

Translating Legal Texts into Easy Language

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Abstract. Legal communication entails experts communicating with lay persons, some of which may have special needs or even a communication disability. In our contribution, we will discuss the results of a pilot project for accessible legal information and interaction texts. The project was carried out as a cooperation between the Research Centre for Easy Language with the Ministry of Justice of Lower Saxony (Germany) and has led to highly relevant insights into the possibilities of legal translation in the framework of communicative accessibility.

Keywords: Communicative accessibility, Easy Language, Accessible legal communication, Intralingual translation, Expert-lay communication

1. Original situation and research question

In Germany, people with special communication needs such as cognitive and psychological impairments are entitled to receive legal information in accessible formats. According to Paragraph 11 (title: Comprehensibility and Easy Language, that is, “Verständlichkeit und Leichte Sprache”) of the Federal Act on Equality for People with Disabilities (“Behindertengleichstellungsgesetz”, BGG), these groups must receive “official notifications, general rulings, public-law contracts and printed forms in Plain and comprehensible language” (“in einfacher und verständlicher Sprache”, §11 BGG), and, if this does not suffice, “in Easy Language” (“in Leichter Sprache”, translation of the authors). Paragraph 4 of the BGG defines additional contexts and user groups with other forms of impairments that might profit from Easy Language. The combination of the listed user profiles and text types in §11 BGG is rather challenging and calls for expert translators as well as a systematic approach in research.

The legal situation in Germany on the federal and federal state levels has led to the development of a robust translation market for the translation of legal text types into Easy Language. Many of those texts are rather problematic for readers with communication impairments as they are either too long and elaborate (*Scenario A*) or too short and trivial for them to develop concepts on the text subject (*Scenario B*; see Rink, 2020, 99ff, English version in Maaß, 2020, 126):

Scenario A The target text contains the same amount of information but is excessively long. This will be the case if the translator decides to not eliminate information from the target text or if the text type requires all the source text information to be in the target text. Interaction texts will often require translators to proceed that way.

Texts that are designed according to scenario A will not be sufficiently accessible to the regular Easy Language audience on the text level as such texts simply shift complexity from the word and sentence levels to the text level.

Scenario B The target text is short enough for the users to process but does not contain enough information to form solid concepts on the subject. Such texts imply that the target audience will not understand the source text information anyway and do not even make an attempt to render their content. Texts that follow scenario B are trivial and poor in information and are not sufficient to grant participation.

Rink (2020, 21) presupposes an idealised *Scenario C* with the following features:

Scenario C The target text is retrievable, perceptible, comprehensible, linkable, acceptable and action-enabling. It is correct and functional for the

target situation. (English version in Maaß 2020, 126)

The research question is how Easy Language translation can generate target texts in the field of legal communication that are accessible and action-enabling for non-expert users with communication impairments and, more generally, with different needs. This question was investigated in a project carried out in cooperation between the Research Centre for Easy Language with the Ministry of Justice of Lower Saxony (Germany) under the title “Easy Language in the Lower Saxon judicial system”

(https://www.mj.niedersachsen.de/startseite/leichte_sprache/pilotprojekt_leichte_sprache_in_der_niedersaechsischen_justiz/pilotprojekt-leichte-sprache-in-der-niedersaechsischen-justiz-123609.html).

The main outcomes are presented in this paper and substantiated with examples.

2. Theoretical Framework

2.1. Legal communication as specialised communication

Legal communication is specialised communication; it has a number of characteristic features that are useful for the communication between experts. Like any other specialised communication, it is less appropriate for the communication of experts with lay persons who usually do not have the same necessary professional knowledge and skills with regard to the text subject (“common ground”, see Chapter 2.2). They are regularly not able to resolve implicatures and intertextual references, and they have problems with the complexity of the linguistic text surface.

More than other forms of specialised communication, German legal communication broadly uses lexemes of the general standard language as terminology (Daum 1986: 81, Oksaar 1981: 173f). This leads to a situation where non-expert users do not recognise legal terms as such. Therefore, legal communication might not only be perceived as incomprehensible, but additionally, it might be misinterpreted if legal terms are identified as everyday words that, however, have a different meaning from the one intended in the text.

