



Analysis of Deixis in the Iraqi Constitution of 2005

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Abstract

The concept of deixis is one of the most important topics in the pragmatic analysis that needs to be clarified; deixis is used to analyse the text, utterance or sentence because every utterance is a reference used to pointing about people, something, place or time. The meaning of this utterance will be clear when the listeners or readers know about who, where and when the utterance is uttered. The current study aims at clarifying Deixis that exist in the Iraqi Constitution of 2005 and how the constitutional makers use these elements in the selected articles. To achieve the aims of the study, several articles have been selected from the Constitution as data to be analysed and a qualitative methodology has been employed in analyzing the collected data based on Levinson (1983). It has been hypothesized that the ordinary readers of the Iraqi Constitution face difficulty in understanding the meaning of a lot of the articles of the constitution because there are false and misuses of the deictic expressions. The study has come up with the results that deictic expressions are widely used in the Iraqi Constitution to convey certain aims. The use of such linguistic and pragmatic elements is proved to have an obvious impact on ordinary peoples' understanding of the legal document.

Key words: Pragmatic, deixis, constitution.

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تحليل الاشارات في الدستور العراقي للعام 2005

الملخص

يتناول هذا البحث تحليل الاشارات الشخصية والمكانية والزمانية في الدستور العراقي عن طريق اختيار مجموعة من المواد من الدستور وتحليلها طبقاً لتصنيف لفنسن للإشارات . تستخدم الاشارات لتحليل النصوص والكلام لمعرفة من المتكلم متى واين ومن خلالها نتعرف على انسجام النص وترابط الجمل والافكار. يهدف البحث الى توضيح جميع انواع الاشارات الموجودة في الدستور العراقي من خلال اختيار مجموعة من المواد الدستورية وتوضيح مبدأ الصح والخطأ والوضوح والغموض من خلال عرض استخدام هذا الاشارات وتوظيفها من قبل كتاب الدستور . من خلال الدراسة تبين ان هناك بعض الاخطاء والغموض في استخدام هذه الاشارات الشخصية والمكانية والزمانية التي جعلت بعض المواد الدستورية غامضة وغير محددة .

1. Introduction

Legal language is “a medium, process and product in the various fields of the law where legal texts, spoken or written, are generated in the service of regulating social behaviour” (Maley,1994,p.11). It is said that the language of the Constitution is difficult to be understood by ordinary readers. This difficulty is attributed to the fact that the legal language of the Constitution consists of some deictic expressions that are said to be ambiguous and some other expressions have an implied or additionally conveyed meaning. Therefore, the current study is going to investigate and identify the linguistic and pragmatic tools used by the constitutional makers that make the linguistic structure of the Iraqi Constitution difficult and hard to be understood by ordinary people.

2. Literature Review

2.1. Pragmatics

Pragmatics is “the study of language or utterance in the context. It can be regarded as social science as it depends on context and participants. It can be understood as the study of communicative action in its sociocultural context” (Rose & Kasper, 2001, p. 2). The emphasis on language users and their choices is central for most definitions provided in the field of pragmatics. Pragmatics is therefore interested in making appropriate linguistic choices (e.g. choosing appropriate functional language) depending on the intended

purpose of the utterance. It is relatively one of the new branches of linguistics; its historical development goes back to ancient Greek and Roman academic writing where the terms 'pragmaticus' was found in the late Latin and 'pragmaticos' in Greek, both mean being 'pragmatical'. (Yule,1996).

2.2. Deixis

Levinson (1983) finds that deixis belongs to the field of pragmatics because it is relevant to the relationship between the structure of languages and the contexts in which they are used. A word which bases on deictic indicators is termed as a deictic word and is linked to a context to be understood. Many linguists give different definitions and explanations on deixis or deictic expression as in the following:

The location and identification of persons, objects, events, processes and activities being talked about, or referred to, concerning the spatiotemporal context created and sustained by the act of utterance and the participation in it, typically of a single speaker and at least one addressee. (Lyons (1977, p.637)

Other linguist states that deixis is "the way in which the reference of certain elements in a sentence is determined in relation to a specific speaker and addressee and a specific time and place of utterance" (Matthews, 1997, p.89). Deixis, which comes from a Greek word, for Yule means "pointing via language". He adds that "the technical term for one of the most basic things we do with utterances which mean pointing is called deictic expressions that have their most basic uses in face-to-face spoken utterances" (Yule, 1996, p.1). In other words, any linguistic form that is used to pointing or indicating to an entity is called a deictic expression, deictic markers or deictic words.

