

Legislative Language in the Planning and Building Law

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ABSTRACT

The current Planning and Building Law reflects a linguistic legacy rooted in the 1960s and in the legal tradition of the British Mandate. Among legal practitioners, there is a broad consensus regarding the need to update its content and, in effect, rewrite it entirely. This article proposes an additional layer of reform: a fundamental change to the language of the Law. This shift is inspired by the international Plain Language Movement and follows the 2012 Israeli government decision to unify and simplify all National Outline Plans. This governmental move led to the creation of the Unified National Outline Plan (TAMA 1), written in clear and simple language. This clarity streamlined planning and building procedures, resulting in significant savings of both time and money. While there are inherent differences between a statute and an outline plan, they share a similar linguistic style - a distinct legalistic jargon characterized by convoluted phrasing, an overreliance on negations, a confusion of essential and peripheral details, and a disorganized structure (which, in the case of the Planning and Building Law, has further deteriorated due to decades of "patchwork" amendments).

This article presents several examples from the existing Law, analysing their linguistic logic and offering alternative drafts. These proposals achieve a significant reduction in length - sometimes by as much as half - while ensuring the text is fluid and readable. The proposal to simplify the Law is not merely a technical task; it carries profound ethical and democratic significance. It aligns with a democratic worldview that demands transparency, clarity, and accessibility for all segments of society. A law that is not clear grants an unfair advantage to those who can afford the services of professional experts, while remaining inaccessible to marginalized groups, potentially harming their well-being and even their health. Therefore, a clear formulation that is accessible to everyone - enabling citizens to truly know their rights, promotes social justice. This is of paramount importance regarding the Planning and Building Law, which nearly every individual encounters during their lifetime. As this Law will undoubtedly be updated in the future, it is both right and fitting to renew its language as well. Such a move would mark a vital first step toward a much-needed reform: the implementation of simple and clear legal language across all Israeli legislation.

Keywords: Planning and Building Law, Legal language, Language and social justice, Plain language movement, National Outline Plan 1 (TAMA 1).

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