

Comparative Analysis of Legal Texts for German as a Second and Foreign Language Learners: Comparing Official Documents, Guides, and Textbooks

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Abstract

Plain language is often used to enhance accessibility and ease of understanding for a broader audience, including individuals with various language proficiency levels. The aim of this chapter is to conduct a comparative analysis of legal texts from different sources, all focusing on the topic of food allergens: a textbook of German as a foreign or second language, an online legal guide aimed at the general public, and an official legal text. This comparison observes the differences in presentation, means of simplification, and content among these sources. We focus on understanding how texts simplify complex legal information, what elements remain consistent, and what changes are introduced.

Keywords: didactics, tertiary language learning and teaching, German, legal texts, accessible language, plain language, food allergens

Introduction

Currently, plain language is predominantly a practical phenomenon. It emerged from the disability rights movement and has been supported in recent years by members of Germany's Netzwerk Leichte Sprache (Easy Language Network). The existing guidelines have largely evolved from practical applications, aiming to eliminate barriers associated with complex language, particularly in contrast to academic or formal language settings.

Plain language finds its application across various areas, where people, as recipients, need to understand what the author is trying to communicate to them. This applies especially in certain settings such as education (learners need to understand concepts or

instructions), healthcare, legal documents (e.g. workers need to understand their contracts or tax documents), government communication, and corporate communication.

Dating back to the latter half of the 20th century, coinciding with the pragmatic turn in linguistics, the concept of plain language stems from the idea that language should be understandable to its specific audience, echoing the principles of inclusivity as opposed to the use of more complex or exclusive forms of language.

1 Plain language and linguistic stylistics: Bridging accessibility and understanding

The majority of academic literature refers to the pragmatic turn in linguistics in the 1970s. However, texts aimed at different audiences were also thoroughly discussed by the Prague Linguistic Circle within the framework of functional stylistics.

The concept of functional style originated from the Prague Linguistic Circle in the 1920s and 1930s, with Havránek (Havránek, 1932) distinguishing conversational, technical, scientific, and poetic styles, later expanded to include journalistic and economic styles. This framework was influenced by Bühler's functions (Bühler 1934) and Mukařovský's aesthetic function (Jakobson 1981). In 1953, the classification evolved to include practical and theoretical styles of science, alongside a journalistic style. By the 1990s, additional styles emerged, such as administrative, rhetorical, and everyday communication styles. Presently, functional styles encompass scientific (practical, theoretical, popularizing, instructional), administrative, everyday communication (epistolary, conversational), journalistic (analytical, advertising), poetic, rhetorical, sacred, and essayistic styles (Krčmová 2017).

These styles exhibit predominant linguistic features, such as vocabulary choice, which contribute to specific stylistic traits and intended effects, characterizing texts or speech as a whole. Style effects can be achieved by transferring words and syntactic constructions from their typical functional style to another, as demonstrated in linguistic stylistics. An intralingual translation from legal language to plain language can be very similar, including discursive features such as level of persuasion or directness.

Today, plain language adopts an inclusive approach, emphasizing recipient design, a term introduced by Sacks, Schegloff, and Jefferson (see e.g. 1978), referring to the orientation and sensitivity of talk towards specific co-participants in conversation.

With ‘recipient design’ we intend to collect a multitude of respects in which talk by a party in a conversation is constructed or designed in ways which display an orientation and sensitivity to the particular other(s) who are the co-participants. (Sacks et al. 1978)

In linguistic stylistics, plain language is often likened to xenolects, as seen in studies such as Ferguson’s “Foreigner Talk” (Ferguson 1981), which delineates four modification processes: simplification, clarification, expression, and identification processes, all leading towards standardization.

2 Plain language in German language acquisition

The relationship between plain language and foreign language acquisition is evident. Non-native speakers constitute a unique audience in language teaching, which has traditionally been segmented into levels. In Europe, the Common European Framework of Reference for Languages (Europarat, 2020) has established a standardized framework for describing proficiency levels, ranging from A1 to C2. It is crucial to emphasize that the “Mastery” (C2) level does not necessarily imply native-speaker competence. Some scholars, such as Oomen-Welke (Oomen-Welke 2015) and Pottmann (Pottmann, 2019), now compare plain language to the B1 level. Additionally, sources like BMAS (Netzwerk Leichte Sprache 2014), Oomen-Welke (2015), and Inclusion Europe (Inclusion Europe 2017) suggest that simplified language is not exclusively designed for individuals with cognitive limitations but also for those who are learning German.

