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PLAIN POLISH AND THE NATURAL ORDER OF THINGS IN PUBLIC COMMUNICATION

Keywords: legal language, language in communication with citizens, plain language (Polish), natural order of things, retropic order of things.

ABSTRACT

This text shows a different perspective from the previous ones with respect to the evaluation of public, official and administrative statements, especially statements of reasons in court decisions. Over the years, it has become an established fact among senders of such texts that the most important, and in fact the only important, recipients of their texts are individuals and institutions of control – superiors, district and appellate courts, district prosecutors' offices, state administration, directors, ministries, etc. Meanwhile, the existence of these institutions and the social stature of these people are legitimized by the people to whom these communications are formally addressed. They are clients of offices, parties to legal proceedings, citizens, and those in whose lives such texts make a real difference. The authors, therefore, point out the contemporary need to look at these and similar texts from a communicative, receptive, colloquial perspective, rather than a specialized, hierarchical and hegemonic one. This point of view is also important because the primary addressee of such messages is the 'common man' – the non-specialist, the non-erudite, and most frequently also the non-intellectual.

The authors refer to the categories of the natural order of things and simple language, which are contrasted with the so-called specialized and retropic order of things.¹ These long-standing language and cultural cognitive-communicative strategies, and textual treatments support or hinder the audience's ability to know, understand and interpret texts. The natural order of things and simple language are familiar to most Poles because, first of all, fixed expressions as well as communication and language stereotypes associated with the development of culture and civilization, available to all, belong here. Their use in communication by institutional broadcasters allows the intent of the message to be properly read by almost any recipient of these texts. Such understanding-oriented communication may sometimes even be redundant.

¹ The retropic order of things is understood here as the realisation of a particular linguistic strategy in which the senders follow and defend cognitive schemes and writing patterns created in the culture of print, knowledge and reason.

The authors call for a return to pragmatic ‘linguistic logicalism’ (linguistic simplicity), in official-administrative-legal speech, as well as in some media and marketing communications. They suggest that this can be practiced even when the rules contradict formal linguistic qualities and, importantly, from the point of view of institutional broadcasters, they contradict traditional, contractual, office rules of speech.

INTRODUCTION

In the introduction to her 2003 book *Słowa w lustrze: pleonazm – semantyka – pragmatyka* Agnieszka Małocha-Krupa reflects on the logicity of natural language, writing:

Interlocutors usually present an idealistic approach to language, perceiving it as an entirely logical being, that is, reflecting the existing order of things. Therefore, linguistic creations which do not correspond to extralinguistic reality, not finding confirmation there, cause doubt. (Małocha-Krupa 2003, 7)

Further on, she points out this is linguistic logicalism or a logical attitude towards language. Its proponents seek symmetry, analogy, and logicity in language, expecting that redundant constructions will not be created and used any more. In the researchers’ opinion, it is difficult to agree with this attitude, as language is a means of interpreting the world, and logical schemes and the world of things cannot be a justification for distinction, meaning, and application of linguistic elements. While referring to a number of publications and research papers she concludes that colloquiality and the linguistic image of the world escape logicity and often undermine it as impossible to apply in linguistic communication.

However, both the natural order of things as well as, to a lesser degree, plain language appeal to logic and logicity of linguistic communication, text or discourse. This is achieved by referring to colloquial rationality, ICMs (idealised cognitive models), scripts and communication frames which, when incorporated into modern public language (especially in administration, law and official language), enable communication with clients and recipients lacking linguistic competence.

It appears that in these contexts the literariness of forms and constructions, pathos, and sophisticated style (or at least a style pretending to be such) cease to apply, just as officiality (defined as conventionality and lengthiness of official style) and authoritarian power (expressed in language which builds up status and underlines the superiority of the sender). There, one could reach for illogicality and descriptiveness, and flood the recipient with words, making it impossible to rationally interpret the message. The time has come for communication to fight against its own rationality, not emotionality, to fight for usability or more likely, functionality of text. What should be valued is simplicity and logicity of communication which serves the informative purpose of communication, not the linguistic chaos and communication failures that now dominate most of the ‘literary,’ obsolete public language.

