Clarity

Number 67 **May 2012**

Journal of the
international association
promoting plain legal language

In this issue

Editor in chief:
Julie Clement

Guest editor for this issue:
Anki Mattson

Guest editors for *Clarity* 68:
Christopher Balmford and
Annetta Cheek

clarity

Clarity … the journal

Copyright policy

Submissions

We encourage you to submit articles to be considered for publication in *Clarity*. Send submissions directly to editor in chief Julie Clement. Please limit submissions to approximately 1,500 or 3,000 words.

This issue

In June 2011, the PLAIN conference came to Stockholm, Sweden. It was the first time we hosted an international plain-language conference of this magnitude, and we were thrilled to welcome so many prominent plain-language practitioners and advocates. In spite of Sweden's international reputation as a pioneer country when it comes to plain official language, many Swedes were surprised by the keen interest in our methods and results. The fact is that most Swedes have no idea that we are successful in this area, but rather find the everyday plain language work both hard and tiresome. So our native participants learned not only a lot about plain language from an international perspective, but about their own success as well. A pleasant but unexpected twist for many. But the conference was not about Sweden; it was a truly international event.

The theme of PLAIN 2011 aimed to highlight the framework—or the five cornerstones—of plain language, i.e. elements in society or in an organization that are necessary to make plain language happen. The framework was defined as subject matters for the seminars: *practicing plain language, research on plain language, education and training in plain language, laws and regulations about plain language,* and *plain language organizations*. In this issue, some of the speakers of PLAIN 2011 elaborate on the seminars they gave at the conference. They represent the different subjects to give an overview of the framework.

Neil James of Australia writes about the importance of advocating plain language in all available media. He gives useful advice on how to really get across in a broad sense, in order to get the attention we need to find patrons and resources. We can't do it all by ourselves; we need external powers as well. How to get along almost without resources is the subject matter of *Miriam Vincent* and *Kathryn Catania*

of the U.S. Plain Language Action and Information Network (U.S. PLAIN). They give us the inside of how to make the whole of the U.S. governmental plain language work without almost any resources, but with their wit and ingenuity.

But how do we define plain language, and what are the results of our efforts to achieve it? There are two articles on this subject. Professor *Catharina Nyström Höög* of Dalarna University lets us in on her attempt to map the voices within the discourse of public authority in Sweden, and *Anne Kjeargaard*, PhD of the Danish Language Council, writes about the results of a plain language project at a municipality in Copenhagen. The results and discussions found in a scientific approach to plain language and communication can be of great use when practicing, teaching, learning and arguing for plain language.

But we also need our society to support us and supply us with enough muscles to be able to stand firmly on the ground of research, experience and our own conviction. The most explicit way to provide this support is for society to issue plain-language laws. And laws are beginning to be passed. But what happens then, once you have your Plain Language Act in place? Sweden got its Plain Language Act in the summer of 2009, and *Eva Olovsson* and *Jennie Spetz* of the Language Council of Sweden write about supervising the law, and its effects so far.

And speaking of laws. There are two very different articles in this issue about making laws more comprehensive for the public. I find it interesting how plain language in spite of great variation in circumstances is both applicable and desired universally. One of these articles is by *Victor Gonzales-Ruiz* of University of Las Palmas de Gran Canaria (Spain). He talks about how to teach students who are training to be legal translators to take a plain perspective. The other article, by *Hakkie Jang* of the Korean Ministry of Government Legislation, presents a different kind of problem, but still the same old story. He writes about solving the problem that Korean legislation is so strongly influenced by Chinese and Japanese characters that it is hard for the public to understand.

Finally, this issue addresses the question of how to ensure the availability of plain language knowledge and competence to the "cause". Sweden was the first country that we know of that started a university programme for plain-language consultancy to supply the market with a competence it was just barely aware it needed. But things have changed since the 1980s, when about 20 plain-language consultants graduated every second year. Until a few years ago, Stockholm University was the only university to offer the programme. Now the first two classes of Umeå University have graduated, and this fall Gothenburg University will start its first class. And it doesn't stop there; Lund University will start its programme in 2013. So in the light of a growing market, it is interesting to read the article by *Asbjørg Westum*, PhD and programme coordinator for the Swedish Language Consultancy Programme at the Department of Language Studies, Umeå University.

This is what this issue of *Clarity* offers from PLAIN 2011. If you are interested in the other speakers (there where almost 70 of them), you can find their Powerpoints and handouts at plain2011.com.

Stockholm, March 2012

© Anki Mattson
  anki.mattson@sprakkonsulterna.se

Plain Language Consultant, Sweden
Managing Director at Språkkonsulterna

Advocating plain language in the media

Neil James

Executive Director
Plain English Foundation
Australia

Next time you are travelling in a taxi, try a little test. Start a conversation with the driver and see if it elicits the question: 'So what do you do?' Say that you work in plain language. The conversation will probably proceed like this:

  'Plain language? What's that?'

  'Do you ever get a letter from a bank or a lawyer or the government that you don't fully understand?'

  'Yeah, sure.'

  'Well, we're the people trying to fix that.'

  'Really? You can do that?'

In recent decades, plain language advocates have been lobbying bureaucrats, lawyers, bankers and doctors to reform their communications. We have established plain language policies, programs and laws. Yet as the taxi test can show, the public is far less aware of our work.

While our focus on the writers and policymakers is justifiable, perhaps it is time we simultaneously strengthen the public demand for plain language. At the very least, greater public awareness would lower the tolerance for poor prose and accelerate reform. And with growing success at the policy level, we can increasingly prioritise marketing it to the public that stand to benefit from it.

In Australia, the Plain English Foundation has been experimenting with general media advocacy since 2004. It now places around 100 stories, interviews and articles in the media every year, reaching a combined audience of 4 to 5 million people in a country of 22 million.

This paper draws on that experience to examine several questions. What is the best way to present plain language in the media? Which media channels are most receptive and which have the greatest impact? What are the costs and benefits of media advocacy and should plain language practitioners develop a media presence?

I will use as a sample base the 100 media pieces the Foundation placed in 2010. Even a breakdown of how we fared in different media channels provides some immediate answers:

- Traditional print media 10%

- Radio 58%

- Television 2%

- Internet publications 25%

- Blogs 5%[1]

Traditional print media

The Foundation initially targeted print media by writing opinion pieces for newspapers, briefing journalists and contributing longer essays and articles to periodicals.

We expected our main outlet would be the broadsheets: quality newspapers such as the *Sydney Morning Herald*, the *Australian* and the *Age*. And we certainly did succeed in these publications. But our first surprise was how receptive the tabloid press was to plain language. In fact, newspapers such as the *Herald Sun*, the *Daily Telegraph* and the *Courier Mail* proved even more enthusiastic than the broadsheets.

But the tabloids had a narrower topic range, centred around political and financial language, particularly during elections and after the global financial crisis. The broadsheets picked up on those topics as well, but were also interested in education and the impact of technology on language. Table 1 summarises some of the advantages and disadvantages of placing plain language in the print media.

Table 1: Traditional print media

Pros	Cons
Attracts prestige	Short lived
Generates ongoing coverage	Time consuming to write
Reaches an influential audience	Harder to break into
Has a wide readership	Often has tight deadline

Overall, we found that traditional print media brings prestige and can reach a wide audience, but it takes a lot of work to do well unless you already have a media background. Initially, the payoff was limited to the day of publication, which was at times a low return for the effort. Increasingly, however, newspapers are moving online, which means stories have continuing life on the web. So print media remains part of our media strategy, but increasingly as a gateway to online publication.

Radio

Our second major finding is that radio is by far the easiest and most effective media to spread the plain language message. It accounts for around 60% of the Foundation's coverage each year. Not surprisingly, the print-world dynamic is echoed in the airwaves. Both quality radio and the tabloid 'shock jocks' are interested in plain language. The main difference is timing: a quality station might allow 7 to 12 minutes and as much as 20–30 to cover a topic. The commercial stations have nowhere near that attention span, so you have to engage quickly, condense your message and get off in 3–5 minutes. Seven minutes is a luxury!

Very quickly the challenge with radio becomes feeding the beast. The Foundation was soon approached to comment on news stories and invited to present regular segments. This meant coming up with fresh angles almost weekly to make plain language humorous, engaging and purposeful. Our topics were as varied as:

- Business jargon
- e-language
- Election language
- Fancy pants job titles
- Food speak
- Language and the global financial crisis
- Legalese
- Lost in translation
- Mixed metaphors
- Police speak
- Silly signs
- Tautologies
- The most annoying phrases
- The word of the year[2]

Table 2: Radio

Pros	Cons
Easier to break into	Short lived unless recorded or podcast
Can reach a large audience	Generally short (5-7 minutes)
Takes less time and effort	Often done on short notice
Leads to regular segments	Relentlessly needs to feed the beast!

Television

Not surprisingly, television was a much harder media channel to crack, but not impossible. And it certainly brings greatest recognition in the mainstream. Ironically, being on television somehow conveys more authority despite providing the shallowest coverage. The main drawback of the medium is that, without sophisticated images, it's very hard to convey any depth on the TV. Even when you do so, it's often a mixed blessing.

In 2010, the Foundation put together a list of the 'worst words and phrases' of the year, an end of year story modelled on the 'Word of the year' initiatives around the world. The story was so successful that it was picked up by a big quiz show, 'The Million Dollar Drop'. The show asked: 'What did the Plain English Foundation judge as the worst word or phrase of 2010?' The contestants had to put a stack of money on four options, and the wrong answers 'dropped' the cash and reduced their prize.[3]

Coverage yes. Audience yes. Depth no. We console ourselves that each time hundreds of thousands of people hear the words 'plain English' or 'plain language', it raises awareness of our work.