Pottmann (2019) discusses the suitability of *Leichte Sprache* (Simplified Language) and *Einfache Sprache* (Plain Language) for teaching German as a second or foreign language. He notes that both are viewed as helpful tools for a wide range of users, irrespective of

their reasons for use. He also looks at extralinguistic factors such as the availability of materials, lack of alternatives, and the temporary necessity of simplified language for learners, highlighting the availability of news written in *Leichte Sprache* as a valuable resource for language teaching and cultural studies.

Following the idea of inclusivity, the principles of plain language include simplifications in lexicon and syntax, utilizing simple words, concrete language, short sentences, and avoiding lengthy compounds, derivations, and foreign words. However, certain simplifications, such as the general use of informal pronouns in German or other languages, which distinguish between formal and informal pronouns, are discouraged to maintain clarity and especially formality.

Challenges in implementing plain language, as highlighted by Oomen-Welke (2015), include issues with nominalization and maintaining text coherence, particularly in the context of formulating short sentences or maintaining cohesion within a text. Despite these challenges, the adoption of plain language remains crucial in fostering accessibility and comprehension across diverse linguistic contexts, including second language acquisition in German.

Following Marlia et al. (2024), who claim that “the implementation of plain language intervention effectively reduces lexical density, leading to an improved comprehension of legal language” (ibid., 18), we aim to compare three types of texts intended for different audiences.

3 Food allergens: Texts and methodology

We focus on describing and contrasting different types of texts related to food allergens in German. We exclude food packaging labels, allergen information cards, and allergen-warning statements on menus.

Firstly, we turn our attention to the legal document that serves as the foundation of all other texts included in our analysis: Regulation (EU) No. 1169/2011 (EU 2014) pertains to the provision of food information to consumers; it is available in various languages, including German. Secondly, we explore the websites of

governmental bodies such as the German Federal Ministry of Food and Agriculture (BMEL 2021) and the Austrian government (Österreichs digitales Amt 2023). These websites offer official information on food allergen labelling and regulations, providing essential guidance for consumers and entrepreneurs. Additionally, we consider several official websites, including those of industry associations and initiatives such as the German Food Association (Lebensmittelverband 2024) and the Austrian initiative “Österreich isst informiert” (Österreich isst informiert 2024). Furthermore, we delve into a German language textbook designed for advanced learners (B2 level) (Klotz 2016), examining how this particular legal theme is addressed in language learning materials. Lastly, we explore a resource in plain language, focusing on materials from the German Federal Centre for Nutrition (Bundeszentrum für Ernährung) (Mounier 2019).

In our analysis, we employ several parameters to assess the suitability of the texts for various audiences and learners of German. Firstly, we examine vocabulary and terminology to ensure that the texts effectively convey complex concepts to their intended audience in a comprehensive manner. Secondly, through the parameter of syntax, we evaluate the complexity of sentence structures and evaluate how easily the information can be understood. Thirdly, we consider the level of formality in the texts, examining their style and tone. Additionally, formatting and design, which include visual elements such as headings, bullet points, images, and colors, are integral to our assessment. These elements contribute to better understanding and enhance visual appeal. By evaluating these parameters, we determine the suitability of the texts for educational purposes and establish their order of use in teaching.

4 Food allergens: Analysis

We consider two distinct sections in each analysed text: the list of the allergens itself and contextual information. Across these sections, we apply the parameters to evaluate aspects such as terminology, syntax, formality, and formatting to ensure comprehensive assessment and understanding for diverse audiences.