As *paida* made way for *ludus* in culture (Huizinga 1985) and now *ludus* loses to *paida* at a revolutionary pace, in public communication *usefulness* first lost to *literariness* and

now *usefulness* has caused a revolution in which *literariness* loses more and more often. An interesting aspect of these processes is that the foundation of this cultural-emotional linguistic revolution is a mixture of logicity, rationality and colloquiality.

THREE TYPES OF TEXTS IN THE PUBLIC SPACE

In the contemporary public space one can encounter three² types of texts addressed by public offices, courts, institutions, and companies to their clients:

- 1) Texts employing the retropic order of things³ (ROT), that is texts from senders who do their utmost to defend communication schemes and templates created in the culture of print, knowledge and reason (second half of the 20th century). These templates are supposed to perpetuate social hierarchy and exclusiveness, treating language in texts as a device for confirming one's hegemony, not for efficient communication. ROT-based communication is usually too specialised, overly complicated in terms of syntax, reception-wise difficult, and fully comprehensible only to a very limited group of recipients. For senders, ROT is often a collection of cognitive and communicative fixed expressions which they usually do not want and cannot change or deem obsolete and unnecessary.
- 2) Texts employing the former order of things (FOT), that is texts from senders employing the former way of presenting, interpreting and creating reality in formal, official and juridical texts established by Austrian (Austro-Hungarian) and Soviet clerical tradition. It is difficult to regard them as conclusively negative or – even less likely – as positive. This tradition was the outcome of external social, political, and cultural context. It served as a device to reinforce the power of the state over its citizens, an expression of traditional official style. Hierarchy and vertical communication were established between a sender and a recipient inferior to them, both in the communication act and in the social ladder. This is where the terms 'supplicant' or 'petitioner' originate, which back then meant 'a requestor' rather than 'one requiring or demanding something.'
- 3) Texts employing the natural order of things (NOT), that is texts from senders applying contemporary cognitive and communicative possibilities and strategies of language users, referencing the culture of image, emotion and communication (of the 21st century). NOT is built upon a colloquial understanding of reality, but

² There is a fourth type of texts – addressed to people with visual dysfunctions who have difficulties with reading particular fonts and texts edited in line with European regulations, as opposed to American standards. It seems there should be two communication templates: for people with such dysfunctions and people without them, because making these accommodations universal would be problematic for people without dysfunctions, and this would miss the point.

³ The term is my own (as in the linguistic and communication sense: *natural order of things* and *retro order of things*) which is a reference to Zygmunt Bauman's 'Retrotopia' (Bauman 2018) and means 'like the *retrotopia* and *retropia*.' It was Bauman's book that ultimately convinced me it was necessary to write texts and monographs on this subject, and *retropia* is almost a *retrotopia*, although 'almost makes a big difference.'

it is enacted through scripts and interpretation frames over (over)emotionality and typically (overly)metaphoric colloquial statements, as well as ‘literalisation’/ ‘aestheticization’ of currently used public language, especially in various government offices. In other words, they are characterised by colloquial correctness, usefulness, clarity, simplicity (but not rudeness), efficiency, and high effectiveness, which becomes more and more foreign to texts employing the ROT and FOT.

PRACOWNIA PROSTEJ POLSZCZYZNY AND THEIR CONCEPT OF PLAIN LANGUAGE

Stemming from the natural (though only for some) need to include the natural order of things, the movement/‘ideology’ of plain language in public communication⁴ appeared in Poland in the first decade of the 21st century. It commenced and was developed in Pracownia Prostej Polszczyzny at the University of Wrocław. The employees of this organisation pursued, and continue to pursue, the elimination of retropic, specialised and former orders of things from public communications. However, they achieve it in a less definitive and radical way than it was initially assumed in the natural order of things.

