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# **Tourism as a specialised discourse: The case of normative guidelines in the European Union**

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## ABSTRACT

Amongst the genres characterizing the language of tourism, some make it seem more immediately recognizable as specialized discourse. These are the genres of normative guidelines related to the tourism industry and issued by the European Union. Given the lack of analysis of these texts from the applied linguistics perspective, this preliminary investigation aims at describing some of the features of such normative guidelines, i.e., the high frequency of complex sentences, modality, technical terminology and ancient crystallized legal forms. Overall, these features seem an expression of statutory language which explicates the necessity to include all possible information in order to avoid ambiguity and vagueness, and to convey an impression of semantic objectivity and legal impartiality.

## **1. Introduction**

Until the 1990s, European governments felt their role was unnecessary in the tourism industry: as long as tourism growth was recorded, the trend in the tourism industry and in communications was characterized by a *laissez faire, laissez passer* policy. This tendency was shared to such an extent that many Ministries of Tourism ceased to exist or were incorporated into other ministries, and although national tourist boards were established, they had a mere promotional role. At the beginning of the 21<sup>st</sup> century, new economies emerged and supply exceeded demand: tourists had endless choices, which substantially increased competition in the tourism market. New political issues, in particular public policies, were needed, since they were regarded as

being of vital importance because of their influence in the tourism industry and the regulation of related activities (Klancnik 2006: 58).

The important role of tourism in the European economy has been recognized by the European Union (EU) ever since the early 1980s. For instance, the EU's major contribution to the tourism industry, *Communication on a renewed tourism EU policy: towards a stronger partnership for European Tourism* (COM (2006) 134 final) of 17.03.2006.), issued in 2006, is an attempt to deal with the challenges of the 21<sup>st</sup> century by taking advantage of all resources and synergies present in the EU states, aiming at promoting better regulations at a European level, given the large number of different policies affecting tourism, in order to (a) minimize the negative impacts of tourism on society/the environment and (b) maximize tourism's positive and creative contribution to local economies. Since then, attention has become more and more focussed on tourism from a normative viewpoint. The consequence, at a linguistic level and from a professional perspective, is that legal discourse has affected the language of tourism to such an extent that expert members of the tourist discourse community tend to adopt lexico-grammatical, rhetorical and discursal generic conventions deriving from legal discourse, which results in the "colonization of one genre by the other by invading its integrity" (Bhatia 2004: 87). In particular, the use of legal features in tourism discourse and genres seems to suggest that tourism is inclined towards the acquisition of aspects whose function is strictly related to normative and authoritative discourse in order to convey a more ruled image of the tourist community "in adverse and challenging economic circumstances" (Bhatia 2007: 395).

Although the unprecedented increase in global tourism has created zones of mixed jurisdiction (Bhatia 2003: 353), and despite the fact that the EU covers both common law and civil law systems, the EU legislation regulates member states mainly – but not necessarily – as regards the financial sector, to which all member states have to conform<sup>1</sup> ([http://europa.eu/abc/treaties/index\\_en.htm](http://europa.eu/abc/treaties/index_en.htm)), whereas in the social, defensive, and educational fields, each member follows its own regulations. In the case of tourism, the EU does not set down any real legislation, but rather provides guidelines which each member state applies according to what legal system the country has adopted, i.e. civil law or common law.<sup>2</sup> This implies that the type of legal system in force in a country is not relevant in tourist texts.

<sup>1</sup> The EU policy requires that: "laws (regulations, directives and decisions) take precedence over national law and are binding on national authorities" ([http://ec.europa.eu/community\\_law/introduction/treaty\\_en.htm](http://ec.europa.eu/community_law/introduction/treaty_en.htm)).

<sup>2</sup> This is particularly true for such countries as the United Kingdom, Poland and the Czech Republic which, according to the Lisbon Treaty in force as of December 1<sup>st</sup>,

From the applied linguistics perspective, the language of tourism has been the focus of many investigations, mainly analyses of the language of tourism promotion (Calvi 2000, 2001, 2006; Cappelli 2006; Francesconi, 2005, 2007; Gotti 2006; Catenaccio 2009, Maci 2010), and tourism mediation (Nigro 2006; Cappelli 2007), also investigated from a corpus-based perspective (Tognini Bonelli – Manca 2002). On the other hand, legal language has been extensively analysed, with particular regard to the analysis of metatextual markers (Bhatia 1987), of questioning (Pascual 2002, 2006; Sala 2010) and from both a forensic perspective (Cotteril 2003; Gibbson 2003) as well an ethnographic viewpoint (Walter 1988). Attention has also been paid to the generic tension of legal texts across cultures (Bhatia 2005; Gotti 2005), to the construction of professional legal identities (Sala 2008) and to the use of legal language (Hiltunen 1990; McMeel 2005; Williams 2005) in more general terms.

To the best of my knowledge, there is no study concerning the analysis of EU normative language applied to the tourism industry. Keeping in mind that EU normative texts are regarded as guidelines to be locally ‘translated’ by each member state, this paper tries to describe the type of language characterizing such texts related to tourism in order to see if and to what extent the languages of legal and tourism discourse are interrelated.

The preliminary results of this investigation will show that European normative guidelines follow the generic conventions and constraints of legal discourse while presenting an extensive set of items characteristic of the tourism industry.