4.1 Vocabulary and terminology

The EU Regulation is targeted to authorities and lawyers and is rich in terminology, including Latin terms, with minimal explanation. The following is the section about tree nuts:

Schalenfrüchte, namentlich Mandeln (*Amygdalus communis* L.), Haselnüsse (*Corylus avellana*), Walnüsse (*Juglans regia*), Kaschunüsse (*Anacardium occidentale*), Pecannüsse (*Carya illinoensis* (Wangenh.) K. Koch), Paranüsse (*Bertholletia excelsa*), Pistazien (*Pistacia vera*), Macadamia- oder Queenslandnüsse (*Macadamia ternifolia*) sowie daraus gewonnene Erzeugnisse, außer Nüssen zur Herstellung von alkoholischen Destillaten einschließlich Ethylalkohol landwirtschaftlichen Ursprungs. (EU 2014)

The German and Austrian government web pages target the same information for businesses and citizens using only the necessary terminology such as “Allergenkennzeichnung” “Unverträglichkeitsreaktion”, “Lebensmittelunternehmer” or “Verbraucherschutzgesetz”, but provide explanations and examples for better understanding. The German website provides the same allergen list as the EU regulation, the Austrian one lists only the central term “Schalenfrüchte” with examples in German.

The German Food Association and the Austrian initiative “Österreich ist informiert” focus on consumer education. They offer comprehensive explanations regarding food allergies, utilizing terms such as “Lebensmittelallergie,” “Lebensmittelintoleranz,” and “kennzeichnungspflichtig,” with clear definitions provided. In their lists, they employ the general term “Schalenfrüchte (Baumnüsse) (und daraus gewonnene Erzeugnisse),” prioritizing simplicity for their audience.

The German language textbook for foreigners (B2 level) uses just the term “Schalenfrüchte” in the list; as a commentary, the book provides an alternative text where most terminology is omitted; instead, the used terms are paraphrased with examples:

Am 13. Dezember 2014 ist eine neue EU-Verordnung in Kraft getreten: Auf Speisekarten von Gastronomiebetrieben, Würstchenbuden, Eisdielen, Kantinen, Schulen, Feinkostläden, Bäckereien usw. sind 14 Allergene anzuzeigen, die für Allergien

und Unverträglichkeiten verantwortlich gemacht werden. (Klotz, 2016, 156)

The text introduces the EU Regulation and then elaborates on its content. However, the term “Unverträglichkeiten” remains unexplained.

The German Federal Centre for Nutrition, targeting consumers, emphasizes plain German in its text. It explains the central term “Allergene”, visually distinguishing it, and provides a clear example of its usage. Additionally, it directly references what consumers would read on product labels, such as “Enthält Schwefel”. The list opts for the simpler term “Nüsse”, with the official term in parentheses immediately afterward, followed by three examples: “Nüsse (Schalenfrüchte) zum Beispiel Mandeln, Haselnüsse und Walnüsse” (Mounier, 2019).

4.2 Syntax

The EU regulation exhibits relatively low readability because of its complex sentence structures and technical language characteristics of legal documents. For instance, sentences containing extensive past-participle constructions are prevalent, such as

Unbeschadet der gemäß Artikel 44 Absatz 2 erlassenen Vorschriften müssen die in Artikel 9 Absatz 1 Buchstabe c genannten Angaben den folgenden Anforderungen entsprechen [...] (EU 2014, Art. 21)

along with numerous subordinate clauses, posing comprehension challenges for non-specialists.

The German and Austrian government web pages also use passive voice, a common feature of standard written German.

Auf der Verpackung von Lebensmitteln muss die Verwendung bestimmter Zutaten wie Erdnüssen oder Sellerie, die allergische oder andere Unverträglichkeitsreaktionen auslösen können, stets angegeben werden. (BMEL 2021)

However, the sentences usually contain only one subordinate clause and no pre-modifying past participles, making the text much easier to understand.

The German Food Association and the Austrian initiative “Österreich isst informiert” also use the passive voice and simple sentences with just attribute clauses or, eventually, an object subordinate clause with the very frequent conjunction “dass”. The Austrian page appears to be more readable, as it is recipient-oriented. Subheadings are presented in the form of questions, such as “Welche 14 kennzeichnungspflichtigen Hauptallergene gibt es?” (Österreich isst informiert 2024).

The commentary also includes active sentences and addresses the reader directly:

Die folgende Liste umfasst die 14 Hauptallergene. Sie zeigt, welche Inhaltsstoffe kennzeichnungspflichtig sind. Außerdem finden Sie darin Beispiele, wie die Kennzeichnung im Zutatenverzeichnis aussehen kann. (Österreich isst informiert 2024)

Infinitives with “zu” or reflexive passives are used, giving the text an official tone: “ist anzuführen”, “ist hervorzuheben”, “findet sich der Hinweis.”