It should be noted that the rules of plain language are a collection of specific, practical recommendations and comments which aim to improve the relationship between an institutional sender and a client, as well as increasing the effectiveness of texts based on this relationship. Naturally, plain language was constructed in line with the rules of grammar, semantics, and natural linguistic pragmatics, as well as rhetoric, eristic, and influence on people (persuasion and manipulation). At the same time, the natural order of things is a cognitive communication strategy, and a holistic linguistic competence which is simultaneously a source and an outcome of NOT.

The results of the work done by the scholars of Pracownia Prostej Polszczyzny constitute a significant change to the way many offices, companies, and institutions communicate – almost a ready-made collection of rules of linguistic communication with clients (supplicants). These clients are often people described by contemporary sociologists and historians of ideas, e.g. Marcin Król (2015) as ‘invisible’ or ‘people of dignity’ (‘Civic dignity appears in people who have never experienced the feeling of subjection’ (*Polityka* 1/2019)).

The natural order of things could be treated as a scientific and cognitive basis for the changes proposed by Wrocław researchers, which over the last few years have become more necessary than possible alterations that could bring back life to public communication, reanimating it, preventing its final annihilation (Piekot and Maziarz 2014; Piekot, Zarzeczny and Moroń 2019).

⁴ In private communication, NOT has been present for a long time now and it prospers, which causes an exceptional and unnecessary unrest among proponents of literary public communication relying on ROT and FOT.

For many years, the divide between plain and effective linguistic communication, based on the natural order of things and public communication (legal, administrative, official, etc.), had been growing. It reached a point where public senders created and sent messages comprehensible only to themselves and a small group of recipients. At the same time, most recipients did not understand that the message demanded that the sender should elaborate on it in conversation or follow instructions contained in the message. They experienced strong negative emotions, as they did not know exactly what the sender meant, and therefore felt unappreciated and disdained.

Plain language/Polish language and the natural order of things should make it possible to construe public communication in a manner that is correct, effective, and satisfactory for all the participants.

An example of communication where NOT and plain language are indispensable is the legal reasoning of court rulings if the texts are to be understood by anyone but judges, prosecutors, lawyers and other employees of the judiciary and administration.

THE NATURAL ORDER OF THINGS AND PLAIN LANGUAGE IN COURT RULINGS AND PUBLIC COMMUNICATION

It is justified to analyse the legal reasoning of court statements of reasons from the perspective of the natural order of things and plain language mechanisms. The scenario/script/frame of their appearance indicates the undeniable necessity to write such texts in accordance with NOT and plain language. The reason for this is that after all legal proceedings, including the court decision and a short oral summary of the court's motives, the defendant receives an explanation of the court's/judge's decision so that they understand why this particular decision was made in their case. Unfortunately, in most cases the rulings employ the retopic and not the natural order of things and/or are a realization of the specialised order of things. In other words, only lawyers can understand them, as opposed to the parties/ordinary people/'invisibles' who were the direct object of the proceedings.

The need to employ not only plain language, but also the natural order of things in statements of reasons stems from the diversity of participants in the legal system for whom these statements are prepared and who want to familiarise themselves with these texts.

First of all, judges themselves⁵ state that they write statements of reasons for appeal/higher courts which are expected to belong to the retopic, former, and specialised

⁵ A research programme is being conducted at the National School of Judiciary and Public Prosecution entitled 'In the search of the optimal model of the reasoning of the court,' which is coordinated by judges dr Paweł Zdanikowski and dr Janusz Konecki, with the support of judges: Michał Błoński, Artur Ozimek and dr Jacek Sadomski, as well as linguists: prof. dr hab. Mariusz Rutkowski and dr hab. Paweł Nowak, prof. KUL. During courses dedicated to judicial statements of reasons, and when filling out questionnaires on this subject, judges often touch on the problem of the need to write these texts in the traditional way due to the expectations of higher courts.

order of things. Thus there is no place for the natural order of things, plain language and colloquial style.

Secondly, attorneys (often called *professional attorneys* by judges) as lawyers (advocates, legal counsellors, prosecutors and notaries) also expect texts based on ROT, FOT and SOT, rather than NOT, as in their mind the fact that judges use those cognitive and communication strategies in their statements, rather than employing the natural order of things, guarantees their jobs and income. For parties that they represent in court, they become the advocates of opinion⁶ known in Poland in the propaganda times, that is people whose role is to explain and clarify the meaning of a judge's decision to the 'invisibles.'

