

Jessica Pérez-Luzardo Díaz* and Víctor González-Ruiz

The Sound of Drivel

Interpreters and the Manipulation of Style in the Legal Discourse

<https://doi.org/10.1515/les-2018-0001>

Abstract: This paper describes an experiment dealing with the manipulation of style in consecutive interpreting in the context of the law. In it, several groups of Spanish law undergraduates assessed two performances by a consecutive interpreter. The interpreter in both performances translated a German-language lecture on constitutional law into Spanish, the only difference between the two renditions being the style used in the target language: in one of them, plain language; in the other, a style reminiscent of complex traditional legal drafting. The results of this study are presented and discussed in this paper, which combines the issue of plain language in legal translation and interpreting, with the concept of style as a quality parameter in interpreting. These results, which suggest that even the most junior law students have a liking for conventional elaborate drafting, should serve as elements of reflection for trainers of both legal professionals and interpreters.

Keywords: legal language, legal interpreting, legal translation, interpreting quality, style, plain language

1 Introduction

This paper describes an experiment dealing with the manipulation of style in consecutive interpreting in the context of the law. In it, several groups of Spanish law undergraduates assessed two performances by a consecutive interpreter. The interpreter in both performances translated a German-language lecture on constitutional law into Spanish, the only difference between the two renditions being the style used in the target language – in one of them, plain language; in the

***Kontaktperson:** Jessica Pérez-Luzardo Díaz, Universidad de Las Palmas de Gran Canaria, Pérez del Toro, 1–35003 Las Palmas de Gran Canaria, Spain,
E-Mail: jessica.perezluzardo@ulpgc.es

Víctor González-Ruiz, Universidad de Las Palmas de Gran Canaria, Pérez del Toro, 1–35003 Las Palmas de Gran Canaria, Spain, E-Mail: victor.gonzalez@ulpgc.es

other, a style reminiscent of complex traditional legal drafting. The results of this study are also presented and discussed in this paper, which combines the issue of plain language in legal translation and interpreting, with the concept of style as a quality parameter in interpreting. According to Engberg (2013:31), recent legal linguistics research projects on the issue of the intelligibility of legal texts “tend to fall in [sic] two major groups: 1) Those concentrating upon the rhetorical form of the texts and 2) those concentrating upon the knowledge conveyed”. Plain language is the main focus of attention in the first group, and the experiment described in this paper should be placed in this first category.

Before going into the method and results of this study, we will consider, firstly, relevant aspects concerning the plain language movement and, more particularly, its impact on German- and Spanish-speaking legal contexts. Secondly, we will examine the factors associated with the quality parameter of style in consecutive interpreting, such as clarity and simplicity. Finally, we will discuss the results of the experiment by paying special attention to a hypothesis derived from previous similar research by González-Ruiz (2005, 2013, 2014), on the timid acceptance, or even reluctance, of plain language by Spanish legal professionals; and by Pérez-Luzardo Díaz (2007, 2015), on the concept of style as a quality parameter in interpreting for lawyers, law teachers and judges. According to this hypothesis, first- and second-year law students, since they are still in their infancy as regards their contact with the everyday details of legal practice (language included), will not be keen on the use of conventional, elaborate (and sometimes incomprehensible) legal language or, at least, not as keen as their senior colleagues-to-be.

2 Plain language in the legal field

The need for plain language in the context of the law has been substantiated by numerous researchers, professionals and organisations around the world. For some decades now, they have laid bare how inefficient much of the language of the law is in two aspects: first, in that it very often fails to convey the meaning of the law to citizens, who are its natural addressees; and second, in that its usual complex expression is mostly the result of tradition and conventional usage, and not of careful analysis or linguistic expertise on the part of the legal professional. Kimble (2012) exhaustively summarises the many developments in the cause of plain language in different countries and languages (though English is favoured), being the sphere of the law one of his focal points. Among the precursors in the legal field mentioned by Kimble, Mellinkoff's *The Language of the Law* (1963) provided the world of jurists with a scholarly proven set of arguments hard to

rebut. As a way of summary, he claimed that “[w]ith communication the object, the principle of simplicity would dictate that the language used by lawyers agree with the common speech, unless there are reasons for a difference” (1963:vii).

More than fifty years later, this daring statement may be seen as supplementary to the definition of “plain language” attempted by the International Plain Language Working Group, a body established in the first decade of the 21st century with the aim of developing international standards for plain language. Aspiring to provide a consensual, simple meaning of the term, they have arrived at a (for now) final definition of plain language, as stated on the working group’s website (see a previous version of it in Cheek, 2010): “A communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information.”¹

The growing influence of consumers and citizens as decision-makers within democratic societies has fostered the implementation of plain language policies (among others, in the legal field) in many countries around the world. Still, a large number of professionals of the law are reluctant with apprehension that using a clearer language may dumb down the whole legal process. Authors such as Mellinkoff (1963, 1982), Wydick (2005), Kimble (2006) or Asprey (2010), to name just a few of the English-language classics on clear communication, have efficiently dispelled this myth throughout the years — plain language improves communication, saves time and money to all involved, and is also as effective as (actually, more effective than) the old mode of expression even when it comes to “internal legal language” (i.e. the term used by Tiersma (1999:211) to refer to texts addressed primarily to legal practitioners). Experts in German- and Spanish-speaking countries have arrived at similar conclusions, and have advocated a reform of the language of the law to different degrees.

In terms of intricate expression, the German language used by legal practitioners is on a par with the linguistic routine of most legal professionals in the western world, for whom the concept of “style” usually involves traits such as abuse of nominalisations, longer than average sentences and very complex noun phrases. Thus, as a response to the *foggy* style usually attributable to conventional writing in the field of law, German-speaking countries have witnessed a growing, proactive concern regarding the issue of *Verständlichkeit* (comprehensibility) in legal (Thieme 2008) and administrative (Fluck 2008) texts. This can be seen, among others, in Lerch (2004), Hansen *et al.* (2006)², Löttscher and Nussbau-

1 <http://www.iplfederation.org/> (last accessed: 17 January 2017).

2 Hansen *et al.* (2006) is written in English, and describes research within the second category distinguished by Engberg (2013:31) when studying the intelligibility of legal texts: that “concentrated upon the knowledge conveyed” in the texts.

mer (2007), Eichhoff-Cyrus and Antos (2008), and (Austria-based) Muhr (2012, 2013), who have placed the complexity of German-language legal texts under scrutiny. Together with this criticism from academic circles, there have also been institutional and professional efforts in order to reform the German language legal professionals conventionally use. Most significantly, these include in Germany the introduction in 1966 of a permanent team of language consultants at the *Bundestag* (*Redaktionsstab der Gesellschaft für Deutsche Sprache*) as part of the legislative process (see Raff & Schiedt 2012 on the work of this group); and the *Handbuch der Rechtsförmlichkeit* (Bundesministerium für Justiz 2008), a set of guidelines for writing the law published by the German Department of Justice³ (particularly those contained in its Part B, *Allgemeine Empfehlungen für das Formulieren von Rechtsvorschriften*, centred on the linguistic expression of legal rules). Despite the steps forward, however, legal professionals still show some reluctance to the requirements of both politicians and citizens regarding the need for a clearer and more understandable law (Thieme 2008:232).

In Spain, the boldest step in the direction of promoting plain language in the law has been given by the Spanish Commission for Legal Language Reform (*Comisión de Modernización del Lenguaje Jurídico*), a working group combining experts from the fields of law and language which was created in 2009 by Spain's Department of Justice. For two years since its establishment, this body commissioned a number of scholars to carry out several studies on the language used in a range of legal settings (e.g. Montolío Durán 2011 on written texts, and Briz Gómez 2011 on oral communication). As a result, they exposed the many shortcomings in the way that lawyers and others involved in the application of the law communicate with each other and with the lay public (which, broadly speaking, parallels the flaws of legal English and German). They collected their conclusions in a final report, where they also included a set of guidelines on how to use language more efficiently in the context of the law (García de la Concha *et al.* 2011), further developing the work conducted by other plain language advocates in Spain, such as Prieto de Pedro (1991) or, as regards legally-bound administrative texts, Conde Antequera (2009). Similar public initiatives may be found in other Spanish-speaking countries in the near past (see Carretero González 2011 for developments in Argentina, Chile and Mexico). Among them, it is worth mentioning the efforts of

³ The German Department of Justice has also backed two European symposia on the comprehensibility of the law: EU-Symposium 2012: “Verbesserung der Verständlichkeit von Rechtsvorschriften im Rechtsetzungsverfahren” (30-31 May 2012, Bundesministerium der Justiz, Berlin, Germany); and EU-Symposium 2014: “Verbesserung der Verständlichkeit von Rechtsvorschriften: Lehre und Praxis” (10-11 November 2014, Bundesministerium der Justiz und für Verbraucherschutz, Berlin, Germany).

another in-progress working group, *Justicia y Lenguaje Claro: por el derecho del ciudadano a comprender la Justicia* (Justice and Clear Language: For the right of citizens to understand Justice), composed of representatives of several Latin American countries and focused on international judicial cooperation. Also in the region, another highlight was the publication in 2007 of the *Manual del lenguaje claro* (Valdovinos Chávez *et al.* 2007 in Mexico, a textbook on clear communication for civil servants which was part of a set of Government-backed reforming measures under the motto *Lenguaje ciudadano* (The language of citizenship).

