

Prof. Dr. Karin Luttermann

**Clear language as a concept in
linguistic pragmatics for legal communication**

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Structure

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2. Communication-oriented text linguistics
3. Expert-Lay-Communication
4. Addressees of Plain Language
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6. Legal-Language Comprehensibility Model
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Text linguistics and expert-lay-communication

- Texts are utterances-in-function (information, appeal)
- Law uses common language in a special meaning
- German verb **leihen** means in everyday language
 - **Hiring** or **renting** a car
 - **Borrowing** eggs or a book
- In a legal context, **leihen** can only be used for the book
- Task
 - Differentiating the lay continuum
 - From the average citizen to readers of Plain Language

Addressees of Plain Language

- Equal Rights Act for disabled people
 - Persons with special needs
- Guidelines from practice (e.g. Inclusion Europe, Netzwerk Leichte Sprache)
 - Cognitive impairments, cerebral disorders, dementia, aphasia
 - Functionally illiterate people, migrants, anyone
- Heterogeneity
 - Large circle of addressees is problematic
 - Comprehensibility depends on text features and on reader

Manual for Drafting Legislation



⇒ Addressees

- ◆ **unrestricted**
experts and lay persons
- ◆ **restricted**
only experts

⇒ Knowledge horizon

Genesis of Plain Language

- 1970 People First
- 1980 Inclusion Europe
- 2009 UN Convention on the Rights of Persons with Disabilities
 - „Communication includes plain-language.“
 - Differences in translating **plain-language**
 - German: **einfache Sprache**
 - Italian: linguaggio semplice
 - French: langue simplifiée
- 2011 Barrier-free information technology regulation
 - German: **leichte Sprache**
 - No target group tests with lay persons
 - Readability formulas (e.g. number of syllables per word)
 - Correctors
- Comprehensibility analyses

Legal-Language Comprehensibility Model (Luttermann)

- Aim: analysing semantic differences in lexemes
- Method: multi-perspective approach

Theory pattern	⇒	Expert perspective
Empirical pattern	⇒	Perspective of one lay person
Result pattern	⇒	Perspective of many lay persons
Comparative pattern	⇒	Expert and lay perspective

- Pragmatic adequacy
 - Means of communication (verbal, nonverbal, paraverbal)
 - Recipient horizon
- Maintaining text function

My concept of Clear Language

- Maxims of conversation
 - Quantity
 - Quality
 - Relation
 - Modality → „Be clear!“
- Clarity for presenting legal texts adequately
 - Addressee
 - Content
- Target group tests
- Texts in different levels
- Arguments for Clear Language

Example: Ordinary Jurisdiction

2 persons have an argument.

The persons go to a court.

The persons go to an ordinary court.

Ordinary has **nothing** to do with clean here.

Ordinary courts are the contentious courts.

The word contentious comes from contention.

The ordinary courts settle contentions.

Ordinary courts include for example:

- District courts.
- And provincial courts.

Two persons have an argument. **They** go to an ordinary court. The ordinary courts settle contentions. **A contention is an argument.** Ordinary courts include for example: district courts and provincial courts.

Outlook

- Extending expert-lay-communication
- Text production and optimisation in Clear Language
- Human beings
- Legal-Language Comprehensibility Model
- Applied linguistics

Thank you for your attention!

Your questions, please ...

RECHTSLINGUISTIK

Studien zu Text und Kommunikation
Studies on Text and Communication

Herausgegeben von
Claire Kramsch, Claus Luttermann und Karin Luttermann

Jan Engberg, Karin Luttermann, Silvia Cacchiani und
Chiara Preite (Eds. / Hrsg.)

Popularization and Knowledge
Mediation in the Law

Popularisierung und
Wissensvermittlung im Recht

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