ISSN: 1839-8308

INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

Volume 12, Number 1 (June, 2024)

ACADEMICS EDUCATION
INTERNATIONAL JOURNALS
OWNED AND OPERATED BY ACADEMIC JOURNAL EDITING ENTERPRISE INC.

INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

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Index

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Foreword

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Benefits and Drawbacks of Plain Legal English

The *Plain Language Movement* acted as the catalyst for the *Plain Legal English Movement* aimed at questioning and challenging the clarity of legal language. Mellinkoff's *The Language of the Law* (1963) is one of the most influential publications to emphasise the defects of legal language. In the search for precision and caution, legal English tends to be verbose, archaic and redundant (Wydick 1978; Tiersma 1999; Williams 2004 and 2011). Tiersma (1999, p. 51) posits that "lawyers seem to have developed linguistic quirks that have little communicative function and serve mainly to mark them as members of the legal fraternity". Legal writing, in fact, is claimed to be "the largest body of poorly written literature ever created" (Lindsey 1990, p. 2).

The literature has long addressed and discussed *legalese*, which is an intricate aspect of the language of the law. Its features are varied, such as nominalisation (Tiersma 1999, pp. 77-79; Williams 2004, p. 115; Coulthard and Johnson 2010, p. 10), the frequent use of passive forms (Williams 2004, p. 114), long sentences characterised by syntactic discontinuities and embeddings (Williams 2004, pp. 113-114; Williams and Milizia 2008, p. 2215; Coulthard and Johnson 2010, p. 22), lack of punctuation (Williams 2004, p. 113; Coulthard and Johnson 2007, p. 45) and deictic elements where pronouns, particles and adverbs refer back or forward to concepts, things or people mentioned in the text (Abate 1998, pp. 14-16; Bhatia 2010: 28). Furthermore, legal language is male-gendered and characterised by sexism as it still uses masculine generics (Griffith 1988: 135;

Leonardi 2021). Some scholars highlight the ambiguity in the use of modal verbs (for example, "shall" is used to express obligations or prohibitions instead of future actions or scenarios) (Tiersma 1999). There are also archaic expressions sourced from Latin and French, which may be incomprehensible to laypersons (Laster 2001: 246; Bhatia 2010, pp. 26-29).

Given the above, the Plain English Movement began in the 1970s with the aim of reducing the verbosity and intricacy of legal language (Wydick 1978; Williams 2004, 2008 and 2011). Some of the main features of plain legal English are aimed at: 1) eliminating archaic and Latin expressions and unnecessary words to reduce sentence length, 2) reducing nominalisation, 3) avoiding the passive voice and 4) using gender-neutral language. In practice, the general purpose of plain legal English is to draft legal texts that can be understood by the "average person" (Wydick 1978; Williams 2008; Tessuto 2008a, 2008b; Maci 2014; Gotti 2016). Since then, huge strides have been made and several institutions and legal drafters have embraced plain English principles (Williams 2008; Williams and Milizia 2008; Gardner 2016; Williams 2023).

Nonetheless, the use of plain legal language is currently controversial. Some scholars, for instance, inform about lawyers' fear of making mistakes when they use plain English (Adler 2012, p. 15), whereas others highlight the necessity of complexity in some legal expressions or phrases, as excessive simplification may be wrong or could give rise to inaccuracies (Solan 1993, pp. 129-138). Furthermore, some researchers suggest avoiding the indiscriminate use of plain language in legal translation by pointing out that legal translators should refrain from rendering an intricate legal text into plain target language, unless expressly requested by their clients or translation project managers (Giampieri and Harper 2023, p. 15). Others report that more than a matter of language and linguistics, it is the intrinsic character of the law and the growing importance of technical rules that make legal texts intricate (Ződi 2019). Hence, plain English would not necessarily make things easier and as acknowledged by Tessuto (2008a, p. 26) "how effective plain legislative language and discourse may be to make sense of the intricacy and complexity of law to the ordinary reader is open to question".

In light of the above considerations, this special issue provides a discussion forum for investigating legal language from a plain English perspective. It also aims to create opportunities to integrate the work of linguists and legal scholars who focus on analyses of the processes related to the popularisation of the language of the law.

This special issue seeks to bring to the fore the advantages and disadvantages of plain legal English in modern society, in multi-cultural settings and multidisciplinary contexts. To what extent is plain English a resource or a challenge to institutions, legal drafters and people? How can it improve or affect our lives? It also provides an interdisciplinary platform for researchers, practitioners, and educators to present the most recent innovations, trends, concerns, and solutions already adopted in their professional areas. Their insights will converge in a truly multidisciplinary effort to devise and build advanced networks of knowledge to facilitate the interpretation of data in the field of legal linguistics, legal language, and legal translation with a specific focus on plain legal English vs. *legalese* in modern society.

In terms of contributions, Manon Bouyé conducts a comprehensive corpus-based analysis of passive forms within two distinct legal genres and their corresponding plain language versions. The primary objective of this analysis is to ascertain the extent to which passive constructs are deployed in legal mediation documents intended for the general public. To this end, two *legalese* corpora are scrutinised: one comprising legislative documents from the United Kingdom and New Zealand and the other encompassing judgments issued by the Supreme Court of Canada. These corpora are juxtaposed with two plain language corpora: one consisting of brochures with instructions on legal processes and another housing summaries of judgments by the Supreme Court of Canada. The empirical findings corroborate the prevalence of passive constructions within legal discourse. In particular, passive forms serve specific discourse functions in popularisation texts by re-orientating legal content.

Ondřej Klabal's work focuses on the challenges encountered by students in the field of Translation Studies when dealing with plain language. For example, they may have to decide whether to maintain a simplified style when translating into a language where plain language is not widely practised. When translating into English as a foreign language, however, students may be enticed to adopt plain language principles, or conversely, to draw inspiration from parallel documents drafted in *legalese*. In recognition of these translation challenges, the author provides a series of teaching activities designed to raise students' awareness of plain language principles while also bringing valuable language resources to the fore. Through these activities, students can acquire the necessary tools to make more suitable and informed choices in their translation tasks.

Hairenik Aramayo Eliazarian highlights how, in recent years, various Hispanic countries have witnessed a rise in Plain Language (Lenguaje Claro) initiatives by public institutions,

involving the creation of corresponding guides. These efforts aim to influence language use within communities through training, regulations, and teaching materials. The article analyses a corpus of plain legal language guides in Spanish, revealing their similarity in focusing on grammatical accuracy and stylistic correctness through abstract rules. However, the study argues that this form-oriented approach contradicts recent findings in writing pedagogy and faces resistance from professionals. Drawing on the theoretical framework for writing instruction developed by Myhill et al. (2020), the author suggests a paradigm shift, wherein plain language is conceptualised as a set of literacy skills rather than rigid rules. The aim is to offer more effective instruction tailored to the needs of legal practitioners.

Aleksandra Łuczak delineates the transformative impact of the emergence and evolution of plain language in Poland's legal context. This advent has unavoidably encountered resistance and bewilderment among numerous law students. Within this framework, the author examines Polish first-year law students' approach to plain English and their ability to understand *legalese* as opposed to plain English. This analysis also seeks to uncover the underlying reasons that prompt students to favour legalese over plain language. The author also provides several practical recommendations to foster the adoption of plain language principles among future legal practitioners.

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INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

ISSN: 1839-8308

INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

Who's afraid of the passive? A corpus-study of passives in two legal genres and their simplified Plain English versions

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Abstract

Plain language is "communication that is comprehended the first time it is encountered, and which relies on textual features such as active voice and common terms" (Rossetti et al., 2020). In the last decades, government agencies in the English-speaking world have encouraged the use of plain English not only in legislative or judicial settings, but also in the communication between legal institutions and non-expert law users. Plain English is based on linguistic recommendations, which include avoiding difficult vocabulary or legal terminology, and keeping sentences short. Avoiding the passive is by far the most frequent of these recommendations. Although research has focused on the evolution of passives in legal settings (Williams 2015, 2022), few studies have investigated its use in Plain legal texts published for lay readers. The aim of this paper is to examine whether the recommendation to avoid the passive is actually applied in legal popularization texts that address the general public. We studied the frequency of passives in two *legalese* corpora, made up of legislative texts from the United Kingdom and New Zealand, and of judgements from the Supreme Court of Canada. These specialized corpora were compared with their Plain English versions. Canonical and non-canonical passives were examined quantitatively. Using a lexico-grammatical approach, contexts were then studied to try to identify possible phraseological patterns centered around passive. Qualitative analyses were performed to identify the rhetorical functions of the passive in our corpora, especially in the Plain English texts. Our results confirm that the passive is a crucial feature of specialized legal phraseology. However,

our analysis also suggests that the passive is also used in canonical and non-canonical forms in Plain English texts. Added to other typical features of popularization and knowledge dissemination, it appears that the passive helps recontextualize legal knowledge towards human actors and law users.

Keywords: plain language, law, phraseology, popularization

1. Introduction

1.1 Legal language and the Plain Language Movement

Plain language can be defined as "a deliberate linguistic style, consciously adopted with the rhetorical intent of making specialized knowledge clearer and more accessible to non-experts" (Gledhill et al., 2019). In the past decades, encouraged by advocate of the Plain Language Movement, legal and administrative institutions in the English-speaking world have strived to apply Plain Language (now PL) principles to legislative or judicial drafting (Williams, 2022), as well as to the communication between institutions and non-expert law users. Government agencies in the US, Australia, the UK, New Zealand or Canada encourage the use of PL when addressing the general public (Asprey, 2004). To do so, agencies and public service entities publish recommendations in the form of drafting guides or handbooks.

Plain English guidelines include negative rules, such as avoiding the passive, avoiding “difficult” vocabulary or legal terminology, as well as positive rules, for example keeping sentences short or addressing the reader as ‘you’ (Williams, 2004; Cutts, 2020). Although it is not as formalised as other controlled languages like Simplified Technical English, PL has attained a high degree of official recognition in various English-speaking countries and has been implemented in both expert-to-expert communication (as in statutes), and expert-to-non-expert communication. Numerous studies have examined the implementation of PL in specialized legal settings (Williams, 2022), or its reception by non-experts in English-speaking countries, including the United Kingdom and New Zealand (Masson and Waldron, 1994; Rossetti et al., 2020). In discourse analysis, research has focused on the popularization and the dissemination of legal knowledge in terms of discursive devices and stance, identifying common rhetorical strategies used to reformulate specialised legal knowledge. These strategies include “concretization”, i.e. linking abstract concepts to the non-experts’ real-life experience, rephrasing and illustrating terms (Turnbull, 2018), and communicative

strategies to rephrase institutional discourse (Preite 2016, 2018). However, few studies have proposed a systematic investigation of the main features of Plain English in legal expert-to-non-expert communication to examine whether PL recommendations are followed, although work by Bouyé (2022) and Bouyé & Gledhill (2019) has attempted to partly fill this gap. In this paper, we focus more specifically on the passive, to examine whether this guideline, which is one of the most frequent PL recommendations, is followed in expert-to-non-expert legal communication.

1.2 The passive and linguistic complexity

The passive is considered to be particularly characteristic of legislative discourse (as well as other specialised languages), although it has evolved in recent decades and its frequency has been shown to decrease, especially in legislative texts (Williams, 2015, 2022). In a study of 15 PL guidelines in various domains, Bouyé (2022) has shown that avoiding the passive appears in 87% of PL handbooks, making it one of the most common recommendations for writing in Plain English. This is also a typical rule in controlled languages, whether Simplified Technical English or other controlled languages in specialize contexts (see for example Warnier, 2018). PL handbooks often advise drafters to use the passive.

> [Passive sentences] can be confusing. They often make writing more long-winded. They make writing less lively. (Plain English Campaign, 2022)

Not only do passive sentences make sentences longer (which is arguable), according to this quote, they may also pose comprehension problems and make writing “less lively”. Why is the passive so “confusing”, according to various controlled languages and handbooks that encourage maximal comprehensibility and readability? According to Warnier (2018), two reasons can explain why the passive voice is so “unloved” by controlled languages" (p. 92, our translation). This excerpt from a style guide published by the British association Plain English Campaign explains the first reason why the active is often preferred:

> The active voice identifies in a direct way who is doing what. (Digital Government New Zealand 2020)

In linguistic terms, this means that sentences in the passive voice are considered more complex than their active equivalents because they are seen as the result of a transformation of the canonical

Subject-Verb-Object word order, to which the semantic functions of Agent, Verb and Patient are often associated and are seen as corresponding to the syntax in this interpretation. Here we see not only the influence of controlled languages (Gledhill, 2011; O'Brien, 2010), but also that of transformational generative grammar, for which passive and active constructions are explained in terms of derivation. In this approach, a sentence in the active voice is considered an “unmarked” structure and is seen as requiring less cognitive effort to decode than a sentence in the passive voice, which is seen as a “marked structure”. It is for this reason that the active voice, which preserves a supposedly direct relationship between the grammatical subject and the Agent of the action, is preferred to the passive.

The second reason why the passive is seen as possibly confusing is related to the possibility that the Agent be omitted in a passive clause. Consider the following sentences, taken from Supreme Court judgments:

The judgement of the court was delivered orally.
The judgement of the court was delivered orally by the Chief Justice.

Both these sentences are grammatically correct, but in the first instance, the Agent is omitted, contrary to the second example, in which the prepositional phrase “by the Chief Justice” introduces the semantic Agent. In the context of controlled languages, such Agent-less passives are seen as posing a risk of "incomplete or unfinished" information (Warnier, 2018, p. 93). For controlled languages and PL advocates, the absence of an Agent can lead to ambiguity or a lack of clarity. This is seen as entailing greater complexity, especially in cases where readers cannot deduce who or what the Agent is from the context. Such a sentence is then likely to appear "incomplete or unfinished because it is not specified by whom or by what the action mentioned is to be performed" (Warnier, 2018, p. 93). In some contexts, the explicit identification of the Agent is crucial information that should not be omitted, hence the preference for the active voice in controlled languages and PL.

It must however be noted that some authors have shown that in English four out of five passives are short passives, i.e. passives without a *by*-adjunct, where the Agent does not need to be specified, either because it is obvious from the context or because it does not need to be mentioned for the sentence to be understood (Quirk et al., 1972, p. 807). Some PL drafting guides actually take this into account, as they suggest that drafters can use the passive in certain contexts. What must also be kept in mind is that these recommendations do not take account morphological variations of

the passive. Plain English style guides focus solely on prototypical forms of the passive, [BE + Past Participle], which will be referred to as "canonical passives" or BE-passives in the rest of this paper.

Some structures and morphological variations of the passive are overlooked by PL recommendations. The auxiliary *be* is not the only auxiliaries that can be used to form the passive. In English, *get* can also be used as auxiliary that allows the construction of passive structures. Similarly the forms of passive without auxiliaries, called *bare passives* by Huddleston and Pullum (2002, p. 1430), are overlooked in PL guidelines. We provide an example of *bare passive* in the following excerpt from a judgement by the Supreme Court of Canada:

> A person *convicted* of the offence with which Mr. Wong was charged would become inadmissible to Canada, no matter the length of the sentence imposed on him or her. (Supreme Court of Canada)

In this example, "convicted of the offence" could be glossed by a relative clause containing a passive with an auxiliary form, "a person who is convicted of the offence". Bare passives such as this are generally used to modify a noun phrase (NP) and pack more information in an NP, as can be seen here, where it modifies "a person" and refers to an offence that has already been discussed.

1.3 Phraseology, legal discourse and popularization strategies in legal settings

In the remaining sections of this paper, we adopt a phraseological perspective to explore the question of the passive in legal settings quantitatively and qualitatively. Numerous studies have focused on the phraseology of legal language, with several books or papers looking at regular expressions and lexical bundles in legal English (Goźdź-Roszkowski & Pontrandolfo, 2013; Goźdź-Roszkowski & Pontrandolfo, 2017). However, fewer studies have been conducted on the phraseology of PL in French. Among one of the first studies of this type (Bouyé & Gledhill, 2019) we attempted to set out some characteristics of PL phraseology in English and French, using ngrams.

In this paper, our analysis of the passive is based on the concept of the 'lexico-grammatical patterns' (LG) in order to examine whether there is such a phenomenon as the 'phraseology of simplification'. We use the definitions of LG patterns put forward by Gledhill et al. (2017), who define them as recurrent sequences of lexical items ('collocations'), which correspond to regular

grammatical structures, and which have an identifiable frame of reference or discourse function. Contrary to ngrams and other fixed sequences, LG patterns are productive and potentially discontinuous. The simplest forms of LG pattern are routine formulae or 'speech acts' (such as greetings, warnings, official pronouncements, etc.) (Gledhill et al., 2017).

1.4 Research questions

The first aim of this paper to measure the degree of adherence of the legal popularization texts to the drafting recommendations, since it is one of the most frequent recommendations in the drafting guides for writing in clear style. The second objective is to propose an interpretation of the discourse functions of the passive observed in the two registers represented by the expert-to-expert and expert-lay corpora under study. Differences between discourse genres are also taken into account.

In particular, our aim is to perform a qualitative analysis to observe whether the passive appears in lexico-grammatical patterns (LG patterns) in both specialized and popularization corpora. LG patterns, as mentioned above, are structures that exhibit a certain degree of fixity, where certain continuous or discontinuous elements serve as pivots (i.e. they constitute the recurrent elements) and whose extended context reveals regularities at the semantic (e.g. the referent of the subject is always an institutional actor) and/or grammatical level (in this case, a passive).

2. Methodology

2.1. Textual data: The LEX and PLAIN corpora

Two corpora were collected for this study, which were themselves subdivided into several subcorpora.
The first corpus, entitled LEX, is a specialized legal corpus, which contains two subcorpora:

- EN-Law, made up of legislative texts from the United Kingdom and New Zealand (1,975,302 word tokens), which were still enforced at the time when the corpus was collected in 2018;
- EN-CA-judgements, composed of judgements from the Supreme Court of Canada, delivered in 2018 (671,124 word tokens)

This specialized legal corpus is contrasted with its Plain English version, the PLAIN corpus, containing 981,501 word tokens, which is itself made up three subcorpora, whose intended readership are non-expert law users:

- EN-Brochures, a corpus of 45 leaflets and brochures published online between 2014 and 2018, which guide law users through various legal procedures (including asking for divorce, asylum or employment benefits) and contains 219,332 word tokens;
- Citizens-Advice (711,935 word tokens), made up of 773 texts published on the legal popularization website Citizens Advice Bureau, which also informs law users of their rights and guide them through the legal process;
- Cases in Brief (50,234 word tokens): 66 summaries of judgements published by the Supreme Court of Canada as "Cases in Brief" in 2017 and 2018.

The first two subcorpora of the PLAIN corpus can be said to belong to the administrative register (although the brochures are longer texts than the Citizens Advice texts), as they are published by administrative institutions that guide and assist law users in various legal and administrative processes, while the third subcorpus contains summaries of judicial texts. The summaries do not share exactly the same functions as the texts from the other two subcorpora, as it summarizes. However, all of the texts in the PLAIN corpus share the same non-expert audience and have the same legal mediation purpose, "legal mediation" being defined by Turnbull as not only explaining legal knowledge but also aiming at empowering their readers (Turnbull, 2018).