Table 3: Television

Pros	Cons
Potentially enormous audience	Short lived unless recorded
High impact	Generally short (5-7 minutes)
Carries mainstream credentials	Fairly shallow content

The Internet

A quarter of the Foundation's coverage comes via online publications and five percent from blogs on related language sites. But our experience is that the distinctions between online and traditional print publications are rapidly disappearing.

While there are a number of dedicated Internet publications in Australia, such as the *Punch* or *Crikey*, most are either the online sites of print publications or feeding off those publications. With the rise of smart phones and tablets, newspapers and periodicals will increasingly supply their readers online.

This means that placing stories in traditional print will continue to be important, but increasingly because they will end up on the web. And that's when they can go viral, turning up in the most unexpected places.

For example, when the Foundation put out a Christmas media release featuring traditional Carols in gobbledygook, requests for republication ranged from church groups in the United Kingdom to mining companies in the north of Canada. All from a piece in the tabloid *Daily Telegraph*. Internet pieces are often republished from a story written elsewhere, making them the easiest coverage to obtain. Permission and quality are harder to control, and the copy needs to reflect search terms users might enter to find the piece.

Table 4: Internet publications

Pros	Cons
Very long lived	Quality control varies
Potentially broad audience	Control over intellectual property difficult
Easy to circulate through further channels	Can be republished without permission
Potential to go viral	Need to write with searchable keywords

Blogs

The blog figures in our survey represent the Foundation's media pieces mentioned on various blog sites. We have not written a blog ourselves, largely because we prioritised writing for mainstream media, which we then posted on our own site.

To assess the value of blogging, we asked three practitioners with more extensive experience in the genre: Cheryl Stephens, Michelle Black and Frances Gordon[4]. Their combined comments suggest that successful blogging:

• requires a serious time commitment, with as much as one piece a week

• needs to maintain high quality

• links often with other practitioners more than the general public

• can position you as a leader in the field

• is being overtaken by social media

• can be hard to control your intellectual property

• builds a body of work that you can use elsewhere

• requires investment in an adequate platform.[5]

Table 5: Blogging

Pros	Cons
Can lead to wider opportunities	Is time intensive
Easy to circulate through many channels	Is difficult to control intellectual property
Is useful general promotion	Is being overtaken by social media

A key theme seemed to be that, despite the potential impact of blogs, social media is becoming even more influential. To put some numbers around that, one study estimated that by 2014, there will be 150 million blog readers in the United States alone. That's impressive, but it is already being dwarfed by social media.

Social media

The growth of social media has been so rapid that any observation is likely to be out of date before publication. There is no doubt that sites such as YouTube, Twitter, Facebook, LinkedIn and Wikipedia are revolutionising the way we

communicate, as the sheer weight of numbers shows:

Table 6: Approximate growth of social media[6]

Usage measure	2010	2011	Early 2012
Twitter users	75 million	100 million	140 million
Tweets per day	27 million	95 million	340 million
LinkedIn users	50 million	100 million	150 million
Facebook users	350 million	640 million	800 million
Mobile Facebook users	65 million	200 million	425 million
Wikipedia articles	3.5 million	3.8 million	3.9 million

The problem with these figures is that social media companies are reluctant to give sophisticated breakdowns and tend to oversell their numbers. Rarely do they tell us, for example, how many users are active, or for how often, or how many are just playing the games. But while the breakdown of the numbers can be questioned, the growth is undeniable. So what does this mean for plain language advocacy?

Firstly, we need to recognise that while social media is new, it is as much a professional as a teenage phenomenon. When you look at the demographics of social media, the dominant users are 35 to 50, employed and highly educated.

Table 7: Some social media demographics[7]

Feature	Facebook	Twitter
Age	59% 35+	58% 35+
Gender	46% Male 54% Female	48% Male 52% Female
Education	80% post secondary	86% post secondary
Income	55% $US 50k+	52% $US 50k+

So why would middle-aged professionals be the ones to embrace a format that limits what you can say to as few as 140 characters? The answer is that it's about sharing information.

Let's look at Twitter. It's still a new format, but already studies are mapping the content patterns in those 140 characters. There is certainly plenty of banality along the line of 'I'm having my coffee' or 'I'm grumpy today'. But a close second are the Tweets that share a link to information of interest to the user's network. Usually a professional network.

The Foundation experimented by setting up the Twitter account @drplainenglish in 2010. Given the 140 character limit, we haven't included our Tweets as 'media pieces' in the above breakdown, but we analysed our first year's worth of Tweets to see what we had been posting. The breakdown was:

• Sharing information 40%

• Post about an event 21%

• Correspondence to other users 13%

• Work status update 12%

• Comment on current event 12%

• Personal topic 2%[8]

These figures would likely match that of most professionals on social media. It has become a tool for sharing information with your professional network. We see it as a traffic cop in the media mix, directing people to content stored elsewhere.

LinkedIn is another rapidly growing form of social media that is proving adept at information sharing, but with additional benefits of more space to post and respond to comments, particularly within its groups. The Plain Language Advocates group started by Cheryl Stephens is a perfect illustration, growing to a membership of 1,385 people in a couple of years.[9]

Of course, there is nothing new in a Listserv discussion, given the PLAIN forum on Yahoo has been operating since 2001[10]. But already the number of posts are comparable on the two sites, while LinkedIn has netted a larger audience.

Table 8: Social media

Pros	Cons
Growing influence	Short format
Enormous reach	Tiny time window
Information sharing	Often banal content
Educated audience	Huge competition

Costs, benefits and tips

This brief and inadequate survey does not pretend to be authoritative or fully representative. We offer it rather as some opening thoughts for practitioners about the evolving media environment and the role we can play in promoting plain language to the widest possible audience. Our conclusions would be:

- Radio is still the easiest and most cost effective way to get started.

- Print media will remain relevant, but move gradually online where it can reach a wider audience.

- Social media will have a growing influence, particularly in sharing information that is posted elsewhere.

But what are the costs of advocating in the media? Mostly the time it takes. When many of us are already busy making a living, finding the time to devise a media strategy and write some content can be daunting.

Fortunately, against this there are benefits, but mostly for plain language as a whole. Every time we place a media article or do an interview, we raise awareness of poor communication and of the need to change. When policy makers see their customers and clients reflecting this, they are then more likely to act.

But for practitioners seeing the media as a marketing opportunity, be aware that it is anything but a cash cow. It pays poorly if at all and rarely generates work in response. It can benefit an organisation by strengthening reputation, but you need to approach it for its public rather than private benefit.

Finally, what's our major tip for placing plain language in the media? We found the stories that succeed have at least two of three elements:

- currency

- everyday experience

- humour.

The problem with plain language is that it's very important but rather abstract and earnest. The trick is to link what we do to current events and real scenarios in people's lives. And the more humour you can leaven it with, the better.

I can report that after several years of media effort, I took a taxi last year and had the inevitable conversation about what I do. When I mentioned plain language, the driver said:

'That's right, you're that bloke from the radio. Now that's one do-good organisation I'd join.' And he didn't even ask me what plain language meant.

© N James 2012
neil.james@plainenglishfoundation.com

Endnotes

1 For a selection of the Foundation's recent media, see http://www.plainenglishfoundation.com/index.php/publicprogram/articles-and-speeches

2 To hear a selection of the radio pieces, go to http://www.plainenglishfoundation.com/index.php/publicprogram/podcasts

3 The clip is available at http://www.youtube.com/watch?v=YoIwtu5jNk4. Some other television segments are at http://www.facebook.com/plainenglishfoundation/videos.

4 See http://plainlanguage.com/buildingrapport/, http://simplyread.wordpress.com/ and http://www.simplified.co.za/default.aspx?link=blogs_example

5 Summarised from correspondence with Cheryl Stephens, Michelle Black and Frances Gordon in June 2011. With many thanks for their generous input.

6 Figures drawn mostly from the home pages of Facebook, LinkedIn, Twitter and Wikipedia in 2011 and 2012, and provided as a rough guide only.

7 http://blog.kissmetrics.com/social-media-by-demographic, viewed in June 2011.

8 The entire history of Tweets is at https://twitter.com/#!/drplainenglish

9 Statistics on the group are from http://www.linkedin.com/groups?groupDashboard=&gid=158634&trk=anet_people-an-lr-0, viewed on 22 March 2012.

10 See http://groups.yahoo.com/group/plainlanguage/ for statistics on PLAIN's Listserv.

Dr Neil James *is Executive Director of the Plain English Foundation in Australia, which combines plain English auditing, editing and training with a campaign for more ethical and effective public language.*

Neil has a doctorate in English and has published four books and over 70 articles and essays on language and literature. His latest book Modern Manglish *was published in December 2011, and includes much of the material written for his regular segments on ABC radio.*

Neil co-convened the PLAIN 2009 conference with Dr Peta Spear and is currently chair of the International Plain Language Working Group.

Plain language: no budget—no problem!