## 2. Legal language in tourism: The corpus

In order to understand in what ways normative and tourism discourses are interrelated, all legal documents concerning tourism were collected by the Euro-lex search-engine ([http://eur-lex.europa.eu/RECH\\_menu.do?ihmlang=en](http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en)), the EU website granting access to European Union Law. A search was carried out using the keywords ‘tourism’ and ‘tourist’. All legal documents and relative annexes issued between 1984 and 2009 were found and downloaded. All texts were digitalized in a text format, forming a corpus

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2009, can opt to follow EU regulations or not ([http://europa.eu/abc/treaties/index\\_en.htm](http://europa.eu/abc/treaties/index_en.htm)). My thanks to Prof. Cosimo Notarstefano for his explanation regarding the relationship between European legislation and the member states’ legal systems.

of 49,459 words; a quantitative computation with Wordsmith Tools (Scott 2007) was then followed by a qualitative analysis. Figures, when given, have been normalised per thousand words and are expressed as Type/Token Ratio (TTR). Full reference to legal texts, from which the excerpts presented in the following paragraphs are taken and here indicated in increasing order, may be seen in the Appendix.

### **3. Results: Legal discourse in the tourism industry**

Literature on legal language (Bowers 1989; Solan 1993; Gibbons 1994; Tiersma 1999; Gotti 2003: 42-46) suggests that the type of texts forming legal genres exploits a type of discourse very different from everyday speech, especially when legal texts express regulations creating, modifying or terminating the rights of and obligations towards individuals and institutions. Such textual differences are evident both at a macro- and at a micro-level, respectively featured by extremely long sentences and cross-references on the one hand, and the use of archaic terms and Latin expressions, binomials and doublets, specialized lexis, nominalization and modality on the other.

#### **3.1 Macro-level analysis: Sentences and cross-references**

The only studies dealing with sentence length in the English legal system (Hiltunen 2001; 1985) indicate that sentences have an average of about 45.04 words per sentence. My normative guideline corpus related to tourism comprises 1,489 sentences and has an average of 33.22 words per sentence, which is lower than indicated by Hiltunen (2001; 1985). My computation seems more in keeping with the traditional legal sentence, which, in the 1990s, was measured at 37.06 words per sentence, offering therefore greater readability (Belotti 2002: 115).

In my corpus, any sentence ending with a full stop usually corresponds to a legal topic expressed in a paragraph which contains more than one sentence separated by a series of semi-colons. This atypical orthographic device seems to substitute the conventional full stop used in standard punctuation. If this is so, and we add the number of sentences separated by a semicolon to the general figures given above, the resulting number of sentences will be 1,788; each phrase seems then formed by an average of 27.51 words (see Table 1), which is well below the figures given both by Hiltunen (2001, 1985) and Belotti (2002):

Table 1. Average sentence length

<i>Sentences separated by full stop</i>	1,489
<i>Number of words</i>	49,459
<i>average proposition length</i>	33.22
<i>propositions separated by semi-colon</i>	299
<i>average proposition length</i>	27.51

However, as in my corpus semi-colons do not visually break the sentence, the impression is that of sentences coinciding with very long paragraphs, which obviously has a great impact on readability: the longer the sentence, the more difficult it is to understand. The first analysis involving sentence length has therefore been a classification of sentence types. Simple sentences (containing one predicate) are easily understood because of the simplicity of their syntactic construction. Complex sentences (consisting of one main clause and one or more subordinates), on the contrary, are, indeed, difficult to understand not only because of their length but also because of the presence of embedded clauses, which can be either left- or right-dislocated. Indeed, the presence of subordinates, present participles or gerunds that interrupt or even invert the English structure S + V + O + Adjunct, creates a certain lack of readability:

- (1) When constructing electricity transmission lines and power stations linked to them, as well as oil and gas pipelines, including pumping stations and booster stations and plants which are very significant from an environmental point of view, the Contracting Parties shall implement all the necessary measures to avoid disturbance to the local people and the environment, including, if possible, the use of pre-existing facilities and grids.  
(EU007)

In the excerpt above, the main clause is preceded by five secondary clauses and is followed by another three secondary ones: overall, we have four relatives, one rendered with the *wh*- relative pronoun, two by means of the present participle form in *-ing*, and one by the past participle ending with *-ed*, one *if*-clause, one purpose clause and one adverbial clause, which impedes readability.

Clause distribution of the collected corpus can be seen in Table 2.

Table 2. Breakdown of simple and complex sentences in the EU tourism guidelines

Simple clauses		1,870	
Complex clauses	Secondary clauses introduced by <i>that</i>	310	
	<i>If</i> -clauses	73	
	Relative clauses	<i>Who; which; that</i>	304
		past participle	1,026
		<i>-ing</i> forms	1,491
	Concessives clauses (introduced by: <i>nevertheless; yet; however; despite, (al)though, even though/if</i> )		85
Purpose clauses		1,242	

In my corpus, there is a great occurrence of complex sentences in EU tourism normative guidelines: they are concentrated in the definition of the exceptions to the provisions or in the explanation of the provisions, normally annexed to the normative text:

- (2) 1.1.1. Collective tourist accommodation establishments Definition:  
 An accommodation establishment that provides overnight lodging for the traveller in a room or some other unit [...]  
 (EU5a)

This indicates that the main aim of the author is to make less ambiguous any possibly vague meaning in order to provide a basis for an objective and impartial provision of the rules constructed *contra proferentem* (McMeel 2005), i.e., against the interests of the party responsible for drafting the guidelines. In addition, removing any ambiguity implies that all EU guidelines have to be compiled using a detailed and unequivocal description of all legally relevant elements to show an accurate account of the legislator's reasoning. This may be responsible for lengthy sentences.