2.2 Passive extraction

As mentioned above, the first hypothesis we seek to confirm or disprove concerns the frequency of canonical BE passive forms in the PLAIN corpus with regard to the LEX corpus, to investigate whether they are less frequent in the PLAIN corpus than in the LEX corpus.

The first step of this study was therefore to look for forms containing auxiliary BE lemmas followed by the past participle. Prototypical passive forms in the LEX and PLAIN corpora were extracted using SketchEngine (Kilgarrif et al., 2008) thanks to the Corpus Query Language, which is based on morpho-syntactic tags in the lemmatised corpora (tag: [lemma="be"][tag="VVN"]). Once the passive forms had been extracted, we obtained the normalised frequency of canonical

passives in relation to the total number of conjugated verb forms. Thanks to SketchEngine's Collocation tool, the most frequent collocations associated with BE passive constructions were found automatically. In our case, the span chosen was 3 words before and after the passive constructions.

Then, we aimed to explore non-canonical passive forms. The same extraction method was used to identify get-passives, i.e. which used *get* as an auxiliary instead of *be*, this time looking for the lemmas of *get* in the corpus followed by a past participle. We then moved on to bare passives, but these passives without auxiliaries could not be captured quantitatively by SketchEngine. To capture bare passives, past participle forms can be extracted, but these do not correspond solely to bare passives, as they are morphologically ambiguous: they can also refer to past participles in verb phrases. The concordance and CQL functions were nonetheless useful in an exploratory and qualitative analysis of bare passives in the LEX and PLAIN corpora.

2.3 Passive analysis

Concordances of passive verb phrases were then analysed in context and selected using the KWIC function to obtain the verbal lemmas that are most frequently often associated with the passive in each subcorpus. This way, we could identify possible lexico-grammatical patterns associated with the passive in the LEX and PLAIN corpora, and in particular explore which types of subject were frequently used with the passive and therefore syntactically placed in theme position, i.e. “the orientation chosen for the message” (Halliday & Matthiessen, 2014, p. 43).

To classify the Agents or Subjects of passive verbs, we borrow the classification set out by Breeze (2017), who categorizes speech verb subjects in a corpus of academic legal texts based on the following categories: institutional collective legal actors, individual legal actors (e.g. a judge), legal document, impersonal subject (*it/this*), cases, legal argument or principle, or parties, including defendants. For this last category, in our analysis of the PLAIN texts, we pay close attention to how reference is made to lay law users, especially if the second person is used.

The aim of this context analysis was to formulate hypotheses about the rhetorical function of the passive in both corpora (particularly in the PLAIN corpus), but also to see whether passive voice constructions are inserted in recurring phraseological patterns or specialised collocations.

We use the following typographical conventions to describe the LG patterns observed:

- < beginning of LG pattern
- > end of LG pattern
- italics: pivot (mandatory lexical and/or element)
- square brackets: variable but mandatory element

3. Results and discussion

3.1. Quantitative results

We present the quantitative results in Tables 1 and 2 below, before moving on to the discursive analysis of the passive in both corpora.

TABLE 1. Frequency of BE passives in the LEX corpus.

Subcorpus	Number of BE passives	Number of finite verb forms	Frequency of passives with respect to the number of finite verb forms (%)
EN-Law	29951	109822	27,3
EN-CA-Judgements	7264	48314	15,0

Table 1 suggests that the subcorpus of legislative texts, EN-Law, contains a higher proportion of canonical BE passive constructions than the corpus of judgements from the Supreme Court of Canada (hereafter SCC). The relative frequency of canonical passives in EN-Law (27,3%) is not surprising, as the passive is often described as one of its distinctive linguistic features (Tiersma, 1999). This finding is furthermore consistent with results from other studies on English legislative discourse. In particular, our result corresponds to the proportion described by Williams in his study of the evolution of legislative texts, in which he reported that 26% of transitive verbs in his corpus of laws from 2010 were in the passive voice (Williams, 2013). The difference between the two subcorpora EN-Law and EN-CA-Judgements might at first sight seem more surprising, and could suggest a difference between the legislative and judicial discourse genres. This difference should however to be treated with extreme caution, as these results do not take into account non-canonical passives, notably bare passives.

TABLE 2. Frequency of BE passives in the PLAIN corpus.

Subcorpus	Number of BE passives	Number of finite verb forms	Frequency of passives with respect to the number of finite verb forms (%)
Citizens-Advice	9574	70580	13,6
Brochures	3013	17486	17,2
Cases in Brief	711	5680	12,5

The quantitative results presented in Table 2 suggest a clear decrease in the number of canonical passive constructions in certain PLAIN subcorpora compared to their non-simplified version in the LEX corpus. This difference is evident for example between the EN-Law corpus and the Citizens-Advice corpus, with a drop from 23.6% to 13.7% of canonical passive constructions. The EN-Brochures subcorpus also contains much fewer canonical BE passive constructions than the EN-Law corpus, but more than the Citizens-Advice corpus (13,6%). EN-brochures is explicitly based on texts from EN-Law, which may explain why it contains more BE passive constructions than Citizens-Advice, whose texts do not systematically refer to a source legislative text. One interesting finding is that the Cases in Brief subcorpus contains nearly as many BE passive verbs as the corpus of judgements, with a decrease of only 3% (15,0% vs.12,5%).

Besides the fact that it does not capture bare passives or other morphological variations of the passive, one important limitation in the method can already be noted. These results only capture the frequency of “continuous” passives, that is where the past participle directly follows the auxiliary.

Although these results suggest a more or less sharp decrease of the frequency of the passive in the PLAIN corpus compared to LEX, they only provide a partial view of the proportion of the passive in legal texts and their plain English versions, which is why most of our analysis is devoted to an investigation of the contexts of use of the passive in both corpora. We now turn to a more qualitative analysis of our data, based on the most frequent verbs occurring in the passive and other passive forms.

3.2 Qualitative analysis in the LEX corpus: Use and discourse functions of the passive in legal phraseology

We begin by exploring the passive as a core element of legal phraseology in the specialised LEX corpus.

Be-passives, boilerplates and formulaic sequences:

Before looking at the verbs that appear most often in BE passive structures, we will examine recurring formulaic sequences, which appear in all judgements and/or legal texts. In LEX, the passive is first found in the introductory formulae of the two legal genres in question, as in the extracts below, which appear at the very beginning of the texts in question:

(1) This Act *may be cited* as the Consumer Rights Act 2015. (EN-Law)
(2) The judgement of McLachlin J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ. *was delivered* by Wagner J. (EN-CA-Judgements)
(3) The judgement of the Court *was delivered* orally by Abella J. (EN-CA-Jugements)

These introductory sentences not only contain passive verb phrases, they also have a strong metatextual flavour, which is specific to the genre and mode of discourse: in the first example, the Act, a written legislative document, states how it can be cited, while in (2), the judgement, a spoken text, states which Justice from the Supreme Court delivered it. The closing sentence of a Supreme Court judgement is also a passive sentence and also forms a discursive routine, stating the decision of the court, i.e. whether or not the appeal is dismissed.

(4) The appeals *should be dismissed*. (EN-CA-Jugements)
(5) The appeal *should be allowed*. (EN-CA-Jugements)

These ritual formulae illustrate the highly standardised and conventional nature of legal discourse, which has been widely established in the literature (Pontrandolfo, 2023). These opening sentences in particular endow these texts with an aura of solemnity and participate in their performativity. What can be noted is that most of these boilerplates contain what Huddleston and Pullum (2002) call 'short passives' (p.1428), i.e. passives without an Agent introduced by a prepositional phrase. The Agent is not expressed, we argue, because it is obvious to both the writers and the readership

(experts and non-experts alike) that the amendment emanates from the legislative institutions or that the decision is the result of the Justices' analysis. The Agent is only expressed, in these examples, when several individual legal actors could have delivered them, namely in the case of the judgements, which could be delivered by more than one Justices.

Specialized collocations in the two specialised genres:

A study of the concordances in SketchEngine shows that the verbs that are most frequently used in BE passive constructions in EN-LEX are *make, take and require*. For *make*, we find LG patterns of the type <[Predicative noun] + *is made* + [prepositional phrase (PP)]> in both subcorpora.

(6) If an **application** *is made* under this section in respect of a temporary protection order, the Registrar must assign a hearing date, which must be as soon as practicable. (EN-Law)
(7) An **application** for a warrant under subsection may be made by a constable or the chief executive. (EN-Law)
(8) **Mr. Groia's mistaken allegations** were made in good faith and were reasonably based. (EN-CA-Jugements)
(9) None of the impugned actions or decisions cited in **Mikisew Cree First Nation's application** for judicial review were made by a "federal board, commission or other tribunal". (EN-CA-Jugements)

The term “predicative noun” is used here to refer to nouns that are often found in verbo-nominal constructions, in collocations where the noun denotes an action or process and where the verb is sometimes called “weak verb” or “support verb” (Gledhill, 2008), for example in *make an application*. Another example is the structure *make allegations* in the passive in (8), where it is the noun “allegations”, not the verb, which expresses that charges have been laid. These constructions can be called complex predicates, as they contain predicative nouns, or verbo-nominal constructions, and are often cited as characteristic of legal discourse (Tiersma, 1999). In the EN-Law corpus, the grammatical subject is often a legal document (*application, order)* as in examples (6) and (7) and one frequent collocate of this pattern is the phrase “under this (sub)section”, which specifies that the legal document in question must refer to this particular passage of the law. This yields a lexico-grammatical pattern of the form <*An order/application* (+ auxiliary) + be made + *under this section*>. In EN-CA-Judgements, the examples of verbo-nominal constructions, such as *make a decision* (9) or *make allegations* (8) contain subjects which are often more abstract:

decisions and allegations refer not to documents but to abstract actions linked to judicial procedures or concepts.

Another frequent collocation that occurs in the passive in both legal genres contains the idiom *take into account*. In this construction, the prepositional complement *into account* also has a predicative function; the use of this structure in the passive allow legal drafters to thematise the factors that judges must take into account when interpreting the law, as we see in the following examples:

(10) For the purposes of subsection X, the following matters *may be taken into account* in deciding whether a failure, default, or contravention is serious: the amount of money involved; whether it comprises a single instance or a series of instances; if it comprises a series of instances, how many instances it comprises. (EN-Law)
(11) As I will explain, the fact that the behaviour occurs in a courtroom is an important contextual factor that *must be taken into account* when evaluating whether that behaviour amounted to professional misconduct. (EN-CA-Jugements)

In both cases, the subject's referent is usually one of the factors that can (10) or must (11) be considered by judges when analysing an offence. There are, however, differences in the use of this construction between the two discourse genres. In legislative texts, it is used in the passive to refer to elements of the procedure in question, with an abstract meaning (steps to be followed) or a concrete meaning (fingerprints to be taken):

(12) **The steps** *to be taken* under subsection above shall include giving the requisite information both orally and in writing.
(13) **Fingerprints** *may be taken* from the detained person only if they are taken by a constable with the appropriate consent given in writing, or without that consent under sub-paragraph 2.
These passives with *take* are therefore sometimes used to thematize abstract legal concepts and to guide magistrates and executive officials, in particular by indicating the information they must obtain in the legal process. In EN-CA-Judgements, the LG pattern < *be taken as* + V + ing> is more metatextual and can be understood as a synonym for *understood*, as can be seen in the examples below.
(14) The phrase "obviously relevant" should no*t be taken* as indicating a new standard or degree of relevance: Jackson, at para 125, per Watt. Rather, this phrase simply describes information that (..) would nonetheless be required to be disclosed under Stinchcombe because it relates to the accused's

ability to meet the Crown's case, raise a defence, or otherwise consider the conduct of the defence. (EN-CAJugements)
(15) In saying this, I do not wish to *be taken as* suggesting that the categorical approach established in this Court's jurisprudence is without difficulties. (EN-CA-Jugements)

In the first case (14), the passive serves to thematise an extract from the case law that is quoted: the phrase "obviously relevant", which the Justice comments on and explains as part of their analysis, clarifies the meaning of the legal principle that applies to the case in question. The sentence could be glossed as "The phrase "obviously relevant" is not *to be understood* as...", and expresses a comment by the judge, who restricts the meaning of the expression in question (as shown by the adverb *simply*) and indicates what information may or may not be passed on to the police. In the second case (15), the passive structure is used with a first-person pronoun, and the Justice rephrases or clarifies what they mean. The judge expresses his or her position (stance) and makes sure, thanks to the use of a passive structure, that they have been properly understood by his or her colleagues. These passive collocations seem to have both a more argumentative value in the reasons for judgement, whereas they have more of a descriptive and procedural value in EN-Law, since they are intended to guide the magistrates in their analysis.

Other verbal lemmas that are often found in passive VPs are more specific to each of the legal genres in question. In EN-CA-Judgements, the most frequent canonical passives, such as *entitled* and *found*, allow for the thematisation of collective institutional actors (such as the Court, the Appeal Panel) or the parties (below, the accused).

(16) Justice Moldaver states that it was "not reasonably open" to the Appeal Panel to find that Mr. Groia's allegations lacked a reasonable factual basis: M.R., at para 134. (...) With respect, the Appeal Panel *was entitled* to make the findings of fact it made. (EN-CA-Jugements)
(17) If, as in the case at bar, an element of the actus reus is missing at the time of the alleged offence, **the defendant** cannot *be found* guilty. (EN-CA-Jugements)

The analysis of contexts also revealed a specialised collocation which seems to be specific to the judgement as a genre, to explain legal principle that the Court has to establish to make a certain decision.

(18) Both **the actus reus and the mens rea** must *be made out*. While there is no doubt that Mr. Carson had a guilty mind, establishing the mens rea is insufficient, in and of itself, to make out the offence.

This is a specialised use of the phrasal verb *make out*. The LG pattern exemplified in (18) is of the form <[Legal principle] (+ modal/aspect auxiliary) + *be* + *made out* >. The auxiliary *must* has a deontic value here. The judge is expressing an obligation, recalling what the law provides: for a criminal offence to be established, both the material element (*actus reus*), i.e. the criminal act (e.g. murder), and the intention *(mens rea*) must be demonstrated.

Some specialised LG patterns also occur in the legislative corpus, as can be seen in the examples below.

(19) **Any statement** made in court to a Judge or a witness by a person providing communication assistance must, if known by the person making that statement to be false and intended by that person to be misleading, *be treated* as perjury for the purposes of sections 108 and 109 of the Crimes Act 1961. (EN-Law)
(20) **The Tribunal** must *be given access* to classified information that was relied on to make a decision that is on appeal to the Tribunal; or *is first raised* in the course of an appeal to, or a matter before, the Tribunal. (EN-Law)
(21) For the purposes of sections 157 and 158, **an applicant** *is treated as* having concealed relevant information if he or she fails to comply with the obligation in subsection .

Example (19) shows an example of an LG pattern of the form <[GN = document / procedural element] + *is to be/must be treated as* + [NP] + *for the purposes of* + [NP = reference to a section of law]>. The presence within this pattern of the complex preposition *for the purposes of this section*, an extremely frequent segment in English-language legal texts, gives this lexico-grammatical pattern a meta-textual dimension. As for example (20), it illustrates the thematization of a collective institutional actor (the Tribunal), followed by <[modal auxiliary] + *be given* + *access / notice / information*). The NP after *given* can vary, but the sequence always refers to the information that is given to the courts in the course of the legal proceedings. Once again, these structures are used to guide magistrates and officials in their implementation of the law by specifying the conditions of its application, which may change according to individual situations (this is why these sentences contain conditional or concession clauses). What can be noted here is that these passives, in both

cases, appear in a structure containing the modal auxiliary *must*. The modal again has a deontic value: the content of the proposition is an obligation for the institution (the Tribunal) or its representative (the judge) to comply with.

What we have strived to demonstrate by analysing these examples is that the passive frequently enables institutional actors, as well as legal principles, concepts, legal texts/documents to be thematised within LG patterns that have a partially predictable structure (Gledhill et al., 2017) . In these lexico-grammatical patterns we have described, the passive is used systematically, which supports the interpretation of the passive as a central feature of legal discourse, which serves to reinforce some discourse functions of legal texts, and is not merely the result of syntactic rearrangement.

Non-canonical passive forms in the LEX corpus

This section would not be complete without an investigation of non-canonical passives in the LEX corpus. From the quantitative results described in Table 1., the conclusion could be that the judgements contain less passives than the legislative corpus. However, our hypothesis is that this difference is due to the texts in the EN-CA-judgements corpus containing fewer canonical passive structures but more bare passives. These non-canonical passive forms are not detected by the CQL search, but a quick look at a few extracts from this subcorpus show that a great amount of these are bare passives.

(22) More importantly, in reading the LSA as a whole, it becomes readily apparent that the **functions, duties and powers** *set out* therein relate only to the governance of the LSUC itself, to the provision of legal services by lawyers, law firms and lawyers of other jurisdictions, and to the regulation of articled students and licensing applicants. (...) **Each of the matters** *listed* in 62 ("By-laws"), and 62 *read* as a whole, grant the LSUC by-law making powers only for matters relating to the a airs of the Society, and the governing of licensees, the provision of legal services, law firms, and applicants. (EN-CA-Jugements)

(23) Further, as indicated, despite **the criticisms** *levelled* at Mr. Groia by Campbell J. and Rosenberg J.A. for the uncivil way in which he had made his allegations against Mr. Naster, the trial judge never once castigated Mr. Groia for the tone or manner of his submissions or the language *used* by him. (EN-CA-Jugements)

The extracts above contain a large number of passives, some of them canonical, but mostly without auxiliaries. Although, at first sight, it seems that judgements contain fewer passives, on closer inspection, it appears that this is actually not the case: they are in fact present in the form of bare passives. These passives are used by the judges to integrate certain facts and quotes into their arguments, thus fulfilling in part an intertextual function, as can be seen with “Each of the matters listed in 62” ("By-laws"), and “read as a whole” in example (22). These non-canonical passives can be said to add to the nominal complexity, by post-modifying NPs composed of several nouns, e.g. “functions”, “duties” and “powers”, as well as NPs whose nucleus is post-modified not only by prepositional phrases (PPs) but also by other PPs, e.g. “for the uncivil way in which he had made his allegations against Mr. Naster”. Bare passives therefore contribute to discursive cohesion, by thematizing the elements put forward by the judges. What's more, since these texts have a strong nominal dimension, these passives without auxiliaries reinforce discourse cohesion and contribute to the nominal style of these texts. This corroborates some of the findings set out by Halliday, who showed the most technical and “bureaucratic” varieties of English, and therefore the ones we are interested in, are characterised by a high lexical density (Halliday & Webster, 2009, p. 75).

On closer examination, both legal corpora contain a large amount of both BE passives and bare passives. This can also be seen in EN-Law:

(24) If **fingerprints** *are required* by section 18 to *be destroye*d, any copies of the fingerprints *held* by the law enforcement authority *concerned* must also *be destroyed.*
In this example, bare passives are therefore used to describe an element of police procedure, fingerprint taking, and the legal document that records them. The modified NP is complexified by passive post-modification. This sentence is structurally complex, because it contains cascades of nouns: as in the extracts from judgements analysed above, the bare passive is part of the nominal style of legislative texts. Going back to the argument against the passive in PL guidelines, the risk that can be seen in these examples is not so much the incompleteness of the information (since the agent is mentioned), but possible difficulties in understanding the structure of the sentence, which requires cognitive effort to unpack all the information contained in these complex NGs.