This move towards greater comprehensibility in the language of the law has apparently had little impact on the translation and interpreting of legal texts. Translators and interpreters have conventionally been taught to regard these texts as authoritative in nature, and as a consequence, they are expected to opt for literal translation strategies (in order not to *damage* the source text as a result of the linguistic transfer). This often means that the elaborate style of the original is reproduced in the target text. Beneath the surface, however, these expectations are challenged by the daily routine of professionals, who, in constraining circumstances and having communication as their main goal, do actually *simplify* the intricate expression of legal source texts to varying degrees. This said, plain language as an objective *per se* is not on the agenda of most legal translators and interpreters. As happens with many lawyers and judges, the idea of reforming the legal discourse seems to put language mediators on the alert; a warning position endorsed by Hazelton (2006), which may be summed up by the words of linguists Alcaraz Varó and Hughes (2002:5): “if linguistic precision is watered down to suit the demands of an uncomprehending majority, legal certainty will all but disappear.”

Countering this fatalist approach, some scholars, such as Adams (2005), Hammel (2008)⁴, Burukina (2012) and González-Ruiz (2014), have advocated the application of plain language tenets to legal translation. Though all of them acknowledge the significance of precision in legal writing, they maintain that “precision does not mean verbatim translation as a solid marble piece regardless of the text type and the type of recipient”, as expressed by Burukina (2012:583). Connected to this argument, they share to some extent the ideas that any legal translation should cater to the needs of its readers, and that this may frequently involve the alteration of the style of a legal text. The possibility of *altering* a legal

⁴ Hammel (2008) defends the use of plain language principles when translating German legal texts into English, especially if they are intended for speakers of English as a *Lingua Franca*. As an illustration of his arguments, he analyses the diverging strategies used to translate a piece of German legalese into English. His strategies resemble those employed by us in the two Spanish translations of our German source text.

document is supported by theoreticians like Joseph (1995), who proposes *intervening* “in texts, semantically, stylistically, intellectually, to the extent called for (and the extent one can get away with)” (1995:34); and practitioners like Adams (2005), who claim that “an alteration in style is more than compensated by the improvement in clarity and readability” (2005:28). However, as suggested, most of them believe that the intervention in the process of translating a legal text is a *qualified* option, meaning that it greatly depends on the circumstances of the translation brief.

Applying this reasoning to a more experimental field, González-Ruiz (2005, 2014) has tested how inclined Spanish jurists are to accept plain language translations in their field. Following the footsteps of Bhatia (1997), who put forward the strategies of “easification” and “simplification” of complex legal texts (though only as a method for training translators-to-be), this author applied a set of plain language techniques to law-related written texts and then asked several groups of Spanish lawyers to assess them. Together with the plain language rendering, another more conventional version was also submitted for evaluation by the subjects. In essence, the aim of the experiments was to find out to what extent legal experts would embrace translations written in a clearer and more comprehensible manner, and whether they would prefer them over translations drafted in a traditional, complex style. In the former research (González-Ruiz 2005), they thought that the plain language version was clearer, easier to follow and better structured, but, interestingly, they rated the conventional rendering better in terms of professional skill and legal knowledge on the part of the translator. In the latter study (González-Ruiz 2014), in contrast, the plain language rendition was judged better in all respects, a sign of “an incipient open-mindedness of Spanish legal practitioners towards the acceptance of clear and terminologically-accurate translations” (González-Ruiz 2014:86). In 2013, González-Ruiz used a group of Spanish law undergraduates as subjects of a similar research, and he found that legal professionals-to-be also preferred the plain language translation, although by a very narrow margin.

After touching on the issue of plain language in the legal field, we will analyse the nature of oral speech and interpreting, and their impact on our present research. In particular, we will refer to the parameter of style when assessing quality in interpreting and its influence on how listeners perceive an interpreter’s performance.

3 Style as a quality parameter in interpreting

Initial research on interpreting quality revolved around the expectations of listeners, being the correct transfer of meaning the evaluating criterion which was most frequently claimed by subjects. The shift from the assessment of expectations to the gauging of the actual reactions of listeners to a real interpretation was advanced by Gile (1990, 1995) and Collados Aís (1998). The latter found that, irrespective of what listeners may say about what they expect to be a good interpretation (i.e. basically, that they wish the interpreter to faithfully render in the target language the correct meaning of the speaker's words in the source language), a monotonous or an unpleasant voice may provoke a poor evaluation by listeners (even when the meaning has been *correctly* transferred). In Collados Aís (1998), as in Garzone (2003), the focus is on the discordance between what a listener says he or she expects to be a good interpretation, and what he or she actually considers as significant when assessing a real performance by an interpreter. In subsequent studies by Collados Aís *et al.* (2007, 2011), the authors, following Bühler (1986), further this line of reasoning and, as a result, identify 11 quality parameters to be taken into account when evaluating an interpretation; these are accent, pleasantness of the voice, fluency, cohesion, correct transmission of meaning, complete transmission of the original speech, diction (i.e. clear pronunciation), intonation, style, correct grammar, and terminology. When the authors tested these parameters with actual users, subjects gave more weight to the factors dealing with content and meaning when asked about their expectations; however, at the point of assessing a real performance, the same subjects paid more attention to other allegedly *minor* parameters, like the melodious nature of the interpreter's voice.

Our study deals with the parameter of style, which is habitually regarded as one such *minor* quality parameter. Though there is no consensus between the various authors as to what *style* precisely entails in this area (see Pérez-Luzardo Díaz and Barranco-Droegge 2011 for a discussion on various perspectives about the concept of style in interpreting), language use or register are usually mentioned when defining it. Several authors have also associated it with the notions of choice and expressiveness (Collados Aís *et al.* 2007), the latter to be understood as a set of elements (such as emotional tone, emphasis or rhythm) which, problematically, listeners tend to think of as not having any bearing on the sense conveyed by the locution. This would seem to contradict the conclusions by a number of scholars and empirical studies that very clearly link the concept of style to the correct transmission of meaning (see, e.g., Koczyński 1981 or Altman 1994). Among the researchers who have acknowledged the significance of style in how a user globally perceives an interpreter's performance, Berk-Seligson (1988)

established a correlation between the use of courtesy expressions and the appraisal by listeners of the credibility of the original speaker; and Mason (2008) showed that the way jurors regard witness testimonies in court may be affected by the choice of linguistic resources by the interpreter.

Together with the concepts of register, choice and expressiveness, other factors, such as conciseness and accuracy, are also often raised when speaking about style. *Clarity* is another such factor, which is interesting for our study, since this is a key term for plain language advocates. Regarding clarity (and also for most of the other factors), however, there is a lack of accord as to the meaning of this term in the field of interpreting. The *Routledge Encyclopedia of Interpreting Studies* (Pöchhacker 2015) does not include a separate entry for clarity, and in this respect, there seems to be some level of diversity in the metalanguage interpreting scholars use. Clarity and related ideas, such as “understandability” and “simplicity”, are mingled together by researchers in this field, who tend to support a *skopos*-focused view of the interpreter’s work (i.e. authors tend to reject a word-by-word approach to interpreting and, instead, they support a more pragmatic strategy accounting for the nature of the speaker and the listeners, the linguistic and cultural differences between them and the aim of the job itself). As we will see later, the word-by-word technique was favoured in one of the versions of our experiment (see description in the next section), in particular in the one more akin to old-school legal language. The correlation between interpreting a legal text *to the letter* and the preference for a more conventional (and often unclear) language will be dealt with in the discussion of the experiment below.

But, however diverse the allusions to the concept of clarity are, there are reasons to believe that, in the field of interpreting, clarity as a stylistic feature has long been a matter of concern. As a way of illustration, in 1952 Herbert referred to the concept of style in his *Manuel de l’interprète* and, even though he did not explicitly touch on the notion of clarity, he endorsed the use by the interpreter of a *simpler* style in order to be more acceptable to listeners in certain circumstances (e.g. when interpreting from *florid* languages, such as Spanish or Italian, into English, a more *austere* language in his opinion). And most empirical studies on quality (such as Gile 1983, Moser 1995, and Pöchhacker 2001) touch on clarity some way or the other, whether expressly or in an implied way. In one of the instances in which clarity is explicitly alluded to as an element of quality, Pöchhacker (2001:413), while acknowledging the mixed terminology, points out that:

While the terminology may vary from one author or text to the other, concepts such as accuracy, clarity or fidelity are invariably deemed essential [...] The notion of clarity (or linguistic acceptability, stylistic correctness, etc.), on the other hand, relates to a second aspect of quality, which could be described more generally as ‘listener orientation’ or target-text comprehensibility.