As illustrated by Hiltunen (2001: 61), *that*- and relative clauses are the most frequently exploited clauses in legal discourse. All relative clauses in my corpus are defining and occur whenever there is a need to unambiguously limit and define facts, people and norms. This clearly fosters clarity of expression, even though it may create a lack of readability:

- (3) The expenditure declarations presented to the Commission are not always reliable. In the case of Italy, [...]. This practice, which the

Commission accepts, is not in accordance with the requirements set out in its initial decision of 14 December 1990 approving the Italian tourism OP, whereby the expenditure submitted must correspond to the expenditure incurred.

(EU20)

As said above, these definition or explanation sections are in the *annex* to the guidelines which occurs *after* the EU guideline. It is, to be precise, in the statement of the guideline, i.e. before the expansion of the provisions in the annex. The provisions, on the other hand, are linguistically constructed with simple sentences, characterized by a more linear structure and the use of the present simple indicative, the latter implicitly indicating the performative function of the written text (Garzone 2003: 206) because of its directness and unconditional nature. Since simple sentences are usually found whenever the decision or one point in argumentation is to be made clear, they are likely to help render the EU directives less complicated for laypersons.

Lack of readability in legal discourse is also caused by the fragmentation of the syntactical structure of texts because of continuous cross-referencing to laws, regulations, and provisions. Although this feature also characterizes my corpus, the reference to law regulations is normally made by use of endnotes, so such provisions do not interfere with textual cohesion:

(4) Having regarded

- (1) The Convention on the protection of the Alps (hereinafter “the Alpine Convention”) was concluded on behalf of the European Community by Council Decision 96/191/EC [2].
- (2) The Council decided on the signature, on behalf of the European Community [...], by Council Decision 2005/923/EC [3].

(EU08)

Interference with textual cohesion is, on the other hand, created by a feature commonly found in my corpus: if sentences correspond to a relevant legal issue, they are generally introduced by numbered and lettered paragraphs:

- (5) 3. They shall adopt measures and make provisions, particularly in the following areas:
  - (a) improving insulation in buildings and the efficiency of heating systems;



- (b) optimising the performance of heating, ventilation and air conditioning systems;
- (c) [...];
- (d) [...].

#### Article 6

#### Renewable energy resources

1. The Contracting Parties shall energy take [...].
  2. They shall also encourage the use of [...].
- (EU19)

Although it interrupts cohesion, this practice seems to facilitate readability because the numbered paragraphs are to be seen as headings in a text concerning a legal topic. Nevertheless, a text so schematically organized, and apparently easier to understand from a semantic viewpoint, is actually denser and more cognitively demanding because of the frequent use of nominalised forms in pre-modifying position (my emphasis):

- (6) 1. Consular offices of Member States in the PRC should issue an *accreditation* certificate for each designated *travel* agency.
- (EU04)

## 3.2 Micro-level analysis

### 3.2.1 Lexis

The analysis of EU guidelines related to tourism points to the occurrence of a legal register characterised by technical terminology, archaic expressions, Latin terms and binomials; the latter, in particular, are outdated and crystallized expressions which mark the permanent nature of statutory provisions (Giannoni 2003). All these elements, together with the massive presence of specialized lexical items and of particular syntactical structures, permeate the language of EU guidelines related to tourism with *legalese*.

Yet the keyword list created with Wordsmith Tools shows the massive presence of terms that apparently do not belong to *legalese* (Fig. 1).

KEYWORDLISTeuropean law.kws							
<i>N</i>	<i>Key word</i>	<i>Freq.</i>	<i>%</i>	<i>Freq.</i>	<i>RC. %</i>	<i>Keyness</i>	<i>P</i>
1	TOURISM	378	0.69	1,461		3,813.01	000000
2	SHALL	303	0.56	19,817	0.02	1,430.03	000000
3	ARTICLE	218	0.40	6,607		1,351.76	000000
4	COMMISSION	222	0.41	9,844		1,213.29	000000
5	MEMBER	256	0.47	17,230	0.02	1,193.97	000000
6	STATES	192	0.35	17,873	0.02	776.92	000000
7	TOURIST	107	0.20	1,986		764.65	000000
8	ACCOMMODATION	128	0.23	4,373		763.83	000000
9	COMMUNITY	202	0.37	22,542	0.02	748.60	000000
10	DIRECTIVE	100	0.18	1,718		729.51	000000
11	ESTABLISHMENTS	85	0.16	833		711.27	000000
12	WHEREAS	132	0.24	6,169		707.83	000000
13	NR	57	0.10	97		653.27	000000
14	MEASURES	128	0.23	6,878		651.97	000000
15	CONTRACTING	78	0.14	787		648.37	000000
16	EUROPEAN	162	0.30	20,245	0.02	566.11	000000
17	PROTOCOL	72	0.13	1,032		550.27	000000
18	ALPINE	57	0.10	478		493.70	000000
19	TRAVEL	101	0.19	7,145		461.18	000000
20	THE	4,557	8.36	55,105	6.09	443.01	000000
21	NON	61	0.11	1,241		425.08	000000
22	INFORMATION	173	0.32	38,362	0.04	425.06	000000
23	HOTELS	69	0.13	2,329		413.29	000000
24	ANNEX	42	0.08	198		408.46	000000
25	CONTRACT	106	0.19	11,875	0.01	391.90	000000
26	CONSULAR	37	0.07	116		386.58	000000
27	CONCERNING	70	0.13	3,354		371.93	000000
28	OF	2,497	4.58	49,564	3.07	366.07	000000
29	ACCORDANCE	61	0.11	2,092		363.49	000000
30	DATA	117	0.21	18,084	0.02	363.00	000000