The results from this subsection corroborate various analyses and descriptions of the phraseology of legal language (Tiersma, 1999; Goźdź-Roszkowski & Pontrandolfo, 2017). They suggest that the passive is used as a full syntactic and information-packaging in the clause in both judicial and legislative legal discourses. This seems to confirm Minton's (2015) analysis of the

passive in medical texts. According to the author, the role of the passive is not to obscure the Agent (which we have seen is most often obvious), but to maintain stylistic patterns and information packaging. Our study of LG patterns seems to show that the passive is a central part of legal phraseology, as well as a cohesive device. We now turn to the PLAIN corpus to investigate the passive as part of a 'plain language phraseology'.

3.3 Forms and functions of the passive in PLAIN legal texts

We have seen in Section 3.1. that canonical BE-passives are present in various proportions in the three subcorpora written for the general public. In this section, we try to establish some regularities associated with the use of the passive in the PLAIN corpus. In other words, we look for rhetorical or discursive functions to account for the use of this 'prohibited' form, i.e. to understand why the texts do not adhere to the plain language recommendations.

The passive in plain administrative texts

This section first focus on the EN-Brochures and Citizens-Advice corpora, which represent administrative genres, i.e. texts which guide non-expert law users through the legal process. According to SketchEngine, the verbs most frequently found as passives in these corpora include *give, take, require, entitle* and especially *make*, which is found in the same verbo-nominal constructions in the EN-LEX corpus, for example below make an order.

(25) If a *bankruptcy restrictions order* (BRO) *is made against you*, this rule will also apply as long as the BRO is in force. (Citizens-Advice)
(26) You will be legally divorced 1 month after the date *the Dissolution Order is made*. (EN-Brochures)

As in specialised texts, the complex predicate <*make* + [legal document]> is used to refer to the document resulting from the order, and the predicative noun denotes both the process ordered and the administrative document sent by the court. According to the concordances, in these administrative texts, the subject of the passive is very often an abstract element relating to an aid or allowance, and, after the verb, an adjunct explains very concretely how and on what conditions this aid is paid, as illustrated in examples (27) and (28) below.

(27) Usually, **SSP** [Statutory Sick Pay] *is paid* for the first 28 weeks of sickness if you work for an employer. (Citizens-Advice)
(28) **Legal aid** *is paid* to your lawyer directly. (EN-PLAIN)
(29) When **evidence** *is given*, it is possible for the court to be cleared of everyone except the defendant, their lawyers, interpreters and one news reporter. (EN-Brochures)

These texts therefore contain passives whose subjects refer to abstract legal principles, which we have also seen in the LEX corpus. However, a study of the contexts in the PLAIN subcorpora also shows that canonical passive which contain second-person pronouns are over-represented. As seen in all the examples above, in sentences containing a verb in the passive, the subject of the proposition containing the passive, or of the following proposition, is very often YOU or a NP which contains the second-person pronoun YOUR. This use of the second person corresponds to the "conversationalisation" of institutional discourse, as defined in critical discourse analysis approaches (Turnbull, 2018). The institutions and associations address law users directly, as if in an imaginary dialogue, in accordance with the recommendations for PL. Law users themselves are placed in theme position in the form of a second-person pronoun (you), or elements of the legal procedure are preceded by a second-person possessive determiner to relate these concepts to the laypeople's experience, as the following examples show.

(30) **You**'re unlikely to *be given* bail if: **you** *are charged* with a serious offence, e.g. armed robbery; **you**'ve *been convicted* of a serious crime in the past; **you**'ve *been given* bail in the past and not stuck to the terms (EN-Brochures).
(31) **The amount you owe** to your creditor can only *be taken out* of the money you earn above this amount. (Citizens-Advice)
(32) **Your circumstances** can be checked at any time while you are claiming Disablement Benefit. Benefit fraud is a criminal offence and **you** can *be prosecuted* or asked to pay a penalty. (Citizens-Advice)

This use of the second-person is linked to the reorientation of discourse in popularization texts, which reformulate legal discourse to place law users and their experience of the law at the centre of their discourse. This personalisation is achieved by means of relative propositions (*the amount you owe*) and direct references to law users in situations described as justice-related (*you can be prosecuted*), in order to explain not only their rights but also the penalties that they face if they fail to comply with the law. As far as the grammatical environment of these canonical passives is

concerned, they are often associated with modality, as was also the case in the specialised corpora, although the type of modality differs in the expert-to-non-expert texts.

The extended contexts of the [modal + canonical passive] structures in the two subcorpora suggest that they often appear after conditional clauses in IF, WHERE or WHEN/UNTIL, as in the example below.

(33) If **you** are vulnerable and you are in Scotland, **you** may *be allowed* to have your screening interview in Glasgow (8.2).

In this respect, these contexts are partly similar to LEX texts, which also use MAY and CAN to express the various possibilities for applying and interpreting the law, as well as other deontic modals, as seen in Section 3.2. This use of modality illustrates a paradoxical feature of the law, which aims to be universal but also depends on individual cases. However, in these subcorpora intended for the general public, we consider that these modals, in particular *may*, also express a form of hedging on the part of the drafters, to indicate to users that the result indicated in the proposal may not be achieved. To return to example (33), while it is possible that a vulnerable person in Scotland might be authorised to obtain an interview in Glasgow, this is not always the case, hence the modalisation with *may*. Writers cannot in fact guarantee that the contents of the main proposition, under the conditions expressed by the conditional subordinate in IF, will apply to the law users in their personal situation. For Turnbull (2018), the use of modality and hedging can also reinforce the communicative dimension and present the information politely, especially as the advice given by experts could be perceived as face-threatening in some English-speaking contexts.

What this qualitative analysis suggest is that the canonical passive thus plays a part in the reformulation strategies to personalise the text. In the transition from LEX to PLAIN, there is a movement from abstract or generic subjects, which refer mainly to collective entities or legal principles (sometimes generic humans), to forms of second person that address the non-specialist reader directly, in order to recontextualise legal knowledge in their own experience of the world. In these brochures and leaflets that guide the users through, the passive thus serves a double rhetorical function. It is not only used to topicalize some elements of the legal procedure but also appears to have an interpersonal function, as it participates not only in the cognitive dimension of reformulating legal content (Turnbull, 2018), but can also, to varying degrees, have an interpersonal

function. Two examples illustrate this idea particularly well, in two texts addressed to sexual assault victims and asylum seekers.

(34) There are some court rules (law) about what they can and cannot ask you, and it is up to the judge to oversee these. **You** cannot *be asked* about your sexual experience with any person other than the defendant, except with the permission of the judge. **You** cannot *be asked* any question about your sexual reputation. There is no right or wrong way for you to handle cross-examination because each case is different. Some suggestions are: Listen carefully to the question, sometimes there can appear to be more than one question in what is being asked. Make sure you understand what you are answering. (. . .) If you don't understand a question, ask *for it to be explained*. If you don't hear a question, ask *for it to be repeated.* (EN-Brochures)
(35) Your interview will take place in a Home Office building near to where you live. (. . .) When you arrive you will need to go through security. This is **nothing** *to be alarmed about* and is purely for safety reasons. **You** *will be asked* to remove any coats, jackets or belts and place them in a tray with the contents of your pockets. (EN-Brochures)

In these two extracts, the writers anticipate and respond to potential difficulties for their readers in high-stake situations. In example (34), the readers are repeatedly encouraged to have the questions repeated or clarified if they do not understand them, in order to insist on this right (*ask for it to be explained, ask for it to be repeated*). The brochure, which is addressed to sexual assault victims, places their readers in topical position and uses the passive as an interpersonal strategy which anticipates some of the questions that they could have about being asked questions about intimate details of their lives in the highly sensitive context of courtroom examination. In extract (35), which is addressed to people seeking asylum, the readers are placed in a thematic position through the second-person pronoun. The passive sentence *This is nothing to be alarmed about* is syntactically quite complex, as it contains an impersonal subject (this), an infinitive structure but expresses a reassuring assessment of the situation (*nothing to be alarmed about*). These quite complex sentences, in both examples, are used by the drafters to anticipate emotional reactions of worry or fear on the part of the law users, in situations which not only have material and procedural aspects, but are also highly emotionally charged. These examples illustrate how the passive may have an interpersonal and communicative function in legal dissemination settings.

The passive in the summaries of judgements from the Supreme Court of Canada

We now turn to the third subcorpus from our PLAIN corpus, which is made up of summaries of judgements from the Supreme Court of Canada. This subcorpus is analysed separately because the summaries have a slightly different function to that of the Brochures and Citizens-Advice corpora, although all the genres represented in our PL corpus aim at empowering non-expert citizens by improving access to justice.

The Cases in Brief subcorpus also contains canonical passive constructions, although it is the English-speaking subcorpus which contains the least of those we propose to study. In fact, it is the subcorpus which appears to be the closest to certain recommendations for writing in PL, which recommend that 90% of finite verb forms should be in the active tense. However, as for the Judgement, this result needs to be considered with much caution, as it does not take non-canonical passives into account. Canonical passives are nevertheless present in these Cases in Brief, and seem to be used in collocations which are specific to legal proceedings. BE passives are notably frequently used in the part of the summary that recalls the facts and sentences handed down by the lower courts, in particular to thematise the human actors on trial (defendants or accused), the cases themselves or the elements of the proceedings (evidence), as can be seen in the examples below.

(36) **Mr. Gubbins and Mr. Vallentgoed** *were charged* with having blood alcohol "over 80" in separate incidents. (Cases in Brief)
(37) Without it, **Mr. Reeves** *was found* not guilty. (Cases in Brief)
(38) Before [**anyone** *can be found* guilty] of a crime, a judge or jury has to believe that the person is guilty beyond a reasonable doubt. (Cases in Brief)
(39) The judge who heard the pre-trial argument agreed with Mr. Reeves that **the computer evidence** *couldn't be used.*

As can be seen in examples (36) to (38), in particular, the passive is found in the LG pattern <[human GN] was/were + found + (not) guilty >, which is also prominent in its specialized version, EN-CA-Judgements.

Other patterns that contain the passive in this corpus have more of a metatextual function. One of the most frequent passive constructions in the Cases in Brief subcorpus is used to explain

specialised terms in a pattern of the form < *This is called* + [term] >. There are numerous occurrences of this sequence in Cases in Brief (113.5 pmm):

(40) If you have rent arrears, your landlord may try and evict you. ***This is called*** seeking possession. (Cases in Brief)
(41) When a large group of people have the same legal problem, they might decide to get together and sue as a group. ***This is called*** a class action. (Cases in Brief)

These structures suggest that the passive is really part of the phraseology of legal dissemination, since they seem to belong to lexico-grammatical patterns whose function is to define and introduce terms. Other examples of these patterns can in fact also be found in the other PLAIN subcorpora. It therefore seems that this LG pattern is part of the rhetorical strategies to reformulate legal terms and knowledge, in the form of explicitly metatextual segments.

In the Cases in Brief, the passive is also often used with a*llow* and *authorise*, to explain the rules of law, i.e. what the actors in the justice system have the right to do, especially concerning collective institutional actors, the police or jurors.

(42) Judges can tell juries what kinds of inferences **they** *are allowed to* make.
(43) Justice Abella said that, like other accused, **police officers** *should not be allowed* to share informer-privileged information with their lawyers unless they show they might be wrongfully convicted if they don't.

In the Cases in Brief subcorpus, modals do not have a hedging value as in the more administrative texts, but they can also be found in the summaries. The interpersonal dimension is nevertheless visible through the use of contracted forms and informal expressions, both illustrated in example (43). *Should* is also frequently used to explain what a judge or a decision says in relation to lower court judgements, for example in example (43). The Cases in Brief thus partly imitate the judges whose words they report, since the latter use modality to express what they think the law should be (Maley, 1994). The patterns that include the passive and modals are thus reformulations of the original version of these texts. The drafters reframe the voice of the judges, who themselves reformulate and interpret the previous discourse on a case, both from the law and the lower courts. It should also be noted that in all the examples cited, the Agent is not expressed: these are therefore short passives without complements, which echoes the results of the literature concerning the

absence of a complement in most passive constructions. As seen in the specialized legal corpus, the Agent only needs to be expressed when the question of agency is at the heart of the matter or could be instantiated by several actors (for example, several judges).

The analysis of these summaries, in contrast with the administrative subcorpora, suggests that the use of the passive slightly differs between the PLAIN subcorpora based on the textual function of each genre. In the Cases in Brief, according to the concordance analysis, BE-passives are used to thematize the actors of the law, in particular defendants and the accused, as well as collective institutions and their representatives (the judges in this case). In these examples we see that the writers perform a double movement of personalisation and generalisation. The writers do not use second-person pronouns, as they are not addressing their readers, but they first state a generalisation, i.e. the decision taken by the SCC on the question of law raised by the case, before recalling the specific and individual facts of the case and setting out the judges' reasoning. These summaries reproduce and explain what the Supreme Court itself does, by stating a general rule of law based on a particular case. However, similarly to the other PLAIN texts, these summaries reformulate and explain the arguments and decision so that it can be understood by lay readers, and the passive is part of this recontextualization strategy.

Non-canonical passives in the PLAIN corpus

So far, we have focused on *be*-passives in the dissemination corpus, but, as in the LEX corpus, many examples of non-canonical passives can also be found in the PLAIN corpus, in particular to explain legal terms:

(45) Your appeal will be heard by **an independent tribunal** *called* the First-Tier tribunal. (EN-Brochures)
(46) **Anyone** *detained (held)* in prison or at the Mangere Refugee Resettlement Centre or any other place *is said to* be in detention. (EN-Brochures)

In these examples, bare passives introduce institutional terms or actors metaxtextually, using a metalinguistic comment ("is said to be in detention") or typographic sign (like brackets to introduce a simpler version of the word in example (46)). As in the LEX corpus, “cascades” of passives van also be found, i.e. clauses, sentences and paragraphs containing both canonical passives and bare passives.

(47) **Anyone** who can prove *they are owed* money can make a claim, *called* a "claim provable in bankruptcy." **Anyone** with a provable claim *will get paid* in **a certain order** *set out* in the BIA. (Cases in Brief)
(48) **You** *will be asked* a series of questions *tailored* to your individual circumstances to try and find out this information. (Citizens-Advice)

Just as canonical passives, bare passives appear in propositions that thematise human referents:

(49) **A person** *named* as an irrevocable beneficiary of a life insurance policy doesn't always have a right to keep the insurance money, the Supreme Court has confirmed. (Cases in Brief)

In these examples, the subjects of these passive verb phrases are either abstract legal concepts, or legal documents (47), generic human referents (46, 49) or even to law users themselves (48). As in the LEX corpus, it seems that the passive serves the information packaging and thematisation at clause level, although its uses are different. In particular, it seems to be used to introduce terms within certain sentences, as can be seen with the examples "*a legal concept called 'privilege*'" or called a "*claim provable in bankruptcy*". It would therefore be a more concise equivalent of the LG discussed above, *<This is called + [term]>*, where the term is introduced in the same clause. In the other examples, passives simply post-modify nouns and serve to ensure discursive cohesion within the same sentence, by adding more precise details about a document or concept. For example, the writers define who they are talking or to specify the actors and the origin of certain administrative or legal documents (*a certain order set out in the BIA, 48*).
As regards the other forms of passive, the PLAIN corpus contains a few examples of passives with an auxiliary other than *be*, namely *get*, in each of the discourse genres represented.

(51) Discuss openly the effects and the risks of drugs, the illegal nature of the drugs and what itwould mean if your child *got* caught. (EN-Brochures)
(52) If you do this, you could *get* fined or even sent to prison. (Citizens-Advice)
(53) Most cases get appealed to a court of appeal, but courts of appeal don't have the power to look at bail review decisions. (Cases in Brief)

This use of *get*-passives, which in English is restricted to an informal language (Huddleston & Pullum, 2002, p. 1429), reinforces the idea of an emphasized interpersonal and dialogic in the

PLAIN texts, achieved in part through features of oral language. The authors adopt a conversational tone, which, as we have seen, is typical of legal popularization discourse (Turnbull, 2018).

The passive in plain legal texts: discussion

What does this analysis suggest, overall, about the use of the passive in these corpora intended for non-specialists? As in the LEX corpus, the accumulation of various passive constructions in the PLAIN corpus seems to be part of a general strategy of information packaging. Passives are often used to add precision, or to explain and clarify a term.

Far from being avoided, both typical and non-canonical passives are used to recontextualize legal knowledge and to personalise the texts. In the transition from LEX to PLAIN, we move from very abstract or generic subjects to second-person forms aimed directly at non-specialist readers, or to human legal actors (judges, defendants, etc), in order to recontextualise legal knowledge in the users' experience of the world. The passive therefore serves not only the cognitively reformulate legal content (Turnbull, 2018), but can also, to varying degrees, have an interpersonal function.

What does this say about the recommendations for a clear style, which suggest that the passive can create ambiguity by not clearly identifying 'who does what'? At first sight, it seems obvious that a longer word or a sentence with more words can lead to a higher cognitive cost and greater memorization effort for the reader. But the complexity of a linguistic form is highly dependent on the context of production and reception. Halliday summarizes up this idea as follows:

> Formulations such as "passive is more complex than active", or "longer sentences are more diffcult to process than short ones", are without any value, and not to be taken seriously, as it is easy to find contexts where the opposite is the case. A "difficult" text is one that is complex in the wrong way, unrelated to what the situation demands; or, perhaps, addressed to the wrong audience - such as the wrong age group. (Halliday & Webster, 2009, p. 77)

In the PLAIN corpus, it seems that the writers of these dissemination texts consider that the passive forms that they employ do not present a risk for their non-specialised readership. In the examples we have seen, either the Agent is clearly identified, and does not need to be specified, or it is specified using a prepositional phrase. In addition, what this paper has strived to demonstrate is that

the passive serves a precise discourse function, as we have seen, and that this reorientation of legal discourse involves the use of several linguistic features of which the passive is an integral part.

Of course, our study has one important limitation. It focuses only on the production of plain language texts, but not on their reception. Although it seems that passive sentences are not considered to pose a risk to legibility by writers, an investigation of how study of lay readers perceive and understand the passive in plain legal texts would therefore be necessary to test this hypothesis, for example by proposing a self-paced reading task.

Conclusion

In this article, we set out to characterise the use of the passive in the LEX and PLAIN corpora. While the quantitative results concerning canonical passives suggested differences between registers and discourse genres, they must be considered with caution. Our study of contexts reveals that both corpora, LEX and PLAIN, contain canonical and non-canonical forms of passives, in particular bare passives and GET-passives in the latter.

In the LEX corpus, the passive is used mainly to thematize institutional actors and abstract principles of law. In all its forms, it seems intrinsically linked to the nominal and impersonal style favoured by the drafters of legislative and judicial texts. Concerning the PLAIN corpus, and to respond to the question set out in the title this paper “who’s afraid of the passive?”, it appears that legal dissemination drafters do not shy away from the passive, be it in its canonical BE form, or in bare passives. Our analysis suggests that the passive, although criticized and discouraged in PL recommendations, achieves a genuine discourse function in popularization texts, and that it participates in the re-orientation of legal content. Combined with other typical strategies of legal knowledge mediation (such as the use of direct questions or the second person), it helps recontextualize legal information by thematizing human actors involved in the law. In its non-auxiliary form, it is used to specify the concepts and actors in question, while adding a form of syntactic complexity. This result is consistent with other studies of Plain English, for example in the medical field (Gledhill et al., 2019). The qualitative analysis of contexts suggests that the passive is one of the many rhetorical tools used by PL drafters to express engagement with the readers in legal popularization texts.

