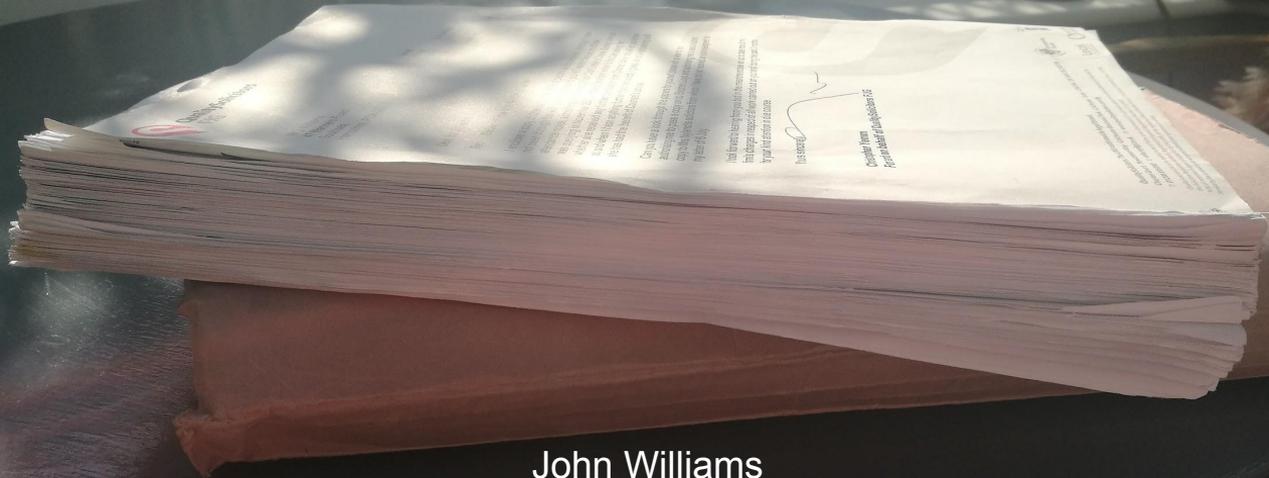


‘Benefit solely from’

A case study in using language corpora to resolve ambiguity (or not)



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Timeline

2004: My relative **Mrs E** sells some property and amends her **Will** to reflect this, making her good friend **Mrs O** the principal beneficiary, with a legacy of £x000.

2005: Mrs E sets up a **Discounted Gift Trust**, with an initial investment also of £x000, to provide herself with an income. Mrs O is named as the Default Beneficiary, and **myself** as Trustee.

2009: Mrs E dies. Seeing her Will for the first time, I am unsure whether the sum in Trust is intended to cover the legacy to Mrs O in the Will, or whether they are to be treated as two separate sums. This becomes a matter of dispute between Mrs O and the **Residuary Beneficiaries** of Mrs E's Will.

2014: After 5 years of acrimonious correspondence, the case is finally settled out of court.

The language angle

Letter from Mrs E's financial advisor to my solicitor, dated 29/11/2011:

*“...We duly consulted with [Mrs E] and upon her instructions and signed by all relevant parties, put in place the necessary Trust. It was totally clear from outset [sic] that she wished Mrs O to **benefit solely from** this Trust and we duly carried out the instruction. Mrs E was made aware that her Will would need to be revised and as she was in contact with her solicitor; such alterations were left to her. [punctuation sic]”*

Further requests for clarification remained unanswered.

The scope of 'solely'

[Mrs E] wished Mrs O to benefit solely from this Trust.

Two possible interpretations:

1. Mrs O was to be the sole beneficiary of the Trust, ie there were to be no other beneficiaries. [*'solely' refers back*]
2. Mrs O was to benefit from the Trust but from no other source, ie not from the Will. [*'solely' refers forward*]

Each interpretation has different implications for Mrs O and the Residuary Beneficiaries. On what criteria can we decide between them?

The concept of ‘ordinary meaning’

“When a statutory term is undefined, the court gives the term its ordinary meaning.” (cited in Hobbs, 2011)

How to determine ‘ordinary meaning’?

