Why English Legal Discourse is Difficult to Understand

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Abstract: To date, language complexity has come to the fore of modern linguistic research, which is related to scientific discussion of similarity / difference in the degree of complexity between various languages. There is general agreement among various linguists that it rests on a great number of parameters, which is the result of the lack of uniform knowledge about this relatively novel linguistic phenomenon.

Under any circumstances, though the dichotomy principle underlies several approaches to the definition of complexity, i.e. it can be absolute (objective) and relational (subjective); systemic (paradigmatic) and structural (syntagmatic); the universal three-dimensional nature of language can serve as the guiding principle for the analysis of complexity parameters in any type of discourse. Thus, the paper highlights the lexical, syntactic and pragmatic parameters of English legal discourse (LD) language complexity based on the generally accepted semiotic triad.

These elaborations are also complemented by the deployment of the research framework consisting of three models "language-communicator", "language-language" and "language-discourse" which, though initially designed for different purposes, can as well be successfully applied to the study of language parameters as factors stipulating the language complexity of LD. The given models are illustrated by the relevant examples of legal and juridical nature.

Keywords: complexity markers, interaction model framework, language complexity, legal discourse

1. Introduction

The present research is aimed at contributing to the relatively new studies of language complexity as well as observing this linguistic phenomenon in professional discourse, namely English legal discourse, which has not drawn enough attention of linguists yet. Despite the fact that the complexity of legal discourse has been recognized by all legal practitioners, this problem is frequently solved by simplification or with the help of translation transformations, while, in our view, the analysis of discourse complexity requires a comprehensive study

employing the latest findings of discourse analysis, pragmalingusitcs, sociolinguistics, as well as corpus-based research.

Language complexity has become rather an in-demand topic in modern linguistic and cross-disciplinary research. Since 1980s, linguistics has seen a never-ending debate among scholars on language complexity research. Complexity is viewed in different ways starting from various background assumptions. Some tend to juxtapose absolute (objective) and relative (subjective) complexity (Miestamo 2008). While some authors view complexity as opposed to cost and difficulty, another opinion relates to systemic vs. structural complexity (Dahl 2004). Both Russian and foreign linguists differentiate language and text complexity while developing a new line of research into discourse complexity (Solnyshkina, McNamara and Zamaletdinov 2022; Solovyev, Solnyshkina and McNamara 2022). Bearing in mind the diversity of approaches, it is nevertheless possible to single out a more or less uniform consideration. Firstly, language diversity is a separate category which needs analysis. Secondly, it can be measured or evaluated. Thirdly, there are special markers which could be parameterized at any language level. Fourthly, the results of analysis are important to explain other language phenomena or can be explained by these phenomena.

Many scholars define language complexity as an objective quality of the language calculated based on internal language parameters which are divided into quantitative and qualitative (Solnyshkina and Kiselnikov 2015: 86-88; Solnyshkina et al. 2022: 318-321; Solovyev et al. 2022: 285-287). The most widespread opinion works on absolute and relational complexity as the qualities of language functions such as elements, patterns, structures. Though there are quite a few proponents of this approach, there is still no answer to the question whether absolute language complexity exists because there is no independent marker or index that can measure the complexity of any given language. Besides, languages differ in their structural and systemic characteristics, so they can only be measured according to different criteria. At the same time, while comparing two sub-systems in different languages in their perception by the same speakers (for example, non-native speakers of both languages), certain sets of parameters can be used to measure units in the two languages, which proves the feasibility of relative complexity.

Another approach introduces the idea of systemic (paradigmatic) and structural (syntagmatic) complexity. Some language elements in one language can be more complex than the same elements in another language, which makes them impossible to compare as “compensatory hypothesis” has not been proven yet (Solovyev et al. 2022: 285). Considering that in different languages the nature and quality of relations between language units are different, a universal criterion to measure them in various languages does not exist.

Having conducted the present research, it has been possible to prove the hypothesis that, like different languages can be classified into those more and less complex, which invalidates the “equi-complexity dogma” (Kortmann and Szmrecsanyi 2012: 7), various types of professional discourse can be characterized by a different degree of language complexity. The analysis of legal discourse from

the point of view of language complexity opens new possibilities for comparative studies of various types of professional discourse. The authors believe that it is essential to develop a system of indices to make it possible to identify the degree of language complexity depending on the type of professional discourse.

2. Literature review: Legal discourse and language complexity

2.1. Measures and markers of language complexity

Studies of the interaction of language and law conducted since the mid–20th century have contributed to the formation of an independent field of knowledge – legal linguistics (Golev, 2006; Kuznetsov, Burdin and Solntseva 2006; Coulthard, Albert and Wright 2016). The majority of authors (Cotterill 2002; Mattila 2016; Stygal 2007; Tiersma 2000) are primarily concerned with legal documents style and language and linguistic specifics of the language of law. The search for the most productive translation techniques is equally important since equivalence and adequacy of translation are essential for the accuracy of rendering the conceptual content of law. The works of the German legal embrace quite a diversified scope of interdisciplinary questions and topics which include composition and linguistic rules of writing legal documents, forms and standards of oral and written communication on legal issues, pragmatic assumptions of speech acts, rules of legal reasoning and argumentation, translatability of texts on legal issues, language requirements for legal texts (Daum 1981; Nussbaumer 1997). Russian scholars, in addition to the topics mentioned above, are engaged in the research of clarity of legal language and difficulties in interpreting the texts of law (Golev and Golovacheva 2005; Kuznetsov et al. 2006). At the same time, international linguistic community is primarily focused on the language and style of legal documents, pragmalinguistic features of the speech of court trials participants as well as linguistic expertise of texts (Cotterill 2002; Coulthard et al., 2016; Stygal 2007; Vaas 2017).