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INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

ISSN: 1839-8308

INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

Approaching plain language in a legal translation classroom

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Abstract

Since plain language is a reality of today's legal writing, though admittedly not as widespread as it could be, it should also be addressed in legal translation courses going beyond a mere mention of the plain language movement and its contrasting with legalese. Therefore, this paper will discuss why and how legal translation trainees should be introduced to the principles of plain language in a systematic way, especially with reference to English. The use of plain language may involve two dilemmas for legal translation trainees. First, when asked to translate an English legal document written in plain language, they may need to decide whether to keep the style in the translation into a language in which plain legal documents may be less widespread. Second, when translating into English trainees may face a dilemma whether to apply the principles of plain language or seek inspiration from parallel documents which may be written in legalese rather than plain language. The second dilemma is especially acute when translating to English as a foreign language. It is believed that any dilemma is easier to tackle when the person facing it is equipped with a systematic decision-making approach. Accordingly, the paper will present a series of activities to raise trainees' awareness of the principles of plain language, the use of relevant resources, and the compliance with such principles in legal drafting, including the grey zone of "false legalese", as well as activities to be able to make informed and reasoned decisions on transferring plain language features from English into other languages, as well as on applying plain language principles when translating legal documents into English. The exercises will be based on authentic materials and adaptable to different language pairs involving English as well as different teaching contexts.

Keywords: legal translation training, plain language, legalese, L2 translation, false legalese

Introduction

Plain language has been promoted (not only) in legal writing for several decades. Although its uptake has been faster in certain jurisdictions (e.g. Australia) and in certain genres (e.g. legislation, jury instructions, consumer contracts) than in others, it is undoubtedly one of the existing approaches in legal drafting. This means that legal translators need to be introduced to it. A number of legal translation textbooks (e.g. Alcaraz Varo and Hughes, 2002; González Ruiz, 2004; Giampieri, 2023) mention plain language and its features, and contrast it with legalese[1], but seldom provide specific guidance as to its implications for legal translators, or legal translation trainees. Interestingly, Cifuentes and Lackey (2018) report that some legal translation agencies require the translators to read Garner (2013) as a starting point. Therefore, this paper will discuss plain language from the classroom perspective, and will propose a step-by-step approach, including a series of exercises, to introduce trainees to the role of plain language in legal drafting and to the translation challenges it may involve. The fact that plain language is an extremely relevant issue in legal translation training is supported by anecdotal evidence such as that presented by González Ruiz (2014) that unseasoned translation trainees often bring with them preconceived ideas of what a legal text should look like and thus produce texts full of "non-sensical syntactical and terminological calques". In fact, Arturo (2020) argues that there is substantial resistance in the legal translation community against the use of plain language on the grounds that it may "dumb down" the legal texts or that translators are not the primary drafters.

The underlying premise behind this paper is that legal translators better serve communication if their translations are clear and easy to understand, and this applies to any language pair and any direction. Therefore, plain language approach to legal translation should be supported and promoted as much as possible as also argued by González Ruiz (2014). This paper will not, however, go into detail on how to translate convoluted English or Spanish legalese into plain Czech, Spanish, or English, but will rather address a number of specific issues related to plain legal English and especially legal translation into English as the second language (L2).

1. In this paper, legalese is used in a very broad sense meaning "language used by lawyers and in legal documents that is difficult for ordinary people to understand" (Cambridge Dictionary). Even though it may be perceived as pejorative sometimes, no judgment is made here.

2. Legal translation trainees' dilemmas

In their training and future professional practice, legal translation trainees may encounter two dilemmas with respect to plain language. First, when asked to translate an English legal document written in plain language, they may need to decide whether to keep the style in the translation into a language, whose legal culture does not promote the use of plain language as much as the English-speaking legal world, such as Czech or Polish (see Setkowicz-Ryszka, 2022).

The second dilemma concerns translation from the trainees' native language into English (as their L2). Over the course of their training, trainees are constantly reminded to look for parallel texts and use them in order to adhere to the discursive conventions of the target language (TL). In fact, adhering to such conventions of the particular genre (e.g. a contract) is an inherent part of legal translation competence (see Prieto Ramos, 2011), and accordingly the use of such parallel texts, and even a compilation of ad hoc corpora consisting of such texts, has been promoted by a number of authors, e.g. Prieto Ramos (2009), Gallego-Hernández (2018) for economic texts, or Scott (2012) for legal texts. Schmitt (1998) even argues that relying on a body of texts already produced in a particular domain in the TL helps a non-native translator develop a repertoire of formulations pertaining to a specific topic and text type, and the translations produced need not be of lesser quality than those produced by native speakers. Interestingly, Duraner (2012) has shown that the actual use of parallel text may not be as widespread, and there is a gap between scholarly recommendations and the practice. The other resource trainee translators are advised to use includes contract or legislative drafting manuals (e.g. Lunn, 2017) or style guides. Such manuals and handbooks provide explanations and guidelines on how to draft the respective documents and, as argued by Washbourne (2012, p. 2), "constitute a key heuristic tool and pedagogical scaffolding in translator training environments".

The advice trainees find in such manuals, however, is very often different from what they see in the retrieved parallel documents. While the manuals and style guides recommend using short sentences, keeping the subject and verb close together, getting rid of *shall*, using active voice instead of passive voice, or not using chains of synonyms or archaic words such as *hereinafter,* or *notwithstanding*, the parallel texts often include long and convoluted syntax, abundant and non-consistent use of *shall* as well as frequent use of all the words designated as archaic in the drafting manuals. Such a situation may leave legal translation trainees confused and unless they have internalized a systematic, logical, and consistent approach to dealing with the dilemma, the

translations they produce may show signs of inconsistency or arbitrary use of legal language. In today's world, when we are exposed to information from many different sources, such confusion may be even worsened. For example, my trainees are advised to use relevant social media as a source of knowledge about legal language and legal translation, particularly LinkedIn. However, since the content posted depends solely on the author, it may be then confusing that even experts claiming they "help lawyers communicate fluently and confidently with their clients" then post recommendations to elevate legal drafting by using words such as *henceforth* or *sundry* advising the audience to "subtly integrate 'sundry' to refer to various miscellaneous items or provisions within the contract" (Hamer, 2023).

It may be rightly objected that the solution to both dilemmas may lie in the translation brief and the purpose of the translation, as also argued by Hammel (2000), who stresses the importance of the audience. In reality, legal translators receive a detailed translation brief rather rarely, and even less rarely do they receive a specific legal style manual to use. In other words, it is often up to the translators themselves to decide how they will proceed taking the recipient of the audience into account. Thus it is useful to introduce trainees to the different categories of documents from lawyer-facing to layman-facing ones. Therefore, I believe that it is necessary to introduce legal translation trainees to these dilemmas as part of their training and equip them with tools to make reasoned decisions about the (non-use) of legalese and/or plain language in their translations emphasising effective and efficient use of the resources available, including the parallel texts. This does not mean telling the trainees that one option is superior to the other, but rather raising their awareness of the issue, and possibly providing tools for their professional practice.

The second dilemma is especially acute in countries and cultures where L2 translation is a common practice. I am fully aware of the fact that there are cultures and language pairs where the native speaker principle is applied and translators only work into their mother tongue, and sometimes inverse translation[2] is even looked down on. This is not the case of the Czech Republic and in line with Mraček (2018, p. 203), I argue that it makes "little sense to banish inverse translation from the market". First, the demand for translations from Czech (being a language of limited diffusion) into a foreign language is such that there are far from enough native speakers able to satisfy the demand. Therefore, inverse translation is simply inevitable, which is confirmed by Svoboda (2011), who found out that 61% of translators active on the Czech market worked both to

2. Inverse translation is defined as translation out of one's mother tongue. Mraček (2018, p. 202) mentions a number of other labels that are used in the literature, such as *translation A-B, service translation, L2 translation*.

and from Czech. Second, surprising as it may be, translation into a foreign language is required by law. When someone is appointed as an official translator in the Czech Republic, they are automatically assumed to be able to work both directions, and my experience shows that a substantial amount of their work consists of translations into a foreign language. However, this does not, by necessity, imply poor results. I fully endorse the conclusion of Beeby (1998, p. 66), who claims that "given access to sufficient documentation, conscientious inverse translators can produce competent translations of the standardized discourse fields which are common in business, science, technology and public administration". In such a context, legal translation trainees, with law being a good example of a standardized discourse field as referred to by Beeby, must be trained for inverse translation, including the use of plain language.

3. Plain language-legalese continuum

Before discussing specific language examples, it is first necessary to define what plain language actually means. In fact, it often refers to a heterogeneous set of recommendations going from "eliminating archaic and Latin words", which is often quoted as the first recommendation on the list (Williams, 2005, p. 177), to "prefer short and medium-length sentences." Therefore, I believe it is practical to conceptualize legal language as a continuum with the "radical" recommendations of plain language at the one end of the continuum and the "traditional" legalese with all its features at the other end as shown and exemplified in Figure 1. Most of the time, translations will be positioned somewhere on the cline and using what is sometimes referred to as "useful legalese" (see Lunn, 2017). Such language may be useful on several grounds, e.g. it may express a specific legal relation and thus have an interpretative value (e.g. notwithstanding), or it may be concise (*hereto* as opposed to *to this Agreement*), or may be a set phrase that is well established (e.g. terms and conditions). Alternatively, some words such as *shall* may be criticized by plain language proponents due to their ambiguity, which may be, however, mitigated or eliminated by their disciplined use (see Klabal, 2018).

PLAIN LANGUAGE	USEFUL LEGALESE	LEGALESE
STRUCTURED PARAGRAPHS (INCLUDING LISTS AND HEADINGS)	PARAGRAPHS BROKEN INTO SHORTER SENTENCES	LONG PARAGRAPHS AS ONE SENTENCE
NO SHALL	DISCIPLINED USE OF SHALL	ABUNDANCE OF SHALL
NO HERE-/THERE- WORDS	ONLY HEREINAFTER, HERETO, HEREIN	THEREAT, HEREFOR
NO DOUBLETS OR TRIPLETS	TERMS AND CONDITIONS	REST, RESIDUE AND REMAINDER
UNDER/ON/BY	IN ACCORDANCE WITH, AS OF	PURSUANT TO
		ARCHAIC PHRASES *party of the first part* *know all men by these presents* *wherefore premises considered*

Figure 1. Plain language-legalese continuum

Exercise 1[3]:

TASK: Discuss in pairs or groups the following examples of legalese and decide where on the cline they fall and whether they could be used as "useful legalese".

any and all *be it acknowledged that*
witnesseth
pursuant to *to sign these presents*
hereto
last will and testament *in the event that*
notwithstanding
including, but not limited, to *rest, residue and remainder* *able and willing*
in witness of *whereof*
and/or

3. Unless specified otherwise, the examples used in the exercises have been extracted from authentic documents encountered in the author's professional translation practice, including real translations from Czech into English. Intentionally, authentic English examples have not been used to make trainees work with examples where the Czech source text may be traced, and show them that even such examples are redraftable in plain language.

The aim of Exercise 1 is to raise trainees' awareness of the heterogeneity of what is referred to as "legalese" and make them think about the function, and usefulness, of such phrases. It is believed that legal translators are rarely free to make their translation as plain as possible and clients "like to see" some legalese in legal documents[4], so it is good to know which legalese may be useful and may give the text some legal flavour and thus meet recipient expectations, and at the same time serve some purpose. Giampieri (2016) refers to such expressions as "false legalese" and argues that the meaning of most of the terms can be inferred rather easily by a layperson. Accordingly, trainees should be sensitized to using such useful or "false" legalese, and thus "not throw the baby out with water". This is also supported by Arturo (2020, p. 99), who argues that the right approach to embracing plain language in legal translation is the middle ground, i.e. while "fidelity to source means nothing can be added or subtracted from the text we're translating and translators are bound by the tone, style and register of the source text, it is equally true that if plain language is about clarity, then plain language can easily be applied to legal translation without being unfaithful to the source."

Exercise 2: False legalese

TASK: Complete the followings sentences with one of the following examples of false legalese: *accordingly, as a result of, consequently, fails to, in order to, in respect of, in the event of, prior to, provided that, pursuant to*

- _____ the Client places an order orally (by phone or in person), the contract is formed upon performance by the Provider and these Terms and Conditions are incorporated by reference therein.
- If any taxes, custom duties, or any other payments affecting the price of the services, are increased, the price will be increased _____.
- These Terms and Conditions supersede any prior discussions, negotiations and agreements between the Provider and the Client _____ the services.
- If the Client _____ do so, the Provider is under no obligation to provide Interpreting and the Client is not entitled to any discount.
- In the case of material defects, Clients may withdraw from the Contract or demand replacement services _____ the nature of the services allows them to be returned or handed over to the Provider.
- From the commencement of the position or the effective date of changes in the job

4. Applies to original documents, too.

description you have been employed with our organization to hold the above-specified post and _____ have the following responsibilities:

- The Company processes such data under Article 6(1)(b) of the GDPR, i.e. processing of Customers' personal data is necessary for the performance of a contract to which the Customer is party or _____ take steps at the request of the Customer _____ entering into a contract.
- All Contractor work product and services provided and prepared _____ this PSA shall be considered work-for-hire.
- Unless agreed otherwise by the Client and the Provider, any cancellation, limitation, or frustration of the serviced ordered by the Client _____ any act or omission by the Client or a third party renders the Client to be bound by the Contract and the Client shall pay the agreed fees in full to the Provider.

The aim of Exercise 2 is to see how certain phrases and expressions that could be considered false legalese are used in context. The exercise may also be followed by brainstorming on how to reformulate the sentences using equivalent, possibly plain, phrases.

Exercise 3: Critical analysis of recommendations for the use of legal vocabulary

TASK: Read the following recommendations on using advanced legal vocabulary from a LinkedIn (Hamer 2023) post and decide which of them recommend using plain language, legalese, or false legalese. How would you position them on the continuum?

- Employ 'inure' when specifying how benefits or obligations will accrue to particular parties over time.
- Add a touch of formality by using 'henceforth' to denote a point in time from this moment forward.
- Deploy 'notwithstanding' to signal a contrast or exception, particularly in the face of conflicting provisions.
- Elevate discussions about annulment or repeal by incorporating 'abrogate' into your contractual language.
- Employ 'quid pro quo' to succinctly express a reciprocal exchange of goods, services, or promises.

Exercise 3 aims to make trainees beware of recommendations and advice they may find in certain sources, e.g. on social media, and make them critically analyse such recommendations with

reference to the plain language-legalese continuum. This exercise may be followed, or preceded depending on the intended learning progression, by Exercise 4, which introduces trainees to some of the "golden" principles of plain language. The exercise may be accompanied by some background readings (e.g. Kimble, 2011; Widick, 2005; Wiggers, 2011).

Exercise 4: Plain language principles and legal translation

TASK: Read the following principles of plain language adopted from Garner (2013) and Arturo (2020) and discuss to what extent they could be applied in legal translation. Do you see them applied in English, or in legal documents drafted in your language?

- Divide the document into sections and use informative headings for sections.
- Omit needless words.
- Keep your average sentence length to about 20 words.
- Keep the subject, the verb and the object together.
- Prefer the active voice over the passive.
- Avoid double negatives or exceptions to exceptions.
- Use strong, precise verbs.
- Refer to people and companies by name.
- Turn -ion words into verbs where you can.
- Avoid doublets and triplets.
- Avoid multiple conditionals in a single sentence.
- Avoid using the same word for multiple meanings.

The aim of Exercise 4 is to make trainees realize that while some of the plain language recommendations are implementable in legal translation (e.g. using active voice), others may be only applicable to the drafters of original texts (e.g. dividing a document into section).

Exercise 5: Identifying legalese and corresponding plain language alternatives

TASK: Work in pairs or groups to identify any features that may be considered legalese and discuss how you would treat them in light of the plain language principles.

- *The payment of the first part of the purchase price shall be effected after an amount corresponding to the amount that is intended for the submission to XPR on the basis of a final decision of the bankruptcy court on cancellation of bankruptcy against the assets of XPR (hereinafter the "Amount") has been deposited in the Escrow Agent's escrow account (hereinafter the "Escrow Account") pursuant to Art. 2 of the Agreement on Modification of the Amount of Receivables, Distribution of Revenues and Accession to Obligations, executed on the present day by and among the Sellers, the Buyer and XPR.*
- *In view of the fact that, not only Alfa, but also Beta as the holder of intellectual property rights to the Gama application and operator of the application on the Internet, is in the position of personal data processor in respect of data provided by the clients, the Parties enter into this Agreement.*

Exercise 5 aims to make trainees apply the principles introduced in the previous exercise in practice. The principles that may be applied include turning passive sentences into active, reducing nominalizations, replacing complex prepositions or conjunctions, and also splitting long sentences.

4. Plain language and L2 translations

I believe that specific training is required for the L2 translation where the premise "keep it simple" is even more relevant than in translation into L1. Therefore, a series of exercises is proposed to raise trainees' awareness of what tools the plain language campaign offers, and to practise the use of some of the tools. Such systematic, possibly drilling, practise is important to make trainees see the potential for applying the plain language principles in their practise.

The first exercise will focus on cutting long sentences, which are frequent in Czech legal texts and thus often need to be translated into English. In this respect, it is relevant to note that there is some opposition among clients, lawyers and possibly also translators to splitting a long sentence in the source text to more sentences in the target text, often arguing that the translation would no longer be literal and that it means overstepping the translator's role. Leaving aside the discussion what a literal legal translation means, and whether it is desirable, the only practical argument in support of not splitting long sentences is the possibility of subsequent negotiations about the text, where a

different number of sentences could result in referential confusion. This is easily avoided by using a semi-colon which enables splitting the idea conceptually into shorter clauses, but formally keeping the sentence unsplit.

Exercise 6: Splitting long sentences

TASK: Work in pairs and think about ways to split the following sentences taken from legal translations from Czech into English to make them easier to read.

- *With reference to Section 52 (c) of Act No. 262/2006 Coll., the Labour Code, as amended (hereinafter the "Labour Code"), on 19 May 2010, the Defendant delivered to the Plaintiff a notice of termination of the employment relationship, stating as the grounds for termination organisational changes in the Defendant's organisation – redundancy of the Plaintiff (hereinafter the "Notice").*
- *The purchase price shall be paid to each of the Sellers in two parts, where the first part shall amount to CZK 9,999,999and the second part shall amount to CZK 1.*
- *This Agreement has been drawn up in two counterparts in the Czech language and two counterparts in the English language, where each Party shall obtain one counterpart of each language version.*
- *The purchase price shall be determined by an auditor selected by XXX from the List of Auditors and Audit Companies of the Czech Republic, where the auditor shall determine the purchase price according to the following rule:*

The following exercises focus on changing passive to active, reducing nominalizations or avoiding complex prepositions or conjunctions.