This emphasis on the listener (i.e. the factor of clarity contributes to making an interpretation acceptable for its end users) matches the animating principle of this paper: the choice of style by legal experts when they communicate with others (by themselves or by means of an interpreter) has an impact on the way those others interact with them. In principle, a complex style which is hard to understand will probably block communication, whereas a clear, simple style will facilitate interaction. Within this context, the notion of *style* in this paper specifically refers to the language register used in legal settings (i.e. the way legal professionals conventionally speak when acting as such), and to the variations/alterations applied to that register with the aim of making this language more accessible to lay people. If, as argued by authors such as Berk-Seligson (1988) and Mason (2008) (see above), style and sense are not easily dissociated (the latter to be understood broadly, covering not only the meaning conveyed, but also the credibility given by the listener to that meaning), we believe that the choice of a more intelligible style will have an impact on the overall impression the listener will have of the interpreter's speech.

Relevantly for this paper, Pérez-Luzardo Díaz *et al.* (2005) and Pérez-Luzardo Díaz (2007, 2015) have examined the assumptions which Spanish legal professionals and lecturers have regarding style and clarity in interpreting. In the first study, 197 legal experts thought of style as a minor parameter when asked about their expectations regarding quality in an interpreter's performance, and only about half of them considered that style could greatly influence the translated speech. This is consistent with the widespread view that stylistic skill is merely ancillary to, and clearly distinguishable from, abilities concerning the transfer of meaning (i.e. cohesion, correct transmission of meaning, and complete transmission of the original speech). Subsequently, Pérez-Luzardo Díaz (2007) asked a small group of Spanish law lecturers to define the notion of "style". Also in line with the diversity of the explanations given by researchers, the subjects in the experiment very much diverged as to the meaning of style, and as to what may amount to a stylistic nuisance in the context of legal interpreting. Finally, building on these previous studies, Pérez-Luzardo Díaz (2015) undertook another research very alike to the one described in this paper. She selected 14 law lecturers from Spanish universities, and showed them two films featuring the simultaneous interpretation of a speech on a legal topic. In one of the films, the target text conveyed by the interpreter was expressly manipulated in order to resemble the most elaborate style of traditional legal language; in the other one, a more neutral, yet formal, style was employed. According to the results, the subjects scored the former version higher than the latter in all quality parameters, which seems to indicate that (a) lawyers prefer a conventional complex style when it comes to interpreting in legal settings, and (b) the alteration of one

quality parameter (style in this case) affects the way listeners assess all other quality parameters (e.g. fluency, accent or correct transmission of meaning).

The hypothesis of our research, which looks mainly into the degree of tolerance of law undergraduates to the use of plain language in interpreting in legal contexts, echoes the issues and the empirical studies discussed in the previous pages. The experiment described below, which is also inspired by them, should provide arguments for further reflection on both the use of plain language in legal settings, and its acceptability by legal professionals.

4 Description of the experiment

In order to check the validity of this hypothesis, we carried out an experiment. First of all, we filmed two versions of a lecture given by a German-language law professor for an academic audience at a Spanish university. In the first version, a consecutive interpreter seated by the speaker's side translated the words of the lecturer into Spanish by resorting to plain language strategies. In the second one, the same interpreter employed a conventional, convoluted language, in the vein of *legalese*, to render the speech into Spanish. Then, we showed these versions (only one per group) to several groups of first- and second-year law undergraduates. Finally, we asked them to complete a series of questionnaires aimed at finding out their opinion on the style used by the interpreter in the video they had watched, as well as on her performance as a whole.

What follows is a thorough description of the subjects, the instruments (i.e. the films, the source text, the target texts and the questionnaires) and the results of this experiment.

4.1 Subjects

We conducted the surveys at the Law School at the University of Las Palmas de Gran Canaria, Spain between November 2014 and January 2015. A total of 150 first- and second-year law students watched and evaluated the plain language version, and 99 judged the other, more elaborate rendition. Of these 249 subjects, tested during class, almost 60 % were women. As regards age, about 58 % of the students were under 20 years old, and around 33 % were between 21 and 30 years old. Most subjects (almost 78 %) were skilled at one or more foreign languages — for more than 72 % of the total number of students, this second language was English (on its own or in combination with others), and only about 10 % of the subjects had some command of German, which was the language of the lecture

whose interpretation they had to assess. Finally, with respect to their previous experience with interpreting, just 49 of them (scarcely 20 %) had had any contact with it before the experiment; and, of these 49 subjects, only three students had previously attended 10 or more events featuring some mode of interpreting.

4.2 Instruments

4.2.1 Films

The two films featuring the original speech and its respective Spanish rendition were shot in succession on the same day. The set and the range of the camera's view were kept identical, so that subjects could have the same audiovisual experience in both versions but for the contrasting styles of the interpreter's translation. For the part of the German-language law professor, we cast a 75-year-old German national whose grave appearance and manners perfectly fit the solemnity usually expected of an experienced *man of the law*. For the role of the interpreter, one of the members of the research team, who is a professional interpreter herself, performed the usual chores of consecutive interpreting (i.e. taking notes, speaking in turns) in front of the camera. The set consisted of a raised platform, on top of which was a table where the speaker and the interpreter were seated side by side; allegedly this was one of the rooms in a conference on constitutional law. The two films ran for approximately 20 minutes each, being the plain language version shorter by about one minute.

4.2.2 Source text

The words uttered by the German professor in these films replicate a speech originally made and recorded at the University of Granada, Spain as part of a previous research project on quality in simultaneous interpreting (the results of this project are discussed in Collados Aís 1998, Pérez-Luzardo Díaz *et al.* 2005, Pradas Macías 2006, Collados Aís *et al.* 2007 and Pérez-Luzardo Díaz 2015). The 1,000-word long lecture deals with how political parties are financed in Germany, and the extent to which the German Constitution constrains this financing. In general, the language used by the speaker is not at odds with the usual complex and serpentine way of communicating of German legal professionals. On a specific level, the source text features most of the characteristics listed by, among others, Weinrich (1993), Stolze (1999) and Vlachopoulos (1999) when sketching the conventions of legal German:

- a tendency to abstraction by using, for example, an impersonal style;
- a liking for dense sentences which materialises, on the one hand, in the use of the passive voice and, on the other hand, in the abundance of painstaking, precision-seeking modifying phrases and subordinate clauses;
- a preference for nominalisation and weak verbs;
- a predisposition to employ multiple negatives;
- the all too frequent resort to archaic formulas and stock phrases, which make the use of language in this field recognisable and familiar to its professional users.

Interestingly enough, this set of features agrees with the conventional traits of legal English and Spanish; and this made the task of reproducing the traditional style of legal drafting in Spanish (in one of the target texts) easier, as can be seen below.

4.2.3 Target texts

We produced two target texts in Spanish. In the first version (translation 1), we observed some of the most common suggestions put forward by plain language advocates in the field of law. In the second rendering (translation 2), on the contrary, the drafting strategies that we employed explicitly contradicted these suggestions, and our aim was to replicate the complex style of conventional legal language in Spanish. In both cases, we were aware that a difficulty would arise regarding the norm in consecutive interpreting, where, except for a few cases where speakers provide some information beforehand, the interpreter normally improvises his or her target language utterances before the audience. The fact that our translations were written to be casually read (and performed) by the interpreter implied a degree of “false orality” that may be seen as a drawback in our methodology. However, since our main focus here is the study of contrasting styles, we believe that a certain amount of preparation was needed in order to create two translations that were consistently different⁵.

The drafting guidelines which we used to compose the two versions of the speech are based, on the one hand, on a number of representative works on plain

⁵ The fact that, for most subjects, this was their first experience with consecutive interpreting (or with interpreting at all) mitigated the extent of this drawback – they had almost no expectations regarding the interpreter’s routine. Besides, the skill of the interpreter, who pretended to take notes and even briefly hesitated at some points as if looking for the right word, also helped to prevent subjects from perceiving the target words as an (over)edited piece of language.

English (mainly Wydick 2005, but also Mellinkoff 1982, Garner 2001, Adler 2006, Butt and Castle 2006, and Asprey 2010); and, on the other hand, on the concluding report by the Spanish Commission for Legal Language Reform (García de la Concha *et al.* 2011), which addresses some of the most urgent ills of the Spanish language as used by legal practitioners, and offers a set of basic instructions in order to cure them. Despite the differences between English and Spanish, both sources of directions run mostly along the same lines – both of them revolve around brevity and straightforward sentence building, as well as around the sparing use of legal terms and stock phrases. As said, for translation 1 (the plain version) we applied the plain language guidelines we had selected, whereas for translation 2 (the non-plain or more conventional version) we consciously ignored these guidelines and did precisely the opposite. The following is an illustrated description of the drafting techniques employed (as summarised in Table 1) and their results.

