

# IS THE EUROPEAN LEGAL ENGLISH LEGALESE-FREE?

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## *Abstract*

The European Union institutions are expanding their legal and authoritative powers in many sectors and fields. Therefore, their legislative and judgement activities have increased. This paper focuses on European legal English in order to explore whether it is hallmarked by the technicalities and verbosity that characterise the legal jargon, also known as legalese. Legalese encompasses lexical terms, phraseology and syntactic structures that make it incomprehensible to the layperson. Literature reports that the European legal language is also hallmarked by abstruse and archaic words. This paper will analyse European legal English and explore whether, and to what extent, the Euro-language can be a source of legalese or of plain legal terms. In order to do so, a corpus analysis of legalese will be carried out. The terms will be sourced from some European corpora, namely the European Constitution corpus; the Treaty of Lisbon; the European Parliament Proceedings corpus and the Bononia Legal corpus (only in the European Directives and Judgements sub-corpora). The paper findings will highlight that, to some extent, European legal English is free from the most pedantic forms of archaism, although some verbosity can still be found. What one may hope for the future is that European legal drafters and judges will continue to implement plain English in order to obtain a boundary-free legal language that could be used across Europe.

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## 1. Introduction

Legal English is a difficult language, made of different genres and hallmarked by a technical, system-specific jargon. Its phrases and expressions are the result of a mix of Latin, French and Anglo-Saxon, which are still largely used<sup>1</sup>. Furthermore, the legal English language is characterized by embeddings, subordinations, syntactic discontinuities, passive constructions, nominalizations, negations and archaic, complex prepositions or constructs. These features can make it very difficult and far from general English. Such a legal language is referred to as “legalese” in literature<sup>2</sup>. Legalese therefore encompasses abstruse and archaic terms, which are “alien to ‘outsiders’ in the legal discourse community”<sup>3</sup>. Several scholars have carried out research and written papers in order to explore the features of legalese. In particular, some researchers have proposed a list of legalese terms and law Latin<sup>4</sup>. Others have analysed many legal texts issued in different countries and outlined to what extent legalese is widespread<sup>5</sup>. In particular, Williams and Milizia carried out a comparison between the English and the Italian version of the

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<sup>1</sup> C. Williams, *Changes in the verb phrase in legislative language in English*, in B. Aarts, J. Close, G. Leech & S. Wallis (eds.), *The Verb Phrase in English: Investigating Recent Language Change with Corpora* (2013); P.M. Tiersma, *Legal Language*, (1999); C. Williams, *Legal English and Plain language: an update*, 8 ESP 139 (2011).

<sup>2</sup> C. Williams, *Legal English and Plain Language: an introduction*, 4 ESP 111 (2004); P.M. Tiersma, *Legal Language*, cit. at 1; J. Kimble, *A modest wish list for legal writing*, 79 Mich. Bar J. 11 (2000); J. Gibbons, *Taking legal language seriously*, in J. Gibbons, V. Prakasam, K.V. Tirumalesh, H. Nagarajan (eds.), *Language in the law* (2004); C. Williams, & D. Milizia, *How (un)readable is the European Constitution? A comparison of the English version and the Italian version*, in A. Cannone (ed.) *Studi in Onore del Prof. Vincenzo Starace* (2008); K.L. Bhatia, *Textbook on legal language and legal writing* (2010).

<sup>3</sup> C. Williams, & D. Milizia, *How (un)readable*, cit. at 2.

<sup>4</sup> K. Laster, *Law as Culture* (2001); K.L. Bhatia, *Textbook on legal language*, cit. at 2.

<sup>5</sup> C. Williams, *Changes in the verb phrase in legislative language in English*, cit. at 1; V.K. Bhatia, *Drafting Legislative Provisions: Challenges and Opportunities*, 3 J. Comm. Ass. Leg. C. 5 (2010); C. Williams, *Vagueness in legal texts: is there a future for shall?*, in M. Gotti, V.K. Bhatia, J. Engberg & D. Heller (eds.), *Vagueness in Normative Texts* (2005); C. Williams, *And yet it moves: recent developments in plain legal English in the UK*, 60 Clarity 11 (2008); C. Williams, *Legal English or legal Englishes? Differences in drafting techniques in the English-speaking world*, 1 www.federalismi.it 1 (2008); C. Williams, *Legal English and Plain language: an update*, cit. at 1.

