refers to the act itself, and the change in meaning is not as significant as in the case of *transferred-referring*. The distinction between self-referring and *transferred-referring* is whether to refer to a thing or a situation (Zhang, 2007), in other words, if *de*-constructions refer to the action itself, it functions as self-referring, and if they refer to the person involved in the action, it is *transferred-referring*. In legislative texts, *de*-constructions can also be used as self-referring and *transferred-referring*. For example:

(1a) 自然人下落不明满二年的，利害关系人可以向人民法院申请宣告该自然人为失踪人。(《民法典》第40条)

zi ran ren xia luo bu ming man er nian *de*, li hai guan xi ren ke yi xiang ren min fa yuan shen qing xuan gao gai zi ran ren wei shi zong ren.

(1b) *If* a natural person's whereabouts have been unknown for two years, an interested person may request the people's court to declare the natural person as a missing person (Article 40 of *Civil Code*).

(2a)违反本法第五十八条的规定，出借自己的证券账户或者借用他人的证券账户从事证券交易的，责令改正，给予警告，可以处五十万元以下的罚款。(《证券法》第 195 条)

wei fan ben fa di wu shi ba tiao de gui ding, chu jie zi ji de zheng quan zhang hu huo zhe jie yong ta ren de zheng quan zhang hu cong shi zheng quan jiao yi *de*, ze ling gai zheng, gei yu jing gao, ke yi chu wu shi wan yuan yi xia de fa kuan.

(2b) *Where* anyone lends his own securities account or borrows others' securities accounts to conduct securities transaction in violation of the provisions of Article 58 of this Law, he shall be ordered to take corrective measures and be given a warning, and may be imposed a fine of not more than RMB 500,000 (Article 195 of *Securities Law*).

In example (1a), *de-construction* indicates the situation where the whereabouts of a natural person are unknown for two years, and the *de-construction* is used as self-referring. In example (2a), the *de-construction* refers to the person who has performed the two acts by stating 'violation of' and 'lending...' in which the *de-construction* is used as *transferred-referring*.

Of the 7512 *de*-constructions in CCLP, 6360 (84.66%) are used as self-referring and 1152 (15.34%) are used as *transferred-referring*. Why is it that about 85% of the *de*-constructions are self-referring and only 15% are *transferred-referring*? Possible reasons are as follow:

Firstly, it may be related to the expression of specific legislative provisions. Zou (2008) argues that whether or not the sentence pattern *you xia lie qing xing(xing wei)zhi yi* 'One of the following circumstances (actions)...' is preceded by a subject depends on the need for expression. Generally speaking, specialized laws tend to use sentence patterns with a subject, such as *the Teachers Law*, *the Civil Servants Law* and *the Banking Law*, while non-specialized laws are not suitable for sentence patterns with a subject because the legal subject of the legal relationship is indefinite. A similar situation exists in *de*-constructions, when the legal subject is indefinite, the sentence pattern 'VP + *de*' is often used, and when the legal subject of the law needs to be clarified, the sentence pattern 'NP + VP + *de*' is often used.

Secondly, from cognitive perspective, 'Agent + Action + Object' is a cognitive framework (gestalt) (Shen, 1999, pp. 5-6). In the sentence pattern 'NP + VP + *de*', both the agent (NP) and the action (VP) are present, which is a complete subject-predicate clause, usually indicating the self-referring of *de*-constructions. While in sentence pattern 'VP + *de*', only the action (VP) is present, and the agent (NP) is not, in this case, the 'VP + *de*' construction is usually used to refer to the person who performs the act, i.e. to the agent (NP) in *transferred-referring*. For example:

(3a)勾结外国，危害中华人民共和国的主权、领土完整和安全的，处无期徒刑或者十年以上有期徒刑。(《刑法》第 102 条第 1 款)

gou jie wai guo, wei hai zhong hua ren min gong he guo de zhu quan、ling tu wan zheng he an quan *de*, chu wu qi tu xing huo zhe shi nian yi shang you qi tu xing.

(3b) *Anyone who* colludes with a foreign country to endanger the sovereignty, territorial integrity and security of the People's Republic of China shall be sentenced to life imprisonment or imprisonment for a term of not less than ten years (Paragraph 1 of Article 102, *Criminal Law*).

In example (3a), the *de-construction* refers to the person who performs the act by the two verb phrases *gou jie...* 'colludes with...' and *wei hai...* 'endangers...', in which the *de-construction* is used in its *transferred-referring*.