According to Mey (2001, p.54), indexical expressions are specific types of referential expressions that, besides their naming, their sense contains a reference to the particular context in which that sense is put to work. He adds that indexical expressions are grammatically determined that they depend for their reference on the person who uses them. Verschueren (1999) observes that deixis refers to one of the most important phenomena that cannot be ignored by the scientific investigation of language use, that is "anchoring" of language in the real world, which is performed by "pointing". The pointers

that are used to establish this phenomenon are called "indexical". They include person, time, space, society and discourse.

Levinson(1983, p.54) states that deixis “concerns the ways in which languages encode or grammaticalize features of the context of utterance or speech event and thus concerns ways in which the interpretation of utterances depends on the analysis of that context of utterance as well ”. In the same way, Widdowson (2007) states that deixis points to something directly and perceptibly present in the context of utterance as in the example:

That door there, this door here.

In other words, the term deixis is the recognition of an entity by pointing evidently as a form of reference that is related to the speaker’s context which is very important in understanding the deictic expressions. There are some common words which cannot be interpreted correctly without knowing their context, particularly the context of the situation, such words are: ‘here, there, this or that, now, then, yesterday, today or tomorrow’, as well as pronouns such as ‘you, me, she, him, it and them...etc.’ are impossible to understand what they refer to if one does not know who is speaking, about whom, where and when. Another definition of deixis is provided by Fillmore (1982,p.35) who informs that “ deixis means the name given to uses of expressions and categories of lexicon and grammar which are controlled by certain details of the interactional situation in which the utterances are produced” . Furthermore, he defines the deictic expressions as the following:

Those lexical items and grammatical forms that can be interpreted only when the sentences in which they occur are understood as being attached to some social context, that context defined in such a way as to identify the participants in the communication act, their location in space, and time during which the communication act is performed. Fillmore (1997, p.59)

Huang (2014) observes that deixis is a universal phenomenon which can be recognized in all human languages in the world. With the absence of deictic information, one will not identify who the speaker is, to whom an utterance is uttered, where and when an utterance is said, for example, I'll see you there two weeks from now.

Without the deictic information, one would not identify who to meet, where or when to meet the writer of the sentence. Thus, the meaning of a deictic expression becomes operative only when that expression is used in a certain context.

From the many definitions mentioned above, the researcher can say that deixis is a word or deictic expression whose reference is always moving or changing depending on the speaker, place, and time and the contexts in which it occurs. In the fourth chapter, the researcher will clarify the types of deixis and how the constitutional writers use in the Constitution.

3. Research Methodology

In this study, the researcher uses a descriptive qualitative method. A qualitative design refers to a research procedure that deals with descriptive data. In the qualitative method, “ the human beings’ written or spoken words and their observable behaviours are the examples of the descriptive data” (Bogdan & Taylor, 1975, p.4). This research analyses pragmatically the scope of deixis that occurs in the Iraqi constitution of 2005. A descriptive qualitative approach will be employed in describing the data in words or making interpretations of the articles of the constitution to clarify how the constitutional makers employ these elements in the legal document. The research instrument is what the researcher used to collect the information in the qualitative study or observation, the main instrument of this research is the researcher himself because it is a descriptive qualitative study.

For collecting data in this study, the researcher gets the legal document in its two versions Arabic and English; then reads it many times to classify the article according to the deixis used in the Constitution and how the constitutional makers employ them to make the legal document as clear, brief, consistent and coherent.

After collecting data, the researcher uses some steps to analyse the obtained data as revealing the types and function of deixis exist in the Constitution according to Levinson’s classification.