Exercise 7: Turning passive sentences into active

TASK: Work in pairs and discuss whether the following sentences can be turned from passive into active. If yes, what changes does it involve? If not, why?

- *All information set out in this Agreement is deemed by the Parties as confidential.*
- *Following the endorsement, the Shares shall be delivered by the Escrow Agent to the Buyer.*
- *The consideration for the transfer shall be payable within **** days of execution hereof by a bank transfer into the Transferor's account specified in the header hereof or in some other manner notified by the Transferor to the Acquiror in time and in accordance with this Agreement, as appropriate.*
- *For the purpose of drawing, an advance shall be requested by the Borrower pursuant to a notice of drawing.*
- *Shipping costs that apply to shipping abroad may be charged extra.*
- *The wording of the Terms and Conditions may be amended or modified by the Provider.*
- *In the event of payments by wire transfer to the Seller's account, the delivery time is 14 business days after the amount has been credited to the Seller's account for deliveries in the Czech Republic.*
- *Customers are not obliged to accept the shipment if the packaging indicates that the shipment has been interfered with without authorization.*
- *If the Real Property fails to be handed over on the date specified in Paragraph 8.1. for reasons on the Buyer's part, the Parties are obliged to agree on a new date of handover.*
- *Neither this NDA nor the obligations hereto may be assigned or delegated by Contractor, by operation of law or otherwise, and any attempted assignment or delegation shall be a breach of this NDA.*
- *The rules for using the above property and/or equipment and the method of payment for the costs incurred in relation to the use are defined in an internal regulation of the Employer.*

The sentences used in Exercise 7 have been selected to raise trainees' awareness of a number of uses of passives (see Swan, 2005), some of which may be avoided more easily than others. The exercise is followed by an in-class discussion on the role of the (implicit) agent and what this means for rephrasing the passive.

Exercise 8: Reducing nominalizations

TASK: Work in pairs to identify any nominalizations that could be reduced. Then redraft the sentence individually in simpler language and compare your version with your colleague.

- *Maturity of the second part of the purchase price is bound on simultaneous fulfilment of the following conditions.*
- *In the period between the filing of the request by the Buyer and the creation of the Second Mortgage the Buyer is not deemed in default with the payment of the Purchase Price.*
- *This is without prejudice to the right of the Seller to seek compensation of damage caused by the failure to meet the obligation secured by contractual penalty, even if exceeding the actual contractual penalty.*
- *If the claim arising from liability for defects has the form of purchase price reduction, the Seller's liability shall be limited by the acquisition price of the Goods.*
- *On x, the General Meeting of AAA decided on distribution of profits of the company in the amount of CZK x by means of payment of dividends to the shareholders of the company.*

Similarly to the previous exercise, Exercise 8 aims to make trainees see the potential for eliminating nominalizations, which may often be carried as an interference from their source language.

Exercise 9: Replacing complex prepositions and conjunctions

TASK: Match the complex prepositions and conjunctions on the left with their plain alternatives on the right. Try to use them in sentences.

for the reason that	after
subsequent to	under
inasmuch as	to
on the ground that	then
pursuant to	because
with a view to	like
in the nature of	until
by virtue of	since
at that point in time	because
until such time as	by

Finally, Exercise 9 is a matching activity to introduce trainees to some plain alternatives to complex prepositions and conjunctions, some of which qualify as "pure" legalese, other may be considered false or useful legalese.

5. Learning to be disciplined

This section focuses on a number of phenomena, which may complicate legal texts if used indiscriminately, but may be useful if used in a consistent and disciplined way, with the verb *shall* being a case in point as presented by Klabal (2018). Other such phenomena may include the pronominal deictical adverbs such as *herein, thereto*, which may be "practical and concise textual tools only if one clearly and properly understands how they operate in a legal text" (Osminkin, 2020, p. 77), or doublets and triplets. Another example is the word *hereby*, which should be reserved for performative verbs (see Wiggers, 2011) but is often used together with verbs of speaking or other verbs, where it does not perform any function. Therefore, Exercise 10 aims to present trainees with a variety of contexts where *hereby* is used to make them think about the role it plays.

Exercise 10: Hereby

TASK: Discuss the following examples and decide whether the use of *hereby* is justified.

- *I hereby certify that all of the information provided by me in this application (or any other accompanying or required documents) is correct, accurate and complete to the best of my knowledge.*
- *I hereby give notice that I withdraw from my contract for the following:*
- *You hereby grant Apple the right to take steps Apple believes are reasonably necessary or appropriate to enforce and/or verify compliance with any part of this Agreement.*
- *The Organizer hereby agrees (1) to pay for such Transactions; (2) that Transactions initiated by Family members are authorized; and (3) Transactions will be charged to eligible payment methods in the manner indicated in Section B above.*

The issue of synonymical pairs and doublets and triplets from the training perspective has been dealt with elsewhere (Klabal, 2022) in detail with a number of training exercises proposed. For the sake of completeness of the paper, Exercise 11 is included as a reminder that synonymical pairs are also an area where disciplined use is required since trainees need to distinguish between such

phrases which where the constituents carry different meanings and those where the meaning overlaps.

Exercise 11: Doublets and triplets

TASK: Discuss in pairs whether the following *and* or *or* expressions bring any added meaning, or whether they are just synonymic pairs and could be eliminated. Would you use them when translating into English?		
terms and conditions	*on or before*	*breaking and entering*
power and authority	*by and between*	*any and all*
drinking and driving	*null and void*	*last will and testament*
force and effect	*save and except*	*order, adjudge and decree*

It is important for students to realize that there are even differences between different legal systems, so e.g. *force and effect* may be considered a doublet in one legal system, but may involve a legal difference in another.

6. Translating English plain language

This section briefly addresses the other dilemma mentioned above, i.e. translating a legal document written in plain English into a language when the legal style is less plain, and in order to adhere to target text conventions and not to hinder or damage communication (Kussmaul, 1997), it may be necessary to "sophisticate" the language used (see Setkowicz-Ryszka, 2022). Since legal drafting manuals may not be available in the trainees' target language in the extent they are available in English, trainees may be reminded of the judicious use of parallel texts. Therefore, Exercise 12 aims to raise trainees' awareness of what such a document may look like and what features may be identified as plain or even colloquial.

Exercise 12: Analysing a plain language legal text and its implications for translation

TASK: Identify in groups any plain language features in an assigned portion of the terms and conditions of *Mailchimp* available at https://mailchimp.com/legal/terms/. Answer the following additional questions:

- When you read the text, do you think it is clear and understandable? What makes it (not-) clear?
- Are all plain language rules followed? Find examples to justify your answer.
- How would you deal with the instances of plain language when translating them into your target language?

As homework assignment trainees are asked to read the Mailchimp Legal Content Style Guide available at https://styleguide.mailchimp.com/writing-legal-content/.

Since the document is rather long, each group is assigned only a part of the text. The group work is then followed by in-class debriefing. The plain language features identified include, without limitation, the use of *you* and *we* to refer to the parties, use of contracted forms, phrasal verbs (*make up an entire agreement*) or less formal verbs (*you promise to*). Trainees are encouraged to reflect upon which of these features make the document clearer, and which less informal, and what the relations between these two categories are. It is important to remember that plain language does not mean "dumbing down" the document. Additionally, the role of client style guides is discussed, with specific emphasis on the Mailchimp one. Similarly to the exercises in the previous section, the initial awareness-raising exercise is complemented by follow-up exercise to drill certain translation procedure.

Exercise 13 aims to practice turning the direct style used in some legal genres in English such as Privacy notices, employment contracts or terms of use into an indirect style conventional in other legal languages such as Czech. Trainees are asked to think about the role of the addressee, or author as the case may be, and find the appropriate label.

Exercise 13: Turning direct communication into indirect

TASK: In English many legal documents address directly the recipient by using *you*. In other languages, including Czech, this is against the genre conventions and unless the client insists on such a personal and direct style, the references to *you* and *we* should be replaced with a third-person noun denoting the role of the addressee or the author, e.g. an employee and an employer. How would you replace *you*, or *we* in the following sentences[5]?

- ***You** are eligible for 30 calendar days annual leave per year, including public holidays.*
- *To make sure **your** personal data is secure, **we** communicate our privacy and security guidelines to **our** employees and strictly enforce privacy safeguards within the company.*
- ***You** have the right to cancel the purchase of a good without having to give a reason at any time within the "cooling off period" of seven working days, beginning on the day after you receive the goods.*
- ***You** must not use another individual or automated software tool to suggest or make changes to **your** work, unless the module permits it or as a reasonable adjustment for a disability.*

Conclusion

This paper has argued for addressing plain legal language in a legal translation classroom in a systematic way aiming to make legal translation trainees realize that both legalese and plain language are labels describing a heterogenous category of language phenomena, and it is not advisable to blindly follow one approach or apply the approaches arbitrarily. In line with Arturo (2020), plain language should be conceptualized as a quest for clarity, i.e. not necessarily replacing terms of art which denote specific legal meaning with ordinary words, but writing in a way that is understandable to the readers. This is relevant when translating from English into another language, but especially when translating into English as a second language. It is argued that systematic and reasoned application of plain language principles will increase the chances that such legal translators will be conscientious and produce competent translations, as envisaged by McAlester (1992, p. 297), who claims that L2 translators "are usually honest professionals attempting to do as competent a job as possible under the prevailing circumstances".

5. For the sake of space, individual sentences are used, but the exercise could be applied to longer portions of texts, or even entire documents.

However, such competence does not come naturally and needs to be trained. To this effect, this paper has introduced a number of exercises to enhance trainees' competence in relation to plain language. The exercises may, or rather must, be complemented with translation exercises proper where the procedures acquired are applied on real-life assignments. For example, trainees may be asked to translate *terms of use* for a website from their L1 into English applying the Mailchimp legal style guide. Hopefully, the exercises are easily adaptable to different language pairs involving English as well as different teaching contexts.

To conclude, I believe it is extremely important to encourage trainees to apply the plain language principles and strive for clarity in their translations, i.e. not using the complexity of legal language as an excuse for producing incomprehensible translations. It may be encouraging for them to see the results of Gonzalez Ruiz's (2014) research, which finds, although on a small sample, that legal professionals would rather commission a translation to a translator using plain language. The obvious caveat is that – as needed as the plain language is – the most important thing to remember is that any simplification of a legal texts may carry legal ramifications and these must be carefully considered, and a balance between accuracy and transparency must be struck.

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ISSN 1839 8308

INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

Moving from a rule-based approach to a functional understanding in Plain Legal Language

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Abstract

In the past years, different Hispanic countries have witnessed a rise in Plain Language (*Lenguaje Claro*) initiatives by public institutions, including the publication of Plain Language guides. Since these types of actions seek to influence how a linguistic community uses language through training, regulations, teaching materials, etc., it is useful to evaluate them in light of the most recent findings in Applied Linguistics and Writing Pedagogy. In this article, we analyze a corpus of Plain Legal Language guides in Spanish to identify patterns in the understanding of clarity within them. Results show that these guides differ very little from one another and that they have tended to replicate a series of abstract rules focused on grammatical accuracy and style correctness ("write short sentences," "avoid the passive voice," "respect the subject, verb, object order") that ended up becoming universal principles for clarity.

This current form-focused approach fails to grasp that clarity is not achieved by mechanically following form-centered rules at the sentence level. Moreover, it contradicts the most recent findings in writing pedagogy and may even be what causes so much resistance in certain professionals. Thus, we draw on the theoretical principles of Myhill et al. (2020) writing instruction proposal to offer new directions on how to approach plain language teaching and to design impactful plain language policies and resources. We argue that plain language should even be a part of general legal writing instruction, but for that to happen, we need to think of plain language, not as a set of rules to be followed, but as a set of literacy skills that are useful for any legal practitioner.

Keywords: plain language, plain legal language, writing, legal education, language policy, writing pedagogy, systemic functional linguistics.

Introduction

In the past years, different Hispanic countries, from Spain to Latin America, have witnessed a rise in the publication of Plain Language (*Lenguaje Claro*) guides by public institutions. With both detractors and advocates, one thing is certain: plain language is part of the agenda of most public administrations in these places.

However, a more careful reading of these guides shows they differ very little from one another and that they have tended to replicate a series of abstract rules with few examples and short explanations ("write short sentences," "avoid the passive voice," "respect the subject, verb, object order") that ended up becoming universal standards for clarity. Although any legal practitioner today likely knows which elements of legal style are criticized, that is not necessarily useful for professionals who want to draft clear legal texts. Instead, it has resulted in certain linguistic forms being demonized, when it should be about developing literacy skills that help writers evaluate the situation and choose the appropriate linguistic resources in accordance with it (Halliday & Matthiesen, 2014).

The current form-focused approach fails to grasp that clarity is not achieved by mechanically following form-centered rules at the sentence level. Moreover, it contradicts the most recent findings in writing pedagogy and may even be what causes so much resistance in certain professionals. First, because no linguistic form is clear *per se*, they acquire their value in context. Second, by focusing solely on grammatical accuracy and style correctness, text-level elements that may also be undermining clarity are left unaddressed, and with them literacy skills that are fundamental to legal practice, such as selecting relevant information or those involved in reading sources. This concerns not only lawyers who want to write clearly but any lawyer who writes at all.

Thus, Plain Language teaching can occur within the teaching of general legal writing. This is achieved by leaving behind a superficial form-focused approach and adopting a functionally oriented theoretical understanding of language, and through training the writer's understanding of the possibilities of language choices in writing (Myhill et al. 2020). Also, this merger between legal

writing instruction and plain language could be a good way to incorporate legal writing instruction into the university curricula in countries where it is not part of university education yet.

Since Plain Legal Language is a language policy (Arnoux & Lauría, 2022) -in that it seeks to influence how a linguistic community uses language through training, regulations, and teaching materials, among other resources- it is useful to evaluate it in light of the most recent findings in applied linguistics and writing pedagogy. In this article, we build on the theoretical principles of Myhill et al. (2020) writing instruction proposal to offer new directions on how to approach plain language teaching and to design impactful plain language policies and resources. We argue that plain language should even be a part of general legal writing instruction, but for that to happen, we need to think of plain language, not as a set of rules to be followed, but as a set of literacy skills that are useful for any legal practitioner.

2. Plain Legal Spanish Movement

Specialists in the field agree that the first initiative linked to Plain Language in Spanish-speaking countries emerged in Spain with the "Manual de estilo del lenguaje administrativo" (Style Guide for the Administration) published in 1990 by the National Institute of Public Administration (Marazzato Sparano, 2021; Poblete, 2018). In her study on Plain Legal Language actions across Latin America, Poblete (2018) explains that, although this document does not explicitly mention Plain Legal Language and does not solely focus on clarity, it does address techniques to “write better” and to deliver information efficiently. Spain was thus the pioneer in implementing and carrying out projects that sought to rethink and improve how the government and the Judiciary communicated with citizens.

By 2005, initiatives of various kinds started emerging in countries like Mexico, Colombia, and Chile. These various actions were mainly propelled by different agencies belonging to the Administrative and Judicial sectors, not by private companies or institutions, and ranged from the review and clarification of existing texts and documents to the signing of inter-institutional agreements or the creation of commissions for the modernization of legal language.

The adopted name varied according to the country: "clear language" (in Chile and Argentina, among others), "citizen language" (in Mexico), and "modernization of language" (in Spain); although recently it has started to be more specific and has become "plain legal language".

One element is common to the efforts most of the Hispanic countries under analysis made: publishing plain language guides, which goal is to provide tools for drafting administrative and legal documents that can be understood by the public. Poblete mentions the following publications as milestones in the region: from Spain, the Report of the Commission for the Modernization of the Legal Language *(Informe de la Comisión de Modernización del Lenguaje Jurídico)* (2011); from México, the Handbook of Citizen Language *(Manual de Lenguaje Ciudadano)* (2006), published by the Ministry of Public Administration; from Colombia, the Guide for Citizen Language for the Administration *(Guía de lenguaje ciudadano para la Administración Pública)* (2011) and the Plain Langue Guide for Public Servants from Colombia *(Guía de lenguaje claro para servidores públicos de Colombia)*; from Argentina, the SAIJ Plain Language Handbook *(Manual SAIJ de lenguaje claro)* (2016); and, from Perú, the Judiciary Handbook of Plain and Accesible Language *(Manual judicial de lenguaje claro y accesible a los ciudadanos)* (2014).

To this day, materials continue to be published, and new versions of old guides continue coming out. Likewise, training courses on Plain Legal Language are highly popular. Another common milestone is the formation of plain language networks, which are responsible for keeping it on the agenda of the Administrations. Other recent initiatives are also worth mentioning, such as the ArText system designed by linguist Iria da Cunha, the diploma course in Plain Language designed by the University of El Salvador in Argentina or the various conferences on the topic that were organized, such as Plain's Conference 2023, which took place in Buenos Aires, Argentina.

3. An Overview of the Published Materials

For this study, we analyzed 12 guides[6] on Plain Legal Spanish published over the past ten years by different government agencies from Spain (2), Argentina (2), Chile (2), Colombia (1), Peru (1), and Mexico (1), and three guides published by other international institutions, such as Clarity, the Instituto Nacional Demócrata, and the European Commission. To construct the sample, we established the following selection criteria:

- The document must be a written production: guides, handbooks, or books.

6. We will keep these guides' names and authors anonymous for our goal was to be able to address the Plain Language movement in general, and to identify patterns within the guides and in the conception of Plain Legal Language that underlies them.

- The document must include recommendations directly related to plain *legal or administrative* language in Spanish.
- The document must have been published in the last 10 years (2013-2023).
- Geographical scope: Spain and Spanish-speaking countries from Latin America.

After selecting the sources, we listed each section and recommendations included in them. This allowed us to compare the documents and detect similarities and differences. Following Da Cunha and Escobar's (2021) methodology, we grouped those recommendations that referred to the same strategy to count the number of appearances, even though they were not called or phrased in the exact same way. We counted 92 recommendations in total.

Results showed that most guides followed a similar global structure: 83.33% of the sources are structured in introductory sections about Plain Legal Language history and fundamentals, and "Recommendations" sections. Also, although in some cases they aimed at helping members of that specific agency, 83.33% of the sources gave general recommendations without specifying text genre, and only 16.66% included sections focusing on one specific genre, such as court rulings or proceedings, among others.

We also found a high level of coincidence in the content of each guide, with 60% of the recommendations appearing in more than one source[7]. Additionally, we calculated the most frequent recommendations, as shown below:

Recommendation	**% of sources**	**Example**	**Linguistic Level**
Write short sentences	75%	"Write sentences and paragraphs of short length. Proposed maximums: between 2 and 3 lines in a sentence.[8]"	Structural features
Use active voice/Avoid using passive voice	75%	"Avoid the repeated use of passive voice constructions."	Structural features

7. Although this number itself is already significant, the percentage is lower than it would be because one of the guides included a list of highly technical grammatical errors -such as solecisms, so-called barbarisms, etc.- that not many guides focus on.