In legislative provisions, it is generally necessary to specify the applicable conditions of a legal norm, which is the reason why *de*-constructions are used in its self-referring in most cases.

(b). Linguistic Expressions of De-Constructions

In CCLP, there are 7589 hypothetical conditions, of which 7423 (97.81%) are marked by *de*-constructions, 22 (0.29%) by hypothetical conjunctions *ruguo* 'if/where' plus *de*-constructions, 8 (0.11%) by the adverb *fan/fanshi* 'any/whatever' plus *de*-constructions; 67 (0.88%) by hypothetical conjunction *ruguo* 'if/where' and 10 by adverbs *fan/fanshi* 'any/whatever'.

Based on the possibility of fulfillment of the hypothetical condition, hypothetical clauses can be semantically classified into four sub-types: possible hypothetical clauses, realistic hypothetical clauses, counterfactual hypothetical clauses, and subjunctive hypothetical clauses (Zhang & Ma, 2010). In legislative provisions, the hypothetical condition has a universal space-time nature, indicating that whoever commits the act described in the legislative provisions will enjoy the corresponding rights or be subject to the corresponding legal sanctions, and therefore it expresses the possible meaning in the real hypothetical clauses.

Zhang (2014) studies 21 hypothetical conjunctions in modern Chinese, such as *ruguo* 'if/where', *yaoshi* 'if', *yao* 'if', *ru* 'if', *yidan* 'if', *ruo* 'if', *jiaru* 'if', *ruoshi* 'if', *tangruo* 'if', *wanyi* 'if', *jiaruo* 'if', *tang* 'if', *jiashi* 'if', *ruruo* 'if', *tangshi* 'if', *sheruo* 'if', *guozhen* 'if', *tanghuo* 'if', *jiading* 'if', *tangran* 'if', *jiashen* 'if' and their use in four hypothetical clauses, and concludes that all the 21 hypothetical conjunctions can be used in possible hypothetical clauses, and 5 hypothetical conjunctions *ruguo* 'if/where', *yaoshi* 'if', *jiaru* 'if', *tangruo* 'if', and *jiaruo* 'if' can be used in the four hypothetical clauses (pp. 71-72).

First of all, about 98% of hypothetical conditions in legislative provisions are expressed by *de*-constructions, why? The possible reasons are as follow: i) it may be attributed to the characteristics of Chinese language, where *de*-constructions can be used as noun phrases and are widely used; ii) it is influenced by the traditional Chinese laws,

where *zhe*-constructions are widely used in the traditional Chinese legislative provisions (Chen, 2004b), and the *de*-constructions are the substitute for the *zhe*-constructions (Yu, 1990); and iii) the post positioning of *de*-constructions in legislative provisions meets the need for the expression of hypothetical conditions. Dong (2003) argues that when *de*-construction is modifying the head word, then the complex noun phrase appears only in the context of the hypothetical.

Secondly, hypothetical conditions in CCLP are expressed by clauses introduced by hypothetical conjunction *ruguo* 'if/where' 67 instances (0.88%), and by hypothetical conjunction *ruguo* 'if/where' with *de*-constructions 22 instances (0.29%). For example:

(4a) 全国人民代表大会会议每年举行一次，由全国人民代表大会常务委员会召集。**如果**全国人民代表大会常务委员会认为必要，或者有五分之一以上的全国人民代表大会代表提议，可以临时召集全国人民代表大会会议。(《宪法》第 61 条第 1 款)

quan guo ren min dai biao da hui hui yi mei nian ju xing yi ci, you quan guo ren min dai biao da hui chang wu wei yuan hui zhao ji. **ru guo** quan guo ren min dai biao da hui chang wu wei yuan hui wei bi yao, huo zhe you wu fen zhi yi yi shang de quan guo ren min dai biao da hui dai biao ti yi, ke yi lin shi zhao ji quan guo ren min dai biao da hui hui yi.

(4b) The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time **if** the Standing Committee deems it necessary or when more than one-fifth of the deputies to the National People's Congress so propose (Paragraph 1 of 61, *Constitution*).

(5a)**如果**是国家财产、集体财产遭受损失的，人民检察院在提起公诉的时候，可以提起附带民事诉讼。(《刑事诉讼法》第 101 条第 2 款)

ru guo shi guo jia cai chan、ji ti cai chan zao shou sun shi **de**, ren min jian cha yuan zai ti qi gong su de shi hou, ke yi ti qi fu dai min shi su song.

