



### Plain Language Commission newsletter no. 43, November 2010

#### Plain-language progress in Eire

Ireland's Law Reform Commission has published a report recommending the enactment of a single Courts Bill to replace 240 separate pieces of law – many dating back to the nineteenth century – on the courts and mechanics of justice administration. As well as reducing the quantity of law, the Bill recommends using plain language, and ensuring consistency in the procedures and terms used in different courts.

The report, *Consolidation and reform of the courts acts*, includes a draft version of the Bill, with the following call for plain language:

**259.—** (1) In preparing rules of court, each Committee shall have regard to the considerations that:

...(b) rules of court should use plain language, and differences among the procedures and terms used in different Courts for similar matters should be avoided if possible;

The report notes that drafting the statutory rules of court using plain language should help minimize the cost of court proceedings.

The Bill also proposes removing the requirement that approved court forms must always be included in the statutory rules of court, and allowing them to be published separately, for example, on the Courts Service website. The current District Court Rules 1997 contain almost 1,000 forms.

You can read the full report at:

<http://www.lawreform.ie/fileupload/Reports/r97Courts.pdf>

[Thanks to Neil James for passing us this story.]

#### Plain Language Commission news

As mentioned in last month's *Pikestaff*, our representatives recently visited Lisbon for the fourth international Clarity conference, which focused on multidisciplinary ways of achieving clarity in legal, administrative and corporate communications. You can now find many presentations from this event at SlideShare – see <http://www.slideshare.net/Clarity2010>.

#### UK celebrates National Pro Bono Week

National Pro Bono Week comprises events across the country celebrating the range and impact of pro bono (free-of-charge) activity by solicitors, barristers and legal executives. And the Access to Justice Foundation, which receives and distributes money to help get

pro bono legal assistance to those who need it most, has won praise for its draft order for pro bono costs.

The Master of the Rolls, Lord Neuberger, declared the draft order refreshingly low in jargon, showing that the word 'must' is acceptable in a court order (the often-ambiguous 'shall' being traditionally preferred):

The [party] must pay costs for pro bono representation to The Access to Justice Foundation (PO Box 64162, London WC1A 9AN), [summarily assessed at £\_\_\_\_\_] [OR] [to be assessed on the standard/indemnity basis if not agreed].)

In 2002, Neuberger's predecessor, Lord Woolf, offered a magnum of champagne to the lawyer who could suggest a jargon-free alternative to 'pro bono'. The winning phrase was 'Law for Free', but it never caught on.

[Congratulations to Daphne Perry, of Clarify Now (<http://www.clarifynow.co.uk>) who helped draft the order, and thanks to her for passing us this story.]

## Readers write

### In amazement

The Park Inn Hotel in West Bromwich may be well advised to review its own corporate branding. Visiting the establishment, David Carr emailed to say:

I am particularly delighted to report that the gym and fitness facility here is called 'Innaction'. What a splendidly inappropriate name!



And he even sent a photo as evidence of this naming non-sequitur.

### In a flap

Responding to Les Clark's nomination in *Pikestaff 42* for the Stating the Patently Obvious Awards 2010, Gill Nichols wrote in with a note from instructions for assembling a bird feeder: 'Birds and bird food featured on this box are not included'.

## Tip of the month: be felicitous in doing the splits\*

### The issue

The infinitive of a verb is its basic form, normally occurring in English with the word 'to', for example 'to see', 'to go' and 'to ask'. Many (especially older, traditionally educated) people think that splitting an infinitive – in other words, putting one or more words between its two parts, as in 'to boldly go' – is stylistically or even grammatically wrong.

In *The New Fowler's Modern English Usage* (Oxford, 1998), Burchfield comments: 'No other grammatical issue has so divided the nation since the split infinitive was declared to be a solecism in the course of the 19C.' Indeed, there's evidence that split infinitives were used for centuries before nineteenth-century grammarians declared them a problem. Some people argue that this change of heart resulted from the study of Latin, in which the infinitive is a single word and so impossible to split.