- judges’ intuitions (Solan & Gales, 2017)
- definitions in authoritative dictionaries → problems with this: taking words out of context, twisting the purpose of dictionaries by focusing on common words (eg, *use*, *carry*)
- by consulting language corpora → they show words in context & the relative frequencies of different meanings of a given word

Nevertheless, also issues with using corpora:

- a less frequent meaning may nevertheless be the appropriate one in the given case;
- “If one wishes to search a corpus to glean the ordinary meaning of a term, one must decide in advance what to search.” (Solan & Gales, 2017)

Dictionary definitions of 'solely'

OED Online proposes 3 senses for 'solely', two of which correspond to our interpretations 1 and 2 respectively:

1.

a. As a single person (or thing); without any other as an associate, partner, sharer, etc.; alone; occasionally, without aid or assistance. (Cf. *SOLE adj.* 4.)

1495 *Act 11 Hen. VII* c. 52 §1 The landes and tenementis that he held solely or joyntly with other.

1806–31 A. KNOX *Remains* (1844) I. 61 Those who..would think themselves solely qualified to mend the Established Church.

1860 J. B. MOZLEY *Univ. Sermon*. (1877) vii. 151 Is it true that habit, solely and of itself, does produce positive inclination?

2. Only, merely, exclusively; also (contextually), entirely, altogether.

1823 J. MARSHALL *Writings upon Federal Constit.* (1839) 264 Spain did not rest her title solely on the grant of the Pope.

1855 W. H. PRESCOTT *Hist. Reign Philip II of Spain* I. i. v. 152 In all his acts, he relied solely on himself.

1885 *Manch. Examiner* 21 Feb. 5/3 The questions at issue do not relate solely to Egypt and the Soudan.

Corpus frequencies of 'solely'

Corpus	Per million frequency of 'solely'	Meaning 1 ** (single person)	Meaning 2 ** (only)	Other / indeterminate
enTenTen13 (19.7 billion tokens)	17.72	10%	74%	16%
British Law Reports, 2008-2010 (BLARC) (8.5 million tokens)	43.64	10%	90%	-

BLARC examples for Meaning 1

Once the appellant's husband had died, then on the face of it she was **solely** entitled to the equity in the property.

It turns on the fact that Mr S_____ was, in effect, the sole shareholder in S & R and also **solely** responsible for S & R's activities.

** based on a sample of 50 concordance lines

Corpus evidence: 'benefit solely from' (*enTenTen13*)

15 examples:

wealth is pumped into the hands of those **benefiting solely from** rising asset prices. *</p><p>* New Jersey Governor Chris
by the Commission Division for the payment of **benefits solely from** such benefit account. Expenditures of such
evidence that proves that waterfowl have **benefitted solely from** the banning of leadshot. I saw plenty of
insurance policies, his family received death **benefits solely from** the smaller policy. The insurance company of
those who have severe discoloration will not **benefit solely from** the whitening. Those patients may need a
Paperly do not want to be bias and let them **benefit solely from** the hard work of their team members. *</p><p>* Paperly
than one family who owns a team of animals, **benefiting solely from** an expedition haul. We use a mix of both. Porters
that writer's character and his/her friends to **benefit solely from** . If you happen to notice an odd quest that like no
in Ohio, Tennessee and 24 other states. *</p><p>* USEC **benefits solely from** the ability to keep the American Centrifuge
all drink to one another's health. *</p><p>* Banks did not **benefit solely from** the taxpayer funds received from TARP. The
in Reno or Tahoe/Truckee. Some patients **benefit solely from** liposuction. Dr. Virden will be able to tell you
some cases, there have been homeowners who have **benefitted solely from** these state-specific plans as many major
becomes obvious that the man we saw at 135 didn't **benefit solely from** fighting against a weaker level of opposition.
whatsoever to images provided and you will **benefit solely from** this user's license granted according to the
all the training, keep and racing costs but also **benefit solely from** any success at the races and the re-sale value if

No examples of 'benefit solely from' in British Law Report Corpus

Corpus evidence: distribution of examples

7 examples correspond to Meaning 2:

I have NEVER seen scientific evidence that proves that waterfowl have *benefitted solely from* the banning of leadshot.