(5b) **If** losses have been caused to State property or collective property, the People's Procuratorate may file an incidental civil action while initiating a public prosecution (Paragraph 2 of Article 101, *Criminal Law*).

Example (4) is hypothetical condition clauses introduced by hypothetical conjunction *ruguo* 'if/where'. The hypothetical conjunction *ruguo* 'if/where', when introducing a hypothetical condition, can be positioned either at the beginning of a clause or before a predicate. In example (5), the hypothetical clause is expressed by a combination of hypothetical conjunction plus the *de*-construction.

According to Zuo (2008), *ruguo* 'if/where' or similar words are the easiest to mark the hypothetical meaning, and the presence or absence of *ruguo* 'if/where' or similar words before *de*-constructions does not change the logical relationship expressed in the sentence (p. 14). However, the presence of *ruguo* 'if/where' or similar words before *de*-constructions emphasizes the hypothetical meaning, and the absence of *ruguo* 'if/where' or similar words does not (Zuo, 2008, p. 14). This is also true to *de*-constructions in legislative provisions.

Thirdly, in CCLP, 10(0.13%) of hypothetical conditions are expressed by clauses introduced by adverbials *fan/fanshi* 'any/whatever', and 8(0.11%) by the combination of adverbials *fan/fanshi* 'any/whatever' plus *de*-constructions. For examples:

(6a)**凡是**伪造证据、隐匿证据或者毁灭证据的，无论属于何方，必须受法律追究。(《刑事诉讼法》第 54 条第 4 款)

fan shi wei zao zheng ju、yin ni zheng ju huo zhe hui mie zheng ju **de**, wu lun shu yu he fang, bi xu shou fa lü zhui jiu.

(6b) **Anyone who** falsifies evidence, conceals evidence or destroys evidence, regardless of the party to which it belongs, must be prosecuted under the law (Paragraph 4 of Article 54, *Criminal Procedure Law*).

In example (8), the hypothetical condition is expressed by the collocation of '*fanshi* + VP + *de*'. As Zuo (2008) suggests, the addition of the hypothetical conjunction *ruguo* 'if/where' or similar words before the *de*-constructions does not change the logical relationship expressed in the sentence, but merely serves to emphasize the hypothetical meaning. Similarly, the addition of the adverb *fan/fanshi* 'any/whatever' before the *de*-constructions does not change the logical relationship expressed in the sentence, but only provides a degree of emphasis.

According to Zhou (2009), legislative language is the product and outcome of the long-term integration of legislative activities and the language, and is the most rigorous, standardized, concise, commonplace and clear compared with the language of other registers. From the discussion above, it can be seen that when *de*-constructions are modifying the head word, the postposition of the word *de* indicates the hypothetical meaning, which can satisfy the needs of expressing hypothetical conditions in the legislative provisions (Zuo, 2008; Dong, 2003). The addition of the hypothetical conjunctions *ruguo/ru* 'if/where' or the adverb *fan/fanshi* 'any/whatever' before the *de*-constructions would result in a repetition of the hypothetical meaning marker. In order to make the legislative language more standardized and concise, it is proposed to delete the hypothetical conjunctions *ruguo/ru* 'if/where' or the adverbs *fan/fanshi* 'any/whatever' before the *de*-constructions in legislative provisions. At the same time, from a rhetorical point of view, legal discourse also tends to use negative rhetoric (Pan, 1991), without the need to deliberately add hypothetical

conjunctions or adverbs for emphasis.

B. Linguistic Expressions of Post-Conditions

In CCLP, there are 481 *danshus* 'provisos' in total, accounting for only 6.77% of the total number of provisions. In terms of the sub-categories of *danshus*, there are 289 *exclusionary danshus* (242 exclusion of the cases, 10 exclusion of legal subjects and 37 exclusion of legal objects), 134 obligatory *danshus* (78 positive obligation and 56 negative obligation) and 64 authorization *danshus* (37 positive freedom and 27 negative freedom) in CCLP respectively.

(a). The Linguistic Expression of the Exclusionary Danshus

The main function of *exclusionary danshus* is to express exclusions and exceptions or negations to the provisions in the main clause of legislative provisions. There are three usages of *exclusionary danshus*, namely the exclusion of abstract provisions, the specific matters and the specific subjects (Liu, 2017). The above three usages of *danshus* correspond to the *exclusionary danshus* in this paper, namely the exclusion of the cases, legal objects and the legal subjects. The *exclusionary danshus* are usually expressed by sentence patterns *dan/danshi... de chuwai* 'except as otherwise provided for...' or *dan/danshi... chuwai* 'however, except for...', etc.