Thirdly, for the non-professional participants of court proceedings, who often belong to the 'invisibles,' the traditional (retropic, former and specialised) statements of reasons are semantically empty and pragmatically useless. These recipients need statements that use the natural order of things and plain language to the greatest possible degree (ideally based upon it), so that NOT might become the basis of all public texts.

Finally, journalists (the media) need essentially the same statements as non-professional participants of courts proceedings. It rarely happens in contemporary media that a journalist covers only legal affairs or has an extensive knowledge of the theory and practice of law. The lack of knowledge of the specialised order of things in conjunction with retropic and specialised statements often results in information and media coverage with many inaccuracies and/or mistakes stemming from insufficient understanding of legal or judicial communication on the part of the journalist.

The practice of Polish public communication in its administrative dimension confirms the above observations on the mismatch between the mode of communication and the competences of the recipients. One reason that further perpetuates this 'communication gap' is the very core of institutional communication.

Essentially, two groups of participants in institutions and institutional communication are distinguished here: agents and clients (Ehlich and Rehbein 1994, 318). Agents belong to the institution, are connected to it by stable and permanent relationships, and perform the tasks of the institution. Clients, on the other hand, have a looser, *ad hoc* relationship with the institution and are the focus of its activities and goals. This distinction has very important implications for the description of institutional communication, this may explain in particular the reasons for the inequality of conversational roles that makes this communication asymmetric. The agent/client roles, as conversational identities, are constructed during interaction: 'Social reality is something that people construct together. When meeting each other on whatever stage people talk with each other, agree, argue and disagree. In other words, they negotiate social reality and construct interpretation of it' (Juhila et al. 2008, 17). It can be assumed that belonging to one of the two types of interaction roles is constant and unchangeable, but the quality of this participation is negotiated each time in the communication process.

⁶ Advocates of opinion also function in contemporary culture, in a less visible way. They are primarily journalists and bloggers/influencers who explain the world to their recipients.

In addition to the institutional context, which establishes asymmetric discourse, further factors increasing communicative asymmetry can be identified in Polish administrative and legal discourse. These factors are socio-historical in nature and involve a very special relationship between government and society. These relationships are the residue of certain social and political arrangements that have shaped the administrative, legal, and executive structures of government for centuries.

In this arrangement official language is the most significant manifestation of symbolic violence and, at the same time, the strongest element that perpetuates communicative asymmetry. In an asymmetric arrangement, it is the official or judge who is the depository (holder) of knowledge and authority: they are the expert, and they use specific phrases or words. This use of language brings two effects: first, it emphasises the role of the official as the expert, 'the one who knows'; and second, it further diminishes the citizen who is a layperson and who does not always understand the typical official or legal phrases. It is thus inherently exclusive and even exclusionary language, enforcing asymmetry and increasing social distance and disparity.

The natural order of things as both cognitive and communicative strategy demands writing statements of reasons in a way that even a recipient with minimal competence in the areas of law and communication could understand them, which means it requires the use of plain language. At the same time, this communication should be informative and comprehensible for all parties, which would mean it can be understood by journalists, attorneys and higher court judges. All this is possible with the use of NOT and plain language because this is what the new communication of institutions with ordinary recipients ('invisibles') is based on. Obviously, this communication is clear for other employees of institutions, specialists and users of natural language who are more cognitively and communicatively competent.

The natural order of things in court statements points to the need of tailoring the amount of information conveyed to the scenario, or combination of scenarios, described. The retropic order of things, former order of things and specialised order of things, especially those established in the 1990s, demand that the judge include in their statement information, wording, and rules of law which are often unnecessary.

Considering NOT and plain Polish language it would be worth taking a closer look at the statements of reasons and the need to include this information in the contemporary realization of the genre of legal texts.

