здатна привернути увагу читача і вплинути на нього, художні засоби – тропи і фігури. Усі лексеми, як правило, чітко поділяються на позитивно-оціночні й негативно-оціночні. Навіть при художньому домислі в публіцистичному стилі авторське «я» збігається з фактичним мовцем.

Книжний характер цієї мови визначається тим, що вона виражає попередньо продуману та організовану цілісну інформацію. Основний стилістичний принцип організації мови у публіцистиці – поєднання стандарту та експресії.

Сфера застосування, призначення публіцистичного стилю і ознаки, яким він має відповідати, виробили у ньому певні **мовні форми** вираження. Насамперед до таких можна зарахувати **суспільно-політичну лексику:** як власне суспільно-політичну так і загальновживану, що часто вживається у суспільній сфері та набула такого контекстного значення: Millieu, Niveau, apropos, vis-a-vis, Prinzip, Stimulus, Stagnation, Servise, Konsequenzen ziehen, Diskrimination [3:272].

БІБЛІОГРАФІЯ

1. Алиаскарова Г.Ф. Ставнительный анализ неалогизмов в русском и немецком языках// Автореферат. – Чебаксары, 2006.–37 с.
2. Английская лексикология в выдержках и извлечениях: Пособие для студентов пед. институтов (на англ. языке). – Изд. 2-е, Л.: «Просвещение», 1975.
3. Мальцева Д.Г. Фразеологические неологизмы в современном немецком языке// Иностранные языки в школе.–1991.–№6.–С.47-51.

ВІДОМОСТІ ПРО АВТОРА

Наталія Богушевська – асистентка кафедри германської філології (секція німецької філології) Кіровоградського державного педагогічного університету імені Володимира Винниченка.
Наукові інтереси: проблеми стилістики сучасної німецької мови.

PROBLEMS OF LEGAL ENGLISH COMPREHENSION

Ростислав ДМИТРАСЕВИЧ (Львів, Україна)

У статті розглядаються особливості англійських юридичних текстів та аналізуються способи полегшення їх розуміння.

The article focuses on the peculiarities of legal English and analyses the ways of its comprehension.

Law is one of the most important social institutions. Its chief function is to regulate social behaviour in an optimally rational and reasonable manner in a given community. But at the same time it is an institution which depends on language and whose operations therefore also have a linguistic dimension. What could be a better example of "how to do things with words" than the language of the law?

In view of the importance of law in society, it is no surprise that scholars in many disciplines have taken an interest in legal language, trying to discover its characteristics through the methodologies of their own special fields. In addition to representatives of the legal profession itself, there are studies of law language by, for example, sociologists, psychologists, anthropologists and linguists. The sociologists and psychologists have, above all, been interested in the use of language in trial situations, where they have studied, for instance, the correlation between the social background of the parties involved and their use of language. The studies where the factors affecting and contributing to particular impressions of testimonials, as well as those where men's and women's language at court have been compared are also very interesting. To this list we could further add the work of anthropologists, who have made occasional observations of the language while studying the functions of law in different societies.

There are many reasons as to why linguists should be interested in legal language. One of the challenges is created by a basic contlict between the functions of law and language. There is an inherent element of vagueness in natural languages, but the law sets extremely strict demands on the language it uses. How such properties of text as specificity, exactness and clarity are achieved is a linguistic problem. Considering that language is so crucial for law, it is astonishing that linguists have become seriously interested in the topic only quite recently.

It is natural that the choice of themes should depend on what has been done and what remains to be done. For this reason, some aspects that ought to be included in a historical account of legal English have been left aside, while others, which may perhaps be regarded as more marginal, have been included, because they have not been discussed elsewhere. One of the most interesting questions is the history of legal English, which has mostly been studied only in terms of loanwords, whether Norse, Latin or French. In spite of the restrictions in the scope of the study caused by such factors as those mentioned above, it is hoped that the problems of legal English will receive a sufficiently broad-based treatment to facilitate an understanding both of the socio-historical and socio-linguistic development of the genre and of its present-day features and problems.

In earlier times legal documents made few concessions to the convenience of the reader as far as visual arrangement was concerned. Their content was usually set down as a solid block of script, consisting of extremely long sentences. When it came to reading and understanding such lengthy passages typographical devices provided but little assistance: e.g. punctuation, which, if not completely absent, was sketchy and haphazard.