Such a wide range of research issues raised by Russian and international scholars has resulted not only in a multitude of thematically diverse scholarly papers, but also in the publication of a number of textbooks, periodicals and the emergence of professional societies and counseling centers providing services in legal expertise of texts, legal translation and legal language teaching.

So, legal linguistics involves the study of various aspects of the linguistic and legal space, including the language of the state and the language of law, linguistic expertise of texts, legal terminology, problems of language and style of written and oral communication on legal issues, i.e. explores a comprehensive range of problems of legal discourse.

According to Palashevskaya (2010: 535), legal discourse represents a separate type of institutional discourse which can be defined as "status-oriented interaction of its participants in accordance with the system of role prescriptions and norms of behavior in certain legal situations of institutional communication".

Various functional and genre variations are inherent in LD as a type of social practice. Like any other type of professional discourse, LD is represented by two

major variations, written and oral. As far as a written variation of LD is concerned, Conley and O'Barr (1990) characterize it as an official discourse of law which acts as precedent and is essential to clarify law doctrine. It is presented in the form of legal texts, written by scientists, lawyers and judges, like acts of legislation, documents related to international law, private legal documents (claims, contracts, and petitions). In terms of oral discourse, it represents oral speech in legal institutions, and is inaccurate and fragmented. It includes texts pronounced by participants in trials, as well as precedents and court decisions.

All in all, LD may be divided into:

- written and spoken types of communication;
- various genres classified according to branches of law and legal domains (e.g. administrative law, civil law, employment law, international law, environmental law; academic writings; public law, private law, criminal law);
- functions of legal texts (descriptive, prescriptive, persuasive) (Šarčevic 2000; Tiersma 1999) which verbalize the functions of law – informative, normative-regulatory, performative (Litvishko 2020: 125; Mosesova 2019: 90).

It is broadly accepted that, while regulating social relations, law is supposed to perform a number of functions which are verbalized in various communicative situations, such as regulatory (aiming to create and maintain a system of norms), interpretive (used to interpret the meaning of communicative actions), cumulative (fulfilled through shaping "institutional memory" etc. (Palashevskaya 2010: 536).

Thus, we may conclude that as any type of professional discourse, LD adheres to particular rules, norms and stereotypes thus representing an organized and well-structured form of communication. Sharing this opinion, Golovanova points out that professional discourse is characterized by "a certain body of norms, stereotypes of thinking and behavior" (Golovanova 2013: 32), which inevitably involves specific language representation and extra-linguistic factors such as lexical, syntactic, stylistic and pragmatic means typical of this very type of discourse. This fact provides for the assumption that nature of LD poses difficulty both for legal professionals and non-professionals in understanding the language of law, which may be viewed as the factor of language complexity.

Despite being thoroughly studied in modern linguistic paradigm, LD has not so far been analyzed from the perspective of language complexity, though, "the interest in the complexity of legal language is quite natural. Lingua Legis has long been criticized for its verbosity, redundancy, lengthening, syntactic overcomplication, archaic vocabulary, and unwarranted repetitions" (Blinova and Tarasov 2022). Taking into consideration the fact that in different communicative situations people constantly find themselves in various professional discourses, it becomes essential to initiate research into the phenomenon of language complexity within the framework of professional communication.

In modern linguistics language complexity is understood as a category of language taken as a system. Broadly speaking, the more complex the structure of

the language is, the higher the degree of complexity of this language is. This statement represents only one interpretation of language complexity though it seems quite logical. At the same time, various approaches to the analysis of language complexity are based on various criteria or factors which underlie the line of reasoning (see Table 1).

Table 1. Approaches to the study of language complexity (Berdichevskiy 2012: 105-113; Solovyev et al. 2022: 285-289)

	Approaches to the study of language complexity			
	Theoretical	Typological	Diachronic	Case studies
Main idea	Language complexity is equal / different in different languages	Language complexity correlates with other language parameters	Diachronic processes lead to the increase or decrease of language complexity	To study specific cases of language complexity on the example of some isolated incidents
Principle	Description of language properties based on lists or markers / indices	Comparing two or more languages based on a certain parameter sometimes very specific	Tracing the development of languages under the influence of various social, cultural, technological factors	Learning the properties of one or several languages
Representatives	Juola (2008) Nichols (2003) Szmrecsány and Kortmann (2008)	Dammel, Kürschner (2008) Hammarström (2008) Parkval (2008)	Deutscher (2000) Karlsson (2009) McWhorter (2009)	Dahl (2009) Kusters (2008)
Critical remarks	Takes much time to conduct the research and prove the hypothesis	Unrepresentative samples	No quantitative research	No quantitative research

As seen in the table, it is possible to classify the approaches to the study of language complexity into four groups. The evolution of languages and the transformation of the idea of complexity are in the focus of diachronic studies. In this regard, it is worth noting that no single pattern exists that languages follow throughout their development – some of them have become more complex over time, while others, on the contrary, are characterized by a less complex structure in their modern form.