European Constitution. They analysed the two versions of the Constitution to pinpoint which one seems more comprehensible to the layperson. To this aim, they focused their research on how dubious “shall” can be and on other “technicalities”, such as compound words or lexical phrases like “without prejudice to”, “by way of derogation from” and many others<sup>6</sup>. In 2011, Williams argued that “the English version of the European Constitution of 2004 bore many of the hallmarks of a traditional style of drafting”<sup>7</sup>. Although addressed to the whole EU community, the European legal language can be abstruse and pedantic. In contrast, one may assume that EU legal translators should have already faced all the challenges emerging from the different European legal systems, and resolved the related linguistic and translation issues<sup>8</sup>. Put in this way, European legal English should be a user-friendly language. However, it is claimed that at the dawn of the EU enlargement, the EU institutions were still confronted with “the continued rise of bad English as the Commission’s *lingua franca*, and the massive influx of new staff who naturally adopted the prevailing in-house style, rather than trying to reform it”<sup>9</sup>. Therefore, it is worth exploring whether the European legal language encompasses features of legalese<sup>10</sup>.

In light of the above, this paper is aimed at verifying whether the EU legal documents and acts (hence, not only the Constitution) are still mined by technicalities, legalese and abstruse words, which make their comprehension difficult for the average person. Therefore, it will be interesting to explore whether the legal Euro-language is as pedantic as legalese, or it has eventually changed into a comprehensible *lingua franca*<sup>11</sup>. Literature is in fact rich with examples of the language of law,

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<sup>6</sup> C. Williams, & D. Milizia, *How (un)readable*, cit. at 2. See also C. Williams, *Vagueness in legal texts*, cit. at 5 and D. Milizia, *A linguistic investigation of the Lisbon Treaty* (2010).

<sup>7</sup> C. Williams. *Legal English and Plain language*, cit. at 1, 140.

<sup>8</sup> See S. Šarčević, *Legal Translation and Translation Theory: A Receiver-oriented Approach*, in J.C. Gémar (ed.), *La traduction juridique, Histoire, théorie(s) et pratique* (2000); E. Wagner, *Why does the Commission need a clear writing campaign*, in A. Pereira (ed.) *Languages and Translation: Clear Writing, European Commission Directorate-General for Translation* (2010).

<sup>9</sup> E. Wagner, *Why does the Commission need a clear writing campaign*, cit. at 8, 4.

<sup>10</sup> M. Asprey, *Plain Language for Lawyers* (2010).

<sup>11</sup> C. Williams, & D. Milizia, *How (un)readable*, cit. at 2.

which can be defined as “problematic” for the layperson. The advocates of the Plain English movement<sup>12</sup>, for example, highlight the main features of legalese. Laster suggests a list of Law Latin still in use in English-speaking countries<sup>13</sup>. Bhatia provides an interesting list of plain English terms<sup>14</sup>; Kimble and Asprey pinpoint the legal terms that can replace archaisms<sup>15</sup>. Therefore, in order to explore whether the EU legal jargon is “affected” by legalese, the following corpora will be taken into consideration: the European Constitution corpus<sup>16</sup>, the Treaty of Lisbon<sup>17</sup>, the European Parliament Proceedings corpus<sup>18</sup> and the Bononia Legal corpus<sup>19</sup> (only in the European Directives and Judgements sub-corpora). It is assumed that these types of corpora will suffice. Literature reports in fact that legal discourse “often does not require a large corpus to determine its linguistic frequencies”<sup>20</sup>. A corpus analysis will be carried out and research will be organised on two levels: Latinisms will be searched at first; the other types of features (i.e. pedantic formulae, archaisms, negations and nominalizations) will be then analysed. Therefore, the following

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<sup>12</sup> P.M. Tiersma, *Legal Language*, cit. at 1.