(7a)信息披露义务人披露的信息应当同时向所有投资者披露,不得提前向任何单位和个人泄露。**但是**,法律、行政法规另有规定的**除外**。(《证券法》第83条第1款)

xin xi pi lu yi wu ren pi lu de xin xi ying dang tong shi xiang suo you tou zi zhe pi lu, bu de ti qian xiang ren he dan wei he ge ren xie lu. **dan shi**, fa lü, xing zheng fa gui ling you gui ding **de chu wai**.

(7b) The information disclosed by the parties bound by disclosure obligation shall be disclosed simultaneously to all investors and shall not be disclosed in advance to any entity or individual, **except as otherwise provided for** in laws and administrative regulations (Paragraph 1 of Article 83, *Securities Law*).

(8a)股东可以用货币出资,也可以用实物、知识产权、土地使用权等可以用货币估价并可以依法转让的非货币财产作价出资;**但是**,法律、行政法规规定不得作为出资的财产**除外**。(《公司法》第27条第1款)

gu dong ke yi yong huo bi chu zi, ye ke yi yong shi wu, zhi shi chan quan, tu di shi yong quan deng ke yi yong huo bi gu jia bing ke yi yi fa zhuan rang de fei huo bi cai chan zuo jia chu zi; **dan shi**, fa lü, xing zheng fa gui ding bu de zuo wei chu zi de cai chan **chu wai**.

(8b) Shareholders may make capital contributions in money, or in kind, intellectual property rights, land use rights and other non-monetary property that can be valued in money and can be *transferred-referring* in accordance with the law; **however, except for** property that cannot be used as capital contributions under laws and administrative regulations (Paragraph 1 of Article 27, *Company Law*).

In example (7), the *danshu* employs the sentence pattern *dan/danshi...de chuwai* 'except as otherwise provided for...', which is mainly used to express the exclusion of the case. In example (8), the *danshu* is expressed by the sentence pattern *dan/danshi...chuwai* 'however, except for...', excluding the legal objects or the legal subjects.

(b). The Linguistic Expressions of Authorization Danshus

The proportion of authorization norms has increased incrementally with the evolution of the laws. In modern laws, the authorization norms are of primary importance (Zhang, 2018). The acts prescribed by authorization norms can be sub-categorized into negative freedom and positive freedom. Negative freedom is the freedom of the legal subject free from the interference of others, and is often expressed in normative documents by sentence patterns *dan/danshi...bu shou qinfan* 'but/however/provided that...shall not be infringed' or *dan/danshi...bu shou ganshe* 'but/however/provided that...shall not be affected', etc. (Zhu & Ye, 2015, p. 248).

(9a)营利法人的权力机构、执行机构作出决议的会议召集程序、表决方式违反法律、行政法规、法人章程,或者决议内容违反法人章程的,营利法人的出资人可以请求人民法院撤销该决议。**但是**,营利法人依据该决议与善意相对人形成的民事法律关系**不受影响**。(《民法典》第85条)

ying li fa ren de quan li ji gou, zhi hang ji gou zuo chu jue yi de hui yi zhao ji cheng xu, biao jue fang shi wei fan fa lü, xing zheng fa gui, fa ren zhang cheng, huo zhe jue yi nei rong wei fan fa ren zhang cheng de, ying li fa ren de chu zi ren ke yi qing qiu ren min fa yuan che xiao gai jue yi. **dan shi**, ying li fa ren yi ju gai jue yi yu shan yi xiang dui ren xing cheng de min shi fa lü guan xi **bu shou ying xiang**.

(9b) A capital contributor of a for-profit legal person may request the people's court to revoke a resolution which is made at a meeting of the governing body or executive body of the legal person if the procedure for convening the meeting or the voting method thereof is in violation of the laws, administrative regulations, or the legal person's articles of association, or, if the content of the resolution violates the articles of association, **provided that** any civil juristic relationship already formed between the legal person and a bona fide third person based on such a resolution **shall not be affected** (Article 85 of *Civil Code*).

The *danshu* in example (9) uses sentence pattern *danshi...bu shou yingxiang* 'provided that...shall not be affected'.

