



Legislative Drafting Guidelines

How different are they from controlled language rules for technical writing?

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Two domains with language control

Technical writing

Texts:

user manuals, technical documentation, ...

Content:

instructions (technical)

Controlled by:

writing rules defined
by *companies*

Legislative drafting

Texts:

laws, statutes, regulations, ...

Content:

instructions (legal)

Controlled by:

writing rules defined
by *governments*

Language control in the two domains

Technical writing

Goal:

human understandability
(secondary goal: translatability)

Approach:

proscriptive
(defining what is *not* permitted)

Enforcement:

hard rules as well as
mere recommendations

Legislative drafting

Goal:

human understandability

Approach:

proscriptive
(defining what is *not* permitted)

Enforcement:

hard rules as well as
mere recommendations

Motivation

Can the two **domains inform each other**? And if so, how?

- Does it make sense for one domain to **borrow rules** from the other?
- Can **controlled language checkers** for technical writing also be employed in legislative drafting?

Study

- *Qualitative comparison* of the **rule sets applied** in the two domains
- Target language: *German*

Question

Which **linguistic phenomena** are controlled

- only in **technical writing**,
- only in **legislative drafting**,
- in **both domains**?

Content

1. Setup

- The rule sets considered in the study
- The categorization applied

2. Comparison

- Details for some key categories

3. Conclusions

- How different are the rules of the two domains?
- Implications and future developments

Part I

SETUP

The legislative drafting guidelines



Considered in the study

The drafting guidelines* issued by the

- federal administration of **Austria**
- ◀ – federal administration of **Germany**
- state administration of **Bern**
- state administration of **Zurich**

Not specific enough for the study

The drafting guidelines issued by the

- **Swiss** federal administration
- **European** Parliament, Council & Commission

* *only language-related parts*

The *tekomp* standard



Regelbasiertes Schreiben

Deutsch für die Technische Kommunikation



- Published in **2011** by **tekomp**, the German Professional Association for Technical Communication
- Compiles the **most common field-tested** controlled language rules for technical writing
- Aimed at providing **building blocks** from which companies can pick to define their own controlled languages
- Chosen for this study because it is
 - **representative** of the field
 - **recent** (state of the art)
 - grounded in **professional experience**
 - backed up by **linguistic research**

Categories

Two broad categories:

- rules on **sentence construction**
- rules on **text organization**

Not considered:

- rules on **word formation and spelling**

tekomp:

39 rules

29 rules

27 rules

Sub-categories

Sentence-level rules aimed at controlling:

- ambiguity
- complexity
- modality and tense
- information structure

Text-level rules aimed at controlling:

- text structure
- cross references
- discourse structure
- content types

... further divided into a total of **40 linguistic phenomena**

Part II

COMPARISON

Ambiguity

The *tekom* standard

- contains **various rules** addressing **attachment, anaphoric, functional, relational, scope ambiguity**.

The legislative drafting guidelines

- all emphasize the **avoidance of ambiguity as an important aim**,
(ambiguity in laws has been known to lead to **legal disputes**)
- but offer **only few (or no) specific rules** addressing the problem.

Ambiguity

The legislative drafting guides (but not the *tekomp* standard)

- contain rules controlling the use of ‘and’ and ‘or’ in lists to disambiguate between a **cumulative** and **alternative reading**.

Knives are deemed to be weapons if they:

- a. are equipped with a switchblade mechanism or any other automatic trigger that can be operated with one hand;
- b. are longer than 12 cm in total when opened; **and**
- c. have a blade that is longer than 5 cm.

Ambiguity

The legislative drafting guides (but not the *tekomp* standard)

- contain rules on the use of **discourse makers** to prevent **ambiguous discourse relations**.



¹ Freedom of assembly is guaranteed.

² Everyone has the right to organize meetings and to participate or not to participate in meetings.

Possible discourse relations:

- Sentence 2 provides an **exhaustive definition** of sentence 1.
- Sentence 2 provides some core **examples** for sentence 1.

Ambiguity

The legislative drafting guides (but not the *tekomp* standard)

- contain rules on the use of **discourse makers** to prevent **ambiguous discourse relations**.



1 Freedom of assembly is guaranteed.

2 **In particular**, everyone has the right to organize meetings and to participate or not to participate in meetings.

Possible discourse relations:

- Sentence 2 provides an **exhaustive definition** of sentence 1.
- Sentence 2 provides some core **examples** for sentence 1.

Complexity

The two domains use **very similar (often even identical) rules** to reduce syntactic complexity.

