

Structural, Lexical, and Pragmatic Features of American Immigration Acts in Historical Perspective

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Abstract – The article deals with the issue of American immigration act as the linguistic phenomena. The main purpose of the study is to fully analyse structure, lexis and pragmatics of American immigration acts. During the analysis the genre of immigration act was defined. Typology of terms and speech acts was suggested alongside with the dynamics in structure, lexis and pragmatics of immigration acts demonstration.

Key words - immigration act, structural features, lexical and pragmatic features, speech genre, dynamics, term system, lexis.

I. Introduction

The United States has a long history of immigration and is often described as a nation of immigrants [1]. Citizenship in any country comes with a series of rights and obligations, and it is up to America's democratic institutions to decide who should be invited to participate [2]. Congress is the single social institution that can produce immigration act and its role in this procedure is crucial [3, p.26]. A legal text is something very different from ordinary speech. This is especially true of authoritative legal texts: those that create, modify, or terminate the rights and obligations of individuals or institutions [4]. Communicative function of institutional discourse, to which belong immigration acts, is implemented in a number of interrelated forms – explicative, evaluating, controlling, contributory, and organizing – which consist of communicative intentions, specifying the main purpose of human socialization – turning human into a member of society, sharing a system of universal and specific values, knowledge and beliefs, norms and rules of conduct [5]. In order to produce all these complementary forms in immigration acts a specific language and lexis are used. Moreover, the orientation of the text on the communicative process focuses on the text pragmatics [6, p. 747]. Text pragmatics is one of the text aspects, fixing the relationship between the text and the subjects of the text activity (the addresser - author and the addressee - reader) [7, p. 281].

II. Definition of the genre of immigration act

A genre is itself an institution, for it is a socially sanctioned means of constructing and negotiating meanings, functioning so that it mediates the operation of other social institutions, taking its place in the complex interconnecting series of activities and events that constitute social life [8].

According to N. Andreichuk, institutional discourse in the sign environment of human life appears as repeated

functional - semantic unity generated by social institutions systematically organized signs which model the human world in society at a fixed time, and forms linguocultural environment that is used as model of discourse interpretation. With regard to the statement that social institution defines forms in which discourse communities objectivize their intention in such way that they are adequately interpreted by all participants of “modelling” situation, we can claim that repeated functional unity of signs in repeated communicative situation, generated by the social institution should be defined as genres of institutional discourse [9]. Congress, as the social institution creates the model of communication, establishes requirements for the participants of communicative events and pervades the genres which are used by those participants, it also produces the genre of immigration act which is an example of institutional discourse genres.

III. Structure of immigration act

For conducting analysis 40 immigration acts (period 1790–2005) were chosen, total volume comprises 594 pages.

An immigration act normally has the following elements:

Title: The complete title of an act comprises the type of act (regulation, directive, etc.), number (Chapter 126) and indication of the subject matter. For example: *Chap. III. - An Act to establish an uniform Rule of naturalization (Naturalization Act of 1790)*. It cannot go unnoticed that the title view of immigration act of 1965 was changed: instead of the *Chapter 60. or CHAP. 29.* government uses such marking as *Public Law*, this is typical to all acts since 1965. For example: *Public Law 89 – 236 An act to amend the immigration and Nationality act, and for other purposes (Immigration and Nationality Act of 1965)*.

Enactment clause: “*Be it enacted by the Senate and House of representatives of the United States of America in Congress assembled, That...*” Enacting Clauses identify the Individual, or the group, that created the Law, is characteristic for all 40 immigration acts.

Main body of an act: It is common for all immigration acts to be divided up into section. Each section is numbered with Arabic numerals and contains points. Characteristic feature of 18th Century immigration acts is that their main body usually has 5 – 6 section. All acts up to the “*An act to encourage Immigration*” (1864) have the same structured section beginning with the phrase “*And be it further enacted...*”, for example: *Sec. 2. And be it further enacted, That if the number of passengers so taken on board of any ship... (An Act regulating passenger ships and vessels, 1819)*. From the 1875 each section of the immigration act begins as follow: *Sec.5. That it shall be unlawful for aliens of the following classes to immigrate into the United States... (An act supplementary to the acts in relation to immigration, 1875)*. The structure of the immigration acts of 20th Century has one more interesting feature – main body of the legal act contains recitals. They are numbered and presented as follows: *Sec. 3. When used in this Act the term “immigrant” means any alien departing from any place outside the United States destined for the United*