To give an example: The lexeme “Unterbringung” means “involuntary commitment” in the legal context. It is, however, homonymous with “accommodation”, which also means “Unterbringung” (Bredel and Maaß 2016a, 350 and 2016b, 81). In the process of appointing a legal guardian to a person with physical or mental limitations or old age, it is naturally of major importance whether the guardian is entitled to make a decision about accommodation or involuntary commitment. And while both kinds of decisions might be necessary in the given case, it is of great importance that all involved parties understand the scope of the potential action (Rink, 2020, 363).

On the syntactic level, legal communication leads to processes of language economy and deagentivation that are efficient and adequate in expert communication and allow application beyond the single case (Baumann, 1998a, 375f; Fijas, 1998, 393; Hoffmann 1998b, 419ff; Oksaar, 1998, 397ff). For non-expert users, those phrasing strategies may not provide enough information for concrete action as they cannot deduce from the text whom to turn to or what to do in their current situation. Complex nominal and hypotactic structures lead to elevated numbers of propositions per sentence and are very demanding with regard to the cognitive processing skills of the text users. When lay persons are addressed in this way, such syntactic forms tend to constitute accessibility barriers (Rink, 2020, 117).

Legal texts have the tendency to presuppose discourse knowledge that is necessary to understand the unfolding arguments and information. In order to include lay

persons, especially with communication impairments, various linguistic, conceptual and medial strategies are required to enable them to access the content. Contents and presupposed knowledge have to be made palpable to them if they are supposed to act on the basis of the information given in the text. The following characteristics are typical for specialised (also legal) texts (Möhn and Pelka, 1984, 22f.):

- An information structure that follows the logic of the text subject;
- An optimised textual macro-structure that gives insight into the main propositions;
- A ban on synonymy in the lexical field;
- Continuous consistency in the argument structure;
- A layout that is beneficial to comprehension;
- Explicit nomination of the text type and its functions;
- Explicit information on the status and role of the text sender.

These features result in a textual surface that is optimised for expert readers. Legal terminology and a complex syntax facilitate comprehension on a textual level that is exact, explicit, anonymous, and economic (Baumann, 1998a, 375). All these characteristics are functional in expert-expert communication. If lay persons are addressed, these linguistic condensation strategies lead to comprehension problems. At the same time, these features lead to reduced acceptability of legal communication for lay persons (Rink, 2020, 129). This reduced acceptability is also fuelled by asymmetric address of the citizens in their information and action requests. Users might develop negative attitudes toward institutional communication from the legal field as this communication is often perceived as incomprehensible and offensive.

2.2. Expert-Lay-Communication

“Two people’s common ground is, in effect, the sum of their mutual, common, or joint knowledge, beliefs, and suppositions” (Clark 1996: 93). Bredel/Maaß define the term “common ground” as the “common knowledge of the communication partners with regard to the text subject” (2016a, 187, translation of the authors). See Rink (2020, 176) for the following visualisation in Figure 1:

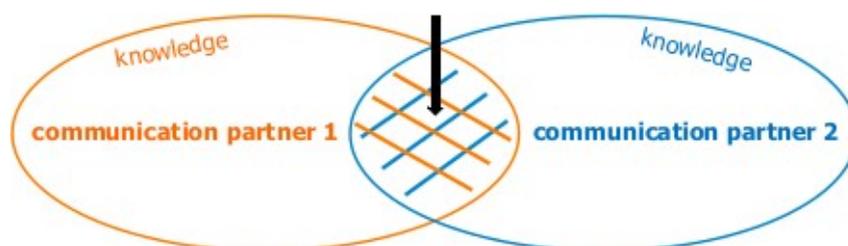


Figure 1. Common ground according to Rink (2020: 176; translation by the authors)

In the context of expert-lay-communication, comprehension difficulties with regard to the mutual text subjects are the result of a lacking overlap on both sides. These difficulties are more pronounced the more distant the communication partners are in the expert-lay continuum. If the text users are people with communication impairments and the text subject presupposes previous communication or text reception, the common ground may be very small (see Rink, 2020, 177). Experts are often incapable of addressing the needs of those users in a way that enables successful joint action.