Figure 1. Keyword list of the EU legislation on tourism

*Tourism* is evidently the strongest keynote term, as it is the topic dealt with in the normative guidelines. The most frequent collocates of *tourism* are shown in Fig. 2 below:

TOURISM.cnc								
N	Word	With	Relation	Total	Total Left	Total Right	L5	L4
1	TOURISM	Tourism	0.000	420	21	21	6	5
2	THE	Tourism	0.000	325	204	121	28	50
3	OF	Tourism	0.000	240	175	65	19	19
4	AND	Tourism	0.000	125	65	60	11	20
5	IN	Tourism	0.000	115	72	43	4	29
6	TO	Tourism	0.000	87	41	46	11	8
7	ON	Tourism	0.000	68	63	5	13	2
8	FOR	Tourism	0.000	53	41	12	8	1
9	COMMUNITY	Tourism	0.000	52	42	10	7	13
10	A	Tourism	0.000	43	20	23	3	13
11	DOMESTIC	Tourism	0.000	33	19	14	2	2
12	WHEREAS	Tourism	0.000	27	9	18	2	0
13	EUROPEAN	Tourism	0.000	27	24	3	6	1
14	FIELD	Tourism	0.000	26	25	1	0	0
15	IS	Tourism	0.000	26	6	20	4	2
16	MEASURES	Tourism	0.000	22	19	3	5	9
17	INFORMATION	Tourism	0.000	22	19	3	10	0
18	OUTBOUND	Tourism	0.000	21	11	10	0	1
19	BY	Tourism	0.000	21	7	14	2	0
20	DEMAND	Tourism	0.000	19	3	16	0	3
21	FAVOUR	Tourism	0.000	19	19	0	0	0
22	NATIONAL	Tourism	0.000	19	17	2.	1	0
23	STATISTICS	Tourism	0.000	18	4	14	0	0
24	INBOUND	Tourism	0.000	17	13	4	0	2
25	1	Tourism	0.000	17	1	16	1	0
26	BE	Tourism	0.000	17	5	12	2	2
27	AS	Tourism	0.000	17	6	11	1	0
23	WHICH	Tourism	0.000	15	5	10	1	1

Figure 2. Collocates of *tourism*

An analysis of the collocates as well as the clusters of *tourism* reveals that the terms are more in line with tourism planning and management than with legal discourse. Yet all the other keywords clearly point to the legal nature of these guidelines. For instance, *shall* is a top keyword, which is not surprising: the modal *shall* normally carries out a deontic function and indeed, it is used for conveying orders and instructions, and for signalling juridical obligation. Among the first thirty items having a strong keyness, we can find *article*, *commission*, *member states*, *directive* and *protocol* (raw frequency and percentage of the items can be seen in the second and third column of Figure 1). These are specialized technical terms which belong to a legal register. Therefore they do not distinguish EU normative guidelines, in which they appear, from any other type of legal texts. On the contrary, the most distinguishing feature of these normative texts seems to be the occurrence of terms belonging to the tourism industry.

### 3.2.1.1 Doublets, binomials, archaisms and technical terminology

Doublets and binomials are common in *legalese* and are used to highlight alternative options (Bhatia et al. 2003). The exploitation of binomials and doublets can be traced back to the Anglo-Saxon period characterized by an extensive use of alliteration in legal language. Such doubling continued in medieval English legal practice, which involved the pairing of a native English word placed before an equivalent French word. The main reason for the continuation of this linguistic tradition in English legal documents is that such word-strings are used to convey all-inclusiveness, that is, to cover all possible situations and eventualities, which accounts for their redundancy and wordiness (Cao 2007). This is true for my corpus, where doublets and binomials seem to encode inclusiveness:

- (7) *Purpose* and *scope* of application  
(EU03a)
- (8) short distance local *transport* and *commuting*  
(EU05a)
- (9) the *budgetary* and *financial* implementation  
(EU20)
- (10) [...] *alerting* and *alarm* system [...] *curtains* and *drapes* [...] *components*  
and *materials* [...]  
(EU12)

Binomials allow for alternatives that, while extending the provision's legal coverage, semantically overlap the meaning of the legal text to allow for contextual interpretation. Member states are thus left free to define the range and scope of that concept with the present provision (Giannoni 2005).

At the same time, there is an extensive presence of technical terminology, such as *commission* (222 hits, TTR 4.44), *tourist* (107 occurrences, TTR 2.14), *protocol* (72 hits, TTR 1.4), *provision* (37 hits, TTR 0.74), *memorandum* (43 hits, TTR 0.86), *annex* (42 hits, TTR 0.84), *retailer* (29 occurrences, TTR 0.58), *purchaser* (28 hits, TTR 0.56), *audit* (21 occurrences, TTR 0.42), *amended* (18 occurrences, TTR 0.36), *beneficiary* (9 hits, TTR 0.18), *traveller* (4 hits, TTR 0.08). Technical terms apparently make the text more semantically complicated but they are necessary so as to determine with great precision the subjects to whom the law is applied.