According to article 328 of the Polish Civil Procedure Code of 17th November 1964:

Article 328. [the drawing up of the grounds of a judgment] § 1. The statement of reasons for the judgment shall be made in writing at the request of a party at the service of the judgment the reasons for requested within a period of one week from the date of delivery of the operative part, and in the cases referred to in article 1. 327 § 2 and art. 331 § 11-from the date of delivery of the operative part. Request of the late Court rejects a private session. The Court shall establish the grounds for the judgment even when the judgment has been contested within the statutory period and when the complaint has been made for non-compliance with the law of the final judgment, unless a reason is given.

§ 11. If the trial is recorded using recording equipment, sound or image and sound reason can be given after the announcement of the operative part of the judgment and persisted with this unit, as the President warns against giving a justification. If you have the opportunity to justify the meeting shall not be shown separately the essential reasons.

§ 2. The grounds for the judgment should contain an indication of factual basis, namely: to establish the facts, which the Court accepted as proven, the evidence on which it based its decision, and reasons for which other evidence was refused the reliability and probative value, and an explanation of the legal basis for the judgment, the text of the provisions of the law.⁷

The second paragraph states that the statement of reasons only has to establish facts, indicate the evidence that convinced the judge, explain why they rejected other evidence, and explain the legal basis for the ruling by quoting the rules of law.

The interpretation of this rule of law divides statements of reasons into retrotopic and contemporary, and the first indicator of these differences is the structure of the statement.

In the retrotopic and specialised order of things the statement consists of three parts:

- A historical part (introductory, descriptive) – here the judge presents the parties' claims, not excluding possible changes in this matter, and describes the current development of the proceedings;
- A second part, usually commencing with the formula 'the court concludes the following', presents facts relevant to the resolution of the matter as determined by the court in the course of proceedings. In this part, the court indicates the evidence upon which it based its findings and disposes of evidence which it deemed unreliable, explaining the reasons for this approach. The statement of reasons in this regard should give rise to the ability to determine whether while evaluating the credibility and strength of evidence the court did not cross the boundaries of free evaluation of evidence (article 233);
- A third part, usually commencing with the formula 'the court held as follows', includes an explanation of the legal basis for the ruling. Explaining the legal basis cannot be limited to citing the legal provisions but should also include an explanation of the court's interpretation and application of the provisions, allowing others to evaluate whether or not a mistake was made (Krajewski and Piasecki 1968).

A statement of reasons constructed this way is usually a long text, written in classic legal language with many illogical and unnecessary (from the perspective of natural language) constructions and words which typify Stephen Carl Levinson's third cognitive heuristic (Levinson 2010) (*What is said in a non-stereotypical way is non-stereotypical*); or are an archaic, useless, and destabilizing way of emphasising the court's power over the party.

⁷ <https://www.global-regulation.com/translation/poland/7049655/act-of-17-november-1964%252c-the-code-of-civil-procedure.html>

CONCLUSION

In a statement of reasons employing the natural order of things the following parts can be distinguished:

- *Factual findings or facts*: includes only factual information. In this part, a judge uses evidence they have accepted to reconstruct the situation, describing only the information that is actually necessary, and leaving out irrelevant information.
- *Evaluation of evidence*: depending on the complexity of the matter, this part may be very short, even one or two sentences, e.g. *The matter was a dispute over whether doctor Władysław W. committed medical malpractice and the aim was to determine the scope of damage. Circumstances were established based on the evidence from expert Robert M. and the deposition of Agnieszka K and the plaintiff* – but it may be much more developed when there is difficult evidence or the matter is complicated.
- *Legal assessment*: the most specialised part of the statement which (from the perspective of the natural order of things) may not be comprehensible for the ‘invisibles’ (and most people who are not lawyers) or written in plain language. This is because in this part the judge explains why they decided on this particular ruling, referring to specific legal provisions and other considerations, especially those of the Supreme Court. From a logical and pragmatic point of view based on the natural order of things, there is no rational reason for an unprepared (that is one lacking the cognitive competence in this aspect person to read it at all.
- *Costs*: a very important piece of information for all participants, determining the allocation of costs related to the legal proceedings.