The manifold effects of tradition can still be seen in legal documents, but in the use of layout and other graphic devices to indicate the structure, content and logical progression of the text there have been important developments. This applies especially to statutes, which contain many provisions and subprovisions. In modern laws these are set out in an orderly manner, readily available for reference. The US Public Contract (2001), for instance, consists of ten chapters, each of them containing a number of sections and subsections. The smallest unit is often art indented pan of a sentence indicated by a lower-case letter. Each section and subsection is numbered to facilitate reading and cross-reference. All sections carry a heading in the margin.

As far as the punctuation is concerned, it has, to some extent, followed the general pattern, whose original purpose was to indicate a pause in oral reading, and not so much the grammatical or logical structure of the text. Until the eighteenth century it remained little more than a prop to oral reading. But legal documents were not meant to be read aloud, and that partly explains the thinness of their punctuation. Another reason is that conventional punctuation may specify too much. Although a more extensive use of punctuation as a guide to the structure and appropriate reading of the text would be helpful, it is felt that the drawbacks outweigh the advantages. The practice is that punctuation should not be taken into account in interpreting the written statutes.

With the visual component of texts increasingly important to discourse analysts forensic linguists in cases involving forms may want to consider document design in their analysis. This attention to written presentation may mirror a similar concern with the oral presentation of jury instructions which are fully given only at the end of trials and usually delivered in a formal, oral monotone. Yet research on document design has, like research on the difficulties of jury instructions, been available for more than 30 years. Research on document design – in technical reports, insurance and credit documents, and government forms – gathered impetus during the Carter presidency. Researchers at the Document Design Center at the American Institutes for Research and the Carnegie Mellon University Communications Design Center put together interdisciplinary groups to study communication problems as well as ways to meet Carter's “plain language" policy. Researchers on both of these projects, as well as those working at Georgetown University's Applied Linguistics Center and other document designers, worked – and some continue to work – with government agencies such as the Veterans Administration, the Social Security Administration including the section administering Medicare, the Internal Revenue Service, and the Federal Communications Commission [2: 40]. The Immigration and Naturalization Service participated in a Document Design Project during the Carter administration, and it is likely that the 'you' language referring to the applicant dates from that period, but their contemporary forms demonstrate little impact of that research. The Reagan administration rescinded the “plain language” policy, substituting the Paperwork Reduction Act – which focused on loss of business and citizen time on forms.

Standard document-design principles have emerged, the most important of which emphasises the reading audience of the document. Other corollary principles are that good design helps readers locate information, that good design emphasises the most important content, and that the best test of good dcsign involves readers' comprehension and satisfaction after reading the document. Design

principles also include organisational patterns such as aligning related elements to one another, providing contrasts in looks – typeface and size, placement on page, white space establishing hierarchy, placing related items in proximity to one another and repeating design elements to establish document coherence.

The purpose of legislative writing, on which we have been concentrating, is to impose obligations and to confer rights, which means that it is highly directive. The various obligations, rights, permissions and prohibitions must be expressed as precisely, clearly and unambiguously as possible. On the other hand, legislative writing ought to be inclusive enough to cover a maximally wide variety of different circumstances. Since court decisions depend on the clarity of legislation, it is understandable that there must be a deliberate aim at disambiguation in legal English especially because natural language can be said to be a breeding ground of ambiguity.

Our purpose in this context is to pay attention to some aspects of legal English by which disambiguation can be achieved.

Dictionaries usually define ambiguity in terms of vagueness or uncertainty of meaning, equivocal expression or statement that may be interpreted in more than one way. Ambiguity can be phonological, lexical or syntactic. Examples of ambiguities are naturally difficult to find in legislative language because deliberate measures are taken to avoid them; and in any case, ambiguity is likely to arise only when there is a particular context, a case, to which the provisions of the law are applied. Some ambiguity avoidance techniques are briefly reviewed below.

Disambiguation in the vocabulary

The range of the vocabulary in legal English is extremely wide since almost anything may become the subject of legislation. In the wide range of vocabulary there are common words with uncommon meanings as well as words going back to Old and Middle English, Latin, Old French and Anglo-Norman. One characteristic is the use of terms. Lawyers prefer these because they are specific and serve as a kind of shorthand in legal communication. From the legal terminology, where they were first defined, many words have been adopted into more general use (e.g. alibi, appeal, bail, defendant and many others).