### Our advice

Although splitting infinitives isn't intrinsically wrong, some people are convinced it is. A split infinitive may distract their attention from the content of a document and reduce the writer's credibility in their eyes. So you may want to avoid splitting infinitives, particularly in more formal documents, by shifting the words that do the split.

If a sentence sounds wrong after you've avoided a split infinitive, it's usually possible to rewrite it altogether, possibly making the language plainer at the same time.

### Example

[Original version, with split infinitive] The region covered is discharging ice so heavily that concerns have been raised about the stability of the ice sheet and its potential to rapidly and significantly raise global mean sea level.

[Revised version, rephrased by moving the words that do the split] The region covered is discharging ice so heavily that concerns have been raised about the stability of the ice sheet and its potential to raise global mean sea level rapidly and significantly.

[Revised version, rewritten to avoid the infinitive construction altogether] The region covered is discharging ice so heavily that concerns have been raised about how stable the ice sheet is and whether it could rapidly and significantly raise global mean sea level.

In this case, the rewritten version has the added plain-language benefit of removing two abstract nouns ('stability' and 'potential').

But remember there's nothing intrinsically wrong with splitting an infinitive, and, as Martin Cutts advocates in the *Oxford Guide to Plain English*, 'if you think a sentence will be more emphatic, clear or rhythmical, split your infinitive. He gives the following examples as being 'better split than not':

The department wants to more than double its budget.

The passengers were asked to carefully get down from the train.

You can read more about our views on following or challenging writing conventions in our article 'Linguistic Nasties and Niceties: Who should we pander to? Or to whom should we pander?', at <http://www.clearerest.co.uk/files/LinguisticNastiesAndNiceties.pdf>.

\*Obscure reference to the ever-youthful veteran actor Felicity Kendal, who famously did the splits in a recent *Strictly Come Dancing* show on BBC1. [Ed]

## Polemical politicians grapple over grammar

Latin earlier this year caused an argument in the House of Commons, with Hansard recording the following tiff between two MPs over the correct plural of 'referendum':

Denis MacShane (Rotherham) (Lab): [...] There is no country keener on referendums than Switzerland.

Michael Fabricant (Lichfield) (Con): Referenda.

Mr MacShane: Referendums. It is a gerund.

Mr Fabricant: It is a gerundive.

Mr MacShane: It is a gerund. Keep your hair on. [...]

Michael Fabricant: [later in the debate, after checking in the dictionary] The right hon. Member for Rotherham (Mr. MacShane) may have inadvertently misled the House earlier, and I am sure that he would wish to retract that. As the word "referendum" means "things to be referred", according to the "Oxford English Dictionary", it is indeed a gerundive and therefore the plural should be "referenda". "Referendums" is acceptable in modern usage, though wrong.

Hon. Members: Withdraw!

Good to know our politicians are spending their time debating such important matters. And, for the record, although Fabricant is right that 'referendum' is a gerundive rather than a gerund, 'referendums' is not only a correct but also a plainer alternative to 'referenda'.

For more on:

- using Latin plurals, see our tip in *Pikestaff 10*: Ceteris paribus, give your writing that je ne sais quoi and relieve your readers' angst – bid adieu to foreign words and phrases
- gerunds, see our tip in *Pikestaff 18*: Don't mourn the moribund gerund.

[Source: Hansard, 19 January 2010:

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100119/indexes/dx100119.html#oral-1>]

## Linguistic link: Google Translate

Latin is the first language without native speakers for which Google Translate has developed a translation system. Although Latin is considered a dead language, there remain many Latin language learners – over 100,000 American students take the National Latin Exam every year and many more people learn Latin all over the World (though few in UK state schools, sadly, despite Bettany Hughes' campaign to revive it). And of course there is a wealth of information originally written in Latin, including tens of thousands of scanned books on Google Books.

