



An Investigation on The Stylistics Characteristics of The Bank's Facility Contracts

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1. INTRODUCTION

The main theme of studies in the area of forensic linguistics is investigating the relationship between language and law which means the use of language knowledge in the legal contexts. By studying different aspects of language in the facility contracts, we can help the readers of these texts to judge the bank's purposes or the writer of the text better. This article tries to probe the bank's facility legal discourses characteristics used in the bank contracts. The banks' facility contracts are assumed as legally obliged documents in case of disagreements. Their resources are Civil Law, Bankruptcy Banking Law, and Trade law. Whereas the texts of these contracts have been written by the bank professional experts, it is necessary to protect the bank's benefits and guarantee the capital return of the bank. Consequently, it is expected to write the mentioned contracts in a way that disobedience would be a crime. Having the lack of legal knowledge and ability in understanding the contracts due to their text difficulty can potentially get the facility borrower into trouble and occasionally make them commit crimes though unwantedly. In most cases, due to complicated structures and technical vocabulary items and lack of proper cohesion in texts will ruin the clarity of texts from a forensic point of view. Lack of clarity in each contract can cause various interpretations which lead to different challenges for both parties. Hence, this is a vital issue for the borrowers of the facilities. Therefore, the main theme of this study is based on what has been mentioned and its significance is to uphold both sides of the contract's rights i.e., bank facility borrowers on one hand and the bank as a financial organization.

2. METHOD

This article is to focus on the forensic discourse analysis of such bank texts in the

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“Forensic Linguistics” through cohesion elements and perception of the meaning based on the principles of Functional Linguistics. As the bank facility contracts texts are legally natured, so it is crucial for the facility borrowers to understand the contract condition, and then accept or refuse it. Due to the difficulty of the legal texts, facility borrowers rely on the legal representation or bank credits and sign the contract while they accept some conditions that are beyond their ability. As mentioned so far, it is vital to do a thorough investigation of knowledge and present scientific strategies through linguistics. This article is based on “Cohesion Theory” by Halliday and Hassan (1976) and intends to investigate the Tejarat Bank facility contract texts. Halliday and Hassan categorized cohesion into grammatical and lexical cohesion. They consider cohesive devices like “Reference, Substitution, Ellipsis and Conjunctive” as grammatical cohesion and lexical cohesion which contains elements such as “Retrain, Synonymy, Antonym”. The methodology is qualitative and quantitative and the data is extracted from four facility contracts of Tejarat Bank which are the most demanding contracts and including Murabaha, Jaaleh, Civil Participation, and Installment Sale. Based on the cohesive devices of Halliday and Hassan (1976), and also the technical jargons and unfamiliar Arabic words are extracted. The SPSS software version 21 analyzed the content of the contract’s notes consisting of the cohesive devices and their frequencies. Moreover, of the mentioned notes, in each facility contract, a sample is cohesion and cohesive devices, technical jargon, unfamiliar Arabic vocabulary items, and ambiguous are separately specified. After that, elements are analyzed and removed the unnecessary ones i.e., the one in which their note is re-written and ultimately, the data-driven from the contracts was analyzed and the stylistic characteristics of contracts were investigated.

3. RESULTS AND DISCUSSION

The data analysis shows that repetition, linking elements, and substitution of nouns are the most frequent elements, and Ellipsis, Reference, and collocation are the least frequent in the text of currency facility contracts. Besides, repetition elements, reference, and substitution of nouns are the most frequent and collocation, linking elements and Ellipsis are the least frequent in Rial facility contracts. In the Murabaha contract, repetition elements, linking elements, and noun substitution have the highest frequency and collocation, linking elements and Ellipsis have the least frequency. The distance between the pronoun and anecdote in all texts will lead that the facility applicants can’t link between the linguistic-cohesion elements correctly. Therefore, we can conclude that to simplify the text contract, it is preferable to reduce the cohesive elements like repetition, noun substitution, the linking elements including “and” which will produce long and ambiguous sentences. Also, the lack of unfamiliar Arabic vocabulary can help to understand the text in a better way.

Key words: Cohesive Devices; Facility Contract; Forensic Discourse Analysis; Halliday Functional Grammar; Stylistic Elements