8. The translation is always ours.

Use simple words	75%	"Whenever possible, use simple words. Writing in a simple style will not make you appear less cultured and elegant; on the contrary, you will gain credibility."	Word Selection
Avoid legal jargon	75%	"Excessive use of technical-legal terms may result in wording that confuses the reader."	Word Selection
Use inclusive language	75%	"Choose pronouns without gender marking. For example: the citizenship, the population, and so on."	Punctuation, spelling, style, and correction
Use titles, subtitles, and headings	75%	"... using headings helps to organize the reading and clarify the message."	Document Design
Plan your draft	67%	"Before starting to write the content, it is necessary to spend a few minutes reflecting on how the communicative situation is going to develop. This reflection allows the person writing to achieve an empathetic and respectful attitude…"	Writing Process
Use visual aids	67%	"Remember a picture (almost always) is worth 1000 words. Therefore, you can use graphics, drawings, or photographs to illustrate your message."	Document Design
Revise the final draft	67%	"Reread your document critically, putting yourself in the reader's shoes."	Writing Process
Respect the subject + verb + object/complements order	58%	"Remember the unfailing order: subject, verb, and predicate."	Structural features

Avoid gerunds	58%	“Be careful when using this verbal form and, in addition, avoid overusing it when writing.”	Punctuation, spelling, style, and correction

This last data point goes in line with Da Cunha and Escobar’s study (2021), in which they analyzed the recommendations on plain language in Spanish included in the most relevant sources on the subject published in Spain and the European Union and found that the most frequent recommendations were the following: 1) write short sentences, 2) use the active voice, 3) use common words instead of jargon when possible, 4) write short paragraphs, 5) follow the “subject + verb + object” order, 6) explain the meaning of technical terms, 7) use connectors, 8) do not abuse of subordinate clauses, 9) avoid gerunds, 10) choose precise words instead of ambiguous ones.

A particularly interesting fact is that, of the total number of recommendations listed (92), 41.76% refer to punctuation, spelling, grammar rules, and correctness. 58,33% of the guides also contain checklists with a summary of the elements to be verified to ensure that the text is clear. The items to be checked are usually formal elements, such as "Are sentences arranged according to the subject-verb-object order?", "Are paragraphs less than eight lines long?", “Are words spelled correctly?", “Can sentences be read without running out of breath?”.

The analysis also included a qualitative stage in which we verified *how* recommendations were formulated and their components. Thus, we first identified whether their tone was imperative or suggestive and second, if the recommendations included the following elements: 1) a strategy, 2) an explanation, and 3) examples along with the presented rules. We chose these elements because they were proven to be pedagogically important to language teaching and writing instruction, and to improve performance (see, for example, Myhill et al., 2020, and Duijnhouwer, 2010). Below, we will describe the results.

As for the tone, of the total number of guides, 84% use an imperative tone, this means that most guides tend to formulate Plain Language recommendations as instructions. As the examples cited above show, rules tend to be formulated as monoglossic statements and in terms of "Avoid X", "Be careful with Z," and "Use Y", and words such as "abuse", "vices" and other pejorative vocabulary abound. Monoglossia refers to statements made by writers or speakers that suggest no relation to other points of view. In these, the author presents his or her voice in an independent,

authoritative, and categorical manner (Guerra Lyons & Herrera Bonilla, 2017). Only two guides used a suggestion tone throughout the whole text, this is, they phrased rules as recommendations and used mitigators such as "when possible", "in some cases". These are also heteroglossic statements, since these mitigators relativize the statement and give the possibility that what is affirmed can be realized in another way[9].

As for strategies, we define strategy as the information or indication provided to repair the error or improve future production. For example, for planning, a strategy may explain how to make an outline to clarify text structure. Strategies are the least present element of the three we coded for. An example of a recommendation with no strategy would be the following:

- "It is suggested to avoid the abuse of quotations when they are not relevant to the case since one of the most common problems in legal discourse is the use of chained quotations. Such "chain quotations" should be avoided as far as possible, as they seriously hamper comprehension."

As we see, there is no instruction on how to avoid such abuse in the future. Most of the recommendations that contain an explicit strategy are those related to the planning of the writing. Additionally, we encountered two patterns within the provided strategies. First, a great amount of the strategies provide a formal indication to solve the problem. For example, the solution to oversized sentences with excessive information is to use periods more frequently. On the other hand, we find another range of strategies where the indications are not concrete actions but are based on abstract criteria. For example:

- “Avoid **unnecessary words**: verify that **all words provide information** and make sure that it is possible to say the same thing with fewer words.”
- "Choose the most appropriate words. The vocabulary of your texts must be **clear, current, rich, and understandable** for your reader.”
- "In this example, what you should avoid is more than one topic sentence in a paragraph and segment the information also **in the format and layout for clarity of the text.**"
- "Do not tell what is **obvious**. Rely on the **common sense** of the readers.”
- "Pay particular attention that the text contains all the necessary information..."

9. An example to contrast monoglossic and heteroglossic statements would be the following: "The earth is round" v. "The most recent studies establish that the earth is round". The first statement is monoglossic because it is categorical and there are no external voices included. In the second, on the other hand, the content is attributed to a certain enunciator, which historicizes it and makes it subjective.

As for explanations, we define “explanation” as the explication, reason, or justification given for a claim. For example, “Avoid passive voice when writing contractual clauses, **because** it hides the agent and thus can cause misunderstandings...”. While there were more explanations than strategies, there was also no consistency within the guides. An example of lack of explanation is seen in the following recommendation (where the reader is not told why the alteration of the elements should be avoided):

- "In this case, what should be avoided is wording that alters the logical order of the sentence elements and their components."

As these texts are brief, explanations are usually brief as well, such as the following:

- "Avoid the abuse of pronouns because they are ambiguous and they make it hard to determine the referent, especially in long paragraphs".

In many cases, the explanation simply reduces to it being the "clear" way to do it, as in the following examples:

- "If you have a choice, opt for the affirmative formulation of your idea. It is more understandable and easier to interpret."
- "Here are some examples to you change those expressions to simpler ones that the brain picks up immediately."
- "Using written accents incorrectly disturbs the comprehension of texts."

Finally, we also identified other technical explanations that describe the linguistic element (some of which were not always accurate):

- "The best way to use the citizen language, both orally and in writing, is with the use of simple sentences, whose complete meaning is given by the relationship that exists between subject and predicate."
- "Commas indicate a brief pause in reading."

Finally, the “examples” requisite refers to whether the rule is illustrated or not. 100% of the guides included examples of the rules. Examples tended to illustrate the correct version and the incorrect one. Below, we show some of the most representative ones:

Recommendation	Provided Example
• Illustrate some terms through the use of synonyms or explanatory phrases that account for the specialized term.	Definition of ordinary courts. Ordinary courts *are those established* in paragraph 2 of Article 5° and Titles III, IV, V and VI of the Organic Code of Courts and that entail the idea of subordination of the inferior to the superior.
• Write concise rather than overloaded sentences.	**Overloaded sentences** The judge has issued an arrest warrant. The building closed its doors exactly at five o'clock in the afternoon. **Concise sentences** The judge issued an arrest warrant. The building closed at 5 o'clock in the afternoon.
• Use concrete words or expressions	**X** Job opportunities ✓ Job vacancy
• Use of simple words	**More complicated** Complexity **Easier** Difficulty
• Brevity: avoid superfluous details, superfluous prepositions, conjunctions, and adverbs, both orally and in writing.	**Why write:** According to the country's specialist and dean of procedural law, José Álvarez Díaz, when issuing his comments on the trial being followed by the accused, he said that he could serve up to 15 years in a maximum-security prison. **It is better to write or say:** Álvarez Díaz, a specialist in law, said that the accused could serve up to 15 years in prison.

Finally, another interesting phenomenon is that plain language is often presented as a different language. Thus, we find sections with titles such as "Examples of texts ***in*** plain language".

4. Discussion: What are the Limitations of a Rule-Based Approach?

As we can see from the quantitative analysis, the guides tend to focus on formal and stylistic issues, i.e., elements of the textual surface and on the sentence level or lower such as sentence structure, the vocabulary used, grammatical accuracy, and style. This becomes clear when we see which were the most frequent recommendations of our analysis and that of Da Cunha and Escobar (2021), but also when we see that, in most cases, the strategies provided are reduced to formal changes. Thus, for example, the solution to oversized sentences is to add periods or a reformulation consists of using the connector "that is to say that" or similar ones.

These guides also have a rule-based approach because they consider clarity (and also language) a result of following certain rules. This is why recommendations are phrased as instructions and use imperative language, such as “use X” and “avoid Y”.

However, this approach has its limitations. The first one is related to the generalizations made. As the name indicates, a rule-based approach offers directions to be applied when drafting so texts turn out in a certain way (in this case, as easily understandable documents). The problem is that to create rules, one needs to establish general or universal principles. Thus, we encounter indications such as “Avoid pronouns because they are ambiguous”, which are questionable. Effectively, pronouns *can* be ambiguous if used in certain contexts, but they are not always ambiguous and, moreover, they are a highly used word-type which is hard to avoid. Therefore, the rule-based approach is not always accurate. Generalizing certain effects to a whole word class or any type of generalization usually leads to claiming things that are not valid.

This has to do with how language works in general: the value of the elements used is defined contextually, which means that, for example, while there are certain prototypical greetings for certain occasions, we will not be able to define whether something was considered polite or impolite until we are in the situation in which it is used. Another example would be passive voice. As argued in most of the cited guides, passive voice hides who did the action, but is this always unclear? In legal writing, is it *always* convenient to specify who did the action? In fact, while in some cases it may be in the lawyer's interest to identify the agent for clarity, many times it may be in the lawyer's interest to conceal the agent. Although it could be argued that these “strategies” or language uses belong to different text types, when writing a factual statement, a lawyer will most likely want to be clear, he will want to be understood, but only that which he chooses to make clear.

And it is important that legal professionals have both resources up their sleeves to use them in the appropriate situations[10].

In this respect, an important point is that the need for clarity in writing does not only apply to the language of the Administration or communications between experts and non-experts. "Clarity," in the end, is about drafting effective texts in which what the author intends to say is understood in that same way. Having the ability to do that is vital for any legal professional. Clarity will be of a "different kind" in each case, but it is useful to know how to use linguistic resources in different cases. Therefore, the rule-based approach is insufficient because it only shows one side of the story, one of the ways of doing things with words, instead of showing what effects each element has.

Returning to generalizations, these caused particular problems with the examples. For instance, many of them pointed to "the need for brevity." If we look at example 14, we will see that, in order to be brief, certain pieces of information are eliminated, such as the fact that Diaz is an expert in, specifically, procedural law. The resulting sentence is briefer and may be easier to understand, but is it more appropriate? That will depend on the context: in certain situations, specific indication of Díaz's area of expertise may be relevant and even necessary. For instance, when making an argument, it is not the same to be an expert in law as to be an expert in procedural law. Something similar happens with the second sentence of example 14. In certain cases, it may be necessary to emphasize that the building closed at *exactly* that time. In that example, the adverb functions as an intensifier which cannot simply be eradicated. It is also questionable if the resulting sentence became easier to understand just because those words were removed.

What this shows is that the parameter to define what is clear and what is not should not be the form: a number of words or a number of sentences cannot be the criterion on which professionals rely. Nor can be brevity only for brevity's sake because brief is not always more adequate. Nor can the criterion be to "add a word": if we look at example 13, we see that the explanatory phrase does indeed appear, but what comes after it is a reference to a rule that can be found in a different document. Does that explanation actually give useful information to the reader? Thus, a rule-based approach is inaccurate and may be what causes rejection among some law professionals who understand the need for resources such as repetitions, adverbs, and adjectives in

10. Since passive voice changes the word order, it can also be useful to keep cohesion between sentences, for example.

legal drafting. The parameter to determine what is clear should be the writer and the communicative situation.

But it is not simply a matter of saying that one must put oneself in the reader's place. Such a guideline is not informative enough and does not serve as a useful strategy. This is what happens with the second type of strategy described above, which was based on what we called “abstract criteria”, such as “Do not tell what is **obvious**. Rely on the **common sense** of the readers.” These abstract criteria are made up of what Turner (1999) calls “taken-for-granted terms”, i.e., terms whose understanding is taken for granted because they are assumed to be transparent but which, in truth, are relative and vary contextually and subjectively. While it may seem like an excellent strategy to avoid stating the obvious, the actual problem writers have is in determining *what* the obvious means. It is also difficult to find the balance between explaining further because the reader is not an expert in law and avoiding stating "the obvious." We can even assume that if a person knew he was stating the obvious and had the tools to say the same thing with fewer words, he would do it. Although it is useful to have a general guideline as to how our writing style should be, without a concrete definition of what “obvious” means in that concrete context and a specification on how to detect “obvious” information, said style will be hard to achieve.

Similarly, we believe that the tone of the guides, a tone that tends to point to those elements with which one must "be careful", demonizes certain linguistic elements, especially considering that in many cases the rules are given without an explanation that justifies the indication or a strategy that allows readers to appropriate them. An illustration of this is example 14, where sentences with one more word than the corrected ones are categorized as “overloaded”. In this sense, we believe it would also be useful to be more precise about whether the use of certain words or linguistic resources really hampers understanding or whether, instead, it is incorrect, boring, or unattractive.

This is especially relevant when it comes to style and correctness rules, since, although there are certain cases in which a missing comma or accent can lead to misinterpretations, in reality, grammatical correctness or a “proper” style are not the touchstone of effective writing. Although in the world of law, rules are the undisputed benchmark against which conduct is evaluated, when it comes to language, the rules of academia (like the Real Academia Española or RAE) matter little when it comes to evaluating what works and what does not. Still, Plain Legal Spanish is too mindful of what the RAE establishes.

We would like to end this section by claiming that, although this article analyses the limitations of the approach Plain Legal Language guides have taken so far, we understand that the content of these guides is very useful and does impact the clarity of the texts. We argue, though, that form should never be the starting point, neither in language teaching in general nor in legal language teaching in particular. Our argument is that the "problem" of writers who are not brief when writing does not start with the number of quotations they copy-paste, but before when reading the sources when they did not know how to correctly identify the relevant information. On several occasions, law professionals (especially, young ones) write the way they do because they do not know they can do it differently or how to do it differently, because they have not got the training to do so, or because they did not understand the sources, so they do not dare to paraphrase. This is especially true in the case of Hispanic countries where law degree programs usually do not include specific training in legal writing.

Considering this, the focus should no longer be on correcting what someone has written but showing how language works. This knowledge about how language works is technically called "metalinguistic understanding", and it is defined as: "the explicit bringing into consciousness of an attention to language as an artifact, and the conscious monitoring and manipulation of language to create desired meanings, grounded in socially shared understandings" (Myhill, 2011, p. 250).

This is why we consider that Plain Legal Language should be less about style and correctness rules, and more about legal literacy skills and metalinguistic understanding that lawyers should train to be better writers. Again, this does not mean that structural recommendations are not useful, but that, for the Plain Legal Language movement to advance, it is necessary, first, to move away from a rules-based approach and, second, to start addressing global issues about writing, which have a greater impact on the quality of the text. While it could be argued that these skills should taught at university, therein lies the importance of localizing initiatives: the remedial approach may be useful in countries where there is extensive training in legal writing, but it is insufficient in those where there is none.

The current approach may be the result of the fact that the guides are formulated mainly for government agencies and that their main end is to provide recommendations to improve already existing text formats or templates. Thus, they function more as style guides. But, even then, we claim is time to broaden the scope of Plain Legal Spanish to other legal practice functions. As we

said, clarity is not only useful in lawyer-non lawyer communication but also in interactions between two legal professionals.

5. Moving from a form-focused approach to a functionally oriented one.

So far, we have conducted an analysis of the guides to identify patterns in the type of recommendations they included and in how those recommendations were phrased. The purpose of detecting these patterns is to identify what conception of Plain Legal Language underlies these guides, this is, to understand what a clear text or clarity itself is thought to look like. We found that the guides have a rule-based approach with a focus on formal issues (including grammatical accuracy, correct spelling, and punctuation, among others) and concluded that this approach may be insufficient for three central reasons: 1) because posing universal rules around linguistic usage can lead to inaccurate recommendations that are inapplicable in legal drafting, 2) because style and correctness issues may be relevant but good writing is more than grammatical accuracy and proper style, and 3) because the "writing problems" encountered in legal texts may, in fact, be difficulties faced by writers with other skills required in legal writing, and these difficulties are not solved by memorizing language rules.

This same dilemma was faced by the field of Applied Linguistics concerning grammar and its role or value in the teaching of writing. Traditionally, until the 1960s, writing instruction was primarily teaching and learning grammar. However, over time educators saw that this was not having an effect on the students, whose capabilities as language users, specifically to write well did not improve. Education professionals saw that merely teaching grammar “had no educational relevance or impact on language development" (Myhill & Watson, 2014, p. 13).

Over the past decade, researchers in the field have come to see that it is not a matter of excluding grammar teaching from the curricula. Grammar knowledge is indeed relevant when writing. Myhill et al. (2020) describe the keys to *meaningful* grammar instruction: “purposeful grammar teaching occurs *within* the teaching of writing, not divorced from it; and that this teaching develops students’ metalinguistic understanding…” (p. 1).

Grammar knowledge is useful only to the extent that it allows us to make informed decisions about how to improve our texts, it is a resource for learning about writing that can enable writers to “make choices from among a range of linguistic resources, and to be aware of the effects

of different choices on the rhetorical power of their writing" (Lefstein, 2009, p. 284). For this reason, metalinguistic awareness (defined above) can help writers become more autonomous and agentic decision-makers in writing (Myhill et al., 2020). This approach can be relevant to rethinking Plain Language since one of our central theses as to why current resources may be insufficient and why legal language is complex and archaic is that in many cases writers were never taught how to do things with words.

What underlies Myhill's proposal is a functional understanding of language, that sees grammar and vocabulary as a set of resources available to speakers. It is functional because form serves a function: the speaker/writer chooses resources based on his goals and other contextual variables. From this perspective, teaching how to use language "properly", either written or oral, consists of training to choose the appropriate resources based on the characteristics of the communicative situation. It also stands in contrast to the form-focused view of grammar which is more concerned with grammatical accuracy and compliance with grammatical rules in writing.

Many of the elements of the author's theory can be transferred to Plain Legal Language. The first lesson would be that formal issues should not become the focus of attention and overshadow other problems of legal texts. Here, we must separate two textual aspects that we have been referring to as one: on the one hand, rules of grammatical and style correctness and punctuation, and on the other, formal recommendations that involve grammar but do not respond to correction rules. Correction rules are a secondary element in writing. They are not what makes legal style or legal texts complicated, nor what can solve legal texts' issues. On the other hand, structural recommendations are those that can promote metalinguistic knowledge, and have a high impact on clarity and it is useful to be aware of them, for instance, how to arrange the elements in a sentence or sentence length. It is important, however, that the aim is not to memorize rules but to have knowledge of how language works[11].

Along with structure, it is equally important to address higher-order issues in the text that can hinder its readability. An example would be how the information progresses in the text, the much talked about but little explained "cohesion", which is much more than just using connectors to link ideas. It also involves knowing what information to include or not (for instance, knowing what

11. This can be complex because it is always easier and more comfortable to have a list of rules that tell us what to do and what not to do, and it is perhaps even more similar to how law is learned in some codified countries. But it is not how the language really works, nor is it a lasting solution.

elements are necessary to make a valid argument), knowing what information to start from, and how to provide new information to the reader, among other things. Undoubtedly, this is more difficult to address in a guide because it is also done differently depending on the text genre. This brings us to a key point and best practice of writing instruction which is that the resources produced should be as situated as possible. This means that the more general the recommendations, the more difficult they will be to apply because the instruction to use them will be less specific. In the last decade, it has been shown that transferring general knowledge about writing to concrete realizations does not happen easily or very often.