Table 1: Drafting techniques applied to translations 1 and 2

	Translation 1	Translation 2
Sentence-level strategies		
	Keep the average sentence length below 25	Build overlong sentences of 25-plus words
	Focus on the actor, the action and the object	Use unnatural sentence constructions
	Put modifiers close to what they modify and avoid nested modifiers	Use long, complex and nested modifiers
	Be concise and concrete	Be wordy and abstract
	Prefer the active voice and make the subject explicit	Prefer the passive voice and conceal the agent of the action
	Avoid multiple negatives	Use multiple negatives
Word-level strategies		
	Use base verbs	Use nominalisations
	Use strong, precise verbs	Use periphrases with a weak verb
	Choose direct, common words when not referring to genuine technical terms	Choose intricate terms which are suggestive of a highly specialised nature when a more familiar, direct word would do
	Avoid long noun chains	Use long noun chains

Sentence-level strategies

Trying to *keep the average sentence length below 25 words* and put only one main thought per sentence was a particularly challenging task, not the least because Spanish is a language prone to overlong and complex sentences. Making sentences shorter also entailed honouring many of the key guiding principles of plain language drafting. Firstly, we *focused on the actor, the action and the object*; that is, we sought to keep the subject, the verb and the object together and, if possible, at the beginning of the main clause. Secondly, we arranged the words in the sentence with care, both by *putting modifiers close to what they modify and avoiding nested modifiers*, and by *being concise and concrete* (as opposed to being wordy and abstract). In example 1, a particularly convoluted and long sentence in the source text was transformed into five shorter and more clearly-structured independent clauses in translation 1. In contrast, note how a subverted grammatical sequence and an array of long and complex modifiers block up the natural flow of meaning in translation 2, which is a more faithful rendition of the German words.

(1)

- a. El principio de igualdad general contenido en el artículo 3.1. de la Constitución ha de interpretarse desde un punto de vista estrictamente formal y solo puede violentarse por una causa inexcusable. En relación con él, el Tribunal Constitucional ha aplicado el principio de igualdad entre partidos teniendo en cuenta el artículo 21.1.1. de la Constitución. De este modo, este tribunal ha decidido que debe haber igualdad entre los partidos antes de las elecciones. Esto se concreta, por ejemplo, en el tiempo que tendrán estos para promocionarse en la radio. Y esta igualdad se extenderá a un control especial sobre cómo se financian los partidos. (Translation 1)⁶
- b. A partir del artículo 21.1.1., en relación con el principio de igualdad general (art. 3.1. de la Ley Fundamental), que es interpretado desde un punto de vista estrictamente formal y que únicamente puede ser infringido por causa inexcusable, el principio de igualdad de oportunidades de los partidos políticos frente al poder público ha sido aplicado por el Tribunal Constitucional Federal no solamente en la fase preelectoral, por ejemplo en la distribución del tiempo de emisión radiofónica, sino también, de forma muy especial, en cuestiones de financiación de los partidos. (Translation 2)

6 Source text: Hergeleitet aus Art. 21 Abs. 1 Satz 1 GG in Verbindung mit dem allgemeinen Gleichheitssatz (Art. 3 Abs. 1 GG), der in diesem Zusammenhang streng formal verstanden wird, und Durchbrechungen nur aus zwingenden Gründen erlaubt, ist das Gebot der Chancengleichheit politischer Parteien von der öffentlichen Gewalt vom Bundesverfassungsgericht nicht nur auf der Phase der Wahlvorbereitung, etwa bei der Vergabe von Rundfunksendezeiten, angewandt worden, sondern vor allem auch auf die Fragen der Parteifinanzierung.

In connection with these sentence building techniques, we addressed another frequent source of uncertainty in legal texts, both in German and Spanish, but also in English: the fondness for the passive voice, where the identity of the one in charge of the action is often kept under wraps. In translation 1, we endeavoured to reverse this tendency by *preferring the active voice* and, when it was clear enough who (or what) had done what, *making the subject explicit*, as in example 2.

(2)

- a. En segundo lugar, porque la financiación irregular puede influir en la voluntad de los votantes e incluso falsear la libre competencia entre partidos. (Translation 1)⁷
- b. Y que, por otra parte, ha de evitarse no únicamente que el proceso democrático de la formación de voluntad sea influenciado, sino, más aún, que la libre competencia política sea sometida al falseamiento. (Translation 2)

Avoiding multiple negatives also helps the audience to better comprehend what the speaker is saying. In example 3, the combined expressions of negativeness, both in the source text (*unverzichtbar, ohne, niemand*) and in translation 2 (the Spanish words *irrenunciable, sin, imposible, nadie, tampoco*), make understanding a particularly demanding job. On the contrary, translation 1 overturns these sources of negative meaning, and offers instead two short, affirmative sentences which are uncomplicated and easily comprehensible.

(3)

- a. En primer lugar, porque cualquier organización, incluidos los partidos políticos, necesita financiarse para trabajar de modo efectivo. Por ejemplo, el dinero es necesario para realizar campañas electorales o programas políticos. (Translation 1)⁸
- b. Y las causas residen en que, por una parte, ésta se hace prácticamente irrenunciable, dado que, sin los suficientes medios económicos, resulta imposible que nadie, tampoco en política, pueda desempeñar sus funciones con efectividad; por ejemplo, la realización de campañas electorales o la elaboración de programas políticos. (Translation 2)

7 Source text: Andererseits muss jedoch nicht nur verhindert werden, dass durch sie der demokratische Willensbildungsprozess beeinflusst oder gar der freie politische Wettbewerb verfälscht wird.

8 Source text: Denn einerseits ist sie praktisch unverzichtbar, weil ohne ausreichende Geldmittel auch in der Politik niemand seine Aufgaben wirksam erfüllen, etwa Wahlkämpfe führen oder Programme erarbeiten kann.

Word-level strategies

The strategies relating to individual words and phrases may be summed up by one of Wydick's (2005:69) directions – “avoid language quirks” (i.e. “small distractions that draw your reader's mind from *what* you are saying to *how* you are saying it” [author's emphasis]). And, even though expressiveness plays its part in oral lectures, we favoured the use of common, simple, direct words in order to render the meanings in the source text in a matter-of-fact manner. We did this, to start with, by *using base verbs* instead of nouns (e.g. *invitar* in translation 1 versus *su invitación* in translation 2; *financiar* versus *la financiación*; *formar su voluntad* versus *la formación de la voluntad*), and by *using strong, precise verbs* instead of periphrases including a weak verb (e.g. *falsear* versus *someter al falseamiento*; *obligar* versus *establecer la obligación*; *profundizar* versus *indagar más profundamente*).

Then, in connection with our quest for concision and “tangible” meanings at sentence-level, we *chose direct, common words to express apparently complicated legally-bound concepts*. As a case in point, when the source text refers to the Constitution (or constitutional law) as *das Grundgesetz*, in translation 1 we used a straightforward *la Constitución* throughout the speech, whereas in translation 2 we resorted to euphemistic, harder-to-grasp terms – *la ley fundamental* (*the fundamental law*) and *la norma suprema* (*the supreme rule*).

Also as a way of illustration, an abstract sentence like *no pueden ser encuadrados totalmente en el ámbito de la estatalidad organizada* (*political parties cannot be completely assimilated into the sphere of a perfectly organised State composition*), in translation 2, is an unnecessarily complex way of saying that the State should not be allowed to fully control how political parties are organised; however, in their intricate expression, terms such as *encuadrar* (*assimilate into*) and *estatalidad organizada* (*perfectly organised State composition*) seem to indicate a far more elaborate legal reality. In translation 1, instead, we opted in this instance for more familiar words and clearly-defined structures which aimed to leave nobody in the audience puzzled as to what they were listening to, as can be seen in example 4.

(4)

- a. Pero los partidos son a la vez instituciones libres e independientes del Estado. Son organizaciones que forman parte de la vida social y que influyen en cómo los ciudadanos moldean su voluntad política. Por ello, el Estado no puede organizar ni limitar de otra forma su libre desarrollo. (Translation 1)⁹

⁹ Source text: Darüber hinaus kommt den politischen Parteien ein Status der Freiheit und Staatsunabhängigkeit zu. Als im gesellschaftlichen Bereich wurzelnde Institutionen des Verfas-

- b. Pero los partidos políticos también ostentan la condición de instituciones libres e independientes frente al Estado. Como instituciones enraizadas en el ámbito social de la vida constitucional que participan en la formación política de la voluntad popular, no pueden ser encuadrados totalmente en el ámbito de la estatalidad organizada ni ser limitados de cualquier otra forma por el Estado en su libre desarrollo. (Translation 2)

Finally, we *avoided the use of overlong noun chains* in translation 1 and preferred, as an alternative, to develop the meaning intended by way of simple clauses with strong verbs and nouns. This is the case in example 5, where translation 2 features a noun chain which, for the most unknowing members of the audience, may sound like a specialised legal concept bound to be expressed only in (supposedly) technical terms.