<sup>13</sup> K. Laster, *Law as Culture*, cit. at 4, 246.

<sup>14</sup> K.L. Bhatia, *Textbook on legal language*, cit. at 2, 26.

<sup>15</sup> J. Kimble, *A modest wish list for legal writing*, cit. at 2 and M. Asprey, *Plain Language for Lawyers*, cit. at 10.

<sup>16</sup> Treaty on European Union (TEU), Maastricht 1992.

<sup>17</sup> The Treaty of Lisbon (2007) amends the Treaty on European Union and the Treaty establishing the European Community (TEC), Rome 1957.

<sup>18</sup> Sourced from the OPUS multilingual search interface. The Euro-Parliament parallel corpus is extracted from the proceedings of the European Parliament. It includes versions in 21 European languages.

The texts composing the corpus were collected from April 1996 to November 2011. <http://www.statmt.org/europarl/>

<sup>19</sup> The Bononia Legal Corpus - BoLC - is the result of an on-going research project. It is aimed at the construction and analysis of a multilingual comparable legal corpus. It is being developed at the University of Bologna. It is intended to compare legal texts, representing on the one hand the common legal system of the European Union, and on the other, the various legal systems and cultures developed by nation States. It is aimed to take into account both the emergence of a standard legal system at European level and the plurality of national legal systems existing within the area of the European Union. [http://corpora.dslo.unibo.it/bolc\\_eng.html](http://corpora.dslo.unibo.it/bolc_eng.html)

<sup>20</sup> V.K. Bhatia, N. Langton & J. Lung, *Legal discourse: opportunities and threats for corpus linguistics*, in U. Connor & T.A. Upton (eds.), *Discourse in the Professions: Perspectives from Corpus Linguistics* (2005).

Latin words and expressions will be firstly searched in the corpora mentioned above: *a fortiori*, *ab initio*, *conditio sine qua non*, *de jure*, *ex parte*, *ex officio*, *inter alia* and *ipso facto*. The following legalese terms and expressions will then be searched: *aforesaid*, *by virtue of*, *covenant and agree*, *forthwith*, *give devise and bequeath*, *henceforth*, *in compliance with*, *keep and maintain*, *make an examination of*, *make mention of*, *make payment*, *notwithstanding the fact that*, *now therefore*, *null void and of no effect*, *place a limitation*, *subsequent to*, *terms and conditions* and *whosoever*.

Furthermore, plain English terms will be searched in order to verify whether they could replace their legalese counterparts. As stated above, in fact, literature abounds in examples of plain English words that could replace both Latinisms and legalese words and expressions<sup>21</sup>.

## 2. Analysis

The pages that follow will basically try to provide an answer to the following questions: “Is it possible to rely on European, legalese-free legal English as a *lingua franca*?”; “Is the Euro-language representative of its multi-systemic legal environments and free from archaisms?”. In order to answer these questions, some of the verbose terms suggested in literature will be searched in the corpora mentioned above and will be reported in tables. The tables will show how many concordance lines can be found in the corpora. In this way, the tables will highlight whether the European legal jargon makes use of legalese and, at the same time, whether plain English counterparts are available. As stated above, this paper is in fact aimed at verifying whether the European legal jargon is free from abstruse constructs. If so, it would be proper to share it with the European citizens and use it as a legal reference language for non-English speaking countries, still considering the peculiarities arising from each different national legal system.

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<sup>21</sup> J. Kimble, *A modest wish list for legal writing*, cit. at 2 and M. Asprey, *Plain Language for Lawyers*, cit. at 10.

**3. Latinisms**

In order to explore whether the EU legal documents and acts still relies on Latinisms, some of the Latin words listed in literature will be searched in the mentioned corpora (the European Constitution corpus, the Treaty of Lisbon, the Bononia Legal corpus and the European Parliament proceedings corpus). Afterwards, their plain English counterparts will be searched, in order to verify whether non-legalese terms are already used in EU legal documents and acts<sup>22</sup>.

Table 1 reports the concordance lines found in each corpus. Below each Latin word or expression, a corresponding equivalent in plain English is reported, as suggested by Laster<sup>23</sup>. The last column reports the plain English equivalents, if any. Omissions of the Latin word are also reported in the last column and are underlined>.