In addition, the collected corpus features archaic, formal, and at times unusual or difficult vocabulary, such as *whereas* (132 hits, TTR 2.64); *thereof* (26 hits, TTR 0.25), *pursuant* (19 hits, TTR 0.38), *inter alia* (14 hits, TTR 0.28), *hereby* (8 hits, TTR 0.16), *thereby* (4 hits, TTR 0.08), and *force majeure* (2 hits, TTR 0.04). This archaic yet technical register is necessary because it indicates the conditions and situations described in the provision. Such lexical items are generally present in limiting clauses, which are common in English legal documents as they endow a document with a legal tone (Bhatia et al. 2003), but increase sentence length in the process:

- (11) THE COMMISSION OF THE EUROPEAN COMMUNITIES, [...]  
 Having regard to Council Directive [...] and in particular Articles 3, 7  
 and 10 thereof,  
 Whereas, to facilitate [...];  
 Whereas, to facilitate data collection, [...];  
 Whereas, during the transition period, [...];  
 Whereas the measures provided for [...]  
 HAS ADOPTED THIS DECISION.  
 (EU05)

### 3.2.3 Modality

Juridical obligation and permission are mainly expressed by modality. As aptly pointed out by certain scholars (Palmer 2001; Gotti et al. 2002, Facchinetti et al. 2004; Ziegeler 2006) modality points to the illocutionary attitude of the speaker as well as the speaker's indications of the probability or necessity of a statement. In particular, modality can be classified as:

- epistemic, when expressing the speaker’s degree of commitment to the truth proposition;
- deontic, when expressing the speaker’s responsibility/authority in giving permission, imposing commands, offering suggestions;
- dynamic, when expressing the speaker’s/listener’s ability or disposition.

As we have seen from the keyword list, *shall* appears to be the item carrying the strongest keyword importance in EU normative texts concerning tourism; its raw frequency is 303 (TTR 6.06), and, as Figure 2 below indicates, it is used in the passive form whenever the reference is to the adoption of the provision, and in the active form when the subject of the clause is either the contracting party or the member state to whom the ruling is directed:

SHALL.cnc	
N	Concordance
1	Article 14 Entry into force This Directive shall enter into force on the 20th day
2	of the Directive Member States shall bring into force the laws
3	and Article 7 of Decision 1999/468/EC shall apply having regard to the
4	in Article 4(3) of Decision 1999/468/EC shall be set at three months.
5	4 and 7 of Decision 1999/468/EC (2) shall apply, having regard to the
6	measures referred to in Articles 7 and 9 shall be adopted in accordance with the
7	inter alia by supplementing it, shall be adopted in accordance with the
3	period (Article 10) the Commission shall be assisted in accordance with the
9	during a transition period which shall end three years after entry into
10	prejudice to Article 13, Member States shall take all the measures necessary to
11	of the data by the Commission shall be determined pursuant to the
12	the methods used 2. The Commission shall present to the European
13	statistical information. Member States shall also provide the Commission with
14	Article 8 Reports 1. Member States shall provide the Commission at its
15	revised monthly and quarterly results shall be transmitted within a maximum
16	provisional monthly and quarterly data shall take place within three months of

17	period, and the revised annual results	shall	be transmitted within a maximum
18	transmission of provisional annual data	shall	take place within six months of the
19	Transmission of data 1. Member States	shall	transmit the data processed in
20	to in Article 12(2). The regional level	shall	be in accordance with the
21	of this Directive by supplementing it,	shall	be adopted in accordance with the

Figure 3. Concordance list of *shall*

Since *shall* is not the only modal expressing deontic obligation, I decided to carry out an analysis focussed on modal verbs in order to investigate expressions stating juridical permission and obligation, and whose results are illustrated in Tables 3 and 4.

Table 3. Modality in the EU guidelines on tourism: *will*, *would*, *shall* and *should*

		<i>Will</i>		<i>Would</i>		<i>Shall</i>		<i>Should</i>	
		<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>
<i>Deontic</i>	<i>Necessity</i>	41	0.82	–	–	–	–	112	2,24
	<i>Order</i>	–	–	–	–	303	6.06	–	–
<i>Dynamic</i>	<i>Necessity</i>	–	–	24	0.48	–	–	–	–

Table 4. Modality in the EU guidelines on tourism: *may*, *might*, *can*, *could*, *must*, and *need*

		<i>May</i>		<i>Might</i>		<i>Can</i>		<i>Could</i>		<i>Must</i>		<i>Need</i>	
		<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>	<i>Hits</i>	<i>TTR</i>
<i>Epistemic</i>	<i>Probability</i>	–	–	2	0.04	–	–	–	–	–	–	–	–
	<i>Possibility</i>	41	0.82	3	0.06	11	0.22	17	0.34	–	–	–	–
	<i>Necessity</i>	–	–	–	–	–	–	–	–	105	2.10	7	0.14
<i>Deontic</i>	<i>Permission</i>	57	1.15	–	–	30	0.60	–	–	–	–	–	–
	<i>Order</i>	–	–	–	–	–	–	–	–	7	0.14	–	–
<i>Dynamic</i>	<i>Possibility</i>	–	–	–	–	–	–	–	–	–	–	–	–
	<i>Ability</i>	–	–	–	–	–	–	–	–	–	–	–	–