Miriam Vincent and Kathryn Catania

*Miriam Vincent, web manager, www.plainlanguage.gov
Kathryn Catania, co-chair of U.S. PLAIN*

Most people associate volunteering with weekend work helping community organizations, charities, or places of worship. How about volunteering to help the entire U.S. government use plain language in print and web documents? Sounds unbelievable, right? Well, it's actually what both of us do in addition to our normal nine-to-five jobs. We are the co-chair (Kathryn) and web manager (Miriam) of the U.S. Plain Language Action and Information Network (U.S. PLAIN), the U.S. government's interagency working group for plain language. PLAIN consists of volunteer federal employees from many different agencies and specialties who support the use of clear communication in government writing. We operate without a budget or a dedicated staff.

Plain language responsibilities but no funding

Originally called the Plain English Network, PLAIN has been meeting monthly since the mid-1990s. Our goal is to promote the use of plain language in all government communications. We believe that using plain language will save federal agencies time and money, and will provide better service to the American public. Recently the U.S. Office of Management and Budget named PLAIN the official working group to help agencies comply with the Plain Writing Act of 2010, a law which requires federal agencies to use plain language when communicating with the public. This new responsibility did not include any federal funding. Despite a lack of funding, we provide many services solely through the help of enthusiastic volunteers. PLAIN:

• Holds monthly meetings

• Offers federal agencies free, half-day classes on plain-language techniques

• Provides agency trainers with free classes on how to teach plain language

• Maintains the Federal Plain Language Guidelines

• Oversees the website, www.plainlanguage.gov

Each month, agencies volunteer meeting space so we can discuss best practices for plain language within the federal government. An agency representative will often volunteer to speak about a topic at the meeting that can cover anything, including ways to promote plain language, how to improve the clarity of federal websites, and how to use new technologies to teach plain language. Our members can also join our listserv. The listserv acts as a forum for plain language discussions within the U.S. federal government. We also use it to send out updates about seminars, agency compliance highlights, and clear communication news.

We train the trainers to be a plain language resource

In October 2011, the Plain Writing Act of 2010 went into effect, requiring federal agencies to train their employees to use plain language in all print and web documents written for the public. Before the passage of the Act, we had monthly requests for training from agencies. Now, we are completely inundated with training requests and are actually scheduling trainings three months in advance. All of our trainers work for different federal agencies and get permission from their supervisors to train outside of their agency. We offer two free half-day classes: (1) an introduction to plain language techniques, and (2) how to apply plain language techniques to an agency website. The introductory class covers how to use key techniques such as logical organization, common words, short sentences, pronouns, active voice, and headings to improve the clarity of any document. The web-focused class combines best web practices with key plain-language techniques. We try to teach classes of 25 to 30 students at a time to maximize class participation and agency resources.

Of course, PLAIN does not have the resources to teach the entire federal government. Plus, the Act did not provide funding to agencies. To comply with the Act, many agencies are looking at their internal trainers to teach employees. The problem lies in how do these trainers—unfamiliar with what plain language is—know what or how to teach? To educate agency trainers, we developed a "Train-the-Trainer" workshop for trainers and volunteers from agencies wanting to learn how to teach others to use plain language. With minimal time away from work, agency trainers attend a workshop on training best practices, watch a veteran trainer teach a class, shadow that trainer, and co-teach a class. Once new trainers are comfortable with their skills and have received positive class feedback, they are ready to teach their own classes.

Even before the law passed, we experienced an increase in requests for training. We wanted a way to automate the sign-up process as much as possible, since cloning ourselves is not yet an option. Luckily, we had access to a powerful database through the website already. We combined the database with special programming to create a form that agency officials can complete online. After completing the form, the user gets an immediate response from the system and we have immediate access to the training request through the database. Overnight, we went from having to respond to each request and trying to find the information among a sea of emails to having easy access to the information. Plus, we did not need to spend a significant amount of time sending our initial response. From this new web application, we can also assign classes to our trainers and track pending and completed class data. We have also made all of our class materials available on the website, so anyone can take our basic classes and customize them without having to specifically request them.

We are the keepers and editors of the Federal Plain Language Guidelines

Besides our training classes, another resource for agencies is the Federal Plain Language Guidelines. The guidelines cover the fundamentals of plain language and web writing, and even touch on usability testing. They include explanations and government examples of each writing technique. Agencies can download the guidelines from our website in

Word or PDF format. We encourage agencies to download the Word version and replace our examples with agency-specific examples. This allows agencies to have a pre-made plain language handbook that relates directly to the types of documents they write. We are the keepers and editors of the Federal Plain Language Guidelines. Since that document is living, and because plain language itself is growing and evolving, we make sure it reflects what we know about plain language and how to use it. We solicited comments on specific sections from experts and then incorporated the resulting comments into the Guidelines. In past years, we've taken the paper document and passed it around for comments, making changes as we went. Using email and computer software that tracks changes certainly simplified the process over passing a paper document back and forth, but it's still not as efficient as we would like. We are hoping that we can use a wiki (which we need to set up) to get comments and suggested changes throughout the year rather than relying on email responses within a short time-frame. Obviously, we'll still need real people to go through the comments, but those editors would all be using the same online source and not trying to aggregate email comments.

Developing a functional website

The other project that takes up our time is our website: www.plainlanguage.gov. The site started as an almost-random collection of pages in 1996. By 2004, that collection of pages had grown considerably, but we had no plan, architecture, or inventory of what we really had. Luckily, we were able to tap into the expertise of an information architect and several classes of graduate students. Over the next year, we worked on figuring out what we had, what we should get rid of, and what we needed. We worked on branding the site and making sure we presented a uniform look and feel. Our main focus (and the main focus of our users) was explaining what plain language was, explaining why it was a good idea to use it, and providing examples and other assistance for people trying to get their agencies to use plain language. Miriam worked on that redesign and formally took over the site in 2005, at its launch. We used many more hours of volunteer time a year later, when we added a searchable examples database. We provided the code and structure and relied on others to add the hundreds of examples we have available.

One of the drawbacks to not having funding is that we do not have a dedicated email address @plainlanguage.gov. That's a big reason we don't have a contact email address available on our site. Instead, we've used the available technology (in this case ColdFusion) to target certain volunteers based on the subject in our "Contact Us" form. This means when we get new volunteers with new email addresses, we only have one change to make. The process is seamless and doesn't cause confusion for our users. We've also automated the meeting-confirmation process, and we've added an online evaluation form so people we've trained can easily submit evaluations (saving a few trees in the process).

While we had plans to upgrade the site, finding the time and the volunteers with the right skills and understanding has been an issue, so we kept putting off the big things. That all changed when the Plain Writing Act of 2010 became law. The law shifted our entire focus. We were now fielding inquiries directly related to implementing the law. People were no longer as concerned with why it was a good idea; arguments for using plain language now started with, "Well, it's the law," which tended to trump the other reasons. Overnight, our focus shifted from convincing people to like plain language to telling agencies how to use plain language. Our site architecture no longer made sense. We required a re-inventory of our content to find out what was still relevant and what information we should add. We had to find out what our users really wanted and needed. And we needed to do that NOW; we couldn't wait for our one-person web team to find the time to do the research, the testing, and the redesign. Luckily, we were able to use a testing program provided by the General Services Administration. They provided us with participants and feedback for our initial usability test of the current site. That gave us clear direction. Our next step was to get clearance to use non-federal volunteers (even though we are a volunteer organization, federal ethics laws still apply). Once again, we were able to get graduate students to volunteer to help with the site. This help included coding, analyzing the current structure, and user testing.

Thanks to countless volunteer hours, we have a new overall structure and are now working on the content. We also have a new look and feel. We try to follow our own recommenda-

tions on web-writing and site design, which is more challenging than you'd think! We have a lot of work left to do, but we're aiming for a soft launch in Spring 2012, and we'll continue to rely on our host of volunteers to get us there.

    mvincent@gpo.gov
    katcatania@yahoo.com

At PLAIN's Stockholm conference, **Miriam Vincent** *(web manager of www.plainlanguage.gov) and* **Kathryn Catania** *(co-chair of U.S. PLAIN) presented Plain Language—No Budget, No Problem. They shared how the U.S. Plain Language and Action Network (U.S. PLAIN) was able to support the plain-language effort and the Plain Writing Act of 2010 with no budget, relying on volunteers. They are able to tap into the enthusiasm of federal employees who believe in plain language and who can translate that enthusiasm into agency support.*

How do public authorities address the citizens?
An attempt on a new understanding of textual categories

Catharina Nyström Höög

Professor, University College of Dalarna

As society changes, we see corresponding changes in the textual patterns of public discourse. And changing textual patterns calls for revision of the tools we use, within plain-language practices and within linguistic research, to describe and characterize texts. In this paper, I will address two aspects of textual categorization, based respectively on types of texts and types of voices displayed within the texts.

In a recent issue of Clarity *(No 64, November 2010), there was a discussion on the need for research grounding for plain language. One argument was that plain language might be more trustworthy if based on current research. Another argument, and one that I would like to stress here, is that plain language needs further input from linguistic research. That is particularly important if it wants to leave the necessary but not sufficient advices on wording, syntax, and sensible paragraphing that dominate plain language today, at least in the Swedish context, and arrive at more genre-specific advices, which also take the context of communication into account.*

So there seem to be reasons for plain language to search for cooperation within linguistic research, not in the least because grounding linguistic advice in research might add to the trustworthiness of plain language. But why would researchers be interested in plain language? Well, one aspect of linguistic research is to map and describe the textual universe, and public discourse is an important—possibly increasingly important—part of that universe today. That is one reason why we need to pay attention to texts from public authorities.