States, except (1) a government official, his family, attendant, servants and employees, (2) an alien visiting... (Immigration Act of 1924)

Final part: The date of approval served as the final part of analysed acts, it comes at the end of a statute and is typically looks like the following: *Approved June 25, 1948.; Approved October 3, 1965, 3:25 p.m.*

IV. Lexical peculiarities

In order to study the vocabulary of immigration acts the lexical analysis of these legal documents with the help of Tropes software [10] will be performed. Words were grouped together in several main Word categories. Among these, five are of interest to us: **Verbs, Connectors, Personal pronouns, Modalities and Adjectives.** The Figure 1 shows which Word category dominates in the lexis of immigration acts.

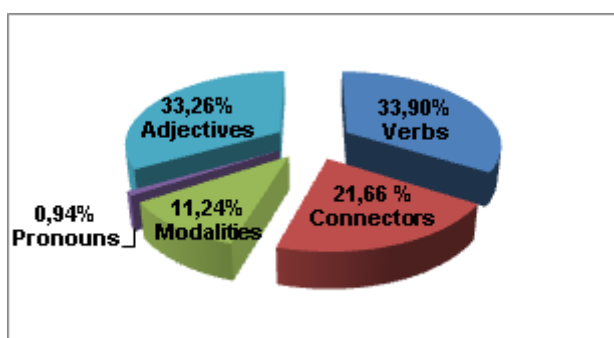


Fig. 1. Frequency of Word categories

According to the result of the analysis, the most frequent verb categories is factive verb, it counts 14467 words, this indicates that the writer of immigration acts is honestly convinced that the proposition he introduces is true. Usage of performative verbs is not characteristic feature of US immigration acts, only 5 performative verbs were found.

The most common connector categories, as it would be expected, became disjunction with 7408 disjunctive units and addition with total number 6652 units. Superiority of disjunction can be easily explained because this type of connectors is often used in reference to sentences (or well-formed formulae) of associated form occurring in formal languages.

Speaking about the Modalities it should be noticed that Place modalities have the highest importance; this category includes 3378 units, As the location have a special place in the text of immigration acts it is obvious why the category of place modalities is so frequent.

In Pronouns category such pronouns as “We” and “You” are unacceptable in the immigration act, the writer usually uses pronouns “He/She” (total number 598) to indicate person who is connected with the immigration matters.

As the immigration acts are the examples of legal language that is stick formal, objective adjectives are the most frequent in adjective categories (total number 17322 units), because they describe beings or objects regardless of the author’s standpoint.

From the historical point of view in most cases all 40 examined immigration acts have the same frequent word

categories obviously with different number of their units because of acts volume.

V. Terminology as a component of immigration act

Terminology is an autonomous layer of the lexical structure of investigated immigration acts. Each special terminology is a reflection of a conceptual system of certain science field or technology in the form of term system. Such system simultaneously serves as lexical system of the special language in a particular area [11, p.1].

In this study terms, identified during the analysis of immigration acts, were classified according to the provision of Encyclopedic Dictionary of Law [12], classification of terms proposed by Kovalenko A. [13] and Humovska I. [14]. As the result, all terms are divided into types on the basis of its understability by different part of population. According to this criterion we can speak about **general terms, special legal terms and special immigration terms.** General terms are used in everyday life which meanings are clear for everyone, for example *citizen, clerk, alien, Senate, white person, to make report, place of birth* etc. Special legal terms such as *declaration, civil magistrate, penal sum, criminal jurisdiction, manifest, employer sanction* have a special legal meaning and obviously they are understandable not for every person but only for professionals in law. Special immigration terms such as *immigrant, visa, immigrant status, certificate of naturalization, deportation, visa application* are used in the sphere of immigration policy.

The Figure 2 demonstrates the results of the terms frequency analysis.