Thus, being a relatively new topic in linguistic studies, to our knowledge, language complexity has not been thoroughly analyzed in any type of professional discourse. Moreover, in the majority of studies (Juola 1998; Samson, Gil and Trudgill 2009; Yadav et al. 2020) it is considered to be the problem of comparative analysis when two or more languages are involved. In this regard we share the opinion of J.E. Joseph, who points out that "even monolinguists regularly encounter complexity within their one language, complexity which has to be 'translated' into a simpler form in order to be understood – what linguistics analyze in terms of register" (Joseph 2021: 3). This is exactly the case of LD as, alongside general rules of a certain language, it has its own specific means in all language layers which differentiate it from other types of professional discourse. We find a similar opinion in the research by Hiltunen, who writes that "legal syntax is distinctly idiosyncratic in terms of both the structure and arrangement of the principal sentence elements" (Hiltunen 2012: 41).

2.2. Measuring language complexity

Various studies have been conducted on measuring language complexity. Some of them are quality-based while others are quantity-related, the latter mostly date back to the Kolmogorov complexity (Li and Vitányi 2008). Texts have been analyzed based on their readability and intelligibility. Simple metrics, which have substantially encouraged the development of furthermore advanced formulas, include Flesch Reading Ease Readability Formula, Gunning's Fog-Index of Readability, The SMOG Index of Readability, Flesch-Kincaid readability metrics (cited in Heydari, 2012). They are based on the features which can be easily analysed on the example of a text with no other additional linguistic resources or automatic tagging such as the medium length of words, number of words containing more than four / five / six characters, medium length of a sentence, number of punctuation marks, number of words in a simple or a complex sentence, number of simple sentences in a complex sentence, etc. All in all, about two hundred formulae have been developed over the last seventy years based on a limited range of variables – linguistic and qualitative text parameters, and constants – general language parameters (Solnyshkina and Kiselnikov 2015). Besides readability, scholars have developed scales of complexity based on various research approaches. For instance, one of the most detailed lists of language properties in cross-linguistic perspective within comparative-historical paradigm was developed by G.A. Klimov. He proposed to measure the complexity of South Caucasian languages by 30 properties which he divided into three groups: lexical properties

1-12, syntactic properties 13-18, morphological properties 19-30. Such a detailed scale was successfully tested by G.A. Klimov in his research of Kartvelian languages (Nichols 1992: 7). In the research of J. Nichols, the list of complexity predictors containing 18 items is supplemented by phonological predictors (Nichols 2009). There is also differentiation of "global" and "local" complexity. The former implies the complexity of a language as a whole, while the latter relates to the complexity of a particular language level (Solovyev et al. 2022: 286). Examples of complexity predictors in different language levels include (Solnyshkina and Kiselnikov 2015: 88-92; Solovyev et al. 2022: 286-288), see Table 2.

Table 2. Complexity predictors according to language levels

Phonological	Morphological	Syntactic	Semantic and lexical	Pragmatic ("hidden")
phoneme inventory	language variety	average length of a full sentence	ambiguous language units	omission of pronouns
marked phonemes	specificity of allomorph processes	average length of a simple sentence	inclusive and exclusive pronouns	multiple co-references in relative clauses
maximal consonant clusters	specificity of morphophonemic processes	average length of a complex sentence	lexical diversity	absence of relational markers
suprasegmental patterns	grammatically expressed semantic differences	average length of a simple sentence in a complex sentence	abstractedness of words	"bare" nouns lacking determiners
phonotactic restrictions	grammatically expressed pragmatic differences	word order	Synonymy	
tonal differences	irregularity of form and word-processes	obviative markers	Polysemy	

3. Materials and method

3.1. Materials

The paper presents the results of linguistic analysis of the legal text bank belonging to 4 main areas of law – civil, criminal, constitutional, and international law, taken from various sources – judicial decisions, international legal documents and materials from the websites of government agencies.

The research is conducted on the material of various legal texts in English which include:

- International law – the texts of two International Labour Organization (ILO) conventions, two United Nations (UN) conventions and three judicial decisions of the United Nations International Court of Justice (ICJ) as well as the text of the Statute of ICJ;- Criminal law – online legal glossaries, materials of the official websites of the Federal Bureau of Investigation (FBI) of the USA, the Federal Trade Commission (FTC) of the USA, the Centre for Identity Management and Information Protection; excerpts from judicial decisions taken from a course book Criminal law: Cases and Materials; the reference book Criminal Law Handbook for Self-Represented Accused;
- Civil law – materials of the website gov.uk on contract types, contract templates from the website Contractbook; document templates from the website Civil Law Self-Help Center; reference book Civil Law Handbook for Self-Represented Litigants; International Organizations Act 1968;
- Constitutional law – the texts of two UK Parliament Acts, two US Congress documents, the text of Post Legislative Assessment of the Legislative and Regulatory Reform Act 2006.