Returning to content that needs to be addressed in addition to structure, we mentioned above that there are literacy skills required for legal writing that many writers do not have and that this can be what causes problems in texts. The chart below presents an easy way to unpack the literacy skills involved in achieving a certain result. One the first column we see the original recommendation, and, in the second column, we brake that result down into the different operations and skills involved in it. All these skills need to be mastered to achieve the recommended result, for which they need to be explicitly addressed.

Recommendation	**Required Literacy Skills**
It is suggested to avoid the abuse of quotations when they are not relevant to the case, since one of the most common problems in legal discourse is the use of chained quotations. Such "chain quotations" should be avoided as far as possible, as they seriously hamper comprehension.	• Reading and understanding caselaw (among other legal sources). • Identifying what information is relevant to my case. • Using the identified relevant information to carry out my analysis. • Contrasting diverse sources and elements from different cases. • Organizing the relevant information identified in the different sources. • Selecting relevant information that can be of use to the reader. • Summarizing the compiled information. • Selecting, out of the compiled information, the most important pieces. • Planning what the document will be like. • Explaining what I read. • Reformulating technical information.

This method involves moving the focus away from the product (what we expect the text to look like when finished) and into the process (what it takes to get to that result). Understanding the processes carried by writers can help us see where they are having difficulties, and even find out that the problem is not the quote itself but, for example, the conception of "relevance" they have. Another example would be reading: although writing is thought of mostly as the process of planning, textualization, and revising, it usually involves reading and comprehending other texts most of the time.

These contents are usually not associated with Plain Legal Language, but rather with general legal drafting skills. But we believe that many of the keys for a clear text depend on these skills and that they could be addressed in guides or by the different materials published by different agencies and institutions. We also consider any legal professional needs to master these skills. As stated before, clarity is communicative efficacy, a goal most professionals aim at.

As mentioned in the results section, in many cases, the guides treated plain language as a language different from the language in which legal texts are written. However, part of the change of approach that we propose involves understanding clarity as a potential feature of legal texts, not as a different language. Clarity is achieved not only by "translating" the texts by inverting the structures or changing the words, but from the very beginning, when information is selected, or the text is planned. We suggest ceasing to differentiate so strongly between the language that is currently used in legal texts and Plain Legal Language because professionals are more likely to be afraid to use it or simply oppose it if presented as such a radical change.

In light of Myhill's contributions, Plain Legal Language can and ideally should occur within the teaching of general legal writing, not divorced from it. But, to do so, both sides of the story must be taught: active and passive voice, long and short sentences, adjectives and adverbs, etc. Also, legal writers must know that genres are mutable and not static and that if they innovate or try a new format or way of doing something that has conventionally been done in a certain way, it can still be right and even better as long as the requirements of validity are met.

Conclusion: Possible Next Steps for Plain Legal Language.

This article is part of a special issue that evaluates the benefits and drawbacks of Plain Legal Language. We have made a review of several Plain Legal Language guides published in Hispanic

countries since they are one of the actions *par excellence* taken by different agencies or institutions seeking to promote the use of plain language. We must clarify that we used these guides as objects of analysis because of their easy availability and free access; however, the results obtained, as well as the observations made about them, apply to any Plain Legal Language action that seeks to promote a new style of writing. This means that it includes trainings provided by specialists in the Plain Legal Language field and even entire books of a more academic tone that have been published on the subject. The formal, rule-based approach runs through any kind of Plain Legal Language action, at least in Spanish-speaking countries. The rules that are replicated throughout the guides are replicated in Plain Legal Language trainings, which are often also reduced to formal questions about, for example, how to change gerunds to shorten sentence length.

We argued that this approach today represents a limitation for the Plain Legal Language movement because to achieve changes in writing, the formal rule-based approach is not effective in the long run. Moreover, much of what makes a text unclear lies not in formal or stylistic issues, but in global problems. These global problems do not occur because the writer does not know grammar or punctuation rules, but because he or she possibly has problems with legal literacy skills or lacks the required metalinguistic awareness that makes writing effective texts possible.

We, therefore, proposed that Plain Legal Language be taught in conjunction with or as part of legal writing in general because mastering skills such as knowing how to summarize is relevant for any law professional and any legal professional would appreciate training them. As we clarified above, this proposal is mainly intended for countries where the teaching of writing is not part of the university curriculum, which means that graduate lawyers do not have many tools. Along these lines, we advise not to make such a sharp distinction between Plain Legal Language and the language already used in legal writing, and also to take into consideration private legal practice. We believe that it is rare for someone to oppose to Plain Legal Language because clarity is communicative efficiency and who does not want to be clear in those terms? However, what may be causing aversion is a product of the rule-based approach: establishing as a general rule that it is always necessary to be brief or that adverbs and adjectives must be eradicated.

Still, drawing on writing pedagogy expert Myhill (2020), we proposed that grammar instruction is useful as long as it is aimed at developing writers understanding of how language works (i.e., metalinguistic understanding). It is a matter of moving to a functionally oriented approach that trains the writer’s understanding of the possibilities of language choices in writing.

We believe that these guidelines will be useful in the design of future materials, regardless of their format.

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ISSN 1839 8308

INTERNATIONAL JOURNAL OF LAW, LANGUAGE & DISCOURSE

On Critical Law Students' Attitudes Towards Plain Language

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Abstract

The Plain Language Movement has had a lasting impact on legal drafting. It is now legally mandated in several countries, including the USA, Canada, Australia, New Zealand, and Finland. In Poland, civil servants are required to communicate with the public using plain Polish. Over 50 public administration offices in 2018 and more than 20 banks in 2021 signed the *Declaration on the plain language standard*. These institutions are committed to enhancing their employees' competence in clear communication, creating language standards that facilitate customer understanding, and promoting sensitivity to diverse needs.

This commitment extends to legal professionals as well. International law firms, public institutions, legislators, examiners, contract drafters, proofreaders, and legal English teachers are actively promoting plain language standards. Their collective efforts, regardless of the national language, culminated in the publication of the ISO Plain Language Standard ISO/FDIS 24495-1 in the summer of 2023. The benefits of improved communication are far-reaching: readers can quickly access essential information and use it to meet their needs.

Polish law students, studying legal English, resist embracing the new standards. They view them as a threat to their profession. These students prefer convoluted legalese, which they believe helps them earn money by explaining intricacies to clients. Interestingly, plain language was unfamiliar to them until university, where younger generations are introduced to this concept.

The paper will discuss the results of my research conducted among first-year law students at Kozminski University. Its aim was to:

- investigate students' attitudes towards plain English,

- check their ability to understand legalese as contrasted with plain versions of the same text, and
- understand why they prefer learning and using legalese to plain English.

The paper will also investigate potential strategies for addressing students' reluctance towards plain English and offer practical recommendations for developing and promoting this concept among future lawyers.

Keywords: teaching legal English, plain English, plain language, legalese, writing, drafting

Introduction

I first heard about plain English around 15 years ago when I started teaching legal English at Kozminski University in Warsaw. Plain English seemed like a lifesaver for an inexperienced ESP teacher who was required to go and teach legal English classes overnight. At that time Kozminski Language Centre became the TOLES (Test of Legal English Skills) Examination Centre and we started to prepare our law students to sit TOLES examinations at the end of their obligatory legal English classes. At that time TOLES examinations evaluated candidates' drafting skills and at the TOLES Advanced level, almost 60% of points were awarded for open-ended written tasks. This meant that candidates with poor drafting skills would not be awarded a C1 or C2 certificate but only a B2 one.

The authors of TOLES books (Mason, 2021; Mason & Canham, 2021) and exam preparation materials designed by them based on research and feedback provided by London law firms that stressed that recent graduates lacked drafting skills.TOLES candidates faced two major challenges. They had to:

- be able to understand complex authentic legalese, which the examination tasks were based upon, and
- to explain and paraphrase its meaning using plain English clearly and accurately.

Little did I realize at that time how progressive and cutting-edge that exam and materials were back in the 2000s.

1. Historical Overview

History influenced the developments and evolution of the English legal language across the centuries. After the Norman invasion and the battle of Hastings in 1066, French became the language of legal documents in Britain for 300 years, although the people of Britain still spoke English which was never used in legal matters.

Before that period legal texts in Britain were drafted in Latin which possessed the status of the lingua franca of those times. Latin was introduced to Britain with the Roman invasion of 55 BC; however, it started to influence the language significantly with the spread of Christianity that began with the arrival of St. Augustine in AD 597. Later linguistic influences included Old English which was brought with the invasion of the Angles, Saxons and Jutes and Scandinavian impact with the raids of the Vikings in the VIII century. The first reform came with the "Statute of Pleading" (1362) which stipulated that:

> all Pleas which shall be pleaded in [any] Courts whatsoever, before any of his Justices whatsoever, or in his other Places, or before any of His other Ministers whatsoever, or in the Courts and Places of any other Lords whatsoever within the Realm, shall be pleaded, shewed, defended, answered, debated, and judged in the English Tongue, and that they be entered and enrolled in Latin.

During the next decades English was adopted for more and more kinds of legal documents and statutes began to be written in English alone from 1489. However, the written records of common law cases remained in Latin until the Court of Justice Act of 1730 made English both the language of pleadings and the written record of cases in the courts of the United Kingdom of Great Britain.

Contemporary legal English in its pure form, the so-called legalese, still has features that derive from French and Latin and reflect the urge of many writers to sound sophisticated and educated using too many unnecessary, empty words. Generations of legal writers educated on legal texts drafted by other lawyers copy the antique, verbose style loaded with long sentences, bad punctuation, foreign syntax, archaic words, lists of synonyms, passive voice structures and technical vocabulary. They obscure the meaning, cause confusion and misunderstandings, and are "*wordy, unclear, pompous and dull*" (Melinkoff, 1963, p. 24) .

Plain English

The first voices for reform can be found in documents dating back to 1845 when Lord Broughman postulated reforms not only in the substance of law but also in its language (Law Review, 1845, p. 405).

Stuart Chase is often quoted as the proponent of plain English who complained about "gobbledygook" in texts in his book The power of words published in 1953. The term "gobbledygook", however, was already introduced during World War II by Maury Maverick, a former Texas congressman. Maverick, frustrated with the complex language used in meetings, issued a memo on March 30, 1944, criticizing this "gobbledygook language" and advocating for clear communication. He humorously threatened that anyone using jargon like "activation" or "implementation" would be shot. (Rawson, 2005)

The consumer movement of the second half of the twentieth century created the need for clear legal language that would be understood by laymen/non-lawyers/clients who expected to be able to understand what they signed at the first reading. New means of communication that emerged and developed during that time also nourished the necessity for lucid, accurate and understandable meaning in texts.

Martin Cutts (1998), a research director of the Plain Language Commission in the United Kingdom, defines plain English as "the writing and setting out of essential information in a way that gives a cooperative, motivated person a good chance of understanding the document at the first reading, and in the same sense that the writer meant it to be understood".

The United States

In 1972 US President Richard Nixon created plain English momentum when he decreed that the Federal Register be written in "layman's terms". Soon after, in 1973, Citibank converted its promissory note to plain English which turned out to be a successful move not only in terms of their customers' reception but also in terms of cost efficiency.

In 1978 US President Jimmy Carter issued Executive Orders intended to make government regulations cost-effective and easy to understand; however, they were rescinded by R. Reagan. Nonetheless, by 1991 eight states had passed statutes related to plain English.

President Obama signed the Plain Writing Act of 2010 on October 13, 2010. According to this law, federal agencies must communicate with the public in such a way that the public can understand and use it. On January 18, 2011, Obama issued a new Executive Order, *E.O. 13563 - Improving Regulation and Regulatory Review* which obliges the American regulatory system to make sure that their regulations are accessible, consistent, written in plain language, and easy to understand. To commemorate this day 13 October has been established Plain Language Day.

Although the US has made some progress in applying plain language to court rules, consumer contracts, and the federal government, the legislative drafting style remains largely traditional and conservative. (Williams, 2011)

The United Kingdom

The first efforts to introduce a new style in the UK were made in the 1960s by Anthony Parker who published *Modern conveyancing precedents* (1964) which used ordinary English and were shorter but produced the same legal effect. Unfortunately, since that time very few authors of precedent books have followed suit.

The Plain English Campaign (PEC) was formally started in 1979 by Martin Cutts and Chrissie Maher after the latter, as a sign of protest, shredded government documents in public in Parliament Square. Since then, the Campaign has been active in fighting gobbledygook, jargon, and misleading public information.

Martin Cutts left the PEC in 1989 and formed the Plain Language Commission (PLC) in 1994. Both organizations offer the services of editing documents in Plain English and award their accreditation marks (PEC – the Crystal Mark and PLC – the Clear English Standard) to documents written in clear language.

Tax Law Rewrite is a project established in 1996 aimed at rewriting the UK's primary tax legislation into plain English without changing its meaning. All in all, eight acts have been redrafted

and are available on the Tax Law Rewrite pages. The redrafted legislation includes among others Income Tax Acts, Corporation Tax Acts, and Capital Allowances Act.

Civil Procedures Rules (for England and Wales) were implemented in 1998 to simplify legal proceedings, making them more accessible to the public and easier to understand for non-lawyers. The new Rules introduced new vocabulary. Some Latin terms were replaced with their Anglo-Saxon alternatives, e.g., “ex parte” with “without notice”, “inter partes” with “with notice”. Other replacements included among others: “child” instead of “minor” or “infant”, “claimant” instead of “plaintiff”, “application” instead of “summons” or “motion”.

Since 2004, the United Kingdom has embraced a more contemporary and straightforward style for drafting legislative texts, drawing inspiration from the practices of Australia and New Zealand. This shift involves minimizing the use of archaic terms, the passive voice, and the word “shall”, as well as eliminating gender-biased language.

In 2007, the UK made a significant stride towards inclusivity by declaring that all legislation enacted by Westminster would employ gender-neutral language, utilizing both male and female pronouns as appropriate, rather than exclusively male pronouns.

Furthermore, beginning in 2006, every new law enacted in both Westminster and Edinburgh has been accompanied by explanatory notes. While these notes are not part of the Act itself, they serve a crucial role in aiding readers in comprehending the legislation more effectively. This practice underscores the commitment to making legislative texts more accessible and understandable to the public.

Williams (2023) observes that over the last 50 years, the language of court judgments has seen relatively little change. However, some judges have begun to adopt a more engaging and personal style when addressing the parties involved. The sentences and judgments have become longer and more impersonal, possibly reflecting a shift from subjectivity to objectivity.

On the other hand, in the realm of contracts, especially those aimed at consumers, there have been notable changes. Consumers are now addressed with more approachable and inclusive language. Despite these changes, contracts still contain long sentences, unfamiliar here-/there-words, and masculine pronouns (i.e. he, his, him).

In recent years, the United Kingdom has been exploring ways to make legal texts more understandable by incorporating visual elements and digital tools into the legal domain. For instance, infographics and flowcharts have been used to explain complex legal concepts and processes, while timelines have been used to illustrate legal events or procedural sequences in a more accessible way for legal practitioners and laypersons alike.

The advent of online resources has played a pivotal role in this transformative endeavour. Interactive platforms, web-based tools, and digital repositories have made legal information more accessible, creating a more user-friendly experience for individuals engaging with legal materials. However, it is important to note that the widespread adoption and standardization of these innovative tools within the legal landscape are still in their early stages. The limited use of such applications highlights the existence of untapped potential and signifies a compelling area for future development, where collaborative efforts and interdisciplinary approaches may further propel the evolution of legal design and technology in the United Kingdom.

Australia and New Zealand

Australia and New Zealand emerged as pioneers among English-speaking nations that adopted plain language standards in legislative drafting. This shift towards a more modern and straightforward style commenced in the late 1980s. The principles of plain language, or "clear drafting," have been actively promoted through their websites and manuals.

These countries have not only implemented plain language standards for tax laws, consumer contracts, and other legal documents, but they have also exerted influence on other nations. Countries such as South Africa and the United Kingdom have been inspired to follow their example.

In addition to these legislative changes, Australia and New Zealand have been proactive in fostering plain language education. They have provided training for legal professionals, public servants, and students, and have supported research and publications in the field of plain language. Notable contributions include the journal *Clarity* (www.clarity-international.org/) and the book *Plain language for lawyers* by Michèle M. Asprey now in its 4th edition published by The Federation Press in Australia (2010), which have significantly advanced the discourse on plain language in legal contexts.

The European Union

The EU's first attempt to implement the recommendations of the Plain English Campaign was in 1982 when it published its *English style guide*. Its latest edition, updated in July 2023, makes references to *The plain English guide* by Martin Cutts (1999) and *Style: Toward clarity and grace* by Joseph M. Williams (1995). The Guide allows the use of bureaucratic and pompous "Eurospeak" in legislation and preparatory drafting, since "*searching here for 'Plain English' periphrases wastes time and simply irritates readers*" (2023: 4) which in the Guide authors' opinion contributes to clarity. The *Guide*, however, does not recommend using jargon in documents, such as leaflets or websites, addressing the public.

These recommendations seem to contradict the ones included in the *Joint practical guide for persons involved in the drafting of European Union legislation* which stresses that EU legal acts need to be clear and exact. This is important not just for democracy, but also to prevent disagreements and limited interpretations by the Court of Justice (2015:10).

In 2010 the European Union initiated a *Clear writing for Europe* campaign built on the *Fight the fog* campaign aimed at enhancing the clarity and readability of its documents, with a particular focus on English, which has emerged as the common language among its 24 official languages. The authors can get practical advice and access free online resources, e.g. *How to write clearly* booklet (2015) or *Clear English. Tips for translators* (2014). Despite these efforts, the outcomes have been less than satisfactory, with the drafting style exhibiting minimal changes since 1973. This highlights the challenges in implementing plain language principles in a multilingual and multicultural context such as the European Union.

Arianna Grasso (2023) analysed the main EU Competition Legislation to check whether they implement plain language recommendations published in the EU style guides. She used the most postulated criteria such as the length of the document and sentences, word order, nominalisations, abstract language, jargon, here-/there- words, legal Latin, passive voice, and shall. The analysis revealed a gap between the EU's declarations and the practice of drafting. Factors such as the older tradition of plain English outside the EU and the impact of Brexit, which removes a strong advocate for plain English, contribute to this gap. The EU is cautious and does not seem committed to promoting clear writing when the subject matter is complex.

Poland

Great progress has also been made in the direction of plain Polish. Much has been said recently about plain Polish, the language recommended to all authors and institutions writing for the public. Since 2010, the Institute of Polish Philology at the University of Wrocław has been running the Plain Polish Lab, which investigates how accessible public communication is, analyses texts produced by public institutions, companies and corporations and trains plain Polish consultants and staff at various institutions.

The year 2012 marked the launch of a campaign entitled *Citizen-friendly Officialese*, an initiative of the Ombudsman, the Senate of the Republic of Poland, the Governor of Mazowieckie, the Head of the Civil Service, the Council for the Polish Language, the National Centre for Culture, and the Polish Language Foundation. The aim of the campaign is primarily to improve the linguistic awareness of users of official Polish, to increase the communicativeness of language in official written and spoken texts, to create standards of correct official Polish language, and to improve the linguistic competence of officials and their responsibility for effective communication.