My reasoning within this paper is based on a study of several texts, on paper and on the web. In this article, I quote a limited number of texts, letters from the Swedish Social Insurance Agency (in Swedish, Försäkringskassan*), and a pamphlet from the Swedish Pensions Agency (in Swedish,*

Pensionsmyndigheten). These texts have been chosen as representative examples, and it is merely coincidental that the choice fell upon these two authorities. For publication purposes, the letters from the Swedish Social Insurance Agency have been translated into English by an authorized translator. The English version of the pamphlet is accessibly on the web page of the Swedish Pensions Agency[1].

Categorization of written texts

Textual categories are the tools we use to find patterns in the textual universe. Textual categories are of interest to plain language, too, since there are hardly any general recommendations for plain writing, at least not beyond the trivial, so we need to relate plain language recommendations to specific categories of text. What kind of categorization is best to use is a matter of discussion, and I will start this paper with a closer presentation of the three most frequent ways to organize texts into categories. These are genre, text type, and discourse mode. In the following, I will be using text examples to illustrate how these categories work, starting with genre.

Example 1

Review of a decision on erroneous payment of sickness benefit

No change is to be made to the decision by Försäkringskassan made on November 19, 2010.

On November 19, 2010, Försäkringskassan decided that you had to repay the excess amount of SEK 3 495 that you had received between August 5 and September 21, 2010. The grounds for this decision was that you had been living abroad without the consent of Försäkringskassan.

Example 1 is a decision sent from The Swedish Social Insurance Agency to a citizen. In terms of genre categorization, it represents the genre

decision. People that are part of the same linguistic community can normally identify, describe, and label the different genres that are frequently used within the community. Typically, genres are anchored in institutions or organizations. On the web page of the Swedish Social Insurance Agency, there is actually an icon labeled *decision*, which illustrates how we use the tool of genre when we organize the textual worlds of daily life. In this respect, the concept of genre might be the most powerful tool we have when it comes to categorizing texts.

Text types are based on extralinguistic categorization. This is typically the layman's perspective. We distinguish between gothic novels, books about horses, books for children, and so on. More relevant for plain language is a categorization based on business or activity; we may want to distinguish between texts concerning e.g. social insurance or pension. Text-type categorization may be relevant to plain language since different problems of comprehensibility are related to different areas of activity or to different institutions.

Discourse mode is the linguist's way of categorizing texts. We tend to base such a categorization on distinctive linguistic features, usually verb types or cohesion. In many descriptions of discourse modes, four different modes are distinguished: *narrative*, *descriptive*, *expository*, and *argumentative* discourse. If we look at another quote from the same decision as example 1, and particularly at the cohesion (bold in the quote), we see that an opposition is constructed between the actions recommended by the authority and the actions taken by the addressee. I would consider this a stretch of argumentative discourse.

Example 2

You said that you contacted your doctor **but** that you could not wait for Försäkringskassan's consent. Your doctor was supposed to inform Försäkringskassan. To be entitled to retain sickness benefit while staying abroad you **not only** have to inform Försäkringskassan **but** also receive its consent.

More elaborated genres, like the ones we meet in communication from public authorities, are generally made up of different discourse modes, according to specific patterns. So both discourse mode and genre are needed as categories to describe texts within this discourse. So starting with these three tools of textual categorization, how can we arrive at an accurate description of texts from public authorities?

The concept of genre is problematic for plain language, because it doesn't capture the linguistic features in enough detail. Texts within the same genre might differ from each other due to different circumstances of communication.

The context of communication is an important mean for categorization of texts

Let's consider example 1 once again. This is a text that contains a negative message if you take the addressee's point of view. The Swedish Social Insurance Agency states that "no change is to be made". We may compare this text with another text that represents the same genre, decision. The text quoted in example 3, however, is a different type of decision. From the Agency's point of view it is more a matter of routine. In this text, someone is informed that he or she is entitled to child allowance. These are two instances of the same genre, but does that mean that the texts pose the same type of plain language problems?

Example 3

Försäkringskassan has decided that you will receive a child allowance of SEK 1.050 per month for the child with the civic registration number 20101005-9999 from and including November 2010

If one means that the texts in examples 1 and 3 illustrates different kinds of plain language problems, than we have arrived at the conclusion that genre is not a good enough tool for categorization to support plain language efforts. What is needed is a kind of categorization that distinguishes between these two texts. Drawing on research from Conversation Analysis[2], we may compare the written communication in these particular decisions to conversations between two parties: the agency and the respective citizens. From studies of spoken language, we know that each turn in a conversation consists of an initiative and a response. Every initiative has a preferred response and a dispreferred response. And in this respect there is a big difference between the decision on child allowance and the decision on erroneous payment.

The decision on child support is a response turn, a preferred response to a request from a citizen, while the decision on sickness benefit is, obviously, a dispreferred response. The initiative in this particular communication came from the agency who requested that money should be paid back. The response to that request must have been another request, from the citizen, that the request for return payment should be annulled. The text quoted here thus represents the third turn in a communication between the two parties. These differences in context of communication constitute a considerable difference to the addressee. Such aspects of the context of reading ought to be relevant to plain language discussion.

The differences in context of communication also affect the texts, when it comes to wording. The decision on child allowance is extremely short and unproblematic. It is hard to think that anyone could have trouble reading this! It is brief, impersonal and contributes no explanation to why this decision has been made. The decision on erroneous payment, on the other hand, has to achieve a much more complicated communicative act. That text is longer and more elaborated, and it contains different discourse modes. As I have already pointed out, it has a stretch of argumentative discourse, but there are also elements of explanation. So complexity in situation goes together with complexity in text formulation. This concludes my first argument that the overall context of situation has to be taken into account when we categorize texts for plain language purposes.

The voice of the public authority

My second argument is that there is a pattern of different voices speaking to us in texts from public authorities, and that those voices cut across traditional textual categories. I use the term voice here, as a kind of metaphor for the way in which the authority presents itself to the addressee.

The voice that speaks to us in the decision on erroneous payment is a voice that we are familiar with in texts from public authorities. It is an authoritarian voice; it demands something from us. But texts from public authorities are not only about providing and requesting, as in the decisions shown above. Quite a few texts from public authorities are informative and addressed at a general audience. Such texts seem to be more prone to merge with voices

from commercial discourse. Example 4 shows a quote from a pamphlet called the orange envelope, an annual report on pension value. In this case the reader is addressed through a cartoon, a piggy bank. In this guise it gives the addressee a piece of advice that resembles the kind of advice a parent would give to a child. This voice then, displays another type of authority than the traditional impersonal authority, which many readers expect to hear from public authorities.

Example 4

Another voice, which is present in today's communication between public authorities and citizens, is the voice that is directing our ways of communication towards the web and away from written letters or telephones. It is a voice that is always positive and cheerful, and it is present with increasing frequency on the web pages of public authorities. I would suggest that the type of voice that speaks to us has an impact on our attitudes as readers, and thus on the comprehensibility of texts, and that is what is in focus of plain language.

In an ongoing attempt to uncover the voices of public discourse, I am using the theoretical framework *appraisal*, a subsystem of Systemic Functional Linguistics (SFL)[3]. The purpose of appraisal is to study attitudes that are displayed in texts, and one theoretical starting point is that attitudes need special tools to be captured, since they tend to saturate texts, to be spread across different linguistic categories in the texts. Thus, attitudes affect the entire text.

If we look at the decision on erroneous payment once again, we see that the text starts with a negative statement—an explicit instance of negative attitude (*erroneous payment*). In the text there are repeated instances of negative attitude. Let's look at the part with reported speech

here: "You said that you contacted your doctor." The phrase may be analyzed as an attempt to construct a distance between the perspective of the agency, which may or may not believe that the client has actually contacted a doctor, and the perspective of the client. These instances of negative attitude and of distance may set the reader in a negative state and contribute to distrust between the communicating parties. In this perspective, voice also contributes to the situation of context.

So far, I have presented three different types of voices that might be distinguished in texts from public authorities. In the decisions, particularly the more elaborated decision on erroneous payment, we meet a traditional *authoritarian voice*. In the pamphlet on pension, with the piggy bank cartoon, we meet a voice that resembles a *parent*. And, in those many texts that guide us to a given channel of communication, we meet what might be called *the happy helper*, which draws on a personal relationship with the addressee. This mapping of voices within the discourse of public authority is, of course, only a starting point for a full description of the range of voices that are present within texts from public authorities. The point that I wish to argue here is that how the addresser presents itself, which voice it chooses to use, affects the attitudes of the addressee. So far, the impact of reader's attitudes on reading comprehensibility has been greatly overlooked. In my opinion, it would improve the plain language efforts if a wider concept of context of communication, including reader's attitudes, would be taken into account.

Grounding plain language advice in research is a matter of trust. And plain language activities, as well as public authorities, need to be trustworthy. If linguistic research may contribute to such trust, it is a worthwhile challenge for linguistic researchers to go ahead and map the textual universe of public discourse.

© C Höög 2012
    cnh@du.se

Endnotes

1 http://www.pensionsmyndigheten.se/Welcome_en.html

2 For an introduction to Conversation Analysis, see for example Sacks, Schegloff & Jeffersson 1974: A simplest Systematics for the Organization of Turn-taking for Conversation. In: *Language*, Vol. 50, No 4, 1974.

3 For an overview over Systemic Functional Grammar, go to Halliday & Mathiessen: *An Introduction to Functional Grammar*, 2004. The system of appraisal is dealt with in Martin & White: *The Language of Evaluation*, 2005.