3.2. Method

The analysis of the research material showed that there are several parameters of different language layers in LD that can be considered as the factors of language complexity of this type of professional discourse. Following the semiotic triad, the authors divide these parameters into three groups to include lexical, syntactic and pragmatic parameters. In developing the system of parameter, we were guided by the results of the estimation of the complexity of legal documents in the Russian language conducted by Blinova and Tarasov (2022). Though the abovementioned research uses 130 metrics to assess the complexity of legal texts in Russian, we selected only a few metrics for each language level which can be implemented to fulfill the goals of the presented study. For the lexical level, bureaucratic clichés, pronomial adverbs and performative verbs are relevant of the proposed study, while on the syntactic level, such metrics as complex and compound sentences, gerund and infinitive structures, homogeneous parts are also considered essential to evaluate the complexity of English LD.

The framework developed by Poteryakhina (Poteryakhina 2015: 47-48) consists of three models of interaction which describe the processes of interaction of the language and communicators, the language with other languages, the language and discourse. Though the framework was initially proposed for the

analysis of linguistic ecology and aimed at detecting toxic elements in the mentioned types of interaction, we believe that it can, in the broad context and with some minor additions and corrections, be successfully applied to the study of the whole complex of language parameters that can be understood as factors stipulating the language complexity of LD. These models include:

(1) "language-communicator" interaction – the analysis of the influence of the language on the psychological and mental state of the communicator, to understand how the communicator accepts the elements of language which increase the language complexity of LD;

(2) "language-language" interaction – the analysis of the influence of foreign elements in legal English (words, word combinations, sentence structures, style of writing) on the degree of its language complexity;

(3) "language-discourse" interaction – the analysis of the influence of extra-linguistic factors on the language typical of LD, as well as the degree of LD interdiscursivity.

Thus, to solve the goals set it is necessary to draw a wide range of general scientific methods combined with specific linguistic methods. Such a combination is viewed by the authors as most efficient and productive as it allows conducting complex linguistic analysis of the research material. The methods include: discourse analysis, content analysis, descriptive methodology, interpretative analysis, linguistic observation, stratified sample method, frequency count, quantitative analysis of texts.

3.3. Procedure

The procedure for this study implies using the interaction models as a research framework and is divided into several steps mentioned below in the order of their performance:

1. Selecting the research material relating to four thematic areas of law – international, criminal, civil, constitutional.
2. Conducting discourse analysis of the texts in order to define its systemically important parameters.
3. Conducting content analysis of the texts with further determination of specific linguistic features of LD.
4. Analyzing the linguistic features from the point of view of their relevance of language levels.
5. Classifying the linguistic features into groups of markers specific for every language layer.
6. Applying the interaction models framework to the analysis of the determined linguistic features. In case language layers and interaction models overlap the same markers may belong to different levels of the language, as well as they may function within different interaction models.
7. Analyzing the determined linguistic features in terms of its linguistic complexity. Substantiating their status as markers of language complexity.

8. Developing a typology of language complexity markers in LD based on the results achieved at the previous stages of the research.
9. Conducting quantitative analysis of the texts under study chosen by stratified sampling – to provide the sample representativity, we have chosen the texts of approximately the same length.
10. Integrating the results of both qualitative and quantitative analyses.

The validity of the research is based on the results of qualitative data, i.e. frequency of lexical units, average word length (in characters) and sentence length (in words) as well as automated readability indices of the texts under study. The reliability of the obtained results is ensured by the availability of the proposed methods of quantitative analysis and their applicability to the analysis of any type of professional discourse.

4. Results and discussion

4.1. Legal discourse

The discussion of the findings obtained via the presented research should be preceded by the analysis of LD in a wider perspective of its linguistic specifics.

LD is characterized by a whole body of features which allow considering it an independent type of professional discourse. It is distinguished as a language variety (Charrow 1982), a special register (Danet 1985), and an exclusive domain of Language for Specific Purposes (LSP) (Trosborg 2015), which inevitably emphasizes its lexical, syntactic and pragmatic features. All linguistic characteristics of LD are dependent on the features according to which scholars propose to differentiate LSP (Lehrberger 1986: 22) (see Figure 1).

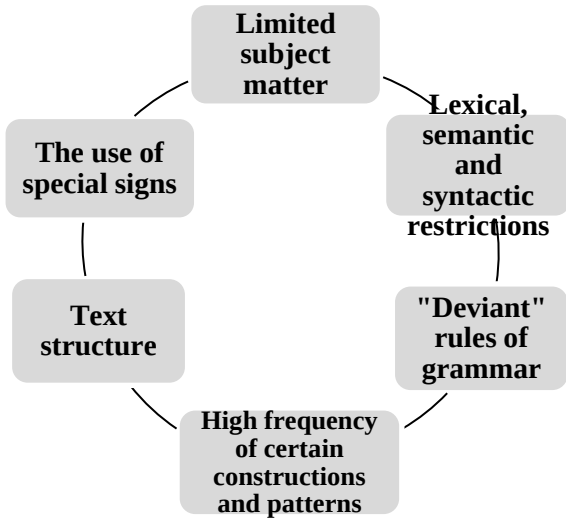

Figure 1. Linguistic features of languages for special purposes

No matter what criteria underlie the typologies of LD, all scholars are unanimous in their opinion of the specific character of legal language. It is unique in its vocabulary, grammatical, syntactical and pragmatic features, which will be analyzed in detail further in the article.