Examples

- Introduce the **main verb of a sentence** as early as possible.
- Avoid **split verb forms**.
- Avoid **multiple subordinate clauses**.
- Avoid **chains of noun phrases**.
- Avoid complex **participle phrases**.
- Avoid **double negation**.
- Avoid **light-verb constructions**.
- Avoid **nominalizations**.
- Avoid **sentences longer than 20 words**.
- Break co-ordinations up into explicit **lists**.

Complexity

Knives are deemed to be weapons if they:

- a. are equipped with a switchblade mechanism or any other automatic trigger that can be operated with one hand;
- b. are longer than 12 cm in total when opened; and
- c. have a blade that is longer than 5 cm.

The two domains share rules **controlling the structure of such lists.**

Examples

- A **sentence must not be continued** after a list.
- All list elements must have the **same syntactic structure.**
- **No additional sentences** may be inserted in the list elements.
- The **lead-in** to a list must not just consist of a single pronoun.

Modality

- The expression of **modality is essential** to both domains:
It defines the **pragmatic effect** of the text in the real world (both domains contain **instructions**).
- Rules controlling modality are **well developed in both domains**.

Key difference

- Rules on ambiguity and complexity are **domain-independent**.
- Rules on modality are **domain-specific**.

	<i>Technical writing</i>	<i>Legislative writing</i>
<i>Imperative mood</i>	✓	✗
<i>Modal verbs</i>	✗	✓

Modality

The *tekom* standard

- **Do not use** modal verbs.

The legislative drafting guidelines

- **For obligations,**
use indicative mood or
the modals *müssen* ('must'), *haben zu* ('have to') or *sein zu* ('be to').
- **For permissions,**
use the modal verb *können* ('can').
- **Do not use**
the modal verb *sollen* ('should').
- **Do not use**
expressions of unspecified provisos and exceptions,
e.g. *grundsätzlich* ('principally'), *in der Regel* ('as a general rule').

Information structure

Information structure control is **difficult to boil down** to specific rules.

Example 1

- Both domains discourage the use of **passive voice**.

Problem

- Such a rule is **too general**. (“Prototype” of an overly simplistic rule.)

Further rules in both domains

- Under certain conditions, passive voice is to be preferred:
 - If there is no specific **addressee**.
 - If the **focus** should be on the action rather than the agent.
- Avoid passive sentences with the **agent** added as an adjunct (*by ...*).

Information structure

Example 2

Both domains discourage **sentences with more than one proposition.**

Problem

- This rule is **too abstract.** (Linguistic concretization required.)

The *tekomp* standard

- One concretization: Avoid **sentence coordination.**

The legislative drafting guidelines

- **No concretizations** provided.
- However, further **concretizations are possible** (Höfler 2011).

Information structure

Avoid **relative clauses** introduced by the adverb *wobei* ('whereby')

The occupation pension scheme shall be funded from the contributions of those insured, **whereby** employers must pay a minimum of one half of the contributions of their employees.

Propositions:

1. The occupation pension scheme shall be funded from the contributions of those insured.
2. Employers must pay a minimum of one half of the contributions of their employees.

Information structure

Avoid **prepositional phrases** with *vorbehältlich* ('subject to').

Subject to any arrangement to the contrary, the prizes for the award-winning films shall be shared between the producer and the director.

Propositions:

1. The prizes for the award-winning films shall be shared between the producer and the director.
2. Any arrangement to the contrary shall remain reserved.

Part III

CONCLUSIONS

Overall assessment

By and large, the two domains

- pursue the **same goals** and
- try to control the **same phenomena**.

Differences

The **differences** lie in

- the **emphasis** they put on individual phenomena,
- the **rules** they provide for these phenomena.

➔ 4 basic constellations

Constellations

1. Same goal, same phenomena, same rules

- Example: *complexity*
- **Checkers** for technical writing **can be used** in legislative drafting.

2. Same goal, same phenomena, rules of different specificity

- Example: *(sentence-level) ambiguity*
- Legislative drafting can **borrow rules** from technical writing.

3. Same goal, same phenomena, domain-specific rules

- Example: *modality*
- Checkers need to be **adapted to the domain**.

4. Same goal, same phenomena, same problems

- Example: *information structure*
- More **linguistic research needed** to the benefit of both domains.
- Language control must go **beyond the sentence level**.

Legislative drafting guidelines: Do they define controlled languages (yet)?

- Style recommendations
- Language control
- Controlled language
- A controlled language?

e.g. “St.Galler Erlasssprache” (‘St.Gallen Law Language’)

The domain of legislative drafting **should be on the watch list** of controlled language research.

References

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