Not everybody with loose skin is a candidate for brachioplasty... Some patients *benefit solely from* liposuction.

4 examples correspond to Meaning 1:

Sole ownership of racehorses is where a horse is owned by one person and they are responsible for all the training, keep and racing costs but also *benefit solely from* any success at the races and the re-sale value if the horse is sold.

This option provides income for many of the people in the region rather than one family who owns a team of animals, *benefiting solely from* an expedition haul.

4 examples are indeterminate / not relevant

Solan & Gales’ “Double dissociation”

“[T]he strongest corpus arguments occur when not only does one usage predominate over another in the corpus, but when, **in addition, the circumstances describable in the infrequently instantiated case are present in the corpus but described using other language.**” (Solan & Gales, 2017)

Corpus	benefit solely from	sole beneficiary of (= <i>Meaning 1</i>)	benefit only from (= <i>Meaning 2</i>)
enTenTen13 (19.7 billion tokens)	15	586	75
British Law Reports, 2008-2010 (BLARC) (8.5 million tokens)	0	0 (8 for <i>sole beneficiary</i> without <i>of</i>)	0

Internet examples supporting Meaning 1

- You are married or co-habiting and wish your spouse/partner to **inherit solely**.
- How do I calculate my equity in a company I **own solely**?
- This is to certify that I ... **own solely** and ... will **occupy solely** the structure located at the location described below
- It seems so unfair that he has sold the car, jewellery, scooter etc and **benefited solely from** this. I know that my dad wanted everything to be equally shared and I had suggested that anything that was sold should be put in the pot and shared at the conclusion of probate.

Dealing with ambiguity: inferencing

- A lot of utterances, especially when taken in isolation, are inherently ambiguous
- As hearers/receivers of language, we infer, *on the basis of context*, the most plausible interpretation for our purposes
- (see, eg, Cummings, 2012, p.302) Context is traditionally subdivided into:
 - **Physical** - the place, the medium, any physical objects involved
 - **Social** - the participants, their relationship, their relative status
 - **Linguistic** - the words that come before (and, in a written text, after) the utterance
 - **Epistemic** - knowledge & beliefs about the world
- Inferences (unlike logical deductions) are always *defeasible*.

Applying epistemic knowledge

Three principles:

- **The Principle of Parsimony** (Grice, 1989) → other things being equal, the simplest explanation is to be preferred, cf Ockham's Razor
- **The Principle of Analogy** (Brown & Yule, 1983) → other things being equal, the most familiar explanation is to be preferred; the present will be like the past
- **The Cooperative Principle** (Grice, 1989) → sender/receiver are working together to achieve a common understanding

Consequences for our case?

Cooperative Principle - uncertain whether this is operative; financial advisor may be violating Maxims of Quantity & Manner

Physical/Social Context - written communication, potentially to be produced in court, between two professionals well versed in the language of law and contracts

Linguistic Context - *“[Mrs E] wished Mrs O to benefit solely from this Trust and we duly carried out the instruction. Mrs E was made aware that her Will would need to be revised....”*

Principle of Parsimony - wording is consistent with there being only a single sum of money
→ no need to assume two

Principle of Analogy - corpus analysis; wording is consistent with the more frequent sense of ‘solely’ and ‘benefit solely from’

Summary

- The concept of ‘ordinary meaning’ may be insufficient when there are two (or more) relevant competing meanings
- Meaning is carried not only in single words, but in the whole phraseology in which they are embedded
- What is the most appropriate phraseological unit to search for in a corpus?
- Some phraseological units may be infrequent even in very large corpora
- Some language is irreducibly ambiguous → we need to apply inferencing from context; there are existing principles that enable us to do this
- But given that inferences are always defeasible, does this provide a sufficient standard of proof in court?

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