Catharina Nyström Höög *is a professor of Swedish Language at the University College of Dalarna. Her thesis was on writing in upper secondary school, and her early research concerned writing in school contexts. She is also involved in the education of teachers. In the year 2000, she participated in an evaluation of comprehensibility of texts from public authorities in Sweden. Since then, she has taken active part in the linguistic research that explores communication between public authorities and citizens.*

A campaign for plain language in the municipality of Copenhagen—from textual effects to organisational context

Anne Kjærgaard

The Danish Language Council, post doc

As is the case in many countries, the Danish plain language tradition is primarily practice oriented, and focus has traditionally been on drawing attention to problematic texts: texts from public institutions and private companies that are hard to understand; the identification of linguistic and textual guidelines that could help employees improve their writing skills; and the dissemination of these guidelines to employees to make them write texts that would be easier to understand and more polite to private, lay citizens.

Within this tradition research is scarce. For example, very few studies address the textual effects of language campaigns (what happens to the texts in continuation of a language campaign?), and the reasons why a specific language campaign may (or may not) result in particular textual effects within a particular organisation. These are the two questions that I am going to address in this article by analysing an example of a language campaign in The Technical and Environmental Committee, The Municipality of Copenhagen.

In this committee, a language campaign took place between 2005–2007. The language campaign was initiated by the communications director of the committee who, with the support of the managing director, gathered a working group of employees already working with, or at least with a sincere interest in, language use and texts in the committee. The Technical and Environmental Committee consists of a number of centres working with issues such as the administration of parking rules, churchyards and the (re)building of houses in Copenhagen. The campaign was mainly funded by these centres that had volunteered to finance the campaign after the working group had convinced them of the necessity of a language campaign.

The aim of the campaign was to improve the quality of letters from the committee to private citizens by making them more polite and and easier to understand. The core activity was a 1-day writing course offered to all employees. They were taught in smaller groups of around 20–30 employees at a time (a rather typical core component in Danish language campaigns). The course was taught by an external language consultant. Its content was, among other things, based on a comprehensive text analysis of the quality of letters to external recipients.

The campaign also included a site on the intranet on plain language and good letter writing and different kinds of attempts, from the working group gathered by the communications director, to draw attention to written language in the committee, e.g. articles in the staff magazine.

Each of the centres in the committee was encouraged (but not forced) to undertake a range of tasks such as revising the text templates that were used in the particular centre, and identifying important technical terms and their non-technical equivalents to help employees substitute technical terms with everyday words that were assumed to be easier to understand for citizens without any particular technical expertise.

How to examine the textual effects of a language campaign

To examine the textual effects of the language campaign, I made a comparative analysis of letters written before and after the language campaign (also referred to as *old* and *new* letters). The analysis included 72 old letters and 67 new letters, a total of 40,273 words. The letters were written by two case officers who both worked at the Centre for City Design. Based on observations, interviews and readings of a broader selection of letters from the committee, I chose these two case officers because I

found that the letters they had written represented some typical trends in the organisation. However, my sample is far too narrow to be statistically representative; i.e. it is impossible to make generalisations on the textual effects of the language campaign in the centre or the committee as a whole.

My text's analytical approach consisted of two different strategies: a top-down approach (focusing on whether the writers had done what they had been recommended to do) and a bottom-up approach (focusing on which other changes had taken place in the texts, e.g. if the case officers had changed features of their texts other than the recommended changes). Top-down and bottom-up approaches were combined to ensure that substantial changes in the letters were not overlooked.

Results of the text analysis—effects of the language campaign?

The table below shows a selection of my results and gives an impression of the overall results of the text analysis. The analyses in the table include the use of headings, passive voice, the so called "kancellisløjfer" (a certain syntactic construction in Danish consisting of a definite article followed by one or more prepositional phrases followed by an adjective and a noun), sentence length, officialese phrases and superfluous words and phrases, verbal nouns and pronouns—topics that are all rather typical in Danish language campaigns.

Each analysis was based on one of the guidelines that the employees were taught at the writing course. On the basis of these guidelines (such as "formulate headings as full sentences", "avoid the use of passive voice") I formulated a success criteria for each analysis. In the analysis of passive voice, for example, the success criteria was that there should be less use of the passive voice in the new letters than in the old ones (a more qualitative analysis, not included here, focused on the different contexts in which the passive voice appeared, i.e. the text analysis did not solely focus on the frequency of certain text features as the table below could be taken to suggest).

CO1 and CO2 (in the top row) are abbreviations for each of the two case officers included in the analysis. "No" in the table indicates that the success criteria in question was not fulfilled, i.e. that the analysis did not show any differences between the old and the new letters. "Yes" means that the relevant success criteria was fulfilled, i.e. that there was a difference between the old and the new letters. The results were tested for statistical significance with the level of statistical significance set to 0.01; that is, there is a 1 in 100 chance that the differences between the old and the new letters are coincidental.

Linguistic feature	Success criteria	CO1	CO2
Headings	• More headings constitute a full sentence in the new letters compared to the old ones	No	No
	• More headings indicate semantic roles (i.e. *who* does what to *whom*) in the new letters compared to the old ones	No	No
	• Fewer headings contain the word "concerning" in the new letters compared to the old ones	No	Yes
Passive voice	• Less use of the passive voice in the new letters compared to the old ones	No	Yes
"Kancellisløjfer"	• Fewer "kancellisløjfer" in the new letters compared to the old ones	No	No
Officialese phrases and superfluous words and phrases	• Fewer officialese phrases and superfluous words and phrases in the new letters compared to the old ones	Yes	Yes
Verbal nouns	• Fewer verbal nouns in the new letters compared to the old ones	No	No
Pronouns	• When referring to the sender there is a *larger* frequency of the pronouns "I" and "we" and a *smaller* frequency of "one" in the new letters than in the old ones	No	Yes
Number of fulfilled success criteria		1	4

On the basis of this table two points can be made: first, there seems to be a difference between the two case officers in that case officer 1 has adopted less of the textual and linguistic guidelines in his letters than case officer 2; second, neither of the two has changed the texts substantially. This second point may not come across as clear as case officer 2's new letters do fulfill 4 of the 8 success criteria above. However, even though case officer 2 has changed some features in his letters, the changes do not appear overwhelming. For example, I am far from sure that a reader of a selection of case officer 2's old and new letters would be able to distinguish the old from the new ones. Furthermore, taking into account all the changes suggested to the employees during the writing course, neither of them has picked up the suggestions to a very large extent.

Why these textual effects?

On the basis of these results, I will focus on the questions *why neither of the writers has changed the letters substantially* and *why case officer 2 has adopted the linguistic guidelines to a larger extent than case officer 1*. The questions are answered on the basis of an analysis of the organisational context in which the language campaign took place, i.e. an analysis based on interviews with different types of employees, documents about the language campaign and my observations of the committee. The analysis is conducted by means of the following framework:
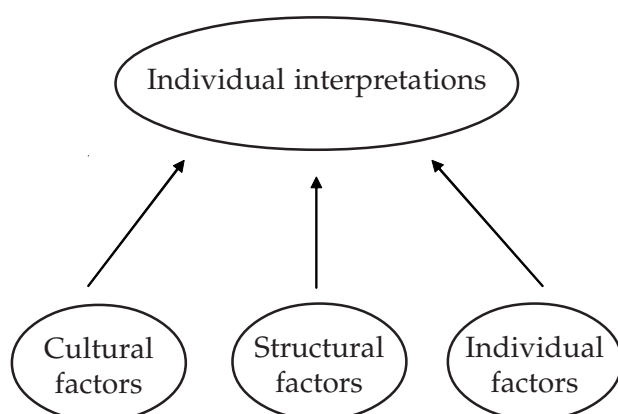
The starting point is individual interpretations produced by employees in the committee. Thus, the question is, how do employees in the committee interpret the language campaign; in other words, what do they think of the language campaign?

This leads to the question of what motivates these interpretations. Why is it, for example, that some employees interpret the language campaign as irrelevant while others find it extremely important? My analysis is guided by the assumption that individual interpretations are motivated by three factors:

- Cultural factors, i.e., assumptions and beliefs about how things are or should be that are shared by groups of employees.

- Structural factors, i.e., the way tasks and work flow are organised.

- Individual factors, i.e., elements such as individual employees' personal interests, beliefs, experiences and education.

The two case officers' interpretations of the language campaign

In the interview, case officer 1 came across as a rather resistant writer. His overall interpretation of the campaign could be paraphrased as "the language campaign is not my problem—I keep writing the way I'm used to". This interpretation is mirrored in his letters that underwent very few changes in continuation of the language campaign.

Case officer 2, on the other hand, may be characterised as a more hesitant writer. His overall interpretation could be paraphrased as "I do not think that all the recommendations are relevant to my letters. However, I try to write in line with the language campaign, because I think that this is how we are supposed to write now". Accordingly, this case officer changed his letters to a larger extent than case officer 1—even though it is important to underline that his letters have not undergone any radical changes in continuation of the language campaign.

What motivates these interpretations?

To explain *why* the writers produced such interpretations of the language campaign, I will pin down some of the cultural, structural and individual factors contributing to them.

Even though the two interpretations in some aspects seem quite different, the two case officers share at least one cultural assumption underlying their interpretations. On the one hand, they both acknowledge that the letters in the committee are not perfect. However, they share the assumption that *we, the case*

officers, *know better than the group who initiated the campaign how to address the citizens*. Consequently, the case officers were rather hard to convince that they should change their writing style, and as far as my analysis shows, this basic assumption was not affected by the language campaign.