Positive freedom refers to the freedom that the legal subject achieves or preserves through positive acts, and are mostly expressed in normative documents by the clauses with words *keyi* 'may', *youquan* 'to have the right to', *you* ...

de quanli ‘to be entitled to...’, etc (Zhu & Ye, 2015, p. 248). Similarly, the *danshus* expressing positive freedom is often expressed by sentence patterns *dan/danshi...keyi* ‘but/however,...may’, *dan/danshi...youquan*, ‘but/however, to have the right to’, *dan/danshi you...ziyou* ‘but/however, to have the freedom to’ etc. For example (10) below:

(10a)凡在中华人民共和国领域外犯罪，依照本法应当负刑事责任的，虽然经过外国审判，仍然可以依照本法追究，**但是**在外国已经受过刑罚处罚的，**可以**免除或者减轻处罚。(《刑法》第10条)

fan zai zhong hua ren min gong he guo ling yu wai fan zui, yi zhao ben fa ying dang fu xing shi ze ren de, sui ran jing guo wai guo shen pan, reng ran ke yi yi zhao ben fa zhui jiu, **dan shi** zai wai guo yi jing shou guo xing fa chu fa de, **ke yi** mian chu huo zhe jian qing chu fa.

(10b) Anyone who commits a crime outside the territory of the People's Republic of China and is criminally liable in accordance with this Law may still be prosecuted in accordance with this Law although he has been tried in a foreign country, **but if** he has already been punished with a penalty in the foreign country, he **may** be exempted from or have his punishment reduced (Article 10 of *Criminal Law*).

(c). The Linguistic Expressions of Obligatory *Danshus*

Positive obligation rules require the subject of duty to perform some positive act in order to satisfy the interests of the right holder, which reflects the necessity or burden of the subject of duty to perform some act in order to achieve the interests of others. In legislative provisions, positive obligations are usually expressed by the terms *yingdang* ‘shall’, *bixu* ‘must’, *you yiwu* ‘to be obliged to’, *you zeren* ‘to be liable for’, etc. (Zhu & Ye, 2015, p. 248). Similarly, the *danshus* expressing positive obligations are mainly expressed by the collocations of hypothetical conjunctions *dan/danshi* plus modal verbs, such as *dan/danshi...yingdang...* ‘but/however,...shall...’, *dan/danshi...bixu...* ‘but/however,...must...’, and sometimes also by the collocations of hypothetical conjunctions *dan/danshi* plus preposition, such as *dan/danshi...yizhao...* ‘but/however,...shall be followed’. See example (11) below:

(11a)除可以当场作出行政许可决定的外，行政机关应当自受理行政许可申请之日起二十日内作出行政许可决定。二十日内不能作出决定的，经本行政机关负责人批准，可以延长十日，并应当将延长期限的理由告知申请人。**但是**，法律、法规另有规定的，**依照**其规定。(《行政许可法》第42条第1款)

chu ke yi dang chang zuo chu xing zheng xu ke jue ding de wai, xing zheng ji guan ying dang zi shou li xing zheng xu ke shen qing zhi ri qi er shi ri nei zuo chu xing zheng xu ke jue ding. er shi ri nei bu neng zuo chu jue ding de, jing ben xing zheng ji guan fu ze ren pi zhun, ke yi yan zhang shi ri, bing ying dang jiang yan zhang qi xian de li you gao zhi shen qing ren. **dan shi**, fa lü, fa gui ling you gui ding de, **yi zhao** qi gui ding.

(11b) The administrative organ shall make a decision on an administrative permit within twenty days from the date of receiving the application for an administrative permit, except where a decision on the administrative permit can be made on the spot. If a decision cannot be made within twenty days, it may be extended by ten days with the approval of the head of the administrative organ, and the applicant shall be informed of the reasons for the extension. **However**, where otherwise provided by law or regulation, the provisions thereof **shall be followed** (Paragraph 1 of Article 42, *Administrative Licensing Law*).

The *danshu* in example (11) uses the verb *yizhao* ‘shall be followed’.

Negative obligation norm (also known as *prohibitive norm*) means that the obligor must restrain himself from certain conduct in order to satisfy the interests of the right holder, as required by the prohibitive norm. Prohibitive rules are usually expressed by *bude* ‘shall not’, *buneng* ‘cannot’, *buying* ‘shall not’, *jingzhi* ‘to be prohibited’, *yanjing* ‘severely prohibited’, etc (Zhu & Ye, 2015, p. 248). Similarly, *danshus* expressing negative obligations are usually expressed by sentence patterns *dan/danshi...bude...* ‘but/however,...shall not...’, *dan/danshi...jingzhi...* ‘but/however,...to be prohibited...’, *dan/danshi...yanjing...* ‘but/however,...severely prohibited’ etc., or sometimes by other content words. For example (12) below:

(12a)地面第三人损害赔偿的诉讼时效期间为二年，自损害发生之日起计算；**但是**，在任何情况下，时效期间**不得**超过自损害发生之日起三年。(《民用航空法》第171条)

di mian di san ren sun hai pei chang de su song shi xiao qi jian wei er nian, zi sun hai fa sheng zhi ri qi ji suan; **dan shi**, zai ren he qing kuang xia, shi xiao qi jian **bu de** chao guo zi sun hai fa sheng zhi ri qi san nian.