(5)

- a. También resulta del deber que la Constitución impone a los partidos políticos sobre publicidad y responsabilidad pública. (Translation 1)¹⁰
- b. Como “obligación de transparencia” responde, al mismo tiempo, a la condición jurídico-constitucional de publicidad y responsabilidad pública de los partidos políticos, [...]. (Translation 2)

To sum up, we applied plain language strategies to translation 1 with the intention of producing a clear and precise text (to be read, in this case, as the improvised Spanish translation of the German-language lecture). This required us to depart from the source text to a great extent in many instances, since the German speech abounds with extremely long sentences and instances of complex drafting. On the contrary, we followed the source text in a more faithful manner in translation 2, where these complex features are very often found in conventional legal drafting in Spanish as well. By taking the elaborate style of the German speech as a model (save for the peculiarities of each language) and by consciously contradicting the plain language techniques applied to translation 1, translation 2 echoed the intricate drafting pattern of Spanish legal practitioners.

sungslebens, die an der politischen Willensbildung des Volkes mitwirken, dürfen sie weder in den Bereich der organisierten Staatlichkeit eingefügt, noch auf andere Weise vom Staat in ihrer freien Entfaltung beeinträchtigt werde.

10 Source text: Als Transparenzgebot entspricht sie zugleich auch dem verfassungsrechtlichen Status der Öffentlichkeit und öffentlichen Verantwortung politischer Parteien, [...].

4.2.4 Questionnaires

At the beginning of each session with the law students, we told them that the aim of the experience was to collect data regarding the quality of the interpreter's performance from an expert audience. So as not to prejudice their answers, we did not mention that we were also assessing their perceptions of plain language and, more generally, legal language. We then handed out a set of questionnaires to each subject, instructed them on how and when to complete the forms and, finally, showed them the film. Apart from a preliminary set of questions intended to obtain a more specific profile of the participating students, the subjects had to answer four short questionnaires, all of which contained Likert-type items and a final box for optional extra remarks by the subjects. Each item in the four questionnaires consisted of a statement followed by a five-point scale, in which the numbers corresponded to the following meanings: 1 ("I strongly disagree"), 2 ("I disagree"), 3 ("I neither agree nor disagree"), 4 ("I agree") and 5 ("I strongly agree").

The first questionnaire (A) enquired into the subjects' preconceptions on legal language and legal interpreting. Questionnaires B and C, which were identical forms, allowed the students to assess the interpreter's performance in terms of her knowledge of the law, her use of Spanish, the clarity of her expression, and her professional standard. Finally, in questionnaire D we asked the subjects to evaluate the overall quality of the interpretation they had watched, which they did by rating separately the different components of quality as described in the literature on interpreting. Regarding when to complete each form, questionnaire A was requested to be filled in before the film started; questionnaire B, ten minutes into the watching; and questionnaires C and D, after the film ended. In order to see if fatigue had any impact on the subjects' opinion, we asked students to complete forms B and C, consisting of the same items, at different points.

Tables 2, 3 and 4 show the items in questionnaires A, B, C and D¹¹.

Table 2: Items in questionnaire A¹²

Item
1) When I become a professional lawyer and attend any oral presentation as part of my legal practice or continuous training and where an interpreter is required, I will expect the interpreter to literally follow the style of the speaker.

¹¹ The forms were handed out to the subjects in Spanish. The English translations included here are ours.

¹² Items 2 and 4 refer to the subjects' general impressions on legal language. Items 1 and 3 deal with their opinion on legal interpreting.

Item

-
- 2) I think that, in general, the quality of legal language would improve if legal professionals refrained from using certain phrases and terms which are unnecessarily complex.
-
- 3) When a legal expert speaks in a style which is complex and unclear, I am prepared to accept the interpreter who is translating to simplify the style of the speaker.
-
- 4) In broad terms, I think that the language used by legal professionals when they speak is clear and precise.
-

Table 3: Items in questionnaires B and C¹³**Item**

-
- 1) As an expert in the field of law, I find that this interpretation is acceptable from a professional point of view.
-
- 2) The interpreter has an adequate knowledge of the field of law.
-
- 3) The interpreter has an excellent knowledge of the Spanish language, and uses it accordingly.
-
- 4) The interpreter uses a clear and easy-to-understand language.
-
- 5) The interpreter has used the correct terms in order to express the legal aspects dealt with by the speaker.
-
- 6) If I needed someone to interpret a legal lecture in the future, I would employ this interpreter.
-
- 7) The interpreter expresses herself in Spanish with great proficiency.
-
- 8) After having listened to the interpreter's translation, I am perfectly aware of the aspects discussed by the speaker and his opinions on them.
-

¹³ The items measure four factors: (a) to what extent subjects think that the interpreter is competent at using the Spanish language (items 3 and 7); (b) whether they consider that the language used by the interpreter is clear (items 4 and 8); (c) what they think about the interpreter's specialised knowledge in the field of law (items 2 and 5); and (d) whether they find the interpreter's performance acceptable in professional terms (items 1 and 6).

In terms of reliability, questionnaires B and C, whose items could be encapsulated in the four factors described above, yielded a satisfactory internal consistency of 0.89 and 0.90, respectively, using Cronbach's alpha coefficient (i.e. a statistical method which gives information as to the degree to which the items in a scale measure similar characteristics).

Table 4: Items in questionnaire D

Item
1) Globally, the quality of the interpretation has been excellent.
2) The way in which the interpreter pronounces Spanish is that of a native speaker.
3) The interpreter has a nice voice.
4) The interpretation has been fluent.
5) The interpreter has connected the speaker's ideas in an appropriate manner.
6) The interpreter has correctly transmitted the meaning of the source speech.
7) The interpreter has transmitted the meaning of the source speech in its entirety.
8) The interpreter has used the right terms.
9) The interpreter has used an appropriate style.
10) The interpreter has used a varied, non-monotonous voice.
11) The interpreter's voice is clear.
12) The interpreter uses the Spanish grammar correctly.
13) The interpreter acts as a professional.
14) The interpreter is trustworthy.
15) As a law student and legal professional-to-be, I think that the source speech is excellent.

4.3 The results

After being handed the completed forms, we worked out the average figures for each of the items and factors under study. Regarding questionnaire A, given that it was a preliminary set of statements on legal language and legal translation, we took all 249 subjects into consideration to determine what their preconceptions were about these issues. The law undergraduates who took part in our survey thought as follows about the language of the law (items 2 and 4) and about translation in this specialised field (items 1 and 3):

Table 5: Results of questionnaire A

Item	Global result
1) When I become a professional lawyer and attend any oral presentation as part of my legal practice or continuous training and where an interpreter is required, I will expect the interpreter to literally follow the style of the speaker.	3.485

Item	Global result
2) I think that, in general, the quality of legal language would improve if legal professionals refrained from using certain phrases and terms which are unnecessarily complex.	3.195
3) When a legal expert speaks in a style which is complex and unclear, I will be prepared to accept that the interpreter who is translating will simplify the style of the speaker.	3.265
4) In broad terms, I think that the language used by legal professionals when they speak is clear and precise.	3.335

Though marginally, the preconceived ideas which involved some degree of “as-sent” to conventional unclear legal language (items 1 and 4) scored higher than those (subtly) acknowledging the need to make legal language more comprehensible (items 2 and 3).

As to identical questionnaires B and C (the former to be completed 10 minutes into the film; the latter, after watching the whole video), we computed the results for each of the factors separately for the plain language version (translation 1) and for the more conventional rendering (translation 2).

Table 6: Results of questionnaire B

Factor	Translation 1	Translation 2
The interpreter is a proficient speaker/user of Spanish.	4.198	4.201
The interpreter is clear.	4.1913	3.9794
The interpreter is an expert in the legal field.	3.6946	3.7653
The interpreter is acceptable in professional terms.	3.8154	3.8557

Table 7: Results of questionnaire C

Factor	Translation 1	Translation 2
The interpreter is a proficient speaker/user of Spanish.	3.9759	4.2188
The interpreter is clear.	4.0621	3.9330
The interpreter is an expert in the legal field.	3.5582	3.7448
The interpreter is acceptable in professional terms.	3.5685	3.8906

Concerning the issue of fatigue (i.e. the possibility of subjects growing tired of the viewing and, thus, scoring the whole experience lower after the end of the film), this seemed to have an effect in this case. In general, average figures in ques-

tionnaire C were slightly lower than those in questionnaire B, except for the factors regarding the interpreter's use of Spanish and professional standard in translation 2. These exceptions could be read as a hinted approval of legal language "as is", that is to say, students appreciated the reiteration of conventional language as something (at least, partially) commendable.