A statement of reasons which is communicatively effective and uses the natural order of things and plain language begins with the renouncement of the historical part which was the beginning of retroptic, specialised reasoning that is comprehensible only for fellow specialists. Instead of writing a two- or three-page-long description in the historical part, describing changes in the parties’ positions, determining the claims, etc. it is worth replacing them with a short introduction to the actual statement of reasons,⁸ for example:

Plaintiff Andrzej K. seeks 10 000 PLN compensation from the defendant XXX limited liability company for medical malpractice with interest for the period from the 18th of October 2016 up to the date of payment.

The defendant filed a motion to strike and dismiss.⁹

⁸ Of course, in a situation when these changes were significant to the judge’s reasoning from a legal point of view, this introduction would need to be extended. However, in most cases it does not have any legal or cognitive and communicative justification.

⁹ A lot of quotes which appear in this part of chapter VI were taken from a model statement prepared by the research team of the National School of Judiciary and Public Prosecution: ‘In the search for an optimal model for statements of reasons of court rulings’ and materials gathered during its research work.

In such rulings, the sender also renounces the ritual opening formulas which simply entrench existing power structures, infringing the rules of NOT and plain language. These formulas come from decades or (applying modern standards to the passing of time) centuries ago.¹⁰ They add no value to the statement; rather, they hinder or prevent recipients from familiarizing themselves and understanding its meaning and intention. Surely, for ‘invisibles’ they do not perform the stabilising function of natural language – instead they destabilise, bring unrest and a sense of threat. A legendary formula of this kind is the sentence opening the third part of retroptic template of statement of reasons: *The Court held as follows*. The verb ‘hold’ appears in the sense already recognised by Witold Doroszewski (1958–1969) more than 50 years ago as literary, therefore currently only accessible to a very narrow circle of people and practically unused in non-literary communication ‘taking into account, considering, counting in.’

Hence, in line with the rules of natural order of things and plain language, it has been suggested that contemporary judgements be segmented into parts in which ritual-hegemonic forms are to be replaced with numbered headlines indicating the contents of each message within these points in a clear way for any recipient. Of course, there is some difficulty choosing the right titles for each part. Both the natural order of things and plain language demand that the titles should be as short and clear as possible, and accessible for all language users.

It is the title of the statement’s second part that already poses a difficulty. From the perspective of the specialised order of things it would be reasonable to call it *Factual state*, but from the perspective of NOT and plain language the word *state* may seem unfortunate. In the NKPJ (The National Corpus of Polish) this expression occurs very often, yet in a similar manner to the abovementioned *hold*, its use is mostly limited to public texts (as well as in legal and administrative announcements it appears in politicians’ statements and journalist materials). Taking into account the rules of plain language, the National School of Judiciary and Public Prosecution proposes two solutions in this case: *Factual findings* and *Facts*. The first is still more specialised than natural because both the verbal noun *findings* and the adjective *factual* belong to the public vocabulary with reference to administration and law. Besides, the word *findings* will not convince plain Polish language proponents as it is quite a long, non-dynamic noun ending with ‘ing,’ which makes understanding the text difficult. Yet we cannot immediately reject *Factual findings* because the short and dynamic title *Facts* also has its disadvantages. With the influence of popular culture on the natural order of things, non-specialist recipients associate it with TVN’s news program or the name of Poland’s most popular tabloid. Also, the noun does not reflect any action on the

¹⁰ Cultural and technological revolution which has been ongoing since circa 1993 (when the first webpage was created) leads, among others, to a situation where in the 21st century (or even the last decade of the 20th century) more things happen in a year than previously happened in a 10 year period. This is why since 1993 civilisation progressed not by 26 years, but 260.

part of the judge/judges presiding over the case, while the verbal noun unambiguously indicates the work of institutions and employees of the judiciary system.¹¹

The second point of the new statement of reasons should be entitled *Evaluation of evidence*, and here there are no reservations either from the perspective of cognitive communication (natural order of things) or linguistic rules and plain language constructs.