One of the structural factors that played an important role for both case officers was the organization of writing tasks. In Centre for City Design, where the two case officers were employed, writing letters generally means *writing on your own*. In other words, writing is an individual task and there is no systematic evaluation or discussion of the letters that the case officers write. This structural factor supports the cultural factor mentioned above: the assumption that the case officers are fully capable of writing acceptable letters to lay citizens is on the whole left unchallenged as long as their letters are typically not evaluated or discussed.

These cultural and structural factors are shared by the two case officers and play a central role in explaining the lack of major changes in the letters. However, the two interpretations are obviously not identical. Both writers are critical towards features of the language campaign, but whereas case officer 1 in many aspects rejects the language campaign, case officer 2 thinks that he should write in line with th campaign. These differences rely on individual factors: case officer 1's interpretation was, among other things, based on his personal conviction that plain language guidelines are a trend and that in 10 years he will be told to write in a different way. Case officer 2, on the other hand, had experienced that his letters had been corrected by one of his managers. I found no sign that there had been any systematic attempts to change his writing style by commenting on his letters. However, the feeling that his writing style was in focus among his managers made him rather focused on writing in a way that he thought they would approve.

Beyond the two case officers

The language campaign was obviously not initiated by these two case officers, and a comprehensive analysis of why the language campaign had certain effects would have to include at least two other groups in the committee: the group that initiated the project, and

the managements of the different centres in the committee (e.g. the management of Centre for City Design where the two writers were employed). A thorough analysis would take up too much room, but I will suggest how certain factors in the management of Centre for City Design affected the individual interpretations of the two case officers.

Among the managers in Centre for City Design the language campaign was interpreted as a relevant project that had the intended effects. This interpretation was, among other things, based on the assumption that the the writing styles of the writing staff were relatively easy to change. By "relatively easy" I do not mean that it was considered a trivial task. However, it was considered *easier* to accomplish than was actually the case—at least when it came to case officers 1 and 2.

That the management of Centre for City Design *did* consider the language campaign relevant is supported by the fact that the managements of the centres in the committee (including the management of Centre for City Design) funded the majority of the campaign. However, the management of Centre for City Design seemed to think that the 1-day course the employees were offered was sufficient to make them change their writing styles—and thus underestimated the importance of more explicit, non-financial support from the centre management.

Consequently, the campaign, to a large extent, appeared as an issue between the individual employee and the project group who initiated the project; or maybe the campaign was even an issue between the employees and the private consultant who taught the writing courses: the consultant tended to be seen as an outsider among the employees, i.e. a person that did not know enough of the demands that case officers must take into consideration when writing letters on behalf of a municipality.

Furthermore, the writing course was not followed by a reorganisation of the writing processes in Centre for City Design. After the campaign, writing was still an individual task, and no systematic feedback was given on the letters that were written. Accordingly, the assumption among the case officers that their letters were fully acceptable was left unchallenged. In this light, case officer 2's feeling that the management of Centre for City De-

sign was paying attention to his writing style adds another perspective to the analysis: what could actually make this case officer change at least some features in his letters seems to have been the conviction that he was under observation. This suggests that the effects of the language campaign could have been more convincing if the management of Centre for City Design had been more involved in the campaign.

Conclusion—effects of the language campaign?

The text analysis showed that the two case officers' letters did not change a lot as a result of the language campaign, even though one of the case officers changed his letters to a larger extent than the other. In the analysis of the organisation, I pointed out a range of cultural, structural and individual factors explaining these results.

It is important to keep in mind that my study is not based on statistically representative data, that is, that the results cannot be generalised for all the letters and employees in the Centre for City Design or to the committee as a whole. On the other hand, the cultural and structural factors identified above apply to all the employees in the Centre for City Design. Accordingly, the results are likely to be rather typical for this particular centre, and may possibly illustrate some of the problems in the committee as a whole.

Do these results imply that nothing changed in the committee as a result of the language campaign? As far as I can see, this is not the case. The language campaign worked as a kind of "catalyst project" in the sense that it was not only a project that was supposed to change the writing style in letters to private citizens. The communications director, who originally initiated the language campaign, had as one of her tasks to make the various centres in the committee work closer together. In this respect, a language campaign was a suitable project because it gathered the various centres in the committee around a common project. Accordingly, the campaign was also supposed to strengthen the connections between the centres in the committee, and in this respect the language campaign did seem to have the desired effects.

Anne Kjærgaard, *is a postdoctoral student at The Danish Language Council. Her PhD thesis, on which this article is based, reports from two case studies investigating language campaigns in The Municipality of Copenhagen and in The Courts of Denmark, while approaching them as organisational change projects. The study shows that the impact of the language campaigns was limited. Her postdoctoral project tests whether traditional plain-language guidelines actually result in better understanding by readers by combining functional text analyses with reception analyses. This project draws on data from the Danish tax authorities who have made a large effort to revise their letters to private citizens.*

Contributing to the journal

Clarity often focuses on a specific theme (like conferences or drafting or standards), but we also publish articles on a variety of other plain language topics. Please submit your articles to the editor in chief for consideration.

Would you like to be a guest editor? Our guest editors gather articles, work with the authors, make layout decisions, and edit and proofread a single issue. If you would like to guest edit an issue of the *Clarity* journal, send an email to the editor in chief.

Finally, if you have ideas about improving the journal, the editor would like to hear from you, as well. Our editor in chief is Professor Julie Clement, with the Thomas M. Cooley Law School. Email her at clementj@cooley.edu.

The Swedish Language Act—impact, experiences and challenges

Jennie Spetz and Eva Olovsson

The Language Council of Sweden

The Swedish Language Act came into force three years ago, in 2009. What impact has the Act had, and how has it been received? In this article we sum up the cases reported to the Parliamentary Ombudsmen, and present some of the results of the analysis carried out on the application of the Act. Finally we discuss the possible significance of the Act for language policy in future.

The Swedish Language Act is a result of many years of investigation. Discussions whether to have a Language Act were carried out for more than a decade before the Act finally came into being in 2009[1]. The reason it took so long was not so much the actual content of the Act; rather, the hesitation concerned primarily the necessity to regulate the status of the languages in law at all.

Sweden—a multilingual country

Sweden has traditionally regarded itself as a monolingual country where the role of the Swedish language has been obvious. This view has slowly been revised during the last few decades. Sweden has, in fact, never been monolingual, since other languages have always been spoken inside its borders, for example Sami and Finnish. In the last few decades, more and more languages have also come to be spoken as a consequence of immigration. Today it is estimated that 150 to 200 different languages are spoken in Sweden. Even though Sweden has always been a multilingual country to some extent, it is only recently that full insight into this fact has been achieved and has also been explicitly stated officially. It has now been established in law that Sweden is a multilingual country with Swedish as its principal language.

The most important change brought about by the Language Act is that all official bodies now have a legal responsibility to cultivate and use the Swedish language while at the same time working actively to ensure that Sweden remains a multilingual country. Working for multilingualism can for example mean providing instruction in mother tongues other than Swedish or translating official information to other languages on websites and in information materials of various kinds.

In 2000, two conventions of the Council of Europe for the protection of minority rights came into force. Five languages were then given official minority status in Sweden: Finnish, Meänkieli (Tornedal Finnish), Yiddish, Romany Chib and Sami. At that time, however, Sweden had no official principal language. The need to establish in law that Swedish is the principal language in Sweden had been put forward in government commissions of inquiry since the middle of the 1990s, but it took over a decade before agreement was reached on this issue. When the five national languages were finally given official status, the question of regulating the position of the languages was brought into focus. Even though Swedish has been one of the EU's official languages since Sweden joined in 1995, it did not become the official principal language in Sweden until the Language Act came into force in 2009.

There were three major reasons to establish Swedish as Sweden's principal language. The first was the growing insight that Sweden was, in fact, multilingual, and the second was the recognition of the five minority languages. A third reason was the influence of English in Swedish linguistic society, which had increased during the last few decades. In higher education and research, for example in the natural sciences, English has assumed such a dominant position that it is generally believed to be threatening to impoverish the Swedish language, as new Swedish words and terms were not being created alongside the English ones in these areas.

The content and objective of the Act

The Language Act has far-reaching scope. It contains provisions on the Swedish language and the status of other languages, on language in the public sector and on the individual's access to language. The Act applies to public authorities, local authorities, decision-making assemblies and other official bodies, including universities, schools and courts. But it does not apply to private people or the private sector.

The overall objective of the Language Act, apart from establishing the position of Swedish and other languages in Sweden, is to promote linguistic diversity. The Act clarifies and highlights the responsibility of public bodies to ensure that the provisions on language and use of language dealt with in the Act are complied with.

When the Language Act was put forward, it met with a certain amount of criticism for being drawn up as a more generally conceived framework law that merely states principles and guidelines for the status and use of languages in Sweden. It does not stipulate any detailed regulations about language or use of language, and it does not contain any sanctions for those who contravene the Act. However, it is important to point out that the Language Act is a law of obligations that stipulates the obligations of society and public bodies. It is not a law of rights that describes which rights individual citizens have.

The Language Council has the task of providing information on the Language Act and following up its application. We do this by investigating and highlighting various areas affected by the Act. We have, for example, performed a quantitative survey of the languages of dissertations at Swedish universities and university colleges, a review of the degree of access to sign language for children in pre-school and a survey on multilingualism on the Internet. Other areas to be investigated in the near future are school instruction in mother tongues other than Swedish and translation and interpretation in the public sector.