With regard to the differences between translations 1 and 2 in the way they were assessed by their respective viewers in questionnaire C, the results show that, even though by a very narrow margin, the non-plain version (translation 2) was judged better than the other one in terms of legal expertise, proficient use of Spanish and professional standard. The plain version (translation 1) only achieved a higher mark as regards the clarity of the interpreter.

Finally, the purpose of questionnaire D was to measure the impact which every aspect of quality may have on the subjects' global perception of the interpreter and her performance. Though initially more focused on the issue of quality in interpreting than on plain language in the legal field, its results (broken down as per translations) provide a good amount of food for thought for the latter aspect.

Table 8: Results of questionnaire D

Item	Translation 1	Translation 2
1) Globally, the quality of the interpretation has been excellent.	3.53	3.89
2) The way in which the interpreter pronounces Spanish is that of a native speaker.	4.32	4.32
3) The interpreter has a nice voice.	4.02	4.27
4) The interpretation has been fluent.	3.85	4.20
5) The interpreter has connected the speaker's ideas in an appropriate manner.	3.72	3.98
6) The interpreter has correctly transmitted the meaning of the source speech.	3.68	3.76
7) The interpreter has transmitted the entire meaning of the source speech.	3.36	3.66
8) The interpreter has used the right terms.	3.66	3.97
9) The interpreter has used an appropriate style.	3.77	4.02
10) The interpreter has used a varied, non-monotonous voice.	3.52	3.78
11) The interpreter's voice is clear.	3.79	4.08
12) The interpreter uses the Spanish grammar correctly.	4.11	4.28
13) The interpreter acts as a professional.	4.12	4.41
14) The interpreter is trustworthy.	3.67	4.04

Item	Translation 1	Translation 2
15) As a law student and legal expert-to-be, I think that the source speech is excellent.	3.66	3.82

With the exception of a draw in item 2 (relating to the interpreter's pronunciation), the interpretation corresponding to conventional language (translation 2) was found to be of a better quality than the one fashioned after plain language models. This implies that, even though we made sure that the interpreter performed in the same way in both videos (see the description of the filming procedure above), subjects in translation 2 judged her better in terms of fluency, or concerning the nice and clear nature of her voice. Further, they were more convinced in translation 2 of the fact that the interpreter had correctly and entirely transmitted the meaning of the original speech, and that the source speech itself was excellent. This better appreciation of the conventional rendering was confirmed by the result in item 1, deeming it of a more excellent quality in global terms. The results in questionnaire D, together with the subjects' verdicts in forms A, B and C, and their implications for our hypothesis, will be discussed below.

5 Discussion of results

According to our initial hypothesis, first- and second-year law students, because they have not had much contact with the tools of the legal trade yet (language among them), should not be very inclined towards elaborate and archaic-sounding legal language; and, by the same rule, they should show more tolerance towards the use of plain language in the legal field than their senior colleagues-to-be. Generally speaking, the results of our study reveal that this is not the case. In questionnaires B and C, the more conventional rendering was considered better in all respects except for the factor measuring clarity. And, more conclusively, subjects used questionnaire D to enthrone the anti-plain language version as a more satisfactory piece of interpreting in terms of quality. Moreover, the scores in questionnaire A, about preconceptions on legal language and translation, suggest that the subjects feel that the way legal professionals conventionally speak is clear and precise enough; and, as a consequence, the interpreter should not intervene to make the speech any simpler.

As regards questionnaires B and C, their results partially confirm previous research involving translation and practising lawyers. As in González-Ruiz (2005), though still acknowledging that the plain language version was (only slightly) clearer, the subjects thought that the conventional rendering was better

in terms of the interpreter's professional standard and legal expertise. They even considered the interpreter in the more elaborate presentation a more proficient Spanish speaker. However, this is in contradiction with the findings of González-Ruiz (2013, 2014), where he appreciated that, though modestly, Spanish legal experts and students showed some tolerance towards a language different from the customary legal jargon.

The subjects' global perception of the conventional version as superior is definitely proclaimed by the results of questionnaire D. In line with the conclusions by Pérez-Luzardo Díaz (2015), the law undergraduates who participated in our study found that translation 2, modelled after traditional legal language, better fulfilled the quality criteria identified by Collados Aís *et al.* (2007, 2011) for interpreting. Furthermore, not only did the subjects score it better in all eleven quality parameters (excepting a draw in pronunciation), but they also described the interpreter in it as more trustworthy and professional, they showed a higher regard for the value of the original speech, and, in general, they were more convinced of having witnessed an excellent interpreting job. The results in questionnaire D must be read taking into consideration that we made all efforts to keep both versions as alike as possible, except for the parameter of style (i.e. plain language versus elaborate, complex and ostentatiously technical language). It could be argued that, by altering the choice of words and expressions used by the interpreter, the aspect relating to terminology might also be affected in the subjects' eyes. However, the higher mark for translation 2 in most other parameters seems hard to justify, such as in those linked to the pleasantness and clarity of the interpreter's voice, her fluency when speaking, or the fact that the interpreter conveyed the whole meaning of the original speech (especially when only 10 % of the subjects had some knowledge of German).

Pérez-Luzardo Díaz (2015) already noted that, if the style of the interpreted discourse was manipulated (in her case, it was also in the sense of making it more pompous), not only the assessment of the parameter of style was affected, but also that of most other quality parameters. In her research, even the aspects regarding professional standard and reliability scored higher in the manipulated video than in the control video. This agrees with the results we have obtained in our own study, and seems to endorse the idea in interpreting quality studies that, by manipulating a single factor, the rest of them (as identified in the items in questionnaire D) are also influenced. It also seems to support the view that style is not a *minor* parameter when listeners assess the quality of an interpretation; quite on the contrary, it has proved to clearly impact on the way listeners regard not only the whole interpreting experience, but also the original speech.

This "domino-effect" reading of the results also takes us to another discussion, this one of a more sociological nature. In our study, the pursuit of clarity (as

realised in translation 1) is to be seen as a stylistic choice whose aim is to provide a better, more accessible linguistic experience to listeners, thus giving more weight to them as participants in the communicative act. In this context, it could be expected that the *clearer* the speech, the *more satisfactory* the experience will be for those listening. This assumption should also be true in the case of a specialised audience like the one involved in our experiment since we did not uproot authentic technical terms from the lecture in translation 1 (i.e. we did not intend to *dumb down* the message of the speaker); quite the opposite, in it, we merely strove to turn the original speech into a simpler and clearer piece of language whilst keeping the message intact. However, most results show that the subjects who took part in our research preferred the more complex version over the plain language rendering. In theory, this is at odds with the basics of communicative interaction, but then there seems to be a factor pertaining to language in the legal profession that has to do less with communication than with professional zeal and a sense of belonging to a community (rather, an elite community). In the case of our study, bearing in mind that those surveyed were students, it would be more suited to suggest that the preference for conventional legal language could be linked to the *prospect* of belonging to such a community.

Law undergraduates in Spain are trained to write and speak in the tried-and-tested way. The written materials they must read and work on throughout their learning years are drafted in a time-honoured language, whose archaic and complex nature makes understanding a difficult task. The same could be said of the words and sentences they habitually listen to at the lectures they attend. It is significant here that most programmes of study in Spanish law faculties notoriously lack any specific training in language, let alone training in a language that deviates from the fail-safe conventional style of legal communication. Besides, current efforts to reform the language of the law do not seem to have caught on yet. All these factors could help explain the conservative stance of our students, even when some of them had only spent one or two terms at law school at the time of the survey – after all, adhering to their teachers' linguistic habits is a key to success in their studies. As said, orthodox notions about legal language also came to the surface in the answers given by the subjects in questionnaire A. Their preconceived ideas about the way legal experts speak seemed to be on the side of traditionalists, and so did their opinions on the role of legal translators and interpreters. Regarding the latter aspect, it is remarkable that literal methods of translation and interpreting, which professional practice has proved to be ineffective most of the times, are usually associated with conventional views on legal language.

In questionnaire A, students gave their highest score to the item stating that they expected an interpreter to literally follow the style of the speaker. In this

respect, Šarčević (1997) points out that, until well into the 20th century, legal texts were considered on a par with the Bible as far as translation was concerned, and this meant that the law had to be translated to the letter, so as not to spoil its allegedly precise message (in the context of our experiment, this assumption is partially materialised in translation 2, where the target version very much resembles the surface of the source speech). Later developments in international institutions and their profusion of multilingual treaties and legislation, together with the equality demands of *minor* languages within those institutions, reversed this trend to some extent and called for more idiomatic procedures in translation. However, the opinion of our students, as revealed in questionnaire A, suggests that the *literal* view is still somewhat predominant in the field of legal interpreting (and, we presume, translation). Interestingly for our discussion, though in a neighbouring territory of study, the word-for-word approach definitely prevails as regards legal translation in some institutional settings. A case in point is the European Union (EU); according to its policy makers, the fidelity to the single instrument, which is the dominant principle governing behaviour in translation in this domain, is best served by a literal translation. Šarčević (2015:202) uncovers this taste for literalness in the EU by quoting Koskinen (2000):

Despite the EU values of cultural and linguistic diversity, translators are under pressure to forget about the cultural turn in translation studies and to avoid target-receiver culture-specific features, adopting instead a “preference for surface-level similarity, which is assumed to guarantee that readers of the various translations all get the same message”. Accordingly, equivalence is often taken to mean “linguistic correspondence, or literal rendering”, thus reducing the notion of equivalence to a “mere visual equivalence” without quality requirements: “what is important is that all versions look the same” (Koskinen 2000: 54–6 [...])