The same problem concerns the third part, which should be entitled *Legal evaluation*. This is a very good headline, indicating the contents of the third point of the statement, clearly specifying the addressee of this part.¹² Anyone can familiarise themselves with it, but only people competent in the cognitive and the specialised order of things can correctly interpret it.

Part four, simply entitled *Costs*, is ideal both communicatively and cognitively. This is where information regarding court fees should be understandable and clear for everyone.

These headlines make it possible to remove formulas such as: *the court concludes as follows, the court held as follows*; this will also influence the way judges communicate other information to the parties.

Replacing ritual, sophisticated, and archaic forms with headlines also brings change to the practice of creating specific sentences and paragraphs via a new statement of reasons. In the natural order of things and plain language there is no place for typically retropic and specialist legal language, or complicated compound and complex sentences.¹³ The continuous use of these expressions, while assuming the court (and not the judge) must use ritual and archaic expressions, such as ‘in the purpose of,’ as well as excessive use of the passive voice and nominalisations have led to these texts being separated from the natural order of things, incompatible with Polish linguistic standards¹⁴ and have made them to be the source of linguistic oddities in public communication.

Most of these expressions did not withstand the test of time that saw the change from print culture to image culture. The use of these words in statements of reasons on the part of judges exposes them to ridicule more than it adds to the solemnity, stature or charisma of this profession. It also becomes a source of frustration for people who

¹¹ Surely, in the natural order of things *Facts* would be enough, but the point of the new public style and new linguistic communication is not hysterical revolution, but an exceptionally dynamic evolution whose reasons can be explained to the ROT, POT and SOT proponents as well.

¹² From the perspective of plain language it is also important that the second and third part of court’s legal statement of reasons begin with the same word: ‘*evaluation*,’ which makes the reception of the text easier by preserving its coherence and logicity – repetition is not only ‘the mother of the all learning’ but also a rule of plain language, and the foundation of the natural order of things.

¹³ The average length of sentences in the material gathered for analysis from hundreds of judicial decisions is circa 50 words and these are at least double compound and complex phrases. In plain language and the natural order of things sentences should include up to 25 words and be made of single phrases or single compound phrases.

¹⁴ These mistakes were cleverly but nonsensically explained both by public senders and language experts with the need to use anachronistic office style, as if these expressions could not be linguistically correct.

stand before the court and do not understand anything that happened in the courtroom, nor do they understand the text of the court's statement which they can see and read but cannot focus on and comprehend.

REFERENCES

- Bauman, Z. 2018. *Retrotopia. Jak rządzi nami przeszłość?* [*Retrotopia. How is the Past Governing Us?*]. Warszawa: Wydawnictwo Naukowe PWN.
- Doroszewski, W., eds. 1958–1969. *Słownik języka polskiego* [*Dictionary of the Polish Language*]. Warszawa: Wiedza Powszechna.
- Ehlich, K., and J. Rehbein. 1994. 'Institutionanalyse. Prolegomena zur Untersuchung von Kommunikation in Institutionen'. W *Texte und Diskurse*, eds. G. Brunner, and G. Graefen. Oppladen: Westdeutscher Verlag, 287–350.
- Huizinga, J. 1985. *Homo ludens. Zabawa jako źródło kultury* [*Homo Ludens: A Study of the Play-Element of Culture*]. transl. W. Wirpsza, and M. Kurecka. Warszawa: Czytelnik.
- Juhila, K., T. Poso, C. Hall, and N. Parton. 2003. 'Introduction: Beyond the Universal Client'. W *Constructing Clienthood in Social Work and Human Services: Interaction, Identities and Practices*, eds. K. Juhila, T. Poso, and N. Parton. London, New York: Jessica Kingsley Publishers, 11–25.
- Krajewski, J., and K. Piasecki, eds. 1968. *Kodeks postępowania cywilnego: tekst – orzecznictwo – piśmiennictwo* [*Civil Procedural Code: Text, Rulings, Literature*]. Warszawa: Wydawnictwo Prawnicze.
- Levinson, S. 2010. *Pragmatyka* [*Pragmatics*]. transl. T. Ciecierski, and K. Stachowicz. Warszawa: Wydawnictwo Naukowe PWN.
- Małocha-Krupa, A. 2003. *Słowa w lustrze: pleonazm – semantyka – pragmatyka* [*Words in a Mirror: Pleonasm, Semantics, Pragmatics*]. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Piekot, T., and M. Maziarz. 2014. 'Styl "plain language" i przystępność języka publicznego jako nowy kierunek w polskiej polityce językowej' [*Plain Language Style and Accessibility of Public Language as New Direction in Polish Language Policy*]. *Język a Kultura* 24: 307–324.
- Piekot, T., G. Zarzeczny, and E. Moroń. 2019. 'Standard "plain language" w polskiej sferze publicznej'. W *Lingwistyka kryminalistyczna. Teoria i praktyka*, eds. M. Zaśko-Zielińska, and K. Kredens. Wrocław: Quaestio, 197–214.