Users with communication impairments are confronted with several problems at

once: they disproportionately often belong to vulnerable groups. This means that they more frequently suffer from medical conditions, tend to have a lower income and depend on public subsidies more often than the average population (Maaß, 2018, 6f.). Such subsidies need to be applied for, which leads to a situation where people with communication impairments are faced with legal communication to solve their problems more often than the average population. They have to interact with public administrations that often cannot comply properly with their communication needs. Therefore, they are frequently confronted with expert texts that are not properly designed for lay persons, all the more so if they are people with special communication needs.

The dilemma is that texts in the domain of legal communication are especially inappropriate for users with communication impairments despite the fact that they are required to participate in these communication processes to claim the benefits they depend on. Some benefits are designed especially for the needs of people from these groups: legal aid, for example, can only be claimed by persons in precarious financial conditions. The regular legal texts designed to claim those types of benefits are especially ill-fitting for the cases of expert-lay communication in which they are normally used. An example are the claim forms for housing benefits¹.

They result in a strong asymmetry in the communication process, trigger rejection among the users and lead to increased communication efforts for the legal experts.

2.3. Easy and Plain Language as a means of accessible legal communication

Easy Language is not the only comprehensibility-enhanced variety of German or other natural languages. In fact, there is a continuum between the different comprehensibility poles (for more details, see Maaß, 2020). Hansen-Schirra/Maaß (2020, 18) visualise how Easy and Plain Language are situated on this continuum, see Figure 2:

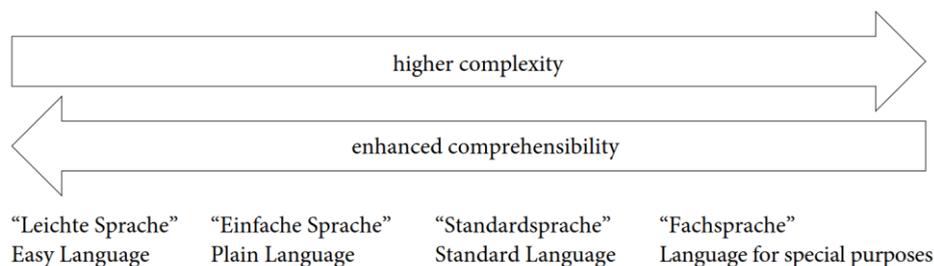


Figure 2. Easy and Plain Languages as pillars in the Easy Language/standard language continuum (Hansen-Schirra and Maaß, 2020,18).

Both Easy and Plain Language are forms of accessible communication, but they differ with regard to their features and use.

Easy Language (in German: "Leichte Sprache") addresses people with cognitive disabilities and other users with communication impairments (like aphasia, dementia-type illnesses, prelingual hearing loss) (Bredel and Maaß, 2016a, b; Maaß, 2020; Rink, 2020). They are regularly also used by other groups that do not have access to the source texts but have no legal rights to comprehensibility-enhanced communication under the Federal Act on Equality for People with Disabilities. Examples of these groups include functional illiterates or language learners as well as average non-experts who are required to use legal expert texts they do not comprehend (ibid.). Easy Language texts have a maximally enhanced level of comprehensibility. They are "restricted to the core inventory in lexicon and grammar with the intention that "everyone" can understand" them (Maaß, 2020, 132; Maaß, 2015, 11ff). These texts do not substitute the original source texts, but

¹ Follow the link for an example:
www.hannover.de/content/download/747144/18727534/file/wohngeld_mi_etzuschuss.pdf.

are additional text offers in order to grant access in the context of inclusion. Text types from the domain of legal communication in Easy Language are usually not legally enforceable (Bredel and Maaß, 2016b, 26). They are not legal texts themselves, but serve as information on legal texts. For example, users will have to complete the regular standard blank forms in order to claim benefits; thus, the form itself is not in Easy Language. The Easy Language texts will give advice on how to handle the form and explain the terms that are used. Legal information texts, for example on inheritance law, will expressly state that they are merely informative and that the information provided is not legally binding or enforceable.