We are also following the application of the Act from the perspective of public authorities. In order to assist public authorities in their interpretation of the various rather vaguely formulated sections of the Act, the Language Council has published guidelines. The purpose of these guidelines is to explain the content of the Act in more concrete terms, in order to make it more directly relevant to the activities of the authorities themselves[2].

The fact that the Language Act contains no penal provisions does not mean that we are free to contravene it. The Parliamentary Ombudsmen,[3] who have the task of checking that public agencies and their officials are following laws and other ordinances in their activities, can criticise the actions of a specific authority regarding a particular issue. Such criticism is considered very serious, and the error in question is usually promptly put right.

The impact of the Language Act

We are often asked what effect the Language Act has had, sometimes with the underlying assumption that a framework law containing general principles and goals but no scale of penalties can hardly have any real effect. Language specialists and language consultants have requested a more stringent and detailed law. Others, for example those in the business sector, find the formulation of the Act advantageous in certain cases, as it implies that in special cases, principles other than those concerning language policy can be given greater weight. This may, for example, allow for a departure from the principle that documents of central importance in public administration should be available in Swedish. Since the Act is "only" a framework law, the interpretation in certain circles has been that its content need not be viewed so strictly.

The fact that the Language Act is a framework law means that other laws and ordinances which either strengthen or contradict what is stated in the Act may have priority in certain cases. One example of this is the Act pertaining to National Minorities and Minority Languages, which stipulates a greater and more far-reaching responsibility for the minority languages than what is stated in the Language Act. Another example is the school ordinances, which restrict the Language Act obligations concerning access to mother tongues other than Swedish by imposing conditions under which school students are to be given language instruction in other mother tongues.

Because the Language Act has a very wide scope, and because it is difficult to foresee all

the areas in which the Act can be applied, the legislators chose to formulate the Act as a framework law. Provisions on language and use of language were already present in other legislation when the Language Act originated, and this had to be taken into consideration. It is possible to say that the Language Act is primarily a clarification and reinforcement of provisions regarding language that were already a part of Swedish legislation. The difference is that the Language Act summarizes the provisions in a single law, providing a clearer framework for language policy.

Even though imprisonment or fines are not imposed for contravention, the Swedish Language Council has noted that the Act has had a significant effect. Plain-language work has been given a boost thanks to the Language Act. More and more authorities have opened their eyes to their obligation to work with Plain Language. Public authorities are increasingly interested in translating texts into the national minority languages. Sign language is now also recognised in legislation as a proper language with the same protection as that given to the national minority languages, which is an important step forward for the hearing impaired. Even though the Language Act is not a law of obligations for individuals, it constitutes an important argument for sign-language users in their efforts to get access to sign language, for example at school and pre-school, in eldercare and in contacts with authorities.

Reports to the Parliamentary Ombudsmen

The public has generally viewed the Language Act mainly as a law to restrict the use of English in Swedish society—judging by the reports to the Parliamentary Ombudsmen concerning breaches of the Language Act. The reported cases given the most medial attention concerned the government's use of English e-mail addresses. Two such reports were made immediately after the Language Act came into force in July 2009. The Parliamentary Ombudsmen's decided that the form of public authorities' e-mail addresses lies outside the area covered by the Language Act. The fact that an e-mail address is written in English is not considered a threat against the ability to communicate with the authority in general. But because the Government Offices have a

central position in Swedish society, the Parliamentary Ombudsmen found that the use of English e-mail addresses was not compatible with the special responsibility of the state regarding language, and that it conflicts with the provisions of the Language Act. The general public has both questioned and expressed irritation at the fact that these changes have taken so much time.

During the first year the Language Act was in force, a number of reports were made by private people regarding English names and slogans. For example, Stockholm Municipality was reported for using the English terms "Stockholm Visitors Board", "Stockholm Business Region", "The Capital of Scandinavia", etc. In these cases, the Parliamentary Ombudsmen established that there is no general prohibition against using English slogans, but that the public authority or local authority in question should consider that "public institutions have a special responsibility for ensuring that Swedish is used and developed".

Two cases reported in 2009 and 2011 were of greater importance. They concerned the higher-education sector. One of these concerned a state research council Formas, which required applications for research grants to be written in English. The other was a similar case in which a university demanded that applications for employment and promotion be written in English. In both cases, the Parliamentary Ombudsmen ruled that Formas and the university had acted wrongly. An important principle is that it should always be possible to communicate with Swedish public authorities in Swedish. In other words, applications and other documentation in English or other languages cannot be demanded. This is not an entirely uncomplicated principle as Swedish universities often have close international collaborations and are dependent on specialized knowledge from international university circles that have English as their common language.

Challenges—obtaining broad support for language and language policy

As we mentioned, Sweden has for a long time been regarded as a monolingual country with Swedish in an unthreatened position as the country's main language. While language policy goals have been formulated in the EU and in the Nordic community, Sweden did not

have any officially formulated language policy until 2005, when the Riksdag—the Swedish Parliament—decided on goals for language policy[4]. Language and politics have, therefore, rarely been linked together, and language issues have not been regarded as a policy area. In our neighbouring countries, Finland and Norway, the situation is completely different. These countries have been more expressly multilingual, and language issues have been discussed in a more obviously societal context.

The language policy goals decided on by the Riksdag in 2005 and the introduction of the Language Act in 2009 were starting points for language policy in general. But it will probably take a long time before language policy is widely accepted in Sweden. It is important that language policy becomes an integrated part of the operations of public agencies. The public sector must become aware that linguistic conditions can, and should be, influenced through political decisions. Allocating a special budget to working with Plain Language, or providing information in sign language on a website are some examples of concrete measures in language policy. There must be an increase not only in the public sector's awareness of its obligations under the Language Act, but also in pressure towards public authorities to meet these obligations. In addition, the general public must understand the political dimension of language issues.

Even if many public authorities are working with Plain Language, terminology, and multilingual accessibility, this is often done in project form, on the initiative of individual enthusiasts and without any specially allocated funds. Few Plain Language projects are followed up and evaluated, and virtually no estimates are being made as to the effects of work on Plain Language. Many people would like to see more research in this area.

Making the Language Act better known outside the circle of language usage experts and language consultants working at public authorities and other public bodies is a challenge. Demands regarding language policy must be as self-evident as demands in other policy areas, and language policy must be part of public bodies' day-to-day work.

As the Language Act is a framework law, it is also conceivable that its scope may be restricted in one direction or another, at least in theory. This has already happened in the case of patent translation. A Government Commission of Inquiry is currently working on ascertaining whether there is sufficient reason, from a business policy perspective, to depart from the requirement to translate national patents in their entirety, or if it would be sufficient to have a translation requirement only for parts of a patent. An amendment to the translation requirements of patents would mean a deviation from one of the principles of the Language Act—that legally binding documents in Sweden have to be available in Swedish.

It is easy to see the advantages, particularly the economic ones, of not having to translate the patents in their entirety. Few outside parties ever demand to see patent documents, and the vast majority of citizens will never be concerned with this type of documentation. Patent documents are quite simply texts on the periphery of the perspective of usual citizens. But as a question of principle, it is still important.

It is logical that the principles of the Language Act should meet most resistance in the areas in which they are not obvious, for example in the courts, where there is a long-standing written tradition that is not always compatible with Plain Language principles. Another example is in the university sector where the demand and need for internationalization in most cases has greater weight than the responsibility for developing the Swedish language. It is within these areas that the Language Act will be put to the greatest test and put into conflict with other principles and interests, for example compelling arguments of an economic nature. For this reason, it is also within areas where language policy has traditionally not formerly been taken into account that the Act has a chance of contributing towards a change in attitude. In areas where English has a strong position, there are also the economic and practical arguments for maintaining things as they are.

There may be a risk that the principles of the Language Act could be eroded as a result of economic arguments. The discussion on patents could also be transferred to other areas in which translations may be difficult, time-consuming and costly, for example in the higher-education sector. But it is difficult, if not impossible, to weigh economic and language policy arguments against each other.

The future success of the Language Act

The Language Council is often asked what significance the Language Act has had and will have in the future. Many people who work with language issues in public authorities or in the education sector, or who are just interested members of the public, have great hopes that the Language Act will help make the minority languages more visible in Swedish society. There are also expectations that Swedish will assume a stronger position in relation to English and that instruction in Swedish sign language will increase. To a certain extent, their questions have already been answered. We have seen that work on language usage has been given a stronger focus and status on the part of public authorities. Parents who wish their children to be given instruction in sign language use the Language Act to support their arguments to their school or local authority. The question of translating civic information into Finnish and Sami has been brought into focus at more and more public authorities.

But the future success of the Language Act cannot be guaranteed merely as a result of the initiatives that are being undertaken around the country today. If the Act is to be effective, it must be able to stand its ground in the formal examinations that are expected in the future. New laws and ordinances will throw light upon the question of language and language use, as questions concerning language are of central importance in society. The significance the Act will have for language policy in future will primarily be determined by how much weight is given to the principles of the Language Act in such examinations.