In trying to achieve precision and inclusiveness at the same time legislative language also uses, in addition to technical terms, words such as *all, none, never, unavoidable, uniform, whoever, whenever* and the like.

Disambiguation in syntax

One of the most important measures of a document's comprehensibility by readers is the complexity of the sentences in the document. While readability formulas typically count sentence length, sentence complexity is a more accurate measure of a likely reader difficulty. Linguists are likely to prefer methods that count the number of clauses embedded into a single sentence comparing that document to other types of documents as well as comparing it to spoken conversation. As we know, the more clauses a sentence has, the more difficult it is for readers to comprehend and the longer it takes to do so. Psycholinguistic researchers established as early as the 1970s that processing time increased with each clause embedded into a sentence [1; 2; 3].

Legal cases

Legal cases form the most signiticant part of a law specialist's reading list whether he is a law student or a practising lawyer. Cases assume importance because law courts follow their previous judgments within more or less well-defined limits. This means that cases are generally decided the same way if the material facts are the same. But this does not mean that all the facts of the case must recur in order for an earlier judgment to become relevant to the subsequent ones. In fact, legally material facts might recur, and it is these facts that legal specialists are generally concerned with. Legal cases are abridged versions of court judgments, which are very elaborate and detailed. These cases are summarized by various case writers for the benefit of specialists. There may be a large variety of versions written by various authors for different purposes; some can be very detailed and others very brief, but most are written to serve a definite purpose.

Communicative purpose

Legal cases are used in the law classroom, the lawyer's office and in the courtroom as well. They are essential tools used in the law classroom to train students in the skills of legal reasoning, argumentation and decision-making. Cases represent the complexity of relationship between the

facts of the world outsider on the one hand, and the model world of rights and obligations, permissions and prohibitions, on the other.

The cases, therefore, represent the most potent instrument to train the learner of law in legal reasoning, argumentation and decision-making. In the process of studying these cases act as guides as to what line of reasoning a lawyer should take and also as appropriate authorities either in favour of or against that line of reasoning. In the courtroom, cases function as legal authorities along with legislative provisions. They can be used both ways, to argue for a particular conclusion or against it. However, one thing that is common to all the three situations is the important role of cases in the negotiation of justice as well as in legal education. Cases in legal contexts serve four major communicative purposes:

I. In their full form (also referred to as legal judgments), as in Law Reports, cases serve as authentic records of past judgments. In this form they are taken as faithful records of all the facts of the case, the arguments of the judge, his reasoning, the judgment he arrives at and the way he does it, the kind of authority and evidence he uses and the way he distinguishes the present case from others cited as evidence either by him or by the opposing lawyers.

2. Legal judgments (including legal cases) also serve another important function. The judgments and the rule of law (ratio decidendi, in legal terminology) derived are meant to serve as precedents for subsequent cases, and are generally used as evidence in favour of or against a particular line of argument or decision.

3. Cases, as reported in some case books are meant to serve as reminders to legal experts, who use them in their arguments in the classroom or in the court or law. These versions are generally very brief and contain nothing more than the essential material facts and the decision of the judge.

4. Cases also serve as illustrations of certain points or law. Such cases are carefully selected and appropriately abridged. They form an important part of a law student's bibliography. They are generally abridged in casebooks and are also used prominently in law textbooks in support of or against a particular point of view. Law students learn the law from such cases.

V. J. Bhatia introduces the notion of easification as an alternative to simplification [1: 209]. Easification, as he points out, attempts to make the text more accessible to the learner by using a variety of what he calls easification devices, the purpose of which is to guide the reader through the text without making any drastic changes to the content or linguistic form of the text, thus maintaining its generic integrity. He suggests a wide range of easification devices to make an authentic text more easily accessible to the reader depending upon the nature of the genre which the text represents, and the purpose of reading. Easification is not only a technique for text presentation, he points out, but also a learning strategy which helps the learner to simplify the text for himself, depending upon his background knowledge of the subject matter and of the language. These concepts of easification and generic integrity have useful applications in teaching and in language reform, particularly in the designing of public documents.