The allocation of *shall* (303 hits, TTR 6.06), as we have seen above, indicates the presence of a directive. *Shall*, therefore, has a deontic obligation function:

- (12) In the event of the construction of new, large power plants [...] the Contracting Parties, in accordance with current law, shall proceed to evaluate the impact on [...] in accordance with Article 12. The Parties shall recognise the right to consultation at international level on projects with cross-border effects.  
(EU19)

*Should* (112 hits, TTR 2.24) is used to convey the sense of deontic necessity to suggest that it is necessary to follow some advice, as indicated by example (13):

- (13) Trans European Energy Networks (TEN-E) should be given priority and coordination and implementation measures foreseen in the TEN-E guidelines in Decision No 1229/2003/EC of the European Parliament.  
(EU08)

The distribution of *will* (41 hits, TTR 0.82) suggests that the modal occurs when it denotes a deontic necessity in conveying instructions:

- (14) The Commission will ensure that this task will be completed by June 1997 at the latest; a full report will be provided to the Court at that stage.  
(EU20)

*Would*, on the contrary, is mainly used with a dynamic function (24 hits, TTR 0.48) related to the degree of possibility, probability or impossibility of an action and in reported speech, which seems to have a predictive role:

- (15) The stay in the place visited should not last more than 12 consecutive months, beyond which the visitor would become a resident of that place.  
(EU05a)

As shown in (16), permission is normally conveyed with the modal *may* (57 hits, TTR 1.15), which also, though less frequently, indicates possibility (41 hits, TTR 0.82). In both cases it is much more frequent than *can*.

- (16) [...] when the ship is in port, the passengers may or may not be formally free to enter the country.  
(EU05a)



The modal *might* seems to occur with a low frequency and only to indicate either epistemic probability or possibility, as we can see from examples (17) and (18) below:

- (17) No age limit is applied: children are counted as well as adults, even in the case when the overnight stays of children might be free of charge.  
(EU05a)
- (18) If the passengers are free to enter the country, the nights might be in principle recorded to that country, [...]  
(EU05a)

*Can* is alternatively employed in conveying epistemic possibility (11 hits, TTR 0.22) and deontic permission (30 hits, TTR 0.60):

- (19) The destination can be understood in different ways.  
(EU05a)
- (20) Marinas Definition: Consist of boating harbours where boat owners can hire a berth in the water or a place on the land for the season or year.  
(EU05a)

*Could* is less frequently used than *can* and is employed to indicate the possibility that an action could take place, given the premises (17 hits, TTR 0.34):

- (21) [...] unforeseeable circumstances beyond the control of the party by whom it is pleaded, the consequences of which could not have been avoided even if all due care had been exercised.  
(EU9)

*Must* is used only in an epistemic sense, indicating the necessary action to be taken in order to exercise the right (105 hits, TTR 2.10):

- (22) [...] require that the contract be drawn up in its language or its languages which must be an official language or official languages of the Community.  
(EU18)

The deontic modality expressed by *must* occurs only in seven cases and in negative expressions only (TTR 0.14) and indicates what is forbidden:

- (23) Any descriptive matter concerning a package and supplied by the organizer or the retailer to the consumer, the price of the package and any other conditions applying to the contract must not contain any misleading information.  
(EU9)

*Need* (7 hits, TTR 0.14) is similar to *must*, when indicating the epistemologic necessity to undertake an action in order to implement the right:

- (24) Since October 1994 it has however been sent the documents it needs to follow up the case.  
(EU20)

There is, however, a prevalence of the use of *need* in its nominalised form (27 hits, TTR 0.54), as excerpt (25) below shows:

- (25) The reorganization within the Tourism unit of DG XXIII will take account of the need to increase its involvement in indirect actions in favour of tourism.  
(EU20)

Clearly, all these modals are distributed differently within the guidelines: *shall*, *can*, *may* and *must* are mainly found in the orders section, whereas all the other forms are mainly – but not necessarily – found in the *annex*, i.e., the technical explanations to the guideline.

#### 4. Conclusions

The documents here analyzed offer an example of interdiscursivity in the sense that the EU guidelines devoted to tourism are lexically colonized by legal discourse language.

Amongst the characteristics of the language of legal documents featured in these guidelines, is the high frequency of lengthy and complex sentences. Indeed, statutory language is characterized by this feature, since legislators tend to such an extent to include all possible information

in a single sentence in order to avoid ambiguity and vagueness, that they increase considerably the level of information density. Furthermore, general principles are expressed in such a way as to allow flexibility which, on the one hand, gives the impression of a lack of vagueness (Bhatia 2003: 338), but on the other has to be detailed and specific because of their performative function; hence the use of modals, binomials, technical terminology and archaic crystallized legal forms such as the use of doublets and double negative patterns which, while increasing semantic density, convey an idea of semantic objectivity and an apparent idea of legal impartiality, this in turn suggesting a stronger sense of authoritativeness.

The EU presents its normative texts both on-line and in a traditional paper format. At the same time, it is aware of the urging societal and economic developments influencing tourism. Such texts are primarily legal and follow the generic conventions and constraints of legal discourse while presenting an extensive set of lexical items characteristic of the tourism industry. Legal texts are rich in cross-references to previous norms and provisions which, for a layman, are difficult to interpret because they are seen as not being organized in a cohesively and hierarchically sequential order. Meaning-making in such texts as those analysed in this study is thus a complex process because the domains dealt with are primarily practice-oriented (i.e., aimed at normative administration in the tourism industry). For the purpose of normative effectiveness, EU texts seem to be prone to adopting all those rhetorical linguistic devices typical of legal discourse which enable the specialist reader to better comprehend and assimilate the content, and possibly to turn it into practice.