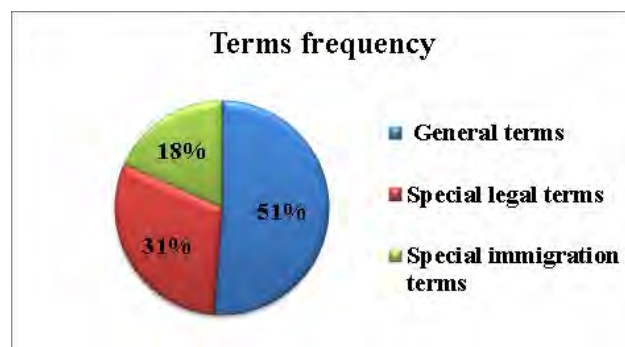


Fig. 2. Terms frequency

The results show that the terminology system of immigration acts is represented in great majority by the General terms (51%), this can be easily explained by the Congress attempt to make the texts of immigration acts more understandable for all social groups, in particular for immigrants. As the immigration act is an example of legal document that regulates immigration process, it contains Special legal terms (31%) and Special immigration terms (18%).

Speaking about the dynamics of the terms and their usage in immigration acts of particular historical period, we can claim that during the Open Door Era in immigration policy (1790-1880) the text of immigration acts don’t contain many terms units. The most distinctive

terms of this period are *alien, citizen, passenger, court, jurisdiction and naturalization*. These terms indicate the basic elements of immigration, namely the subjects of immigration – “alien”, “citizen”, “passenger” and the legal power that regulate those subjects – “court”, “jurisdiction”, “naturalization”.

Period during the 1882-1954 in the US immigration policy is known as the Era of Restriction, the US decided to close its borders due to the high influx of illegal immigrants, and obviously the immigration texts, in particular terms, reflect those changes. As in the previous immigration era such terms as *alien* and *citizen* are the most frequent in immigration acts of 1882-1954, but it should be noted that immigration acts of this period contain the terms units which represent the Congress regulation in the sphere of immigration, the most frequent are *Attorney General, deportation, immigration visa, certificate, quota, officer, and immigrant*.

Terms units such as *alien, attorney general, visa, immigrant visa, immigrant, foreign state* which were found in the immigration acts produced during the Era of Liberalization (1964-1996) indicates that US government continued to take the “newcomers” as the threat to American welfare. However, internal and external pressures led the U.S. to modify the restrictive policies that is why such terms as *employment, permanent residence, employer, temporary residence, employee, special agricultural worker, temporary resident status* were found in legal text.

The terrorist attacks on September 11, 2001 created a new era – Immigration Security Era, after this event the US government brought to the forefront the safety precautions to American citizens. The government’s focus on the war against terrorism exemplifies the most frequent terms of immigration acts after 9/11 period such as *Secretary of Homeland Security, identification card, terrorist activity, deportation, terrorism*.

VI. Pragmatic features: Speech acts

Pragmatics may be defined as the science of language use (parole) or the discursive functions of language, including its contextual uniqueness and variability (irregularities) [15, p.747]. In the pragmatic analysis of the text speech acts have a special place.

In this study attention was focused on the on directive speech acts – particular on speech acts of obligation, permission, and prohibition. The aim is to discover the methods of expression of these speech acts in the investigated immigration acts.

Speech acts of Obligation

The speech act of Obligation reflects power relations between groups, particularly of those that are in favor of official English and how immigrants are included in their arguments. The constructions which are used in US immigration acts to express Obligation are the following:

1. Shall+ Inf. The use of modal *shall* indicates the obligation, in this case related to the reporting to collector. The texts of immigration acts contain many examples of Obligation SA, for example: *Secretary of the Treasury shall establish regulations; emigrant shall renounce under oath his allegiance; Chinese laborers*

shall depart; collector shall make a list; immigrant shall furnish two copies.

2. Must + Inf. The construction with the modal *must* indicates an obligation that is necessary that something happen. For example: *Person must retain the form and make it available for; alien must apply for adjustment; alien must make application; alien must establish that he; alien entrepreneur must submit to the Attorney General.*

3. Construction with verbs expression obligation in Passive voice The next construction also implies an order or demand for something but in more formal style: *Marshals and officers are required to execute; Secretary of the Treasury is hereby authorized to make and prescribe rules; the Philippine Commission is authorized and required to make regulations; physical and mental examination shall be made by medical officers.*

4. Stable phrase – It shall be the duty of...

This phrase increases the importance of issue of person’s responsibility by its indication of what is considered appropriate or right in certain circumstances. For example: *It shall be the duty of marshal to provide order; it shall be the duty of the clerk to make and transmit certificate.*