4.2. Discourse analysis of the research material

Detailed analysis of the linguistic features of LD was preceded by discourse analysis conducted within the proposed research on the example of the texts of one ILO Convention (C105 Convention) and one UK Parliament Act (Nationality and Borders CT 2022). Though the two chosen texts represent different areas of law (international law vs administrative law) and are completely different in length (3 pages vs 129 pages; 961 words vs 46952 words), they possess the same systemically important parameters.

As far as propositional structure is concerned, we firmly believe that it is essential to consider proposition and illocution combined as every speech act has two basic components – judgement and function.

Based on the propositional content of the studied texts, we can identify the following parts:

Table 3. Propositional structure of the documents under study (International law vs Constitutional law)

ILO Convention	UK Parliament Act
Preamble: states the problem, explains the background situation, states the date of adoption and the title of the document	*Introductory text:* states the subject and the purpose of the document, the date of enacting and the person signing it, the parties involved
Responsibilities of the parties: provides definitions of key terms, prescribes certain activities to solve the problem stated in the preamble	*Rights and responsibilities of the parties*: provides definitions of key terms, explains and prescribes certain activities and procedures in observing the Act.
Ratification procedure: explains all the actions related to ratification, states the time framework	*General provisions:* commencement date and procedure, extent; amendment, repeal and revocation procedure
Denunciation procedure: explains all the actions related to denunciation, states the time framework	
Closing statement: languages of the document	*Final statement:* the acceptable short version of the document title

As it may be seen from the table, the succession and the order of different parts in both documents is similar, which, in our view, represents the propositional structure typical of LD. Analysis of the categorial structure of the texts under study

was conducted following the communicative model proposed by Karasik (Karasik 1998: 190) (see Table 4).

Table 4. Categorial structure of the documents under study (International law vs Constitutional law)

ILO Convention	UK Parliament Act
Participants of communication (situational-communicative features)	
similar	Similar
Communicative environment (presuppositions, sphere of communication, space-time)	
similar	Similar
Communication setting (motives, purposes, strategies, text development, variability of means of communication)	
similar	Similar
Means of communication (channel and mode, sentiment features, style and genre)	
similar	Similar

Based on discourse taxonomy, both texts belong to the written type of discourse, sub-discourse of official legal documents. It is essential to note that a traditional division of genres within LD seems to be provisional – law as a social regulator is based on the use of typical models rather than its genre specifics, which explains the choice of language means used in LD. In this regard we totally agree with I.V. Palashevskaya (Palashevskaya 2012: 149-150), who notes that every communicative situation is characterized by a certain set of language means which are chosen in accordance with the situational and normative specifics of communication.

The detailed analysis of language means typical of LD is presented below.

4.3. Linguistic features of legal discourse

4.3.1. Lexical features

Conventionally, investigation of lexis is at the core of scholarly publications on linguistics, including those targeting language for special and / or professional purposes. A lot of recent studies (Prieto Ramos et al. 2021; Ross 2019; Williams 2022; Zozula 2019) are devoted to the analysis of various aspects of legal lexicon which is characterized using the following lexical units:

- professional terminology – "technical" legal terms implying "restricted professional" terminological units, e.g. *natural person, legal person*;
- lexical units for general use which have a specific meaning in the legal language, e.g. *party, consideration, term, condition;*
- borrowed terms (from Latin and French) – *ad hoc, bona fide, inter alia, jus cogens, force majeure;*
- archaic words and expressions – *be construed to prejudice;*

- bureaucratic clichés – *pursuant to, in conformity with, with a view to, provided that;*
- pronomial adverbs – *aforementioned, insofar, herein, hereinafter, whereby*;
- binomial phrases – *terms and conditions, null and void;*
- performative verbs – *undertake, certify, admit.*

We tend to view these lexical units as complexity predictors due to the fact that, while being widely used in legal texts, they require to be explained and analyzed from the point of view of their grammar features as well as semantic properties.

4.3.2. Grammatical and syntactic features

Grammatical and syntactical features are stipulated by both the general specifics of the style of official documents and bureaucratic conventions originating from the Roman writing. They include unemotional and inexpressive tonality in combination with the use of language formulae; exactness and clarity of writing achieved using terminology; laconic style of writing in which simple extended sentences and complex categorized enumeration prevail. Legal texts lack ambiguity; they are precise, official, standardized, informative, and detailed.

Before highlighting grammatical and syntactic features of LD, we would like to point out that linguists share the opinion of psychologists that "sentence length correlates with complexity" (Iavarone et al. 2021: 187). As M. Dean claims, "the 'length' of a sentence is determined … by its demands on the reader's short term-memory" (Dean 1981: 3). This conclusion refers to Jacobi's statement that "long sentences may become troublesome not because they contain too many words but because they contain too many ideas" (Jacobi 1976: 96) thus exceeding the span of short-term memory in the process of understanding the sentence. In this regard we share the opinion that sentence length is "a prominent predictor of sentence complexity" (Iavarone et al. 2021: 188). Even a simple sentence can cause difficulties in understanding as long as it exceeds "a short-term memory span of 7±items" (Dean 1981: 5).

There are no strict regulations on how many words a sentence should contain to be easily understood. Having studied several sources on sentence length in various texts ranging from academic writing to scientific writing (Bhatia 2014; Dunleavy 2003; D'hoedt 2018), we propose an average sentence length of 25 words as the criterion of sentence complexity.