We feel that this “preference for surface-level similarity” in both translation and interpreting, and the notion of *equivalence* as “linguistic correspondence, or literal rendering” are behind the conservative attitude of the subjects involved in our experiment (and, probably, of most people in the legal profession). In our view, however, conveying legal contents in a clear and accessible manner would demand translation and interpreting techniques far apart from the verbatim method. Translation 1, our plain language version, is proof of this – in order to deliver a speech which was intelligible and clearly structured (as opposed to the very elaborate original discourse), we had to veer away from the letter of the source lecture. But, judging by our results, law students attending an interpreter-mediated event expect to hear a speech which, while featuring the complexity of their own language as used in legal circles, is supposed to be a replica of the (also complex) original delivery.

6 Conclusion

As commented, the outcome of the experiment described in this paper has refuted our initial hypothesis. This result, however, should be taken with some caution, as we may identify several weaknesses in our study. First of all, the number of subjects who took part in our research, though significant, was relatively small. Secondly, the fact that all undergraduates belonged to the same school and university may have prejudiced the resulting data; they were all under the same programme of study and shared (at least partially) the same teachers. Finally, we did not design a middle-ground third version where only some, and not all, of the plain language drafting techniques were applied; it is possible that such a rendering would have been judged more acceptable by the students. In connection with this, isolating one drafting technique from the others would surely give a more definite account of the preferences in style of legal experts, and would help us identify which features of plain language they are more prepared to accept.

Following the distinction made by Engberg (2013:31) which we mentioned at the beginning of this paper, further research should also be done regarding the “knowledge conveyed” by the oral texts received by our students. Regardless whether they think they have witnessed a proficient performance of the interpreter, or whether they prefer one rendition over the other, the question would be – have they actually understood what the speaker (via the interpreter) has said? If they were asked to sit a comprehensibility test about the contents of the speech they have listened to, would the subjects who were shown the plain language version perform better than those in the other group? This path of study would correspond with a move recently called for when studying quality in the field of interpreting (generally, e.g. Déjean le Féal 1990, Shlesinger 1997, and Reithofer 2013; or regarding the link between understanding and a specific parameter, Rennert 2010 on fluency, and Holub 2010 on intonation), and with a line of testing already followed by plain language advocates and public bodies committed to clear communication (see e.g. Kimble 2006, 2012; or the applied linguistics’ reflection-action-evaluation framework of Gibbons 2001). Investigation based on the knowledge conveyed would provide us with valuable arguments as to the (in)convenience of complex legal language. Moreover, it would be of great interest for those involved in legal and interpreting training settings.

References

- Adams, Matthew (2005): Plain English: the cure against translating infectious legal-speak. *ATA Chronicle* 34(9): 28–29.
- Adler, Mark (2006): *Clarity for lawyers: Effective legal writing*. 2nd ed. London: The Law Society.
- Alcaraz Varó, Enrique, and Brian Hughes (2002): *Legal translation explained*. Manchester: St. Jerome.
- Altman, Janet (1994): Error analysis in the teaching of simultaneous interpreting: A Pilot Study. In *Bridging the gap: Empirical research in simultaneous interpretation*, ed. Sylvie Lambert, and Barbara Moser-Mercer, 25–38. Amsterdam/Philadelphia: John Benjamins.
- Asprey, Michelle M. (2010): *Plain language for lawyers*. 4th rev. ed. Annandale, Australia: The Federation Press.
- Berk-Seligson, Susan (1988): The impact of politeness in witness testimony: The influence of court interpreter. *Multilingua* 7(4): 411–439.
- Bhatia, Vijay K. (1997): Translating legal genres. In *Text typology and translation*, ed. Anna Trosborg, 203–214. Amsterdam/Philadelphia: John Benjamins.
- Briz Gómez, Antonio, dir. (2011): *Estudio de campo: Lenguaje oral (Comisión para la Modernización del Lenguaje Jurídico)*. Madrid: Ministerio de Justicia del Gobierno de España.
- Bühler, Hildegund (1986): Linguistic (semantic) and extra-linguistic (pragmatic) criteria for the evaluation of conference interpretation and interpreters. *Multilingua* 5(4): 231–235.
- Bundesministerium der Justiz (2008): *Handbuch der Rechtsförmlichkeit*. 3rd ed. <http://hdr.bmj.de>. Accessed 6 April 2015.
- Burukina, Olga (2012): Legal translation: principles of success. *Contemporary Readings in Law and Social Justice* 4(1): 570–590.
- Butt, Peter, and Richard Castle (2006): *Modern legal drafting. A guide to using clearer language*. 2nd ed. Cambridge: Cambridge University Press.
- Carretero González, Cristina, dir. (2011): *Estudio de campo: Políticas públicas comparadas (Comisión para la Modernización del Lenguaje Jurídico)*. Madrid: Ministerio de Justicia del Gobierno de España.
- Cheek, Annetta (2010): Defining plain language. *Clarity. Journal of the International Association Promoting Plain Legal Language* 64: 5–15.
- Collados Aís, Ángela (1998): *La evaluación de la calidad en interpretación simultánea. La importancia de la comunicación no verbal*. Granada: Comares.
- Collados Aís, Ángela, E. Macarena Pradas Macías, Elisabeth Stévaux, and Olalla García Becerra (eds.) (2007): *La evaluación de la calidad en interpretación simultánea: parámetros de incidencia*. Granada: Comares.
- Collados Aís, Ángela, Emilia Iglesias Fernández, E. Macarena Pradas Macías, and Elisabeth Stévaux, eds. (2011): *Qualitätsparameter beim Simultandolmetschen*. Tübingen: Narr Verlag.
- Conde Antequera, Jesús (2009): *Lenguaje administrativo y derecho: El lenguaje como aspecto de la actividad administrativa. Propuestas para un uso eficaz del lenguaje administrativo por el personal de las Administraciones Públicas*. Navarra: Aranzadi/Thomson Reuters.
- Déjean le Féal, Karla (1990): Some thoughts on the evaluation of simultaneous interpretation. In *Interpreting: yesterday, today, and tomorrow*, ed. David Bowen, and Margareta Bowen, 154–160. Binghampton, NY: SUNY.

- Eichhoff-Cyrus, Karin M., and Gerd Antos (eds.) (2008): *Verständlichkeit als Bürgerrecht? Die Rechts- und Verwaltungssprache in der öffentlichen Diskussion* [Thema Deutsch 9]. Mannheim: Dudenverlag.
- Engberg, Jan (2013): Legal linguistics as a mutual arena for cooperation. Recent developments in the field of applied linguistics and law. *AILA Review* 26. doi 10.1075/aila.26.03eng.
- Fluck, Hans-R. (2008): Verwaltungssprache unter dem Einfluss der Gesetzessprache. In *Verständlichkeit als Bürgerrecht. Die Rechts- und Verwaltungssprache in der öffentlichen Diskussion*, ed. Karin M. Eichhoff-Cyrus, and Gerd Antos, 117–135. Mannheim: Dudenverlag.
- García de la Concha, Víctor et al. (2011): *Informe de la Comisión de Modernización del Lenguaje Jurídico*. Madrid: Ministerio de Justicia del Gobierno de España.
- Garner, Bryan A. (2001): *Legal writing in plain English. A Text with exercises*. Chicago and London: The University of Chicago Press.
- Garzone, Giuliana (2003): Reliability of quality criteria evaluation in survey research. In *La evaluación de la calidad en interpretación: investigación*, ed. Ángela Collados Aís, M. Manuela Fernández Sánchez, and Daniel Gile, 23–30. Granada: Comares.
- Gibbons, John (2001): [Revising the language of New South Wales police procedure: Applied linguistics in action](#). *Applied Linguistics* 22/4: 439–469.
- Gile, Daniel (1983): Des difficultés de langue en interprétation simultanée. *Traduire* 117: 2–8.
- Gile, Daniel (1990): L'évaluation de la qualité de l'interprétation par les délégués: une étude de cas. *The Interpreters' Newsletter* 3: 66–71.
- Gile, Daniel (1995): Fidelity assessment in consecutive interpretation: An experiment. *Target* 7(1): 151–164.
- González-Ruiz, Víctor (2005): Translating the unclear: How Spanish law professionals accept plain translated texts. *Folia Translatologica* 9: 36–49.
- González-Ruiz, Víctor (2013): Legal translations and plain language: The judgement of Spanish law undergraduates. Poster presented at the *PLAIN 20th Anniversary conference*, Vancouver, Canada, 10-13 October 2013.
- González-Ruiz, Víctor (2014): Trying to see the wood despite the trees: A plain approach to legal translation. In *The Ashgate Handbook of Legal Translation*, ed. Le Cheng, King Kui Sin, and Anne Wagner, 71–88. Surrey, UK: Ashgate.
- Hammel, Andrew A. (2008): Legal translation, the plain language movement, and English as a lingua franca. In *Language and Law: Theory and Society*, ed. Frances Olsen, Alexander Lorz, and Dieter Stein, 275–290. Düsseldorf: Düsseldorf University Press.
- Hansen, Sandra, Ralph Dirksen, Martin Küchler, Kerstin Kunz, and Stella Neumann (2006): Comprehensible legal texts — Utopia or a question of wording? On processing rephrased German court decisions. *Hermes – Journal of Language and Communication Studies* 36: 15–40.
- Hazelton, Cynthia (2006): Where does plain English fit in? *ATA Chronicle* 35(1): 36–46.
- Herbert, Jean (1952): *The interpreter's handbook: How to become a conference interpreter*. Geneva: Georg.
- Holub, Elisabeth (2010): Does intonation matter? The impact of monotony on listener comprehension. *The Interpreters' Newsletter* 15: 117–126.
- Joseph, John E. (1995): Indeterminacy, translation and the law. In *Translation and the Law* (American Translators Association Scholarly Monograph Series VIII), ed. Morris Marshall, 1–36. Amsterdam / Philadelphia: John Benjamins.
- Kimble, Joseph (2006): *Lifting the fog on legalese. Essays on plain language*. Durham, North Carolina: Carolina Academic Press.