## REFERENCES

- Belotti, Ulisse  
 2002 "The language of Italian arbitration rules in English: Some measurable aspects", *Linguistica e Filologia* 15, 113-141.
- Bhatia, Vijay K.  
 1987 "Textual-mapping in British legislative writing", *World Englishes* 6 (1), 1-10.  
 2003 "Specificity and generality in legislative expression". In: V.K. Bhatia et al. (eds.) *Legal Discourse in Multilingual and Multicultural Contexts. Arbitration Texts in Europe*. Bern: Peter Lang, 337-356.  
 2004 *Worlds of Written Discourse: A Genre-based View*. London: Continuum.

- 2005 "Specificity and generality in legislative expression: Two sides of the same coin". In: V.K. Bhatia et al. (eds.) *Vagueness in Normative Texts*. Bern: Peter Lang, 337-356.
- 2007 "Interdiscursivity in critical genre analysis", *Proceedings of the 4<sup>th</sup> Sympósio Internacional de Estudos de Gêneros Textuais*.  
<http://www3.unisul.br/paginas/ensino/pos/linguagem/cd/English/36i.pdf>. Bhatia, Vijay K. et al. (eds.)
- 2003 *Legal Discourse in Multilingual and Multicultural Contexts. Arbitration Texts in Europe*. Bern: Peter Lang.
- Bowers, Frederick
- 1989 *The Linguistic Aspects of Legislative Expression*. Vancouver: University of British Columbia Press.
- Calvi, M.V.
- 2000 *Il linguaggio spagnolo del turismo*. Viareggio: Baroni Editore.
- 2001 "El léxico del turismo". In: Á.F.M. Lago (ed.) *EIELE para contextos profesionales*. Cultura e intercultura en la enseñanza del español a *extranjeros*. <http://www.economiaturismoassisi.it/public/materiale/docenti/53/file/EI%201%C3%A9xico%20del%20turismo.doc>.
- 2006 "El uso de términos culturales en el lenguaje del turismo: los hoteles y su descripción". In: M.V. Calvi et al. (eds.) *Nuevas Tendencias en el Discurso de Especialidad*. Bern: Peter Lang, 271-292.
- Cao, Deborah
- 2007 *Translating Law*. Clevedon: Multilingual Matters Ltd. Cappelli, Gloria
- 2006 *Sun, Sea, Sex and the Unspoilt Countryside. How the English Language Makes Tourists out of Readers*. Paris: Paris Publishing.
- 2007 "The translation of tourism-related websites and localization: Problems and perspectives". In: A. Baicchi (ed.) *Voices on Translation, RILA Rassegna Italiana di Linguistica Applicata*. Roma: Bulzoni Editore, 97-115.
- Catenaccio, Paola
- 2009 "Promoting medical tourism in India: Building identity and reputation in health tourism websites". In G. Garzone et al. (eds.) *Identities Across Media and Modes*. Bern: Peter Lang, 59-108.
- Charrow Robert P. – Veda R. Charrow
- 1979 "Making legal language understandable: A psycholinguistic study of jury instructions", *Columbia Law Review* 79 (7), 1306-1374.
- Cotterill, Janet
- 2003 *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*. Houndmills: Palgrave Macmillan. Facchinetti, Roberta et al. (eds.)
- 2004 *English Modality in Perspective*. Frankfurt am Main: Peter Lang.

- Francesconi, Sabrina
- 2005 "The language of souvenirs: The use of humour in London t-shirts", *Textus* 18, 381-396.
  - 2007 *English for Tourism Promotion*. Milano: Hoepli.
- Gibbons, John
- 1994 *Language and the Law*. London: Longman.
  - 2003 *Forensic Linguistics*. Oxford: Blackwell.
- Garzone, Giuliana
- 2003 "Arbitration rules across legal cultures: An intercultural approach". In: V.K. Bhatia et al. (eds.) *Legal Discourse in Multilingual and Multicultural Contexts. Arbitration Texts in Europe*. Bern: Peter Lang, 177-220.
- Giannoni, D.S.
- 2003 "The UNITRACIL Model and Italian statute law: A linguistic and topical description". In: V.K. Bhatia et al. (eds.) *Legal Discourse in Multilingual and Multicultural Contexts*. Bern: Peter Lang, 221-246.
  - 2005 "'Any dispute shall be settled by arbitration'. A study of vagueness in international model arbitration clauses". In: V.K. Bhatia et al. (eds.) *Vagueness in Normative Texts*. Bern: Peter Lang, 437-468.
- Gotti, Maurizio
- 2003 *Specialized Discourse*. Bern: Peter Lang.
  - 2005 "Vagueness in the Model Law". In: V.K. Bhatia et al. (eds.) *Vagueness in Normative Texts*. Bern: Peter Lang, 227-253.
  - 2006 "The language of tourism as specialized discourse". In: O. Palusci et al. (eds.) *Translating Tourism Linguistic / Cultural Representations*. Trento: Editrice Università degli Studi di Trento, 15-34.
- Gotti Maurizio et al. (eds.)
- 2002 *Conflict and Negotiation in Specialized Texts*. Bern: Peter Lang. Halliday, M.A.K. – Christian Matthiassen.
  - 2004 *An Introduction to Functional Grammar*. London: Arnold. Hiltunen, Risto.
  - 1985 "Aspects of structures in some English legal texts". In: J. Tommolaet et al. (eds.) *Working Papers in English Studies*. Turku: University of Turku.
  - 1990 *Chapters on Legal English*. Helsinki: Suomalainen Tiedeakatemia.
  - 2001 "Some syntactic properties of English law language". In: R. Hiltunen et al. (eds.) *English in Zigs and Zags: A Festschrift for Marita Gustafsson. Special Issue of Anglicana Turkuensia* 23, 53-66.
- Klancnik, R.V.
- 2006 "Media and communications". In: D. Buhalis et al. (eds.) *Tourism Management Dynamics. Trends, Management and Tools*. Amsterdam: Elsevier, 58-67.
- Maci, Stefania M.
- 2010 *The Language of Tourism*. Bergamo: CELSB.