In general, grammatical and syntactic features of LD include (Litvishko 2018):

- the use of simple extended sentences – *The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles* (C105 Convention);

- several levels of subordination and coordination (with conjunctions *and, as, so as to, so that*) – *Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article* (C105 Convention);

- the use of conditional sentences (with conjunctions *if, where, whenever, provided that, assuming that, should, whereas*) – *Provided that the House of Commons may, if they think fit, on the passage of such a Bill through the House suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and, if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons Parliament Act 1911* (Parliament Act 1911);

- current use of parentheses – *Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use* (C155 Convention);

- current use of gerund and infinitive constructions – *Referring to Article 53, paragraph 1, of the Rules of Court, the Government of Panama asked to be furnished with copies of the pleadings and documents annexed in the case on the merits. Having ascertained the views of the Parties in accordance with the same provision, the President of the Court granted that request* (Alleged violations …);

- simple extended sentences with multiple homogeneous parts (up to 10) – *Identify by full name, title, business address, telephone number, email address, and official capacity the Person(s) who prepared or supervised the preparation of the Firm's response to the Information Requests* (Patent Assertion Entity Study);

- the use of the Present Simple Tense to denote importance, universality and permanence of the actions expressed by the tense – *Each Member which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention* (C105 Convention);

- current use of the modal verb *shall* to express obligation – *The enforcement system shall provide for adequate penalties for violations of the laws and regulations; Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations*
(C155 Convention);

- current use of combinations of a modal verb and the Passive Voice – *A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses* (Parliament Act 1911);

- the use of prepositional structures within complex extended sentences – *A Member which has ratified this Convention may denounce it after the expiration*

of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration (C105);

- inversion – *Should the Conference adopt a new Convention revising this convention in whole or in part, …* (C155 Convention).

4.3.3. Pragmatic features

The specific character of LD is determined by the perception and reflection in the society of legally important social relations. Bearing this in mind, the society has developed such ways of linguistic actualization of ideas and concepts which appeal both to reason (order, justice, freedom) and faith (life, death, truth-fact, conscience, punishment, redemption, sin,). The legislative codified in legal norms is communicated to the public, while the law with the help of language persistently and systematically influences people's consciousness encouraging them to abide the law. Thus, a body of linguistic means is employed to provide for the functionality of law.

4.4. Applying interaction models framework

As the research is targeted at the discourse rather than text analysis, the purely linguistic parameters seem insufficient and should be supplemented by the more in-depth investigation. Below we report on the information gathered through the application of the Poteryakhina frameworks (Poteryakhina 2015), which allowed to involve into the scope of the research language interaction models as well.

4.4.1. "Language-communicator" interaction

Communication within this model implies the perception of the discourse by a communicator, and an opposite tendency – how the communicator influences the discourse. In this context, two main types of communication are traditionally distinguished – intraprofessional and interprofessional communication (Litvishko et al. 2022: 23). Intraprofessional communication involves the interaction of two communicators belonging to the same professional sphere, so communication is carried out within a specific socio-professional community and belongs to the type of "specialist-specialist" model of interaction. Complex and multidimensional nature of people's professional activities embraces a significant variety of practical goals which imply a wide range of communication formats. Both linguistic and extra-linguistic factors (circumstances, topics, goals of communication) urge communicants to introduce a special language. Here the full range of lexical, syntactic, grammatical and pragmatic parameters of language complexity can hinder understanding and result in the failure of communication.

4.4.2. "Language-language" interaction

This model reflects the influence of other languages, mainly Latin and French, which legal English has been exposed to throughout its development. Native English speakers are confused by its complexity, inconceivability of terminology

and feel the need to have it translated into plain language, not to mention the problems non-native speakers face in this regard. All linguistic features of legal English dependent on the influence of other languages as described in section 4.2 may be considered as parameters of language complexity of LD as they present quite a few problems both for native and non-native speakers, as well as professionals and non-professionals.

4.4.3. "Language-discourse" interaction

In terms of LD, the interaction of language and discourse involves the influence of legal language on discourse practices typical of LD. Specific social conditions of legal communication require following certain stereotypical behavior patterns using specific linguistic means in standard communicative situations. For instance, while conducting an initial interview with a client, a lawyer follows "the WASP approach": W – welcome the client; A – acquire information; S – supply information and advice; P – part. Every stage should be done according to a typical scheme, including verbal and non-verbal means of communication. Thus, a lawyer strictly follows a list of recommendations on what can and cannot be done in an interview, what kinds of questions can be asked (e.g. *Only use closed questions to confirm your understanding of what your client has already told you; Avoid questions which only allow a restricted range of answers and leading questions which expect a particular answer* (Krois-Lindner and Firth 2008: 35).

These examples show the interdependence of language and discourse, which presents certain problems relating both to language and discourse complexity – a lawyer should not only have the knowledge of the procedure itself but also be able to use the appropriate language to meet the requirements of professional communication within LD. Regarding discourse complexity, we share the opinion of Solnyshkina McNamara and Zamaletdinov, who understand it as a complex characteristics of discourse including not only text complexity but "the evaluation of cognitive and linguistic abilities of the linguistics personality of the text recipient, as well as the analysis or communicative situation" (Solnyshkina et al. 2022: 335).