(12b) The period of limitation for damages to third parties on the ground shall be two years from the date of occurrence of the damage; **however, in no case shall** the period of limitation exceed three years from the date of occurrence of the damage (Article 171 of *Civil Aviation Law*).

The *danshu* in example (12) uses the sentence pattern *dan/danshi...bude...* ‘however, in no case shall...’.

C. Interaction Between Hypothetical Conditions and Post-Conditions

In CCLP, 206 instances of co-occurrence of hypothetical conditions and post-conditions are found in the same legislative provision, accounting for only 2.9% of the total number of provisions. The co-occurrence of hypothetical conditions and post-conditions are found in 33 laws, among which 113 instances (54.85%) in the Civil Code, 13 instances (6.31%) in the Civil Aviation Law and 11 instances (5.5%) in the Criminal Code. For example:

(13a) 数人为同一代理事项的代理人的, 应当共同行使代理权, **但是**当事人另有约定的**除外**。(《民法典》第166条)

shu ren wei tong yi dai li shi xiang de dai li ren **de**, ying dang gong tong xing shi dai li quan, **dan shi** dang shi ren ling you yue ding **de chu wai**.

(13b) **Where** two or more agents are authorized to deal with the same matter for the principal, the agents shall collectively exercise the authority **unless otherwise agreed** by the parties (Article 166 of *Civil Code*).

(14a) 中华人民共和国缔结或者参加的国际条约同本法有不同规定的, 适用国际条约的规定; **但是**, 中华人民共和国声明保留的条款**除外**。(《民用航空法》第184条第1款)

zhong hua ren min gong he guo di jie huo zhe can jia de guo ji tiao yue tong ben fa you bu tong gui ding **de**, shi yong guo ji tiao yue de gui ding; **dan shi**, zhong hua ren min gong he guo sheng ming bao liu de tiao kuan **chu wai**.

(14b) **Where** an international treaty concluded or acceded to by the People's Republic of China contains provisions different from those of this Law, the provisions of the international treaty shall apply; **provided, however, that provisions** to which the People's Republic of China has declared reservations **shall be excluded** (Paragraph 1 of Article 184, *Civil Aviation Law*).

In general, there are 7110 articles in CCLP, and 7656 *de*-constructions and 481 *danshus* are found, but there is 206 co-occurrences of hypothetical conditions and post-conditions in total.

In other words, there are only 1.08 *de*-constructions, 0.07 *danshu* 'proviso' and 0.03 co-occurrence of hypothetical conditions and post-conditions in each article of legislative provision. The data above shows that: Firstly, as for **CONDITIONS** in legislative provisions, the frequency of the use of hypothetical conditions is much higher than post-conditions, and the former is 15 times of the latter. Secondly, on the whole, the frequency of use of *danshus* is too low. And thirdly, the co-occurrences of hypothetical conditions and post-conditions are even less frequent than *danshus*.

V. CONCLUSION

This paper, based on a mini-corpus CCLP, has quantitatively described the linguistic expressions of **CONDITIONS** in Chinese legislative provisions and has found that: Firstly, hypothetical conditions are usually expressed by *de*-constructions (about 98%), and a few *de*-constructions are preceded by hypothetical conjunction *ruguo/ru* 'if/where' and adverb *fan/fanshi* 'any/ whatever'. The linguistic expressions of *de*-constructions include *ruguo...de* 'anyone who' or 'if/where ...', *fan/fanshi...de* 'if/where ...', etc. Secondly, post-conditions are mainly expressed by *danshus* 'provisos'. Specifically speaking, *Exclusionary danshus* are expressed by sentence patterns *dan/danshi...de chuwei* 'except as otherwise provided for...' and *dan/danshi...chuwei* 'however, except for...', etc. *Authorization danshus* are expressed by sentence patterns *dan/danshi...bushou yingxing* 'but/however/provided that...shall not be affected', *dan/danshi...bu yingxiang* 'but/however/provided that...shall not affect...'; *dan/danshi...keyi* 'but/however,...may...', *dan/danshi...youquan*, 'but/however, to have the right to...', *dan/danshi you...ziyou* 'but/however, to have the freedom to...' etc. *Obligatory danshus* are mainly expressed by sentence pattern *dan/danshi...yingdang* 'but/however,...shall...', *dan/danshi... bude* 'but/however, ...shall not...', etc. Thirdly, the frequency of use of *danshus* in legislative provisions is less than 7%, and the co-occurrence of hypothetical conditions and post condition is even lower (only 2.9%).