An important drawback of Easy Language is that it struggles with reduced acceptability: The enhanced perceptibility and comprehensibility comes at the price of reduced acceptability, to the extent that it may potentially stigmatise its users. German Easy Language texts are visibly different from the standard and make the communication impairment of the user groups visible to the standard audience. This effect is more pronounced if the Easy Language texts infringe on linguistic standards like orthography or grammar, as is the case for some traditions of Easy Language texts. But even if the texts remain within the standard, their explicitness and simplicity often lead to hostile reactions from the standard readers and may trigger stigmatisation processes.

This is not the case for Plain Language, which is much closer to the standard and only gradually comprehensibility-enhanced. Plain Language texts do not require parallel standard text offers but can stand on their own and be read by all kinds of lay users in an expert-lay communication situation. They are usually well accepted and do not expose the users to stigmatisation processes as they do not visibly address groups with communication impairments. On the other hand, they may not be perceptible and comprehensible enough for users with communication impairments as a basis for information retrieval and therefore might not trigger the action-enabling potential necessary for inclusion. Plain Language texts usually remain within the layout conventions of the text type they belong to. They employ the same strategies as Easy Language (reduction in the lexical and grammatical inventory), but to a much lesser extent. Plain Language is used in expert-lay legal communication in many countries like the USA (Adler, 2012; Asprey, 2010, Cheek, 2010; Cornelius, 2015; Dyer, 2017) or Switzerland (for an example see Nussbaumer, 2017). Germany, however, tends instead to opt for Easy Language as an alternative and addition to the standard text. Therefore, the project reported on in the next chapter focuses exclusively on Easy Language as a means of legal expert-lay communication in the context of inclusion.

3. Method and Material

The corpus for this study is a monolingual German parallel corpus (Disanto, 2009, 67f) consisting of six texts from the area of legal communication (source texts) and their Easy Language translations (target texts). Following Johansson (1998), the corpus can be defined as a “translation corpus” as it is a corpus “of original and translated texts in the same language” (Johansson, 1998, 4f). Disanto (2009, 67) points out that for corpus-based translation studies, source texts and target texts have to be aligned for analysis. This means that the source text sequences are aligned with their respective target text counterparts. The aligned sequences can be analysed with regard to special characteristics (Rink, 2020, 193).

Easy Language translation usually entails considerable restructuring on the text level in order to build up the knowledge needed for comprehension of the text subject. There are different options for the relation between source and target texts, as discussed in Hansen-Schirra et al. (2020 a, 114):

- “information is shifted or restructured

- central information is moved to the top
- explanations and exemplifications are added as follows:
 - one source text unit → more than one target text unit
 - one source text unit → target text units in several places in the target text
 - no source text unit → target text unit added
- information is omitted, which may lead to the following alignments:
 - two or more source text units → one target text unit
 - one source text unit → no target text unit”

Therefore, alignment has to be carried out manually. The corpus in this study was analysed with respect to the following categories: perceptibility, comprehensibility, acceptability on the lexical, syntactic, textual and pragmatic levels.

The project texts in Easy Language were generated in the pilot project “Easy Language in the Lower Saxon judicial system” that was carried out in cooperation between the Research Centre for Easy Language and the Ministry of Justice of Lower Saxony (Germany).

It comprised translations of legal texts with different functionalities (information texts, interaction texts: see Rink, 2020) and different text types (information brochures, ministerial homepage, explanations of blank forms, subpoenas). To ensure legally correct texts that correspond to the current German Easy Language rules as published in Maaß (2015) and Bredel and Maaß (2016a, 2016b), legal as well as translation experts were involved in the project. The target texts were validated in feedback rounds with the target groups. The source and target texts were aligned and subject to translation corpus research as outlined above.