4. Data Analysis

The definition of deixis or deictic expressions has been mentioned previously by many scholars; in this section the types of deixis and how they are used in the Iraqi Constitution are going to be analysed. Levinson (1983)

classifies deixis into five basic types, namely person, place, time, discourse and social deixis. In English, “the situation in which deictic expression is ‘near from speaker’ such as ‘this’, ‘here’, ‘now’ is called proximal terms and the situation in which deictic expression is ‘away from speaker’ such as ‘that’, ‘there’, ‘then’ is called distal terms”(Yule, 1996, p.9). The researcher is going to clarify the types of deixis found in the Constitution and how they are employed by the constitutional maker.

1. Person Deixis

Person deixis is mainly realized by personal pronouns, in many languages, person deixis may incorporate other meaning elements such as the gender of the third person as in English and French and Arabic, the third personal pronouns of the feminine (*she, Elle, هي*). According to Levinson (1983), person deixis associated with the encoding of the function of the participants in the speech event in which the utterance in question is conveyed. He states that:

The category first person is the grammaticalization of the speaker’s reference to himself, second person the encoding of the speaker’s reference to one or more addressees, and third person the encoding of reference to persons and entities which are neither speakers nor addressees of the utterance in question. (Levinson, 1983, p.62)

On the other hand, Yule (1996) clarifies that person deixis takes into account the speaker and the addressee, and operates basically in three-part divisions of personal pronouns which are the first person (*I, me, myself and mine*), second person (*you, your, yourself and yours*) and the third person (*he, she, it, they, himself, herself, his, her, their, its*). Lyons (1968) states that person deixis is not only referring to someone or somebody but it can refer to something by using the pronouns (it and they).

The person deixis in the Constitution is the common type of deixis which occurs in the constitutional discourse because the Constitution is a written document in which the participants whether the speaker or the addressee are not present in the text. Therefore the presence of the first and second person is very rare in the constitutional document; most of the types of person deixis are the third person which is anaphoric deixis which is discussed in the

previous section under the title of the reference. Example of person deixis which exists in the Constitution restricted in the preamble in which one can identify the presence of the first personal pronouns of plural (we, us and our) as in the following:

“We, the people of Mesopotamia, Upon our land the first law made by man was passed.....” (first paragraph).

“Acknowledging God’s right over us and in fulfilment of the call of our homeland and citizens.....”(second paragraph).

The discourse of preamble based on the first person pronoun of the speaker in the plural which is defined by the Iraqi people to refer to all people which means that the pronoun (WE) is inclusive which refers to the speaker and the whole group at the same time. The person deixis (*we* and its variants *our* and *us*) is used in the Constitution to confirm the coalescence of the voice of the constitutional makers with the voice of the Iraqi people. The constitutional makers present themselves as part of the Iraqi people, so the constitutional makers want to make the Constitution as a representative of Iraq to affirm that Iraqi people who write this Constitution to express their desires for a prosperous future. Thus, the reader of this Constitution is Iraqi, he will recognize his identity in the preamble which focuses on the narration of the history of this land.

The constitutional document in its content refers to the subject of the sentence either by name or by implied subject or null-subject which occurs when a sentence does not refer to the doer of the action expressed by the verb, but it is clear to whom the sentence is referring. The subject in the Constitution may be by name without using a person deixis and there are many subjects which occur by name in the Constitution such as (the state, the President, the Prime Minister, the member of Council of Representativeetc).

Other constitutional provisions which contain the person deixis (the neuter *it*) in which the subject of the action is ambiguous as in the following articles:

“It is not permissible to combine membership in the Council of Representatives with any work or other official position” (art, 49, sixth).

“It is prohibited to stipulate in the law the immunity from the appeal for any administrative action or decision” (art, 100).

In the above two articles, the subject of the verbs (permit and prohibit) is ambiguous whether a specific authority will be responsible about these actions or the constitutional document that prohibits such action by its supremacy over all other laws in the country.