McMeel, Gerard

- 2005 "Language and the law revisited: An intellectual history of contractual interpretation", *Common Law World Review* 34 (3), 256-286.

Nigro, M.G.

- 2006 *Il linguaggio specialistico del turismo. Aspetti storici, teorici e traduttivi*. Roma: Aracne.

Palmer, R.F.

- 2001 *Mood and Modality*. Cambridge: Cambridge University Press.

Pascual, Esther

- 2002 *Imaginary Dialogues: Conceptual Blending and Fictive Interaction in Criminal Courts*. (LOT Dissertation Series 68.) Utrecht: LOT.
- 2006 "Questions in legal monologues: Fictive interaction as argumentative strategy in a murder trial", *Text & Talk* 26 (3), 383-402.

Sala, Michele

- 2008 "Cultural and professional identities in international law", *Conference Proceedings: Identity and Culture in English Domain-specific Discourse*:

*Methodological Issues and Preliminary Studies*. University of Naples (Italy), October 2006.

- 2010 "Interrogative forms as professional identity markers in legal research articles". In: G. Garzone et al. (eds.) *Discourse, Identities and Roles in Specialized Communication*. Bern: Peter Lang, 301-320.

Scott, Mike

- 2007 *WordSmith Tools Version 5.0*. Oxford: Oxford University Press.

Solan, Lawrence

- 1993 *The Language of Judges*. Chicago: The University of Chicago Press.

Tiersma, P.M.

- 1999 *Legal Language*. Chicago: University of Chicago Press.

Tognini Bonelli, Elena – Manca, Elena

- 2002 "Welcoming children, pets and guest. A problem of non-equivalence in languages of 'agriturismi' and 'farmhouse holidays'". In: P Evangelisti et al. (eds.) *English in Academic and Professional Settings: Techniques of Description / Pedagogical Applications*. 15 (2), 317-334.

Walter, Bettyruth

- 1988 *The Jury Summation as Speech Genre: An Ethnographic Study of What It Means to those Who Use It*. Amsterdam: John Benjamins.

Williams, Christopher

- 2005 *Tradition and Change in Legal English Verbal Constructions in Prescriptive Texts*. Bern: Peter Lang.

Ziegeler, D. P.

- 2006 "Mood and modality in grammar". In: Keith Brown et al. (eds.) *Encyclopedia of Language & Linguistics* (2<sup>nd</sup> edn.). Amsterdam: Elsevier, 259-267.

## APPENDIX

- EU1: Case No. COMP/M.2788  
EU2: Case No. COMP/M.4123  
EU3: COUNCIL DECISION 2004/265/EC  
EU3a: MEMORANDUM of Understanding between the European Community and the National Tourism Administration of the People's Republic of China  
EU4: COMMISSION DECISION 2004/883/EC  
EU5: COMMISSION DECISION 1999/34/EC  
EU5a: ANNEX I to COMMISSION DECISION 1999/34/EC  
EU5b: ANNEX II to COMMISSION DECISION 1999/34/EC  
EU5c: ANNEX III to COMMISSION DECISION 1999/34/EC  
EU6: COUNCIL DECISION 86/664/EEC  
EU7: Council Decision 2005/923/EC  
EU8: COUNCIL DECISION 2006/516/EC  
EU9: COUNCIL DIRECTIVE 90/314/EEC  
EU10: COUNCIL DIRECTIVE 95/57/EC  
EU10a: ANNEX to COUNCIL DIRECTIVE 95/57/EC  
EU12: COUNCIL RECOMMENDATION 86/666/EEC  
EU13: COUNCIL DIRECTIVE 96/57/EC  
EU13a: ANNEX to 96/57/EC  
EU14: COUNCIL RESOLUTION 84/C\_115/01  
EU15: COUNCIL RESOLUTION 86/C\_340/01  
EU16: COUNCIL RESOLUTION 96/C\_375/02  
EU17: COUNCIL RESOLUTION 96/C\_155/01  
EU18: DIRECTIVE 94/47/EC  
EU19: PROTOCOL on the implementation of DIRECTIVE 94/47/EC  
EU19: PROTOCOL ON THE NEW MEMBER STATES JOINT DECLARATION ON IMPLEMENTATION ARRANGEMENTS.  
EU19a: ANNEX TO PROTOCOL ON THE NEW MEMBER STATES  
EU20: SPECIAL REPORT No 3/96 (97/C\_17/01)