Prosty język polski a naturalny porządek rzeczy w komunikacji publicznej

Słowa klucze: język prawniczy, język w komunikacji z obywatelem, prosta polszczyzna, naturalny porządek rzeczy, retropiczny porządek rzeczy.

STRESZCZENIE

Tekst pokazuje inną niż dotychczasowe perspektywę oceny wypowiedzi publicznych, urzędowych i administracyjnych, a zwłaszcza – uzasadnień orzeczeń sądowych. Przez lata wśród nadawców tego rodzaju tekstów utarło się przekonanie, że najważniejszymi (a w zasadzie – jedynymi istotnymi) odbiorcami ich komunikatów są osoby oraz instytucje kontrolne i wyższego rzędu – przełożeni, sądy okręgowe i apelacyjne, prokuratury okręgowe, administracja państwowa, dyrektorzy, ministerstwa itp. Tymczasem istnienie tych instytucji i rangę społeczną tych osób legitymizują ludzie, do których formalnie są adresowane te komunikaty – klienci urzędów, strony postępowań sądowych, obywatele – i których życie teksty tego rodzaju realnie zmieniają. Autorzy zwracają zatem uwagę na współczesną potrzebę spojrzenia na te i podobne teksty z perspektywy komunikacyjnej, odbiorczej, potocznej, a nie – specjalistycznej, hierarchicznej i hegemonicznej, ponieważ najważniejszym adresatem również tego rodzaju komunikatów jest zwykły człowiek – niespecjalista, nie-erudyta i najczęściej także nieintelektualista.

Autorzy odwołują się do kategorii naturalnego porządku rzeczy i prostego języka, które są przeciwstawione tzw. specjalistycznemu i retropicznemu porządkowi rzeczy. Te – od dawna obecne w języku i w kulturze – strategie poznawczo-komunikacyjne oraz zabiegi tekstowe pomagają odbiorcom w poznaniu, w zrozumieniu i w interpretacji komunikatu lub te aspekty utrudniają. Naturalny porządek rzeczy i prosty język są znane zdecydowanej większości Polaków, ponieważ to automatyzmy i stereotypy komunikacyjno-językowe związane z rozwojem kultury i cywilizacji, dostępne dla wszystkich. Wykorzystanie ich w komunikacji przez nadawców instytucjonalnych pozwala właściwie odczytać intencję komunikatu niemalże każdemu odbiorcy tego przekazu. Taka komunikacja, nastawiona na zrozumienie, może być niekiedy nawet redundantna, nadmiarowa.

Autorzy postulują w wypowiedziach urzędowo-administracyjno-prawniczych, a także – w niektórych komunikatach medialnych i marketingowych, powrót do pragmatycznego logicyzmu językowego, do prostoty językowej oraz do użyteczności komunikacyjnej, nawet jeśli stoją one w sprzeczności z walorami literackimi i (co dla nadawców instytucjonalnych szczególnie ważne) z tradycyjnymi, umownymi regułami kancelaryjnymi wypowiedzi, a nie – z ustawowymi.