There is an example of person deixis which occurs in the constitutional provision in an independent sentence which its referent can only be recognized by returning back to the prior discourse is the following:

“Have not participated in suppressing the 1991 and Al-Anfal uprisings. He must not have committed a crime against the Iraqi people” (art, 138, D).

By tracing the referent of this person deixis it will be clear that it refers to the subject of the previous part of the article which talks about the member of the Presidency Council. So, most of the subjects of the constitutional provisions are mentioned and the type of person deixis is only of the type of anaphoric reference except the preamble of Constitution which is built upon the use of the first person in the plural which is prominent in all the five paragraphs of the preamble.

2. Place Deixis

Place deixis is also known as spatial deixis. Consequently, “Place deixis concerns the encoding of spatial locations relative to the location of the participants in the speech event” (Levinson,1983 p.62). Finegan (2004) proves that place deixis indicates the orientation or position of the referent of linguistic expression in the space. The most frequent words are the pronouns (*this, that and these, those*). Levinson (1983) presents other expressions which are associated with this category are the adverbs (*here/there*) and prepositions (*in, on, over, upon*). Spatial deixis requires whether something is near the speaker or not (*this vs that*).

Expressions of place deixis are context-dependent items involve contextual information about the place of utterance. According to Thomas (1995), place deixis, such as here, there, this and that, only become meaningful when you know where the speaker is standing or what the speaker is indicating. The purpose of spatial deixis is to refer to a specific place.

Lyons (1977,p.648) states that “there are two ways in which we can identify an object through a referring expression: first, by informing the

addressee where it is; second, by telling him what is like, what the properties it has or what class of objects it belongs to”. Moreover, Meyer (2009) and Grundy (2000) state that the type of deixis known as spatial or space deixis when it is associated with the adverbs “here and there” and some uses of prepositions such as “in, on, left, right, up, down, above, upon, below, in front of, behind, come, go, bring, and take”. In dealing with spatial deixis, “it is important to remember that location from the speaker’s perspective can be fixed mentally as well as physically. Physically close objects will tend to be treated by the speaker as psychologically close. Something that is physically distant will generally be treated as psychologically distant” (Yule,1996,p.12).

In the Constitution, there are many aspects of place deixis because the Constitution is concerned with the specific region which is Iraq; the Constitution will be operative in the borders of this country and the Constitution represents the people of Iraq. Example of the spatial deixis which refers to the land in which this Constitution is operative as in the following by using a preposition followed by a location:

“We, the people of Mesopotamia.....Upon our land, the first law made by man was passed, and the oldest pact of just governance was inscribed, and upon our soil the saints and companions.....” (first paragraph of the preamble).

Here, the constitutional makers are as part of the group (the people of Mesopotamia), by using (*upon*) they indicate the location or the place in which the people who approve this Constitution live, in this country which is the first country that made law, the country of saints and companions that all refer to a specific place which is (Iraq). By knowing the property of the land one will know which land the constitutional makers mean, then the reader will identify this land by sharing the information between the two participants.

There is a clear use of adverbs of place to indicate the place or the location in which certain rules of Constitution are operative or have their legal force as in the following:

“Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq” (article,44).

In this article, the two adverbs (*inside* and *outside*) are deictic because they refer to a particular place, which includes where an utterance or an act takes place, the constitutional makers give an idea to the receiver about the places in which each Iraqi can move or travel to know the borders of Iraq which are known for all the people of the country, so here there is an identification of the locution of Iraq.

Additionally, the demonstrative pronoun (*those*) is used by the constitutional makers in many articles to refer to certain persons who are distal of the speaker to encompass many people in a certain place of responsibility in the state without referring to them by name as in the following article:

“Ambassadors and those with special grades, based on a proposal from the Council of Ministers” (art, 61, B).

In this article, by using the demonstrative pronoun (*those*), the constitutional maker refers to a group of people with the special grade without clarifying who they are, the constitutional makers leave the details of describing them to the authority of Council of Ministers. Leaving them without limitation of their functions can be considered as a violation of Grice’s maxim of quantity to make your conversation informative as required.