Words	Const	T. of L.	BoLC	Parl	Plain Eng. equivalents
a fortiori = with stronger reason	0	0	201	12	a fortiori, even more so, all the more, therefore, consequently, far less by, less so to, what is worse, omission
ab initio = from the beginning	0	0	12	2	as from the outset
conditio sine qua non = prerequisite	0	0	3	15	conditionally from the start, condition necessary for, conditio sine qua non, a requirement for, prerequisite, essential condition, set in stone, sine qua non
de jure = <u>                    </u>	0	0	29	30	de jure, automatically, in law, in legal terms,

<sup>22</sup> K. Laster, *Law as Culture*, cit. at 4, 246

<sup>23</sup> *Ibidem*.

in law					competent
ex officio = by virtue of an office or position	0	0	2	4	ex officio
ex parte = an application to a court by someone in the absence of another	0	0	67	1	the former part, ex parte
inter alia = among other things	8	3	1.890	484	amongst others, among other things, amongst other things, inter alia, omission, partly, to name but a few, also, for example, such as
ipso facto = by the mere fact	0	0	35	11	in fact, thereby, the very fact that, ipso facto, omission

Table 1: Words of Latin origin

In light of table 1, some observations can now be inferred. Firstly, the European Constitution and the Treaty of Lisbon are almost entirely free from Latinisms. What is only abundant in European Parliament proceedings, Directives and Judgements is the Latin expression "*inter alia*". However, it can be noticed that many are the legal substitutes, as it can be seen from the wide array of plain English terms (such as: "amongst others", "among other things", "partly", etc.). Many are also the plain English substitutes of the abstruse Latin expression "*conditio sine qua non*", such as "conditionally from the start", "condition necessary for", "a requirement for", "prerequisite" and "essential condition". Secondly, it is possible to notice that, apart from "*ex officio*", which

is a very peculiar term, many plain English terms substitute for archaisms. As a consequence, it may be argued that in the corpora analysed, the European legal language is almost free from Law Latin and a good deal of replacement words can be found.

**4. Legalese**

The other research revolves around legalese terms. Table 2 has been implemented by drawing upon the list provided by Bhatia and on the basis of the legalese features underpinned by Tiersma and by Coulthard and Johnson<sup>24</sup>. Legalese is characterised, amongst others, by the following features: nominalizations (i.e., verb+noun constructs instead of plain verbs, such as “make an agreement” instead of “agree”); repetitions (“null and void”); negations (“not incorrect”), and complex and archaic prepositions (“notwithstanding the”). Therefore, the table below reports different sub-sections, on the basis of the elements listed above. Below each legalese term or expression, is a corresponding plain English equivalent, where the word “omission” refers to the suggestion of omitting the term itself. Each term is searched in the European Constitution corpus, the Treaty of Lisbon, the Bononia Legal Corpus and the European Parliament proceedings corpus. As in the search carried out for Latinisms, plain English terms are searched in order to verify whether they are already in use in EU legal documents and acts.

Words	Const	T. of L.	BoLC	Parl	Plain Eng. equivalents
made provision = provided	4	0	128	229	introduce, call for, planning, anticipate
make an examination of = examine	0	0	0	0	-
make	0	0	0	5	mention, concentrate

<sup>24</sup> K.L. Bhatia, *Textbook on legal language*, cit. at 2, 26; P.M. Tiersma, *Legal Language*, cit. at 1, 203 and M. Coulthard & A. Johnson, *The Routledge Handbook of Forensic Linguistics* (2010).

mention of = mention					on, review, highlight, point out
make payment = pay	0	0	17	1	pay
place a limitatio n = limit	0	0	0	0	-

Table 2: Legalese sub A): Nominalizations

In light of the table above, some interesting findings come to the fore. First of all, EU drafters and judges have avoided using too many nominalizations. As a matter of fact, a wide array of plain English substitutes can be found in their place (e.g., “mention”, “concentrate on”, “review”, “highlight” and “point out” instead of “to make mention” and “introduce”, “call for”, “plan” instead of “make provision”).