- Kimble, Joseph (2012): *Writing for dollars, writing to please. The case for plain language in business, government, and law*. Durham, North Carolina: Carolina Academic Press.
- Koskinen, Kaisa (2000): Institutional illusions. Translating in the EU Commission. *The Translator* 6.1: 49–65.
- Kopczyński, Andrej (1981): Deviance in conference interpreting. In *The mission of the translator today and tomorrow*, ed. Andrej Kopczyński, 399–404. Warsaw: Polska Agencja Interpress.
- Lerch, K. D. (ed.) (2004): *Recht Verstehen. Verständlichkeit, Missverständlichkeit und Unverständlichkeit von Recht* [Die Sprache des Rechts 1]. Berlin: De Gruyter.
- Lötscher, A., and Markus Nussbaumer (eds.) (2007): *Denken wie ein Philosoph und schreiben wie ein Bauer. Sprache, mit der ein Staat zu machen ist*. Zürich: Schulthess.
- Mason, Marianne (2008): *Courtroom interpreting*. Lanham: University Press of America.
- Mellinkoff, David (1963): *The language of the law*. Boston/Toronto: Little, Brown and Company.
- Mellinkoff, David (1982): *Legal writing: Sense and nonsense*. St. Paul, Minnesota: West.
- Montolío Durán, Estrella, dir. (2011): *Estudio de campo: Lenguaje escrito (Comisión para la Modernización del Lenguaje Jurídico)*. Madrid: Ministerio de Justicia del Gobierno de España.
- Moser, Peter (1995): *Simultanes Konferenzdolmetschen. Anforderungen und Erwartungen der Benutzer. Endbericht im Auftrag von AIIC*. Vienna, SRZ Stadt und Regionalforschung GmbH.
- Muhr, Rudolph (2012): Zur Bürgerfreundlichkeit und Verständlichkeit alltagsnaher sterreichischer Rechtstexte. In *Sprachenpolitik und Rechtssprache*, ed. Sandro Moraldo, 118–140. Frankfurt a. M.: Peter Lang.
- Muhr, Rudolph (2013): Strategien der Reformulierung von Rechtstexten und ihr Einsatz in der Ausbildung für Übersetzer und Dolmetscher. In *Sprachwissenschaft im Fokus germanistischer Forschung und Lehre*, ed. Edyta Błachut, Józef Jarosz, Anna Malgorzewicz, and Roman Opilowski, 309–331. Wrocław/Dresden: Neisse Verlag.
- Pérez-Luzardo Díaz, Jessica (2007): La incidencia del estilo en la evaluación de la calidad. In *La evaluación de la calidad en interpretación simultánea: parámetros de incidencia*, ed. Ángela Collado-Aís, E. Macarena Pradas Macías, Elisabeth Stévaux, and Olalla García Becerra, 141–157. Granada: Comares.
- Pérez-Luzardo Díaz, Jessica (2015): The style parameter in quality evaluation and expectations of simultaneous interpreting. *Sendebär* 26: 213–233.
- Pérez-Luzardo Díaz, Jessica and Barranco-Droege, Rafael (2011): Stil. In *Qualitätsparameter beim Simultandolmetschen*, ed. Ángela Collados Aís, Emilia Iglesias Fernández, E. Macarena Pradas Macías, and Elisabeth Stévaux, 191–217. Tübingen: Gunter Narr.
- Pérez-Luzardo Díaz, Jessica, Emilia Iglesias, Amparo Jiménez, and M^a Jesús Blasco (2005): Presentación y discusión de algunos parámetros de investigación en la evaluación de la calidad en interpretación simultánea. In *Actas del II Congreso Internacional AIETI*, ed. M. Luisa Romano García, 1133–1154. Madrid: Universidad Pontificia Comillas.
- Pöchhacker, Franz (2001): Quality assessment in conference and community interpreting. *Meta* 46 (2): 410–425.
- Pöchhacker, Franz (ed.) (2015): *Routledge encyclopedia of interpreting studies*. London/New York: Routledge.
- Pradas Macías, Macarena (2006): Probing quality criteria in simultaneous interpreting: The role of silent pauses in fluency. *Interpreting* 8 (1): 25–43.
- Prieto de Pedro, Jesús José (1991): *Lenguas, lenguaje y derecho*. Madrid: Cívitas.
- Raff, Gudrun, and Margret Schiedt. 2012. Der Redaktionsstab Rechtssprache beim Bundesministerium der Justiz – Ein Situations- und Erfahrungsbericht. *LeGes* 2012 (1):61–74. <http://goo.gl/a6fi2z>. Accessed 25 March 2015.

- Reithofer, Karin (2013): English as a lingua franca vs. interpreting: Battleground or peaceful co-existence. *Interpreting* 15 (1): 48–73.
- Rennert, Sylvi (2010): The impact of fluency on the subjective assessment of interpreting quality. *The Interpreters' Newsletter* 15: 101–115.
- Šarčević, Susan (1997): *New approach to legal translation*. The Hague/London/Boston: Kluwer Law International.
- Šarčević, Susan (2015): Basic principles of term formation in the multilingual and multicultural context of EU law. In *Language and culture in EU law. Multidisciplinary perspectives*, ed. Susan Šarčević, 183–206. Surrey, UK: Ashgate.
- Shlesinger, Miriam (1997): Quality in simultaneous interpreting. In *Conference interpreting: Current trends in research. Proceedings of the International Conference on Interpreting: What do we know and how?*, ed. Yves Gambier, Daniel Gile, and Christopher Taylor, 123–131. Amsterdam/Philadelphia: John Benjamins.
- Stolze, Radegundis (1999): Expertenwissen des juristischen Fachübersetzers. In *Übersetzen von Rechtstexten*, ed. Peter Sandrini, 45–62. Tübingen: Gunter Narr.
- Thieme, Stephanie (2008): Recht verständlich? Recht verstehen? Möglichkeiten und Grenzen einer sprachlichen Optimierung von Gesetzen. In *Verständlichkeit als Bürgerrecht. Die Rechts- und Verwaltungssprache in der öffentlichen Diskussion*, ed. Karin M. Eichhoff-Cyrus, and Gerd Antos, 230–243. Mannheim: Dudenverlag.
- Tiersma, Peter (1999): *Legal language*. Chicago/London: The University of Chicago Press.
- Valdovinos Chávez, M. et al. (2007): *Manual de lenguaje claro*. 3rd ed. México, D. F.: Secretaría de la Función Pública.
- Vlachopoulos, Stefanos (1999): Die Übersetzung von Vertragstexten: Anwendung und Didaktik. In *Übersetzen von Rechtstexten*, ed. Peter Sandrini, 137–154. Tübingen: Gunter Narr.
- Weinrich, Harald (1993): *Textgrammatik der deutschen Sprache*. Mannheim: Duden.
- Wydick, Richard C. (2005): *Plain English for lawyers*. 5th ed. Durham, North Carolina: Carolina Academic Press.