

Re: intelligibility and clarity of texts and communications...

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- *From:* "SabDor@xxxxxxxx" <SabDor@xxxxxxxx>
 - *Date:* 11 Mar 2006 09:08:37 -0800
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Peter T. Daniels wrote:

SabDor@xxxxxxxx wrote:

i'm interested in the above, especially in contexts of legal documents, consumer protection, standard contracts etc.
i'm looking for research, line of thought etc., that argues that complexity of and un-intelligibility of "legalities" is redundant and un-necessary, and serves political and corporational goals (keep the masses ignorant about their rights/obligations). other possible connections would be from information theory etc.
i have an intuition that the the intelligibility and clarity of texts could/should be measured and quantified
i will be thankful for any comment, reference etc.
Sabari G

There's a vast literature on legal language. You might start by looking for work by Roger Shuy (Georgetown) and Judith Levi (Northwestern).

The "ordinary language" movement is hugely misguided, because the precise meanings of the terms used in legal documents have been established through usage over (for English) more than 6 centuries; when you translate them into easy-to-understand words, you lose much of that tradition and risk unintended consequences when it comes time to interpret the document years or decades down the road.

Note that looking for arguments to support a particular point of view is not "research."

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Peter T. Daniels grammatim@xxxxxxxx

Thanks for the leads. I will look into them.

A personal comment: I find that legal terms never have "precise" meanings. I think they greatly changed over the years of case law.

Re: intelligibility and clarity of texts and communications...

Also, the issue I'm trying to research only partly relates to the legal terms per-se.

If you take a bank-customer deposit contract, for instance (as well as all standard corporational contracts with their customers), the document may include hundreds of words, complex sentences, conditioned sections, definitions etc, most of which are rarely addressed.

The problem is that by legal fiction, we, customers of these corporations, are considered as we "agreed" to these documents.

This is legal fiction, a very common legal tool. The problem is that it is very remote from the reality of things (most people, including legal professionals, never read those "agreements"), and causes many practical problems when issues get to courts.

What I'm trying to figure out, is whether the high level of complexity, and low level of clarity, are actually necessary.

And yes, I already have an opinion. From my own experience (I'm a practicing lawyer, in Hebrew, in Tel Aviv, for about 15 years), they are not.

I'm interested in pursuing the academic aspects of this issue.

Thanks again

Doron Sabari

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