Words	Const	T. of L.	BoLC	Parl	Plain Eng. equivalents
covenant and agree = agree	0	0	0	0	-
give devise and bequeath = give	0	0	0	0	-
keep and maintain = maintain	0	0	8	0	-

null void and of no effect = of no effect	0	0	0	0	-
save and except = except	0	0	0	0	-
terms and condition s = terms	11	6	85	147	regulations, legislation, procedures, rules, conditions
will and testamen t = will	0	0	0	0	-

Table 2: Legalese sub B): Repetitions

As far as repetitions are concerned, the specificity of certain legal matters comes into play. As a matter of fact, not all the legal lexical phrases reported in Table 2 sub B) can be found in European acts and documents. These terms pertain in fact to specific legal cases. For example, “give devise and bequeath” and “will and testament” clearly pertain to the field of testamentary succession. Therefore, they can hardly be found in EU legal texts. The same occurs to “keep and maintain”, which characterises lease agreements and to “null void and of no effects”, which frequently refers to contracts. The only repetitions that can be found (i.e., “terms and conditions”) are often replaced by plain English synonyms, such as “regulations”, “procedures”, “rules” and “conditions”. The other repetitions mentioned in literature (such as “covenant and agree”; “save and except”) are instead missing in the EU corpora. This proves that European legal texts are free from unnecessary repetitions.

Words	Const	T. of L.	BoLC	Parl	Plain Eng. equivalents
not inappropriate	0	0	0	2	not out of place, not inappropriate, not undesirable, not such a bad thing
not incorrect	0	0	0	2	-
not insignificant	0	0	3	57	significant, substantial, major
not uncommon	0	0	0	20	fairly common
not unusual	0	0	3	51	often, not unusual, not rare, not uncommon

Table 2: Legalese sub C): Negations

Negations might be another source of confusion for the layperson. It is interesting to notice that they are not very frequent in EU legal texts. From the subsection C above, in fact, this is self-evident and plain legal terms can be found in their place, such as “significant”, “substantial” and “major” instead of “not insignificant”, or “often”, “not rare” instead of “not unusual”.

Words	Const	T. of L.	BoLC	Parl	Plain Eng. equivalents
by virtue of = under	9	2	2.70 6	373	according to, through, in line with, in accordance with, pursuant to, by means of, under, what is meant to happen with, as to
forthwith = immediately	2	0	1.68 3	91	in the near future, (very) soon, (very) quickly, as soon as possible, with all due haste, promptly, without delay, immediately

henceforth = from now on	0	0	125	268	henceforth, from now on, now, in the future, here and now
in complianc e with = comply	22	11	264	299	in accordance with, in line with, as evident in, according to, subject to
notwithsta nding the fact that = although	0	0	71	22	despite the fact that, in spite of the fact that, although, despite the, in view of the fact that, without compromising the, given that
now therefore = omission	0	0	1	22	in the first place, firstly, first, above all, primarily, therefore
subsequen t to = after	2	0	282	44	following the, echoing the, since, after

Table 2: Legalese sub D): Complex or archaic prepositions

Unfortunately, complex and archaic prepositions are widely used. Terms such as “by virtue of” and “forthwith” are in fact very frequent in Directives, Judgements and in European Parliament proceedings, where also “henceforth” and “in compliance with” come to the fore. Nonetheless, a wide spectrum of plain English equivalents come into play, which is reassuring. For example, as suggested in literature<sup>25</sup>, it is possible to notice that “forthwith” is substituted by “in the near future”, “(very) soon”, “(very) quickly”, “as soon as possible” and “immediately”. In the same way, “by virtue of” is often replaced by more common words, such as “according to”, “through”, “under”, and so on. “In compliance with” is replaced by “in accordance with” or “according to”. “Henceforth”, which would perhaps be more

<sup>25</sup> K.L. Bhatia, *Textbook on legal language*, cit. at 2. 26.

difficult to understand for the layperson, has plain alternatives in “from now on”, “now” and “in the future”.