Sometimes the constitutional maker uses the place deixis to specify the place without identification of limited locution in which an action takes place as in the following article:

“Every Iraqi shall have the right to own property anywhere in Iraq. No others may possess immovable assets, except as exempted by law” (art,23, third).

In this article, the constitutional maker uses the adverb (*anywhere in Iraq*) to refer in general without specification to any place inside the borders of Iraq in which Iraqi people can live. Other times the constitution maker uses the place deixis to refer to a particular place and no other in which the constitutional action should take place as in the following article:

“ Each member of the Council of Representatives shall take the following constitutional oath before the Council before assuming his duties” (art, 50).

Here, logically the reader will understand from the context that the constitutional maker means that the action takes place in front of the members of Council who will perform the constitutional oath in front of their colleagues and not in front of the building of the council. Fromkin, Rodman and Hyams (2003) point out that" before/ behind, left / right, front/back" are deictic when someone needs to know the orientation in space of the conversational participants to recognize their reference.

Another example of place deixis in the Constitution by using the adverb of place (wherever) to refer to the whole Constitution as in the following article: " The expression "the Presidency Council" shall replace the expression "the President of the Republic" wherever the latter is mentioned in this Constitution....." (art,138).

In this article, the constitutional makers use the adverb (wherever) to refer to any place in this Constitution in which the expression (the President of the Republic) occurs, in fact, the constitutional makers use this adverb instead of going back to all the positions in which this expression occurs and replace it by (the Presidency Council) because this amendment added to the Constitution after its writing as one type of agreement between the politicians to get time. This is justified by the context in which the Constitution was written after a dictatorial presidential regime and the fear of the power of the President of the Republic.

3. Time Deixis

The time or temporal deixis is associated with the identification of time of the events described in the utterance whether spoken or written. Lyons (1996) states that temporal deixis can be identified grammatically by tenses and lexically by many adverbs of times. Grundy (2008) maintains that the tense system is very important in time deixis. Almost every sentence refers to an event at a specific time. Another point of view is that "temporal deixis concerns with various times of utterance which is uttered by the speaker. It has a function to locate points or intervals on the time axis and using the moment of utterance point" (Cruse, 2006, p.180). Cruse (2006) adds that time deixis can be divided into three major types: before the moment of speaking, at the time of speaking, and after the time of speaking. By recognizing these

three types of time deixis, one can say that they are identified through the tenses in which they are presented, namely the present, past or future tense.

Yule (1996) states that one of the basic types in time deixis is in the choice of verb tense. In English, there are two basic tenses; they are the present and the past. The present tense is the proximal form and the past tense is the distal form. In the same way, Meyer (2009) claims that the main refereeing point for time deixis is the present and the definite time at which the message is produced. Thus, phrases, such as in the morning, on time, at noon or by the evening, can be markers of time deixis. The first temporal deixis which one encounters in the Constitution refers to the present time, usually with an adverb of time as in the following:

“We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican.....” (preamble, fourth paragraph).

In this position, “*just*” is an adverb of time which is used for something that happened very recently. The constitutional makers use this adverb metaphorically because by saying that Iraqi people have risen from their stumble at the moment in which the Constitution is written is unacceptable and illogical because this contrasts with the reality of the events in Iraq at this period. The problems of Iraq are not solved by the issue of this Constitution, there are many problems which continue till now even in the Constitution itself. The constitutional makers here may fail to refer to the specific time in which the Constitution will be operative and perform its goal in guaranteeing the good life for all people of Iraq and not the time in which it is written before its issue. The adverb “*just*” may be substituted by another adverb such as “*soon*” to be more appropriate to the context in which the Constitution is written and to make the word fits the world of reality. There are other adverbs of time cannot be understood by measuring the time in which the Constitution is written. The two adverbs of time (*yesterday and tomorrow*) as in the following:

“We, the people of Iraq, of all components and across the spectrum, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow, and to enact this permanent Constitution.....” (preamble, last paragraph).