The German language textbook for foreigners at the B2 level (Klotz 2016) utilizes verbonominal collocations like “es besteht die Möglichkeit” and infinitive constructions with “zu”, such as “es besteht die Möglichkeit zu informieren”, along with common clauses containing frequent conjunctions like “wenn” and “dass”. The sentences are generally short and not overly complex.

The German Federal Centre for Nutrition document as a text in plain language uses subheadings in the form of questions and employs short, non-complex sentences, often accompanied by explanations.

Die meisten Menschen sind nicht empfindlich für Allergene. Menschen mit einer Lebensmittel-Allergie müssen aber gut aufpassen, was sie essen oder trinken. Wer zum Beispiel eine Erdnuss-Allergie hat, sollte keine Erdnüsse essen. Und auch keine Lebensmittel, in denen Erdnüsse verarbeitet sind, wie Soßen oder Kekse. Darum steht auf jedem Lebensmittel, welche Allergene darin stecken. (Mounier, 2019)

The text begins with a broad approach, employing numerous paraphrases and examples, yet predominantly comprises independent main clauses.¹

4.3 Formality and informality

All analysed texts belong to official communication and maintain a formal tone, and can be characterized as a language of distance (Koch & Oesterreicher 1985). However, the formality across the analysed documents varies, reflecting their diverse audiences and purposes. EU Regulation 1169/2011 stands out for its high formality, adhering strictly to legal standards and maintaining an impersonal tone. Governmental websites strike a balance between formality and accessibility, addressing consumers and entrepreneurs with a slightly more personal tone. The German Food Association and the Austrian initiative “Österreich isst informiert” also maintain formality but are accessible. The textbook maintains a formal tone while ensuring recipient-friendliness by framing the food allergen list within the context of a restaurant owner’s story incorporating direct speech, for instance. Lastly, the German Federal Centre for Nutrition maintains a formal yet recipient-friendly tone, utilizing the “Ich-Form” to establish a sense of direct engagement with the reader. It anticipates potential questions or concerns from the audience, incorporating various prompts to guide their understanding. Additionally, the inclusion of explicit text orientation cues, such as questions and instructions for accessing audio content (in the sense of: Do you want to listen to this text? Then click here.), enhances accessibility and user engagement.

4.4 Formatting and design

Formatting and design play a crucial role in enhancing accessibility and comprehension. The EU Regulation follows the legal text standard with its use of small font size, consistent numbering of articles, and italicization of Latin terminology. It notably lacks visual elements such as images or colours, maintaining a formal presentation with black print. In contrast, the texts from the Austrian government and the German textbook utilize various font sizes and colours as outlined in the EU Regulation, with the latter also

featuring a table for allergen information. Most other texts adopt a multimodal online format resembling newspaper articles, featuring headings, excerpts, photos, and textual content. Additionally, the German Federal Centre for Nutrition as a text in plain German offers an audio version of the text and employs a different layout for one term definition. Notably, it includes an authentic photo of an allergen list on a granola bar, with explicit clarification regarding the bold printing of allergens on the packaging. This significantly contributes to the overall comprehensibility of the text.

5 Conclusion

By juxtaposing these texts, the chapter illustrates potential strategies for effectively communicating legal concepts to foreign language learners. This comparative analysis serves as a foundational step in language teaching, offering insights into how different types of texts approach the same subject matter. By understanding the varying approaches and levels of complexity present in these texts, language instructors can tailor their teaching methods to better suit the needs and proficiency levels of their students. This comparative approach lays the groundwork for developing comprehensive language lessons that address both linguistic and legal comprehension skills.

Summary in plain English

Plain language aims to make information more available and understandable for a varied audience. Such an audience includes users with varying levels of language skills. In this chapter, we comparatively analyse legal texts. We try to understand how the texts make complex legal information simpler. To achieve this, we analyze texts related to food allergen information from textbooks, official legal documents, and online guides. We evaluate terminology, sentence structure, formality, and formatting. Our findings show that publicly available texts provide simpler explanations than textbooks and original legal documents. By comparing these texts, the chapter shows possible strategies for understanding complex legal ideas, especially for learners of a foreign language.

Notes

¹ Free translation: Most people are not allergic. Those who are must be careful about what they eat or drink. For example, someone with a peanut allergy should not eat peanuts. And they should not eat any products containing peanuts, like sauces or cookies. That is why every product states which allergens it contains.

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