As with every language, machine translating to and from Latin is prone to error and Google knows its grasp of the ablative absolute or use of the subjunctive may occasionally be off. However, unlike any of the other languages Google Translate supports, Latin offers a unique advantage: most of the text that will ever be written in Latin has already been written, and a comparatively large part of it has been translated into other languages. Google use these translations, found in books and on the web, to train its translation system.

So the next time you stumble across a Latin phrase or look for some help with your Latin language studies, visit <http://translate.google.com/>. The tool covers over 50 other languages too, and is free to use. And if you notice that one of its translations could be better, you can click the 'Contribute a better translation' link to suggest improvements.

[Source: *InfoPlus+*, ISTC newsletter, November 2010]

## Amazing or hair-raising phrasing

We wonder if Google Translate covers the more extraordinary exchanges translated in some foreign phrasebooks, such as those shared by these *Telegraph* readers:

As a child, I had a multi-lingual Austrian governess. She brought with her a phrase book which covered every possibility for a hapless traveller. I tried in vain at the age of seven to memorize in Hungarian the phrase: "After my wife had fallen in the ravine, I stood looking down after her for a long time." (Suzanne Hunter)

I have an English-Gaelic phrase book bought in Oban that contains, amongst other joys, "Fetch me half a mutchkin," and the rather sinister, "Shall I beat him?"

And a web search reveals several websites with other unlikely utterances, such as

- 'I can't do the cha-cha' – from *Berlitz Russian for Travellers*
- 'Must I swallow them whole?' – from *Berlitz Portuguese for Travellers*
- 'Use insecticide' – from *Say It In German*
- 'Because I was out buying a pair of wooden shoes' from *Vietnamese Phrasebook*
- Clean and set this wig – from *Say It In Swedish*
- 'I play the clarinet' – from *Fingertip Chinese*
- 'Cricket is a silly game' – from *Get by in Welsh*
- 'We will be late for the singing practice' – in *A Simplified Dictionary of Modern Tongan*.

[Sources: *The Week*, 9 January 2010; and <http://www.zompist.com/thought.html>]

## Driving her pepper potty

Finally, self-service tills seem to be becoming all the rage in supermarkets. As anyone who's tried using them will know, they usually go wrong (especially when you follow the shop's advice and use your own bags). But finding the right entry for non-barcoded items is also tough, as Sandra Parsons writes in the *Daily Mail*:

I spent a long time at the M&S food hall self-checkout yesterday, trying to find the right screen option to select for loose red peppers, which do not have a barcode. They were not listed under either 'p' or 'r'.  
In enraged desperation, I even tried 'c', in case all those stories about the revival of Latin are true and M&S had decided to list them under capsicum.  
In the end, an assistant took pity. It turns out that the number 512, printed next to 'Spain' on the small sticky label, is actually the product code.  
Is this some sort of fiendish M&S lateral thinking test, and, if so, does anyone ever pass?

It also makes you wonder whether such tills – even when not using cryptic codes – will cause problems for the less literate: if young people's spelling skills are as poor as rumoured, how will they cope when buying celery, kohlrabi, wholemeal rolls and ciabatta (as you do)?

Have you been tormented by till-based terminology? If so, do let us know at [pikestaff@clearest.co.uk](mailto:pikestaff@clearest.co.uk). And watch your inbox for the next *Pikestaff*, which will be with you before Christmas; as usual for our festive issue, we'll be including an editing competition, as well as a few fun features to help your holiday humour.

[Source: *Daily Mail*, 24 November 2010: <http://www.dailymail.co.uk/femail/article-1332462/Cheryl-Cole-So-girls-going-Now-thats-smart.html#ixzz16Ify33UL>]

## Back issues

You can see back issues of *Pikestaff* on our website (click on 'Newsletter'). Here you'll also find a table that summarizes each month's content.

## Tell a friend

If you think friends or colleagues would enjoy *Pikestaff*, please feel free to forward the newsletter (or any part of it) to them.

## **Spread the word**

We're happy for you to use any of our articles to promote plain language, provided you acknowledge *Pikestaff* as the source.

## **Rolling the credits**

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