The two adverbs are adverbs of time (yesterday, tomorrow) according to Levinson (1983) refer to the relevant day. Or in another word, they are relative to the time at which the spoken or written message was produced. He observes that an utterance can be tested to be deictic or not in terms of its truth conditions, in the above text you are unaware of when yesterday and tomorrow are unless you have a fixed reference point of when the text was written. Here, the constitutional makers talk from their point of view about the measuring time which contrasts with the point of view of the audience about the time in which the Constitution will be operative after the general referendum on the Constitution. The context is very essential to solve any ambiguity or misunderstanding and make the reference of these adverbs clearer. The constitutional makers use the two adverbs of time (yesterday and tomorrow) metaphorically to refer to a long period which is the past and future of Iraq. The use of these two adverbs violates Grice's maxim of manner to be clear and unambiguous because such adverbs of time which refer to specific period contrast with the feature of the permanence of the Constitution.

As it is mentioned above, that the system of time is important in the time deixis, one of ambiguous tense in the Constitution is the use of "shall". Triebel (2006) states that (shall) is used both to clarify obligation and imply futurity of the action which creates ambiguity. In the third chapter, the researcher clarified the problem of using "shall" in the legal language to express an obligation. In the Constitution, the time deixis with "shall" is used to refer to tense in which certain action should be performed. The ambiguity of "shall" is clear in the obligations which are declared by this Constitution as in the article below:

"The State shall guarantee freedom of movement of Iraqi manpower, goods, and capital between regions and governorates, and this shall be regulated by law" (art, 24).

Whereas in this article, the use of "shall" expresses the obligation as in all legal text, but the performance of this obligation in the constitutional document is limitless because the constitutional makers do not refer to the point of time in which this obligation will perform. In all the positions in which such obligation occurs in the constitution, it is best to be formulated

with clarifying a point of time to perform these obligations, the best limitation may be as in the following:

“The State shall guarantee freedom of movement of Iraqi manpower after this constitution will be operative”.

In this article, it should say that the time of the writing of Constitution is not the same time in which it will be operative or read by any person subsequently, so to avoid the ambiguity which is one important sub-maxim of Grice’s maxim of manner there should be a clear point of time in which such act will be performed. Most of the affairs that need to be regulated by law left without issuing a regulated law because they are mentioned in the constitutional provisions with an obligation by (shall) without a limited point of time as an example is the following:

“Military service shall be regulated by law”(art,9, second).

This sub-article which refers to an obligation to regulate the military service is limitless without any reference to a particular point of time to perform the action; therefore till now, the legislative power ignores to regulate the military service and many other affairs which need an enactment because of the absence of limited point of time which obligates it to perform such enactment.

In the same way, the constitutional makers refer to a period by using three conditions as in the following:

“Other articles not stipulated in clause “Second” of this Article may not be amended, except with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days”(art,126, Third).

In this article, the constitutional makers use the present to talk about a future event which is, according to Cruse (2006), not the moment of producing the message, but after it. Besides, there are three conditions for the amendment and the time deixis (*seven days*) is ambiguous when it starts whether after the approval of the Council of Representatives or the approval of the people or after the time in which the President receives the ratified amendment.

Other provisions in which the temporal deixis of the performance of specific acts is clear and limited in the Constitution are the following articles:

“The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period” (art,19, thirteenth).

In this article, the writers of the Constitution are very careful about the determination of the period in which the action in the article takes place by giving a limited reference to the time that should not exceed (twenty-four hours from the time of the arrest). As a result, there will be no chance to investigator to delay his judgment more than (24) from the time of the arrest. The second temporal deixis which is very specific and accurate is the following:

“The Council of Representatives shall decide, by a two-thirds majority, the authenticity of membership of its member within thirty days from the date of filing an objection”(art,52).

In this article, the makers of the Constitution give great attention to specify the period in which the Council of Representatives shall decide a decision about the membership of one of its member by clarifying the point of time to be limited in thirty days from the date of presenting the objection by the member. But the constitutional makers ignore the reference to the time in which the member has the right to present an objection whether it is after the promulgation of the results or in the first session or the first month or the first year.