The fact is that radical reforms suggested by the plain-language campaign are seen as demands which amount to transgression of the generic integrity of the whole tradition in legislative writing. There seem to be two possibilities open to the concerned parties. One is to use easification devices, to make legislation more easily accessible to a larger specialist audience without, in any serious manner, neutralizing the generic integrity of legislative statements. The other possibility is to create popular versions of these documents in plain language for a lay audience, so that we may have two different versions for two very different sets of readership: an authentic and authoritative one which has been "easified" in a number of ways, for specialist use; and another popular one for the lay audience, for information and education.

Legal writing in general, and legislative documents in particular, present specific psycholinguistic problems in their processing and comprehension. Unlike many other areas of specialist writing, it is neither possible nor appropriate to tamper with the original documents to make them easily accessible to a wide range of lay readership. However, it is possible to make such texts more reader friendly without simplifying their content or form. This can be done by using easification devices, which provide an access structure around the text to help the reader to process the text appropriately without sacrificing its originality, authenticity or generic integrity.

One major problem that legislative texts pose to a non-specialist reader is the depth and complexity of modification. Many of these modifications appear in those syntactic positions where they create discontinuities in the structure of the legislative statement. The syntactic structure of a typical legislative statement must be understood in terms of a complex interplay of qualifications and the main provisionary clause. The most serious obstacle to a clear understanding of these legislative documents, therefore, is the complexity of syntactic structure, which can be overcome by clarifying the cognitive structuring underlying the provisions. The analysis of cognitive structuring presents another way of achieving the same clarity of cognitive structuring: the main provisionary clause and the remaining sections give the attendant qualifications, which make the provision operative.

The second serious obstacle to the comprehension of legislative statements is the high density of information at a particular point in the syntactic structure of the legislative sentence. The tension between simplicity and clarity on the one hand, and certainty of legal effect on the other, is very common in all legal systems. The demand for all-inclusiveness resulting in excessive elaboration comes not only from the Government and the instructing department but also from Parliament itself.

The third easification device that can make legislative writing more easily accessible without endangering its generic integrity is the use of statements of purpose to explain and clarify the legislative intent at various levels, particularly in the case of complex contingencies. This will tell readers, specialists and nonspecialists alike, what the law or any section of it is about.

The main thrust of plain-language documents has been to press for language reform for the benefit of ordinary citizens. The citizens, who are supposed to abide by legislation, have a right to understand the laws which govern their daily activities. Unfortunately, however, laws are unintelligible to a large section of the people who are supposed to abide by them. As a matter of fact, we must realize that legislative documents are written for two very different audiences, and that they have different communicative purposes. The specialists, who include lawyers, judges, government executive officers, need to be able to understand and interpret laws in order to negotiate and implement justice. Ordinary citizens, on the other hand, need to be aware of laws in order to be able to avoid violating them. In the sciences, there is a fairly well-established tradition to produce two different versions of scientific reports: one for fellow scientists and the other for popular consumption by science enthusiasts. A somewhat similar tradition needs to be firmly established in the legislative setting as well. There has been some effort in this direction in the past few years, but much more needs to be done.

In the study of contemporary law texts we concentrated on two aspects of statuses: complexity and disambiguation. These are not unrelated concepts in the sense that complexity is partly due to an effort to disambiguate. How these characteristics of importance for legal language are manifested linguistically, is one of the problems that we have tried to approach in the present study.

Finally, the attempt was made to look into the future, where – it is anticipatedcampaigns for simpler legal language will gain in importance. Simplification, contrary is in itself a most complicated process, involving not only revision of the surface language but also taking into consideration the psycholinguistic aspects of processing and comprehension. Research in these fields is actively being pursued and will in time give us valuable information that can be applied in translating complex texts into simpler ones. On a more practical level, the plain language campaigners will have to face a great deal of resistance on the part of those who support the traditional form of legal language.

БІБЛІОГРАФІЯ

1. Bhatia B.J. Analysing Genre: Language Use in Professional Settings. – London: Longman, 1993.
2. Cotterill J. Language in the Legal Process. – Palgrave Macmillan Ltd, 2002.
3. Hiltunen R. Chapters on Legal English: Aspects past and present of the language of the law. – Helsinki: Suomal. Tiedeakat., 1990.

ВІДОМОСТІ ПРО АВТОРА

Ростислав Дмитрасевич – асистент кафедри іноземних мов факультету міжнародних відносин Львівського національного університету імені Івана Франка.

Наукові інтереси: англійська юридична термінологія.