Speech acts of Permission

In investigated immigration acts the most common patterns of permission are created with the help of:

1. Modal may + Inf. For example: *The President may grant a license; Secretary of the Treasury may authorize the payment; any citizen may bring in or send for his father; alien may appeal to the board of medical officers; immigrant may have one friend.*

2. Construction with verbs expression permission in Passive voice

For example: *Alien may be admitted; skilled laborer may be imported; they can be permitted to land; minor child shall be permitted without; alien shall be allowed; person may be naturalized.*

3. Stable phrase – shall + have the right

For example: *Chinese laborer shall have the right to demand; alien shall have the right to be represented; person or entity shall have the right to; Attorney General shall have the right to appear; bounding agent shall have the right to petition.*

Speech acts of Prohibition.

During the research it was identified that there are several types of structures of Prohibition speech acts, they are the following:

1. Shall not + Inf. For example: *Right of citizenship shall not descend to; it shall not be lawful for any person; this section shall not apply; said laws shall not apply to; the provision shall not apply to person; children shall not be subject; the consular officer shall not grant.*

2. No + Construction with verbs expression prohibition in Passive voice

For example: *No person shall be admitted; no Chinese person shall be permitted to enter; no bail shall be allowed; no immigrant shall be admitted; no alien shall be permitted; no person shall be naturalized; no declaration of intention shall be made.*

3. Construction with verbs expression prohibition in Passive voice

For example: *This definition shall not be held to include; the provision of this law shall not be held; such alien shall not be deported; any such alien shall not be entitled to apply for; the cost of deportation shall not be assessed against; such sums shall not be remitted or refunded; naturalization shall not be granted.*

It is worth to mention that first immigration act such as An Act to establish an uniform Rule of Naturalization (1790), An Act Concerning Alien (1798), An Act regulating passengers ships and vessels (1819), An Act to regulate Immigration (1882), An Act encourage Immigration (1864) and other acts of late 18th - and early 19th century contain only the speech act of Obligation and Permission. It was the beginning of US immigration, United States need newcomers that is why the government didn't place high demands on immigrants. Speech acts of Prohibition were used in later immigration act, when the illegal flow of aliens became high, USA Congress introduced especially strict measures concerning immigrants after the terrorist attacks of 9/11.

Conclusion

In this paper we paid our attention to the basic lingual features of immigration acts such as structure, speech acts, lexical peculiarities and terminology. It was revealed that the structure of the studied immigration acts within the 200 years is remarkably stable; text of immigration act can be divided into such structural part as Title, Enactment clause, Main body and Final part.

The analysis of five word categories (Verbs, Modalities, Connectors, Pronouns and Adjectives) which was made with the help of Tropes software shows that the most frequent is Verb category (33,9%), other categories counts respectively Connectors (21,66%), Modalities (11,24%), Pronouns (0,94%), Adjectives (33,26%).

The usage of terms and their dynamics depends on the historical changes in US immigration policy, for example during the Open Door Era (1776-1880) the most frequent terms units which was found during the study are *alien, citizen, passenger, court, jurisdiction and naturalization*, they indicates the basic elements of immigration "newcomers", and "legal power", the aim of which is to regulate the immigration process. For the Era of Restriction (1882-1954) the most frequent are *Attorney General, deportation, immigration visa, certificate, quota, officer, immigrant*. The most characteristic terms units of immigration acts which belong to the Era of Liberalization (1964-1996) are *alien, attorney general, visa, immigrant visa, immigrant, foreign state employment, permanent residence, employer, temporary residence, employee, special agricultural worker, temporary resident status*. The most frequent terms units of immigration act that belong to the last and present Era of Immigration Security are the following *alien, applicant, driver's licence, Secretary of Homeland Security, identification card, attorney general, arrest warrant, terrorist activity, deportation, terrorism and terrorist*.

Analysis of directive speech acts identified the main constructions which are used to express obligation (*Shall+ Inf.; Must + Inf.; Construction with verbs expression obligation in Passive voice; It shall be the duty of...*), permission (*May + Inf.; Construction with verbs expression permission in Passive voice; Shall + have the right*), prohibition (*Shall not + Inf., No + Passive voice*). The immigration acts of late 18th - and early 19th contain the speech act of obligation and permission, speech act of prohibition is characteristic for the immigration acts with the beginning of Restriction Era.

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