These are the features of the source texts in the corpus, see Table 1:

Text	Parameter						
	Words approx.	Characters approx.	Repetition rate	HIX	Manifestation of expert language	Degree of affiliation with expert context	Type of target text
1 Brochure Inheritance Law	7,500	51,000	no	14,12	middle	abstract, complex	translation
2 Brochure Power of attorney	8,700	65,000	overlap with 5	6,21	middle	abstract, complex	translation
3 Online information on the German judicial system	8,000	64,000	no	2,87	middle	abstract, complex	translation
4 Subpoena	1,500	11,000	no	5,13	high	abstract, complex	translation
5 Compulsory supervision	500	6,000	overlap with 3	-	high	abstract, complex	explanation
6 Form for Legal Aid	4,400	34,000	no	Information sheet 4,42	high	abstract, complex	explanation + translation

Table 1. Features of the source texts (HIX = Hohenheim Comprehensibility Index, <https://klartext.uni-hohenheim.de/hix>)

4. Results and Discussion

All source texts display comprehensibility issues across the linguistic levels. On the lexeme or word levels, there is a high prevalence of legal terms with a high share of standard German words in the function of legal terms, see Table 2:

	HIX	Standard language lexemes	Terms	Domain specific terms	Terms derived from standard German
1 Brochure Inheritance Law	14,12	40 %	60 %	28 %	72 %
2 Brochure Power of attorney	6,21	40%	60 %	24 %	76 %
3 Online information on the German judicial system	2,87	18 %	82 %	49 %	51 %
4 Subpoena	5,13	46 %	54 %	22 %	78 %
5 Compulsory supervision	-	46 %	54 %	24 %	76 %
6 Form for Legal Aid	4,42	28 %	72 %	36 %	64 %

Table 2: Prevalence of legal terms (see Rink 2020: 245)

This is typical for legal communication but entails an increased risk of misunderstanding among lay users. All source texts contain considerable amounts of such terms, even though all texts are part of expert-lay communication. The target texts use strategies like visual highlighting, screenshots etc. in order to support comprehension through enhanced perceptibility. All Easy Language texts in the corpus strive to systematically build up knowledge in the group of text users: terminology is introduced, explained and exemplified. Explanations are repeated if the term reappears later in the text. This does not remain without consequences on the text level as those strategies disrupt the textual coherence of the texts (on the effects of explanations on coherence, see Bredel and Maaß, 2016a; Maaß, 2020) and leads to very long target texts that correspond to Scenario A (see above) rather than Scenario C. In order to achieve Scenario C, texts would either have to be conceptually thinned out by choosing only central information, or broken up into various smaller texts that are related via hypertext (“Do you want to know more about ...? Click here”) or in related brochures etc.

On the syntactic level, all source texts have complex phrase structures, especially complex nominal phrases and complex hypotaxis. The result is very high information density that is very demanding with regard to the processing capacity of the text users and exceeds the processing capacity of users with communication impairments (see Hansen-Schirra et al., 2020b; Guterath, 2020). Although all texts belong to the field of expert-lay communication, they have high shares of complex syntactic structures that are typical for legal expert-expert communication. This poses a risk for successful interaction with users who are lay persons in the

legal domain, and even more so if they have communication impairments. All target texts were syntactically adapted to the Easy Language rules. The strategies used were predominantly linguistic and conceptual; the option to visualise interrelations was rarely used, even if such a strategy is demonstrably useful for perception and comprehension. All target texts are optimised with regard to their perceptibility: each sentence is placed on a new line, enumerations and paratactic structures are visually supported by bullet lists. The target texts have a more transparent macrostructure with visibly separated paragraphs and subheadings. The usefulness of such measures has been widely substantiated in various studies (for a review of relevant studies on this topic, see Christmann and Groeben, 2019).

The textual level is a considerable challenge in Easy Language translation, as the rules on word and sentence levels do not simply add up but are in opposition to textual coherence and language economy. Translating legal texts into Easy Language is particularly problematic as the sentences are rich in propositions and presuppositions and need to be resolved and explained. If translators do not choose and deselect information from the source texts, target texts have the tendency to become too long for the users with communication impairments to process. The results are texts of Scenario A, while Scenario C seeks to balance the various language levels and achieve target texts that are comprehensible and functional in the target situation. However, information selection is only possible with the consent of the contracting authority. In the current project, this was mostly not the case, with the result that the target texts were closest to Scenario A. This is particularly true for the subpoena that poses an accessibility barrier for the target groups. The text was transformed from 5 to more than 30 pages, which moreover poses a problem for mail processing as the target texts do not correspond to the envelope size and postal charges as envisioned in the target situation. These situational restraints have to be taken into consideration if the target texts are meant to be functional and actually helpful in the specific target situation.