One of the perfect specifications of time deixis in the constitution is in the following article:

“The electoral term of the Council of Representatives shall be four calendar years, starting with its first session and ending with the conclusion of the fourth year” (art,56, first).

Here, the constitutional makers were very careful in the determination of the electoral term in a way that does not leave any doubt or another interpretation of the age of the Council of Representatives by determining the period by the first session then and after four years.

4. Discourse Deixis

There are different views about the discourse deixis, some linguists consider discourse deixis as an anaphoric reference because it refers to an entity mentioned early in the text as it is clarified in the section of the reference. Another view considers discourse deixis as deictic expressions that refer to previous or succeeding parts of the discourse. In other words, discourse deixis refers to words and phrases that reveal the connection between an utterance and the prior or posterior discourse. Discourse deixis is used for words which refer backwards (by what is called ‘anaphora’), or forwards (another term ‘cataphora’). Levinson states that “discourse deixis encodes referent to portions of the unfolding discourse in which the utterance is located”(Levinson,1983,p.62). This means that discourse deixis is deictic reference to a part of the text linked to the speaker’s current place in the text, such as above, below, last, previous, proceeding, next, that, this.

The discourse deixis is identified by Levinson (1983) who states that a distinction must be recognized between discourse deixis and anaphoric expression. Discourse deixis shares with anaphora or cataphora the category to function in the text as cohesive devices. Anaphora is defined as the use of a pronoun to refer to the same referent as a prior term which is known as the antecedent; it can link between and across sentences. Deictic expressions are used to introduce a referent, and anaphoric pronouns are used to refer to the same entity thereafter.

When a pronoun refers to a linguistic expression itself, it is discourse deixis, otherwise, if the pronoun refers to the same entity as a prior linguistic expression refers to, it is anaphoric. In the section of reference, the researcher gave examples about the using of “this” as anaphoric reference, in this section, he is going to give another example about the discourse deixis according to Levinson as in the following:

“Private and public education shall be guaranteed, and this shall be regulated by law” (art,34, fourth).

In fact, according to Levinson (1983), (*that*) is used to a prior portion of the discourse, while (*this*) used to refer to an upcoming portion of the discourse, therefore using (*this*) in all the articles which contain (*this shall be regulated by law*) seems inappropriate because “this” is used to refer to the

forthcoming portion of discourse. Furthermore, Jespersen (1933) emphasizes that(*this*) often refers to what is following and (that) to what precedes. Thus, it is better to use the demonstrative (*that*) which refers to a preceding portion of discourse which in these articles is the first portion of each article. Furthermore (*that*) is more appropriate to the time in which the act of enactment will happen in the future which is different from the point of time in which the constitution was written. So, it is better for all articles that contain (*this*) to be formulated as the following:

(That shall be regulated by law)

Finally, the last type of deixis is social deixis does not occur in the constitution.

“Social deixis concerns with the aspects of sentences which reflect or establish or determined by certain realities of participants or the social situation in which the speech event occurs” (Levinson, 1983, p.89).

5. Conclusions

Based on the discussion of the results of the study, it can be concluded that the constitutional makers have used deictic expressions so widely. The use of these linguistic elements have been found to cause some ambiguity that makes legal document difficult to be understood by ordinary people. In many articles the constitutional maker used deixes; the person deixis in the Constitution is the common type of deixis which is sometimes ambiguous or unclear. The time deixis is the same, there is unclear point of time to perform some actions and some adverbs of time which are false or failed to refer to specified time . Furthermore; place deixis is used to refers to the land in which this Constitution is operative or the place in which certain actions should take place. With the use of the discourse deixis, according to Levinson(1983), there is an inappropriate use of the demonstrative (*this*) which is used to refer to what occurs or what happens, later on, to refer to something mention previously. This conclusion proves the hypothesis of the study which says that the ordinary readers of the Iraqi Constitution face difficulty in understanding the meaning of a lot of the articles of the constitution because there are many errors and misuses of the deictic expressions.

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