Words	Const	T. of L.	BoLC	Parl	Plain Eng. equivalents
aforesaid = omission	0	0	878	69	already mentioned, aforementioned, this/these, above mentioned, mentioned earlier, omission
herein after hereafter = from now on	22 4	11	4.250 58	5 8	now, following, from now on
the said = the	17	18	4.474	182	this/that, the..in question, the
whosoever = omission	0	0	2	4	them, who, anyone, those

Table 2: Legalese sub E): Cohesive archaisms

Finally, there are some other forms of archaism, which must be taken into account, such as those encompassing cohesive pronouns and past participles<sup>26</sup>. In this respect, it is worth mentioning that, for instance, “aforesaid” is often replaced by cohesive adjectives or pronouns such as “this” or “these”; “the said” is also replaced by more common cohesive elements, such as “this”, “that” or “the”. “Here(in)after” is substituted by “now” and “from now on”; “whosoever” has equivalents in “them”, “who”, “anyone” and “those”, which are all plain cohesive terms.

<sup>26</sup> R.C. Wydick, *Plain English for Lawyers* (1978); S.C. Abbate, *Il documento legale anglosassone* (1998); C. Williams. *Legal English and Plain language*, cit. at 1, 141 quoting C. Williams, & D. Milizia, *How (un)readable*, cit. at 2, 2220.

In light of table 1 and 2, it can be stated that legalese still hallmarks European legal jargon. However, many plain English equivalents have also come to the fore, and they often replace their archaic counterparts. Above all, the European Constitution and the Treaty of Lisbon are almost free from legalese.

### 5. “False” legalese

This paper cannot be considered exhaustive without some final considerations on “false” legalese. Literature reports in fact some other archaic and pedantic terms, which are, amongst others: *accordingly, as a result of, consequently, each and every, et al, fails to, implement, in order to, in respect of, in the event of, prior to, provided that and pursuant to*<sup>27</sup>. I argue that these terms can be considered as pertaining to a day-to-day jargon, whose meaning can be easily inferred by the layperson. In order to show how frequent these terms are, Table 3 reports the concordance lines of five different corpora. In addition to the three English corpora analysed above, the British National Corpus (BNC) and the Corpus of Contemporary American English (CoCa) are in fact taken into account. In these two additional corpora, a generic term search is carried out. Therefore, no sub-corpus is selected, in order to make the search broader. In table 3 below, the words with highest frequencies are written in bold.

Word	Bol	EurPar 1	EurConst	T. of L.	CoCa	BNC
Accordingly	1.843	1.452	7	20	<b>5.556</b>	2.270
As a result of	2.317	5.518	9	4	<b>13.425</b>	5.085
Consequently	2.535	1.494	1	1	<b>7.924</b>	2.472
Each and every	3	528	0	0	<b>1.735</b>	214
Et al	74	15	0	0	<b>67.621</b>	2.723
Fails to	393	1.195	5	2	<b>3.844</b>	1.224
Implement	1.244	7.907	36	11	<b>9.097</b>	1.516

<sup>27</sup> K.L. Bhatia, *Textbook on legal language*, cit. at 2. 26.

In order to	10.80 7	30.896	70	36	<b>44.732</b>	11.860
In respect of	<b>9.142</b>	3.353	55	19	244	2.913
In the event of	1.757	<b>1.940</b>	18	9	1.638	1.043
Prior to	1.787	1.179	10	4	<b>15.618</b>	3.079
Provided that	<b>3.217</b>	1.167	10	2	893	1.103
Pursuant to	<b>6.785</b>	1.520	93	58	816	428

Table 3: "false" legalese

Some clarifications are firstly necessary as far as "each and every" and "et al" are concerned. These are, perhaps, the only terms that might not pertain to legal matters, as they may refer instead to colloquial language and academic jargon respectively. As a matter of fact, their frequency in the European corpora is the lowest. This finding, however, should be corroborated by further research. Secondly, apart from expressions like "in respect of", "provided that", "pursuant to" and, to some extent, "in the event of", which all hallmark legal texts, the other terms are very likely to pertain to different domains. As it can be clearly seen, in fact, the majority of the words with the highest frequency can be found in the CoCa, which, in this case, is used as a generic corpus. Therefore, it can be inferred that the average person may have encountered the above terms in fields other than the legal one, and eventually become acquainted with them. In light of the above, the terms in Table 3 may not be labelled as legalese, archaic or abstruse. Moreover, it can be asserted that the European Constitution is, again, the text that makes less use of a "complex" jargon.

