

even laypeople use legalese??

LINGUIST 245B: Lightning Presentation
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Experimental Work on Legalese

Legal language (“legalese”) is notoriously opaque, but what makes it complex?

- Martínez et al. argue that linguistic phenomena like long-distance dependencies are behind the complexity of legalese.
- In this 2024 study, Martínez et al. contend that laypeople

Martínez et al. (2022): Poor writing, not specialized concepts, drives processing difficulty in legal language

Martínez et al. (2023): Even lawyers don't like legalese

Martínez et al. (2024a): So much for plain language

Martínez et al. (2024b): Even laypeople use legalese

“Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, __ operates a motor vehicle with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants, or stimulant substances, all as defined in section one of chapter ninetyfour C, or while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270 shall be punished __ by a fine of not less than five hundred nor more than five thousand dollars or by imprisonment for not more than two and one-half years, or both such fine and imprisonment.”

The Experiment

- Two hypotheses regarding the complexity of legalese
 - **Magic spell hypothesis**: legalese is convoluted because it is written to have a “ritualistic, spell-like element” as a performative utterance.
 - **Copy-and-edit hypothesis**: legalese is convoluted because it is the result of an iterative writing process whereby additional information is inserted into existing sentences rather than added in separate ones.
- Text production task
- 8 trials, 4 conditions
 - **Genre** (*legal* or *story*)
 - **Sequence** (*from-scratch* or *editing*)

Demo

(abridged for brevity)

In the following pages, you will be prompted to write either a fictional story or a law about a crime.

Please write in your own words.

Click Next to begin.

Next

Progress



The first of eight trials is about to begin. On the next page you will be a fiction author and prompted to write a short story.

Click Next to continue.

Next

Progress



You are a fiction writer tasked with writing a short story about someone who commits a crime and is punished for committing that crime. Enter your response into the text box below. Below are the specifications for the crime.

Requirements of guilt for offense:

- Any person
 - Required under Title 26 to pay tax
 - Who willfully fails to
 - pay tax
 - Make tax returns
 - Keep tax records
 - Or supply such information
 - At the times required by law or regulations

Punishment of offense:

- Fine of \$25,000 and 1 year in prison

Next



The next of eight trials is about to begin. On the next page you will be a lawmaker and prompted to write a law.

Click Next to continue.

Next

Progress



You are a lawmaker tasked with writing a law that prohibits a certain crime, and specifies the punishment for that crime. Below are the specifications for the law.

Please write the law in the text box below, ensuring that it sounds authentic, authoritative and legally binding.

Requirements of guilt for offense:

- Whoever
 - Taking an oath before a competent tribunal
 - States any material matter which he does not believe to be true

Punishment of offense:

- Up to 5 years in prison

Next

Progress



After receiving your draft, your fellow lawmakers have requested you include an additional set of specifications for the law. Below is the full set of specifications, with new specifications in red. Please edit the law to include the full set of specifications. As before, ensure that it sounds authentic, authoritative and legally binding.

Requirements of guilt for offense:

- Whoever
 - Taking an oath before a competent tribunal
 - In any case in which a law of the United States authorizes an oath to be administered
 - That he will testify that any written testimony is true
 - Willfully and contrary to such oath
 - States any material matter which he does not believe to be true

Punishment of offense:

- Up to 5 years in prison

Next

Progress



The first of eight trials is about to begin. On the next page you will be a fiction author and prompted to write a short story.

Click Next to continue.

Next

Progress



You are a fiction writer tasked with writing a short story about someone who commits a crime and is punished for committing that crime. Enter your response into the text box below. Below are the specifications for the crime.

Requirements of guilt for offense:

- Any person
 - Conducts a financial transaction which involves the proceeds of unlawful activity
 - With the intent to carry out specified unlawful activity

Punishment of offense:

- Fine of \$500,000

Next

Progress



It turns out that after writing the story, your editors have requested some additional specifications. Those additional specifications are highlighted in red below. Enter your response into the text box below. Below are the specifications for the crime.

Requirements of guilt for offense:

- Any person
 - Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity
 - Conducts a financial transaction which involves the proceeds of unlawful activity
 - With the intent to carry out specified unlawful activity;
 - With intent to engage in conduct constituting a violation of the Internal Revenue Code; and
 - Knowing that the transaction is designed to conceal the proceeds of unlawful activity

Punishment of offense:

- Fine of \$500,000;
- Up to 20 years in prison; or
- Both

Next

Progress