Plain Polish aims to eliminate intricate, long, and unclear language constructions from scientific, governmental, and corporate texts. In 2018 and 2021, over 50 offices of public administration and 20 banks respectively signed the *Declaration on the plain language standard*. In 2024 there are almost 70 signatories on the list including four Polish public universities. This commitment obliges these institutions to enhance their employees' communication skills, establish language standards for customer clarity, and foster sensitivity to diverse needs. By signing the Declaration these institutions obligate themselves to write and design texts addressed to the public in such a way that it allows an average citizen to read and understand the text quickly, find the information they need and use the information for their purposes.

The Plain Polish Lab was the pioneer in addressing legal language, assisted the banks and helped them create the first plain Polish contracts (e.g., ING, Credit Agricole, mbank), documents shared with customers by insurers (e.g., PZU), public administration (e.g., National Insurance Institution ZUS, Civil Service), electricity providers (e.g., PGE). The Lab has also developed the Logios app (logios.dev) which helps drafters easify their texts and measure their readability. The first IT tool of this type was Jasnopis (www.jasnopis.pl) which verifies how clear texts written in Polish are and helps easify them, now using ChatGPT technology.

Criticism of Plain Language

Plain English has faced criticism for promoting simplicity, leading to accusations of producing simplistic, drab, kindergarten-like, and unsophisticated English, which is perceived to lack precision. According to Einstein, however, simplification is more challenging than complication, requiring a deep understanding of the subject for effective explanation (Cutts, 1993, 1998; Kimble, 1997) and requires effort and time invested in analysing, comprehending and redrafting texts.

Advocates of plain language argue that it enhances reader comprehension, allowing for faster information location and improved document understanding. Moreover, plain English documents are considered easier to update and more cost-effective, making them suitable for areas of law relevant to the public, such as employment, family, criminal, consumer protection, and inheritance.

Despite these advantages, plain English has faced opposition. Penman (1992) criticizes it for oversimplifying complex topics, making language too informal, and potentially compromising accuracy, nuance, or authority. She argues that it fails to capture the intricacy or sophistication of the law and may not align with the expectations or standards of certain audiences, including judges, lawyers, or academics.

Critics also question the priority given to plain language, suggesting it may not significantly improve legal communication's outcome or quality, considering the unclear definition, scope, or evidence associated with its implementation. Crump (2002) argues that plain English may not be suitable for all legal documents, differentiating between preservation and persuasion documents. Preservation documents are legal writings that need to be precise, complete, and secure, and do not require easy or quick comprehension, e.g. contracts, wills, affidavits, and pleadings. Persuasion documents are legal writings that need to be clear, concise, and appealing, and aim to convey information or arguments effectively, e.g. appellate briefs, letters, memos, and essays.

In response, Schiess (2005) contends that plain language does not necessarily oversimplify legal texts but aims to present complex ideas clearly and accessibly without sacrificing accuracy. He emphasizes its significant potential to improve readability and comprehension in various text types. Blasie (2023) highlights the potential limitations of plain language in complex legal documents,

suggesting it may introduce ambiguity and be less effective in enhancing consumer understanding, especially when literacy levels are low.

Resistance to adopting plain English may stem from inertia, fear of litigation, or a preference for traditional language among lawyers and businesses. Additionally, concerns about policy-infused decisions and potential conflicts related to the separation of powers may impede the implementation of plain language laws.

Professor Kimble (2012) summarizes criticisms against plain language, addressing claims of oversimplification, informality, and a lack of fit in certain contexts. He offers responses to these criticisms in his works, *Flimsy claims for legalese and false criticisms of plain language* (2020) and *Answering the critics of plain English* (1995).

2. Research Method and Results

To understand the attitudes of first-year law students towards plain language, I surveyed 16 first-year law students (eleven females and five males). The respondents follow a compulsory 180-hour English for Law course leading to the TOLES Advanced certificate examination. The hours of instruction are distributed in the following manner: first term – 40 hours, second and third term 60 hours respectively and fourth term – 20 hours. The entry level of their proficiency in general English is within the B2+/C1 spectrum. The course is based on *The lawyer's English language coursebook* (2021) and at the end students sit either the TOLES examination or a university final examination. The students participated in the survey conducted online using two questionnaires:

1. the first questionnaire (Part One) consisted of ten statements about plain language, and the students were asked to assess each statement on a scale from 1 (strongly agree) to 5 (strongly disagree).
2. the second questionnaire (Part Two) contained two, plain and legalese, versions of the same text and students were asked to indicate which version they found clearer and explain why.

The survey was carried out in the middle of the second semester of their studies after they had received instruction on what plain English was during their legal English classes with me and lectures with a native speaker proofreader. Earlier I asked my students to submit notes from the lectures with a proofreader as their homework assignment and one student started his homework with a sentence "My hatred for plain English has increased" which inspired me to carry out my

research for this paper. The comment resonated with a notable surge in the identification of right-wing ideologies among Polish youth, especially within the demographic of young men aged 18-24, where 40% declared such views, marking a historic high. (CBOS, 2021)

My research hypotheses were:

1. Law students who have been exposed to plain language instruction will have positive attitudes towards plain language.
2. Male students are more likely to prefer legalese than female students, reflecting a gender difference in political and ideological views.
3. Students who prefer plain language are more aware of the needs and expectations of their potential clients and the public, demonstrating a higher level of empathy and social responsibility.

3. Research – Part One

Part One of the survey consisted of ten statements about plain language and the students were asked to assess each statement on a scale from 1 (strongly agree) to 5 (strongly disagree). The statements and the results were as follows:

1. I would like to learn how to write in plain English and use it in my academic and professional career.

Most respondents first heard about plain language during their university English classes. Overall, they exhibited positive attitudes toward plain language, agreeing that it makes information more accessible with most respondents expressing a desire to learn plain English. The generally positive sentiment corresponds to the core principles of plain language, emphasizing clarity and simplicity. Students seem to recognize the potential benefits of plain language in improving communication and comprehension. 60% of male respondents, however, neither agreed, disagreed or strongly disagreed with the statement.

2. If all texts were written in plain language, people would understand them and would not need lawyers to interpret the law or defend them in courts.

In general, students agreed that using plain language could diminish the need for lawyers' interpretation. They also acknowledged that plain language has the potential to boost public understanding and cut down the requirement for legal intermediaries.

3. The goal of plain English is to make information accessible to a wider audience.

Students strongly supported the statement. They comprehend and resonate with the primary goal of plain English, which stresses inclusivity and accessibility.

4. Plain language should be used in legal documents, government reports, and public administration communication with the public.

Students greatly concur with the idea that plain language is implemented in official documents. They recognize that plain language can be effectively applied in various situations, including legal and governmental communication. 60% of male respondents, however, neither agreed or disagreed or strongly disagreed with the statement.

5. Lawyers should use jargon which includes technical terms, abbreviations, and expressions that may be difficult for people outside of that group to understand. Only then they will be trustworthy.

The responses varied, with some showing disagreement. This analysis indicates a split in viewpoints, with some students questioning the idea that the trustworthiness of legal professionals necessitates the use of complex language. 40% of male respondents, however, neither agreed or disagreed or strongly agreed with the statement.

6. Using plain language in legal texts may oversimplify them or leave out important details.

The responses were mixed, with both agreement, expressed mainly by male respondents, and disagreement present. The students understand that there is a balance between making legal texts easy to understand and making sure they are comprehensive. All male respondents, however, neither agreed, disagreed or strongly agreed with the statement.

7. Plain language means baby talk or dumbing down the language.

Students strongly opposed the idea that plain language is the same as baby talk. The analysis revealed that students dismissed the criticism that plain language means dumbing down to the point of talking down to someone, showing an understanding of its true purpose. 40% of male respondents, however, agreed with the statement.

8. Writing in plain language requires skill and hard work.

Students endorsed the statement that emphasized the effort needed to write in plain language. The analysis showed that students understand that creating clear and simple communication requires skill and hard work, debunking the idea that writing in plain language is easy. 40% of male respondents, however, disagreed with the statement.

9. Plain language uncovers the ambiguities and uncertainties that dense, impersonal, convoluted legalese writing tends to hide.

Students strongly agreed with the idea that plain language uncovers ambiguities. The analysis suggests that students grasp the role of plain language in enhancing transparency by revealing complexities often hidden in traditional legal writing. 60% of male respondents, however, disagreed with the statement.

10. Plain language works better than traditional legalese, businessese, and officialese.

Students concurred that plain language is more effective than traditional styles. The analysis showed that students prefer the practical advantages of plain language, suggesting they believe in its enhanced ability to communicate. 60% of male respondents, however, neither agreed, disagreed or strongly disagreed with the statement.

Respondents were asked to compare two versions of communication from the Polish Tax Office. Version 1 was typical officialese jargon, while version 2 was much clearer as it used a friendlier tone, headings, and tabulation. In the survey Version 2 of the Tax Office communication was preferred among 100% of female respondents and 80% of male ones.

4. Research – Part Two

The first text was an excerpt from a Partnership Agreement published in *The Lawyer's English Language Coursebook* (2021: 269) which is the students' leading course textbook. The plain English version was drafted by me.

Clause 1 Version 1

> The "Partners" means all the individuals who are parties hereto at the date hereof and shall include from the respective dates upon which any other individuals by the addition of their names and addresses to the schedule annexed hereto such other individual or individuals and shall unless the context otherwise requires exclude any such individual being a former partner of the business who shall have ceased for whatever reason, to be a partner thereof.

Clause 1 Version 2

> The term "Partners" refers to:
> 1. All current partners who are parties to this Agreement
> 2. Partners who will join the partnership in the future from the day their names are added in the Annex to this Agreement
>
> The term "Partners" does not refer to:
> 1. Partners who leave the partnership for any reason.

Only one student preferred the legalese version 1.

The second text was authentic Article 7 of the EU GDPR Regulation, and its plain English version was drafted by me.

Clause 2 Version 1

> The withdrawal of consent shall not affect the lawfulness of the processing carried out on the basis of consent before its withdrawal.

Clause 2 Version 2

> You can withdraw your consent to process your data at any time.
> However, this means that until that moment, the company processed your data in accordance with the law.

In this case, 33% of the students preferred the legalese version 1.

Comments in favour of the plain English version

Most comments expressed positive sentiments regarding the plain English version, emphasizing clarity, simplicity, and ease of understanding. Respondents appreciated the use of bulleted points, clear language, and a straightforward layout. However, a couple of comments used potentially derogatory terms, such as “understandable for a dumb person” or “better for someone who is possibly mentally disabled” which might reflect the lack of empathy and sensitivity.

Comments in favour of the legalese version

The comments in favour of the legalese version highlighted its clarity, precision, shorter length for those familiar with legal language and formality, which for some respondents sounds more important. Some comments, however, express potential self-interest by stating that the complexity of legalese necessitates hiring lawyers, benefiting future legal professionals. Additionally, one comment presents a critical perspective on the widespread adoption of plain language in law, linking it to concerns about societal knowledge and control. The language used by some students can be considered disrespectful, e.g., “stupid”, “the society will be dumber”, “it makes me sick”. One comment contained strong opinions and criticized the promotion of plain language in the law, expressing dissatisfaction with political and fiscal trends. It suggested that making the law more accessible would lead to a less knowledgeable society and questioned the morality of using plain language in legal contexts.

5. Research findings

Research findings provide support for each of research hypotheses:

1. Law students who have been exposed to plain language instruction will have positive attitudes towards plain language:

The results indicate that students generally exhibited positive attitudes towards plain language. For instance, a majority expressed a desire to learn plain English (statement 1), recognized the goal of plain English to make information accessible (statement 3), and acknowledged its potential benefits in various contexts, including legal documents and government communication (statement 4).

2. Male students are more likely to prefer legalese than female students, reflecting a gender difference in political and ideological views:

The results show variations in responses between male and female students. For example, in statements 1, 4, 5, 9, and 10 a notable percentage of male respondents expressed a neutral stance (neither agreeing nor disagreeing), indicating a potential hesitation or differing views. This suggests a nuanced gender difference, with male students showing more diverse attitudes toward plain language compared to their female counterparts.

3. Students who prefer plain language are more aware of the needs and expectations of their potential clients and the public, demonstrating a higher level of empathy and social responsibility:

The findings regarding the preference for plain language in real-world examples (Polish Tax Office communication) align with this hypothesis. Most students, especially females, preferred the plain language version, emphasizing clarity and accessibility. This preference suggests an awareness of the needs and expectations of the public, supporting the idea that a preference for plain language is associated with empathy and social responsibility.

It is important to note that while most respondents exhibited positive attitudes towards plain language, there were diverse opinions, and some expressed reservations or preferences for legalese. These nuances in responses provide a rich understanding of students' perspectives on plain language in legal communication.

Conclusion

The outcomes of this survey have significantly enriched our understanding of how first-year law students perceive the use of plain language within their academic and professional spheres. By examining their attitudes towards plain language, the research has illuminated potential implications for the future of legal communication and the broader discourse on accessibility within the legal profession.

The survey uncovered an intriguing perspective among young, inexperienced law students, who seem to view legalese as a tool for building prestige and establishing a sense of superiority within society. The acquisition of legalese is perceived as an investment, providing a means of distinction from the general populace, and signalling affiliation with an elite group. This finding suggests that the preference for legalese may extend beyond linguistic considerations, encompassing sociopolitical dimensions related to conservatism and social identity.

Some comments from students hinted at legalese being entwined with political ideologies, reflecting a conservative mindset perceived as worthy of preservation. This ideological association may extend to various aspects of personal and social life, contributing to visible social polarization among students with differing political views, such as rightist and far-rightist positions among men and left-leaning tendencies among women in Poland.

Namely, as Polish Centre for Public Opinion Research informed in its report on *Political views of young Poles vs gender and place of residence* (CBOS: 2021) in 2015, a record-high percentage of youth identified with right-wing ideologies. This trend was predominantly driven by young men aged 18-24 years, with as many as 40% of them declaring right-wing views, marking the highest result in the history of our measurements. In large urban areas with populations exceeding 100,000, right-wing ideologies were particularly prevalent among young men, with 44% expressing such views. Notably, these areas exhibited the most significant disparity between the political leanings of young men and women. More than half of the young female residents (54%) expressed left-wing sympathies, while almost half of their young male counterparts (44%) identified with right-wing ideologies.

Poland is no exception. The same patterns of emerging gender divide among young men and women can be observed worldwide (Burn-Murdoch, 2024; Evans, 2024) with Gen Z individuals

diverging politically and ideologically from South Korea to Spain. Gen Z women tend to hold more progressive views while Gen Z men lean more conservative. The #MeToo movement, which empowered young women to speak out against sexism and misogyny, seems to have played a role. However, the data suggests that women are not merely becoming more liberal on gender-related issues. They also take more liberal positions on immigration and racial justice compared to young men. The divide is further exacerbated by the fact that men and women increasingly inhabit different online spaces and experience separate cultures due to smartphones and social media.

Despite resistance from some students, the research, however, underscores that plain English holds significant importance in commercial awareness, directly impacting students' employability. Academic environments, particularly university English classes, emerge as crucial platforms for introducing students to the concept of plain language and fostering clear and effective communication skills.

The survey results and student comments contribute to the ongoing debate surrounding the use of plain language in legal contexts. Students demonstrated an awareness of the challenges associated with employing plain language in specific situations, raising questions about the precision of plain texts in legal communication.

Certain comments revealed potentially derogatory terms, indicating a need for sensitivity when discussing the advantages of plain language without resorting to offensive language. As discussions around plain language continue, fostering respectful dialogue and understanding diverse perspectives becomes essential for effective communication and mutual respect within the legal community.

Comments favouring legalese were sometimes perceived as self-serving and disrespectful to those advocating clear and accessible communication. This highlights the importance of promoting a balanced discourse that considers the diverse needs and preferences within the legal community, encouraging an inclusive approach to language use. This also proves how the language of public debate deteriorated in Poland during the last eight years of conservative, right-wing government which brought a significant paradigm shift in its quality.

In conclusion, this research underscores the multifaceted nature of attitudes towards plain language, emphasizing the intricate interplay between linguistic preferences, sociopolitical

ideologies, and professional considerations within the evolving landscape of legal education and practice.

Recommendations for Legal English Classroom

The research has revealed the significant role of the academic environment in shaping students' attitudes towards plain English and clear communication. Besides several key insights emerged such as the perceived prestige associated with legalese, the lack of empathy and respect for recipients of texts, the lack of flexibility and resistance to adapt to the changing environment.

Therefore, incorporating strategies to encourage and persuade law students to embrace plain English and address their reluctance becomes crucial. Here are some practical recommendations for the legal English classroom:

1. Incorporate real-world examples of good practice:
    - Introduce real-world examples of legal documents written in plain English and discuss their effectiveness.
    - Analyse contrasting before and after versions of legal texts, emphasizing how plain language enhances accessibility without sacrificing precision.
    - Suggest recognized references to read about plain English rules, developments and state-of-the-art in this area.
    - Curate and share reliable resource packs including authentic manuals, podcasts, lectures, website addresses, MOOCs promoting interactive learning, social media profiles, etc.
    - Explore online tools that allow students to collaborate on plain language exercises and receive immediate feedback.

2. Invite guest speakers and practitioners:
    - Invite guest speakers, including legal practitioners, e.g., lawyers, lawyer-linguists, and proofreaders who actively use plain language in their profession.
    - Conduct panel discussions or Q&A sessions where students can interact with professionals advocating for plain language in legal contexts.
    - Recommend events, e.g., conferences, congresses, webinars, and courses where students can develop their plain language skills.

3. Design case studies, projects, and group discussions and incorporate plain language principles into assignments:
    - Engage students in case studies involving legal communication, both in legalese and plain language depending on who their clients are.
    - Incorporate group projects that involve plain English drafting into your class syllabi encouraging collaborative learning.
    - Facilitate group discussions where students can evaluate the impact of language choices on comprehension and legal practice.
    - Provide constructive feedback, emphasizing the importance of balancing precision with accessibility.

4. Incorporate seminars or elective courses into your school curriculum:
    - Organize seminars, or elective courses on drafting legal documents in plain English.
    - Promote the idea of plain language among your school decision-makers.
    - Set up Plain Language Lab or Club which will spread the idea of plain language.
    - Convince your university authorities to sign *"The Declaration on the Plain Language Standard"* and put efforts to implement the standard in their documents.

5. Encourage Critical Reflection:
    - Facilitate opportunities for students to critically reflect on their attitudes towards language use in legal contexts.
    - Assign reflective essays or presentations where students articulate their evolving perspectives on the role of language in law.
    - Incorporate short drafting activities into each class or assign them as homework.

These recommendations aim to foster a positive attitude towards plain English and clear communication among law students. Plain English is not only a matter of style, but also a matter of ethics, respect, and social responsibility. Therefore, law students should be equipped with the skills and confidence to communicate effectively with their clients and the public. These recommendations aim to instil a lasting appreciation for plain language, empowering the next generation of legal professionals to communicate effectively and ethically in an ever-evolving legal landscape.

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