## 6. Limits of the analysis

Some final remarks are now compelling, before drawing conclusions. This paper has relied heavily on the concordance lines of the corpora mentioned above. It should be pointed out

that a corpus can only tell us “what is or is not present” in it<sup>28</sup>. Therefore, the findings of this paper can only be valid within the corpora analysed and it would not be possible to generalize them, at this stage. Moreover, further analysis is called for. In particular, the use of “shall” could be taken into account. In this respect, scholars have already argued that in the European Constitution and in the Treaty of Lisbon modality is not always used clearly<sup>29</sup>. Therefore, further research would be required in order to verify whether this also occurs in Parliament proceedings, Judgements and Directives. Furthermore, no analysis has been carried out as far as syntactic discontinuities and the passive voice are concerned. Further actions would therefore be required on these instances, in order to undertake a thorough analysis of how the European legal language is understandable to the layperson.

## 7. Conclusions

Legalese is defined in literature as a legal language that is very difficult to understand for the layperson, especially because of its complex syntactic structures, its pedantic formulae and archaic constructs. This paper was aimed at verifying whether European legal texts make use of legalese and, if so, to which extent. A list of legalese terms was sourced from literature, which abounds in instances and in providing plain English equivalents<sup>30</sup>. Legalese terms were then searched in some EU corpora, namely the European Constitution corpus, the Treaty of Lisbon, the European Parliament proceedings corpus and the Bononia Legal Corpus (European Directives and Judgements only). The above research provided some interesting insights. First of all, it brought to the fore that European documents and acts are not always free from legalese; secondly, that, to some extent, plain English

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<sup>28</sup> G. Bennet, *Using corpora in the Language Learning Classroom: Corpus Linguistics for Teachers* (2010).

<sup>29</sup> C. Williams, & D. Milizia, *How (un)readable*, cit. at 2; D. Milizia, *A linguistic investigation of the Lisbon Treaty*, cit. at 6.

<sup>30</sup> K. Laster, *Law as Culture*, cit. at 4, 246; K.L. Bhatia, *Textbook on legal language*, cit. at 2, 26; V.K. Bhatia, *Drafting Legislative Provisions*, cit. at 5; M. Coulthard & A. Johnson, *The Routledge Handbook of Forensic Linguistics*, cit. at 24.; C. Williams, *Legal English and Plain Language*, cit. at 2; C. Williams. *Legal English and Plain language*, cit. at 1; C. Williams. *Changes in the verb phrase in legislative language in English*, cit. at 1.

equivalents can however be found. One could hence hope that plain English equivalents will be used more extensively in the years to come. This could be what the future might hold, providing that efforts were made in order to abandon legalese and make further space to plain English substitutes. The corpus analysis has in fact brought to the surface that European legal English tends to be user-friendly and that the European drafters, judges and members of the European Parliament try to avoid pedantic and archaic forms. The use of Latinism is in fact limited and complex prepositions or constructs (such as “notwithstanding the fact that”) are rarely used. Therefore, the European legal language should continue to evolve and become an effective alternative to legalese. In this way, it could be a valid and reliable source of plain legal English for non-English speaking countries. In the future, opportunities to replace legalese with plain European legal English could be in sight. At present, however, further actions and efforts from the European drafters is called for, in order to make the Eurojargon simpler and eschew verbosity or unnecessary archaisms<sup>31</sup>. It will imply to have “the needs of the reader foremost in mind” and adapt legal texts to the multiculturalism Europe is proudly made of<sup>32</sup>.

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<sup>31</sup> C. Williams, & D. Milizia, *How (un)readable*, cit. at 2.

<sup>32</sup> M. Asprey, *Plain Language for Lawyers*, cit. at 10, 12.