Interdiscursivity is one more factor which poses some difficulties even for legal professionals. By interdicursivity, after Poteryakhina (Poteryakhina 2015: 121) we mean the introduction into the space of one discourse act of components of other types of discourse different from the first one. As a result, the text integrity is broken, which hampers understanding the text.

There are a lot of examples of interdiscursivity in the texts of International Labour Organization conventions. Each convention is devoted to a certain aspect of labour and requires using terminology of other types of professional discourse depending on the subject of the convention. The subjects include labour rights, workplace participation, equality, job security, and administration which are further divided into sub-topics. For instance, labour rights concern working time, social security, wages, safety, childcare.

In Convention C155 – Occupational safety and health convention (C55) a lawyer has to deal with legal terms and economic, accounting and social security

terms. More examples of interdiscursivity in legal texts are presented in the database developed by one of the authors of the article (Litvishko 2019).

The conducted analysis allowed developing a tentative classification of parameters of language complexity in legal discourse which is briefly introduced in Table 5.

Table 5. Parameters of language complexity in legal discourse

Model of interaction / parameters	Language-communicator	Language-language	Language-discourse
Lexical parameters	terminological units professionalisms binomial phrases legal collocations archaic words pronomial adverbs	borrowed words (from Latin, French) bureaucratic language units (from Latin)	precedent phenomena realia determinologization terminology of other types of professional discourse
Syntactic parameters	several tiers of subordination parentheses pronomial adverbs + a certain sentence structure inversion gerund structures infinitive structures	bureaucratic clichés (from Latin and French) bureaucratic style of writing (from Latin) syntactic parallelism (from Latin) inversion + conditional sentences lexical repetition	breakdown of text cohesion discourse markers + a certain sentence structure
Pragmatic parameters	performative nature of legal texts simple sentences with multiple homogenous parts the Present Simple Tense modal verb shall the Passive Voice	means of maintaining the conservativeness of legal language	strategies of realization of the functions of law strategies of verbalization of values (e.g. human rights)

The study included quantitative analysis of texts borrowed from different areas of law (one per each). Using the capabilities of a web resource Voyant Tools, we obtained the following results (see Figures 2, 3, 4, 5).

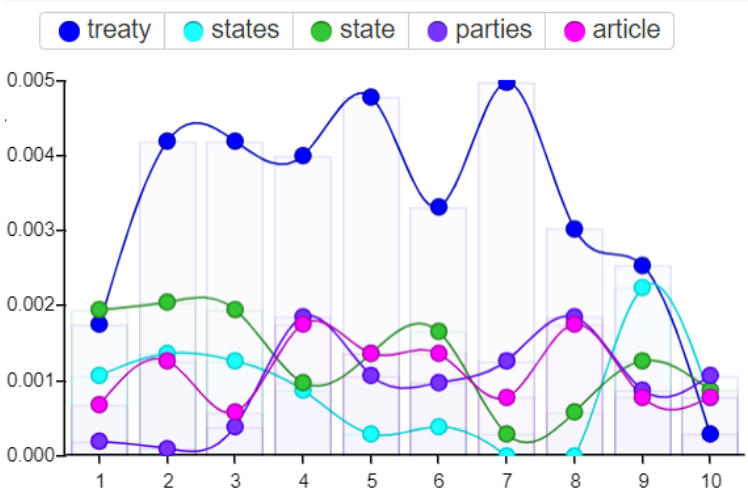

Figure 2. Relative frequent repetitions of lexical units in the text of an international law document (conducted on the example of the text of Vienna Convention on the Law of Treaties)

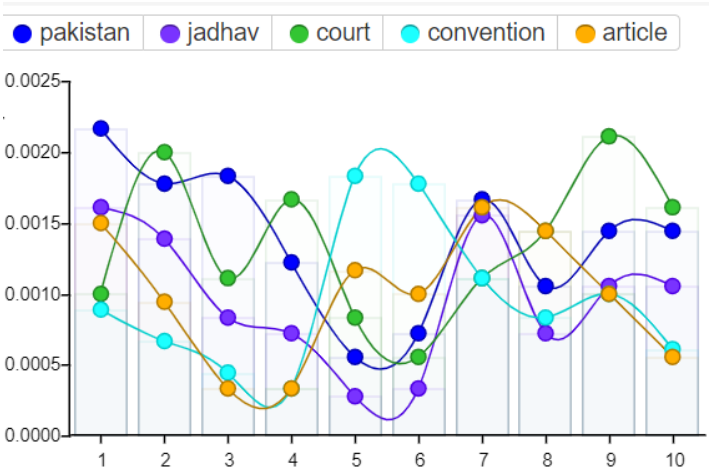

Figure 3. Relative frequent repetitions of lexical units in the text of a criminal law document (conducted on the example of the text of Jadhav Case (India v. Pakistan).