Suggestions for future legislation and amendments: Firstly, the frequency of the use of *danshus* should be increased to make exceptions, limitations and additions to the general principles prescribed in the main clause of legislative provisions. Secondly, the use of *de*-constructions should be standardized, i.e., deleting hypothetical conjunction *ruguo/ru* 'if/where' and adverbs *fan/fanshi* 'any/whatever'. Thirdly, the co-occurrence of *de*-constructions and *danshus* should be increased, so as to enhance the quality of legislative provisions.

REFERENCES

- [1] Bhatia, V. K. (1993). *Analysing Genre: Language Use in Professional Settings*. London and New York: Routledge.
- [2] Chen, J. (2004a). shi lun fa lü tiao wen zhong luo ji jie gou ji qi te shu ju shi (Logic Structures and Special Sentence Patterns of Law Provisions). *Journal of Jiangnan University*, 2:81-84.
- [3] Chen, J. (2004b). lun fa lü tiao wen zhong de ji zhong te shu ju shi (On Several Sentence Patterns in Legislative Provisions). *Journal of Pingdingshan Teachers College*, 3:47-49.
- [4] Doonan, E. and Foster, C. (2001). *Drafting* (2nd edition). London and Sydney: Cavendish Publishing Limited.
- [5] Dong, X. F. (2003). "de" zi duan yu zuo hou zhi guan xi xiao ju de yong fa —jian ping fa lü wen xian zhong "de" zi duan yu de yong fa (Post-positioned Relative Clause in Chinese). *Applied Linguistics*, 4:120-126.
- [6] Dong, X. F. (2012). hua ti biao ji lai yuan bu yi (Additional Remarks on the Source of Topic Markers in Chinese). *Research in Ancient Chinese Language*, 3:28-36.
- [7] Feng, S. L. and Shi, C. H. (2018). cong yu yan de bu tong ceng mian kan yu ti yu fa de xi tong xing (The Systematization of Style Grammar from Different Levels of Language). han yu yu ti yu fa xin tan (New Explorations on Chinese Register Grammar). Edited by Feng S. L. and Shi C. H. Shanghai: Zhongxi Book Company, pp. 4-38.
- [8] Hu, D. H. and Jiang C. G. (2017). liang an san di fa lü fa gui zhong jia ding tiao jian yu yan biao shu fang shi yan jiu (The Linguistic Expressions of Conditions in Legal Sentences of Mainland China, Taiwan District and Hong Kong). *Journal of*

Huaqiao University, 5:147-156.