With regard to the pragmatic dimension, the motivational barrier (Lang in preparation) has to be taken into account: especially users with negative previous experience in the communication with legal authorities might have negative expectations when confronted with texts like those analysed in this study. As the present study was not user- but text-centred, we looked into the texts for signals of reduced acceptability and how such phenomena were treated in the target texts. The source texts effectively showed abundant proof of reduced acceptability in their tonality, the user address and the stress on institutional asymmetry in the communicative interaction. In many places, the source texts unnecessarily stress the power gap between legal authorities and the text users, which poses an acceptability hazard. The authors of the target texts systematically work on those issues and place their focus on the user profile. They show a much more balanced address and bridge the power distance that is inherent in the relation between authority and citizen. All target texts show a considerably higher action-enabling potential, e.g. by naming contact persons or indicating concrete actions to be carried out by the users etc., and thus contribute to interaction and inclusion.

With regard to Scenario C, interaction texts pose more problems with regard to translation as information cannot simply be erased from the text. Standardised blank forms request a certain number of responses that cannot be reduced in the target texts. Information texts, by contrast, are much more open to target situation-oriented information design.

5. Conclusion

In this paper, we posed the question how Easy Language translation can achieve target texts in the field of legal communication that are accessible and action-enabling for non-expert users with communication impairments and, more

generally, with different needs. This question was investigated on the basis of an aligned translation corpus of legal texts of different text types. In this section, the main results are presented with regard to their perceptibility, comprehensibility and acceptability, which are all prerequisites for action-enabling potential (Rink, 2020; Maaß and Rink, 2019; Maaß, 2020).

Perceptibility Only texts that are perceptible can be perceived. Perceptibility depends on the nature of the disability that the users might have. There are ample legal prerequisites with regard to the perceptibility of text offers in the legal field (for example, the BITV 2.0 that is based on the WCAG 2.0, see Maaß, 2020, 59f). Neither the source nor the target texts in the aligned translation corpus harness the potential at hand with regard to perceptibility. In the following years, we will experience a rise of awareness with regard to the perceptibility of text offers as the legal requirements on the European and national levels will considerably increase (see the European Accessibility Act or the requirements of the EN 2016: 2102). Perceptibility is a prerequisite for comprehensibility: only that which has been perceived can be processed. Cognitive processing is also hampered if the perception process claims too much of the users' overall comprehension resource (see Hansen-Schirra et al. 2020b).

Comprehensibility Only texts that are comprehensible can be comprehended. The corpus texts show a considerable and systematic gap between the comprehensibility on the word and sentence levels on the one hand and the text level on the other hand. What makes words and sentences more comprehensible may have an adverse impact on the text level as explanations interrupt the argumentation flow and make texts longer. The comprehensibility values for all target texts are significantly higher than those of the source texts. Nonetheless the problem of the comprehensibility on the text level remains unresolved for the target texts. This is one of the major research desiderata of Easy Language research (Bredel and Maaß 2019, 266). Texts can only be accepted and transformed into text-based action if they have been comprehended.

Acceptability One of the main results of the corpus analysis is that not only comprehensibility, but especially acceptability has to be enhanced in Easy Language legal translation. All source texts show considerably reduced acceptability; they stress the asymmetry that is inherent in authority-citizen relations. All the target texts work on acceptability, for example by bridging the gap in address or giving reasons for required action.

Action-enabling potential If all the previous characteristics are fulfilled, Easy Language texts may unfold their action-enabling potential. This potential cannot be proven on the basis of text analysis but requires user tests in real settings of legal interaction. To test text-based action with primary Easy Language users remains a research desideratum that is yet to be fulfilled.

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