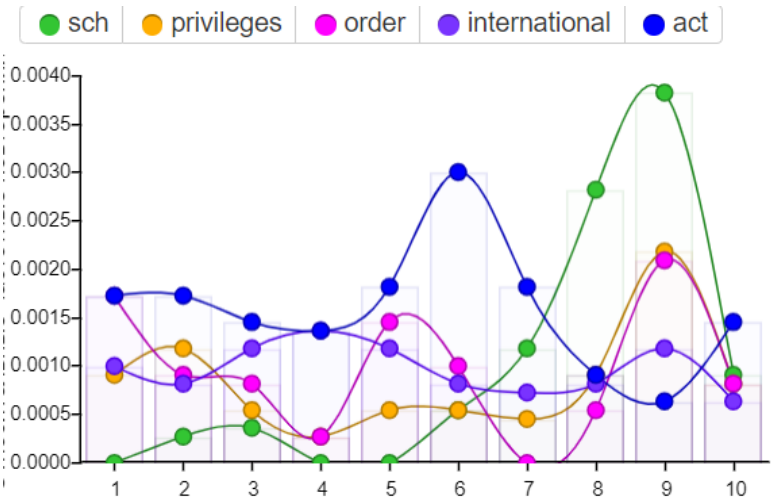

Figure 4. Relative frequent repetitions of lexical units in the text of a civil law document (conducted on the example of the text of International Organizations Act 1968).

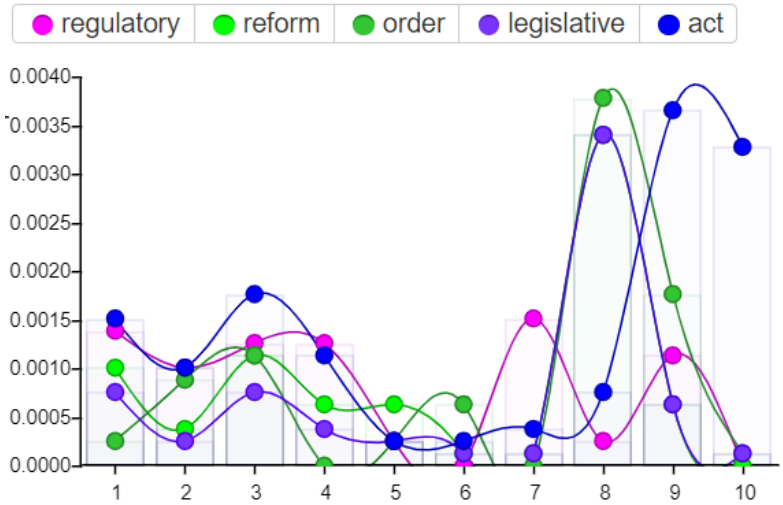

Figure 5. Relative frequent repetitions of lexical units in the text of a Constitutional law document (conducted on the example of the text of Post Legislative Assessment of the Legislative and Regulatory Reform Act 2006).

Based on the data presented in the figures (with some minor errors), the most frequently used words in every document include terminological units employed in the specific area of law, which can be viewed as the factor related to the complexity of legal discourse, as understanding these terminological units adequately requires special knowledge.

The complex quantitative profile of the texts under study is based on several factors (see Table 6) (calculated by Readability Scoring System*).

Table 6. Results of quantitative analysis of the texts under study

Area of law	Average word length (characters)	Average sentence length (words)	Automated readability index	Conclusion
International law	5	32	17.42	Extremely difficult
Criminal law	5	25	13.67	Professional
Civil law	5	38	19.92	Extremely difficult
Constitutional law	5	33	19.5	Extremely difficult

As the results reveal, three out of four texts demonstrate an extremely difficult level while the fourth text speaks for a professional level. All other features are largely consistent with the general conclusion – three texts have similar characteristics related to word and sentence length with approximately the same readability index.

5. Conclusion

Having examined the texts under study we have come to the conclusion that professional types of discourse need analyzing in terms of language complexity. Legal discourse in particular presents many problems in understanding its special terminology and sentence structure as well as pragmatic suppositions both for native and non-native speakers of English including professionals and non-professionals. We propose to divide language complexity parameters in legal discourse into lexical, syntactic and pragmatic and further subdivide each of the groups according to the language interaction models described in the article.

Though the conducted research allowed us to develop a classification of parameters, it can be assumed as preliminary as the results need further research. To test the applicability of the research framework for the evaluation of LD complexity, we believe that various metrics may be applied at different language levels. For instance, within the proposed research framework describing three models of interaction, the lexical level may be evaluated in terms of (1) the number of legal terms, (2) the number of cliché phrases, (3) terminological units of other professional types of discourse; the syntactic level: (1) the average length of a simple sentence, (2) the use of conditional sentences, (3) the use of discourse markers; the pragmatic level: (1) the frequency of the Passive Voice patterns, (2) the number of legal adverbs, (3) the number of performative verbs. The combination of traditional machine learning techniques with more advanced deep learning models of analysis will greatly contribute to the development of the system of parameter / indices to measure and assess the complexity of legal discourse. It

will also promote conducting comparative studies of professional types of discourse.

The proposed study has several implications and limitations. As far as implications are concerned, the study provides valuable insights for researchers and educators working on the development of teaching materials for future lawyers. Besides, the results may be used in designing measuring scales to assess the complexity of professional types of discourse. Turning to limitations, it is essential to note that the applied interaction models framework revealed various interdisciplinary factors relevant of linguistic complexity of LD, among which is the historical context of the development of legal English. Its further analysis may refine the obtained results. The study recognizes the need for further research which may add to the proposed classification of linguistic complexity indicators. Future research will contribute to a better and more nuanced understanding of English legal discourse.

*Electronic resource, available at: https://readabilityformulas.com

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