- [9] Hu, D. H. (2022). Conditional Markers of Legal Texts: A Comparative Study of *Civil Code* and Its English Version, *Theory and Practice in Language Studies*, Vol. 12, No. 8, pp. 1690-1696, DOI: <https://doi.org/10.17507/tpls.1208.27>.
- [10] Li, K. X. (2008). fa lüying yu tiao jian ju de xie zuo he fan yi (Composing and Translating Conditional Clauses in Legal Texts). *Chinese Translators Journal*, 4:71-77.
- [11] Liu, P. (2017). *li fa yuan li、cheng xu yu ji shu* (Principles, Procedures and Techniques of Legislation). Shanghai: Xuelin Press.
- [12] Liu, S. S. (2016). *zhong guo li fa wen ti yan jiu* (On the Problems of Chinese Legislation). Beijing: Intellectual Property Publishing House.
- [13] Pan, Q. Y. (2017). *fa lü yu yan xue* (Forensic Linguistics). Beijing: China University of Political Science and Law Press.
- [14] Pan, Q. Y. (1991). xiao ji xiu ci yan jiu da you ke wei (Researches on Passive Rhetoric Matters). *Journal of Huaibei Normal University*, 1:100-105.
- [15] Pan, Q. Y. (2020). zhong guo fa lü yu yan yan jiu—chen wang dao xiao ji xiu ci xue shuo de shi jian he tuo zhan (Research on China Legal Language: Practice and Expansion of Chen Wangdao's Negative Rhetoric Theory). *Researches on Language and Law*, 2:1-19.
- [16] Shen, J. X. (1999). zhuan zhi he zhuan yu (A Metonymic Model of *transferred-referring* of *de*-constructions in Mandarin Chinese). *Contemporary Linguistics*, 1: 3-15.
- [17] Sun, Y. H. and Zhou, G. R. (1997). *fa lü yu yan xue* (Forensic Linguistics). China University of Political Science and Law Press.
- [18] Tao, H. Y. (1999). shi lun yu ti fen lei de yu fa xue yi yi. Discourse Taxonomies and Their Grammatical-theoretical Implications. *Contemporary Linguistics*, 3:15-24.
- [19] Wang, J. (1997). *fa lü yu yan xue jiao cheng* (Textbook on Forensic Linguistics). Beijing: Law Press China.
- [20] Xing, F. Y. (1992). xian dai han yu zhuan zhe ju shi (Adversative Clauses in Modern Mandarin). *Chinese Teaching in the World*, 2: 81-90.
- [21] Yin, S. L. and Yin, R. N. (2020). li fa yu yan zhong de de —jian lun wo guo li fa zhong de shi yong de ji shu gui fan (On *de* in the Legislative Language: The Technical Standards of the Use of *De* in the Legislation of China). *Applied Linguistics*, 3: 133-143. DOI:10.16499/j.cnki.1003-5397.2020.03.018
- [22] Yu, Z. C. (1990). *fa lü yu yan xue*. (Forensic Linguistics). Xi'an: Shaanxi People's Education Press.
- [23] Zhang, B. J. (2005). gong neng yu yan yu han yu yan jiu (Functionalism and Chinese Grammar). *Linguistic Sciences*, 6: 43-53.
- [24] Zhang, B. J. (2007). yu ti cha yi he yu fa gui lü (Differences among Registers and Rules of Grammar). *Contemporary Rhetoric*, 2:1-9.
- [25] Zhang, B. J. (2015). fa lü fa gui yu yan ying cheng wei yu yan gui fan de shi fan (The Language of Laws and Regulations as Standard of Language Specification). *Contemporary Rhetoric*, 5:1-7.
- [26] Zhang, W. X. (2018). *fa li xue* (Science of Jurisprudence) (5th edition). Beijing: Higher Education Press.
- [27] Zhang, X. P. and Ma Q. Z. (2010). X shuo lei jia she biao ji (Hypothetical Markers of X-Speaking). In *yu yan yan jiu he tan suo* (Discussions on Grammar) No.15, edited by zhong guo yu wen za zhi she. 206-224. Beijing: The Commercial Press.
- [28] Zhang, X. P. (2014). ru guo lei jia she lian ci de yu yi gong neng yu yu yong fen bu (The Semantic Functions and Pragmatic Distribution of 'ruguo': the Conjunctions of Hypothesis). *Chinese Language Learning*, 1:69-74.
- [29] Zhou, X. L. (2002). hang zheng fa lfa leng fa lngpothesis). ong neng yu yu yong fen bu (The Semantic Functions and Pragmaticministrative Laws and Suggestions for Revision). *Applied Linguistics*, 3: 64-67.
- [30] Zhou, W. S. (1991). lun fa lü dan shu (On Danshus 'Provisos' of Legislative Provisions). *China Legal Science*, 4:54-62.
- [31] Zhou, W. S. (2009). *li fa xue* (On Legislation) (2nd edition). Beijing: Law Press China.
- [32] Zou, Y. H. (2008). lun li fa wen ben zhong "you xia lie qing xing (xing wei) zhi yi de" ju shi de gui fan (The Sentential Standardization of 'you xia lie qing xing (xing wei) zhi yi de' in Legal Documents). *Applied Linguistics*, 4:100-107.
- [33] Zuo, S. M. (2008). "de" zi jie gou zhu gong neng zhong de yu ti gong neng (The Stylistic Function of *de*-constructions). *Contemporary Rhetoric*, 3:10-18.
- [34] Zhu, L. Y. and Ye C. X. (2015). *li fa xue* (On Legislation) (4th edition). Beijing: China Renmin University Press.
- [35] Zhu, D. X. (1983). zi zhi he zhuan zhuan — han yu ming ci hua biao ji "de、zhe、suo、zhi" de yu fa gong neng he yu yi gong neng (Self-referring and transferred-referring: Grammatical and Semantic Functions of Nominalization Markers of *de*、*zhe*、*suo*、*zhi*). *Dialectics*, 1:16-31.



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