© J Spetz and E Olovsson 2012
 jennie.spetz@sprakradet.se
 eva.olovsson@sprakradet.se

Endnotes

1 Language Act (2009:600) http://www.regeringen.se/content/1/c6/13/81/02/3cf6b7f0.pdf

2 "The Language Act in practice—guidelines on the interpretation of the law " http://www.språkrådet.se/12609

3 The Office of the Parliamentary Ombudsmen, is the supervisory body of the Riksdag—the Swedish Parliament. The Parliamentary Ombudsmen are chosen by the Riksdag to examine whether public authorities and their staff comply with the laws and other statutes governing their actions. The Ombudsmen exercise this supervision by evaluating and investigating complaints from the general public, by making inspections of the various authorities and by conducting other forms of inquiry that they initiate themselves.

4 "Best language—a concerted language policy for Sweden" http://regeringen.se/sb/d/8398/a/131605

Jennie Spetz *is an investigator with special responsibility for language policy issues at the Language Council of Sweden (Språkrådet). She has a master´s degree in political science. Previously she worked with news monitoring and evaluation in the public sector.*

Eva Olovsson *is a language adviser with special responsibility for plain language issues at the Language Council of Sweden (Språkrådet). She is a certified language consultant and previously worked in the Government Offices as a language expert.*

How to join Clarity

The easiest way to join Clarity is to visit http://sites.google.com/site/legalclarity/, complete an application, and submit it with your payment. You may use PayPal or a credit card to pay.

Prospective members in Canada, Italy, and the United States may also pay by bank draft. If you prefer to submit a hard copy of the application, you may contact your country representative for submission instructions. Country reps are listed on page 2.

A plain perspective on legal translation

Víctor González-Ruiz

Universidad de Las Palmas de Gran Canaria, Spain

1. Introduction

For the past ten years, I have been lecturing my legal-translation students on how to write target versions of legal texts in a plain style. Every year, this has brought about some controversy in the classroom, since writing in a plain style runs counter to two unwritten principles of legal translation: first, that translators should translate literally, almost word-by-word, in order not to 'interfere' with the legal content of the source text; and second, that they should copy the conventional style of parallel texts in the target language. In a standard legal-translation class, this means that students will not be able to deviate from the convoluted and redundant style of English texts (in this case, English is the source language), and that the resulting Spanish translations will resemble the equally elaborate and unclear Spanish legal documents.

So when, at the beginning of the term, I ask my students to examine all texts involved in a given translation task from the critical perspective of plain language, they frequently react by casting some doubts on the acceptability of plain translations. I reply to these doubts by using many of the arguments found in the literature on plain language, and by making them consider the absurdity of employing an obscure language on purpose. They are soon persuaded that by writing in a plain style they can also deliver acceptable translations in which the whole load of legal information in the source text is still faithfully rendered. From that moment on, I encourage them to 'deconstruct' complex documents in the source language and to ignore parallel texts overpacked with archaic formulas. That is to say, I ask them to read and analyse all source and target texts, as well as parallel documents in both languages, with the principle of clarity in mind.

I am convinced that translators can greatly benefit from the plain-language approach. Freed from having to mimic the unnatural conventions of legal writing, they can focus on the genuine technicalities of their documents and deliver texts which follow, unless otherwise required, the ordinary grammar and lexis of the target tongue. Translation trainees, in particular, can involve themselves in the intricacies of the law without having to submit to the obscurity of its language. In all cases, however, translators must carry out a great deal of research to confidently apply a plain-language strategy at any point in their activity. To this end, I strongly advise my students to further specialise in the field of law and to carefully study any available bibliography on the subject.

2. Plain translation strategies

Based on plain-language techniques, I provide students with a set of plain translation strategies aimed at the critical analysis of the source text and its rendering into a clear and precise target text. First of all, however, I remind them that plain language is not equivalent to over-simplified or simplistic language, but rather to straightforward and precise communication. This starting point will demand from translators the use of all resources in the target language as wisely as possible if they are to deliver reasonable target texts. By 'reasonable,' I mean translations which are carefully written, appropriate to the particular communicative acts, and attentive to the needs of sensible ordinary readers, whether lawyers or lay people.

In accordance with these ideas, the strategies I use in the classroom do not move far from the basic principles of good writing. In particular, they address two of the maladies which torment translators of legal texts more frequently

than those in other areas: the use of very long and complex sentences, and the abundance of rare and ceremonial expressions. Contrary to popular belief, it is the former which affects comprehension in the greatest degree: the meaning of archaic formulas and terms can be traced through research, but the sense behind an ambiguous sentence will always remain uncertain.

What follows is a brief description of this set of strategies, which are rooted in the multiple suggestions contained in the literature on plain language. When facing problems that are not covered by these strategies, students are encouraged to survey the latter body of work to find a feasible solution. As has been said, students (as translators-to-be) are asked to deliver clear and comprehensible translations by applying the following (or, if appropriate, other) techniques.

(a) Identify the key elements of a sentence

It is not within the scope of a translator's work or ability to rewrite a legal text from scratch. But translators, when preparing the source text for translation, can still manipulate and rearrange its more complex pieces to ease the process of rendering them into a foreign language. To do this, it is essential to first identify the key elements of long sentences and paragraphs by answering the question posed by Wydick (2005: 15)[1]: 'Who is doing what to whom in this sentence?' The answer to this question should lead us to clearly enunciating the actor, the action, and the object of the action. By doing this, we are unveiling the pillars of long and ill-punctuated sentences. If we know their internal structure, we will be more aware of the meanings we must convey later in the process of translation.

(b) Cut up long sentences and use punctuation marks properly

Once we have disclosed what lies at the heart of the sentence, we are in a better position to rearrange the sense of the source text in a plainer and clearer fashion. In the case of very long sentences, translators should start by dividing them into shorter bits. In conjunction with this, translators should use punctuation marks in the target text abundantly and adequately, and irrespective of whether the source text is improperly punctuated (or punctuated at all). This makes reading easier and meanings flow more naturally.

When cutting up long sentences, translators should always keep the 'thread of sense' of the source text (i.e. how the diverse meanings in the source text are interconnected). To achieve this, (a) the punctuation marks which are newly inserted in the target text should not tamper with the 'progression of meaning' of the source text, and (b) linking words and phrases should be added to fill possible gaps of sense and to reinforce this progression.

(c) Rearrange long modifiers and parentheses

A further difficulty awaits translators within the now shorter sentences. In the style of a 'matryoshka' doll, these often contain a succession of modifiers nested inside one another. Guided by the principle of clarity, and always respectful of the 'thread of sense' of the source text, translators can put some of the information conveyed in the modifiers in a separate sentence. Let us use a complex piece of legal drafting as an example. In this sample from a separation agreement, a fairly simple sentence with a clear meaning ('the parties waive their rights') is drowned by its author in a sea of modifiers and parentheses.

Example 1

> *Each party, individually and for his or her heirs, executors, administrators, successors and assigns, hereby waives, releases and relinquishes any and all claims, rights or interests as a surviving spouse in or to any property, real or personal, which the other party owns or possesses at death, or to which the other party or his or her estate may be entitled.*

By applying the procedure to find the key elements of the sentence, we would come up with the following structure: 'Each party' (actor), 'waives, releases and relinquishes' (action), 'any and all claims, rights or interests' (object). All the other words amount to various kinds of limitations on how to interpret these key elements. On the one hand, 'individually and for his or her heirs, executors, administrators, successors and assigns' modifies the actor. On the other hand, the object of the action is restricted by a list of successively modifying phrases and relative clauses: (a) 'as a surviving spouse'; (b) 'in or to any property, real or personal'; (c) 'which the other party owns or possesses at death'; and (d) 'to which the other party or his or her estate may be entitled'. Following the principle

of rearranging sentences by cutting them up in pieces, and placing some of the non-key information in a separate sentence, we could prepare this agreement provision for translation as follows:

Example 2

Each party waives, releases, and relinquishes any and all claims, rights or interests which they may have as a surviving spouse in or to any property. This property refers to any property, real or personal, which the other party owns or possesses at death, or to which the other party or his or her estate may be entitled. The parties waive these claims, rights and interests individually and for his or her heirs, executors, administrators, successors, and assigns.

Although the resulting sentences may be longer than the original provision in the number of words, they also result in a much clearer piece of text. They present the information in an ordered manner (most significant message first, ancillary details last), and the reader is made well aware of what modifies what in each sentence.

(d) Identify authentic terms of art

Beyond the syntactic level, rare words and formulas also populate the nightmares of legal translators. Not all of these words and formulas have a technical meaning, and many of them do not provide any real sense at all but simply a ceremonial sound or connotation. To give lexical words their fair share of significance in the target text, translators analysing the source text should devote enough time to distinguishing authentic legal terms of art, or terms with a high degree of legal precision, from merely pompous words. The former are hardly ever (if at all) replaceable with ordinary words, and should be treated with special diligence. In these cases, the translator is transferring genuine legal meanings across languages, and these should be conveyed as accurately as possible.

However, many of the seemingly technical words employed by legal practitioners are not real terms of art, and they can be substituted with plain words with no loss of meaning or validity. In these cases, translators should 'deconstruct' the traditional term in search of its true significance (if there is any!), and then simply render this plain meaning into the target language by using target plain words. In

the same spirit, any false term of art found in target parallel texts should be cast aside.

The same also applies to Latin and rare foreign words with no technical meaning, and to redundant coupled synonyms.

(e) Replace ceremonial forms of expression with plain alternatives

Taking into account the premise that many legal formulas are fossilised and meaningless forms of expression, plain-language translators are expected to search for the sense behind the formulas used in the source text (i.e. unveil its function within the whole text), and then translate this meaning into the target language in plain words. For example, 'Know all men by these presents' is only a convention which signals the beginning of the document where it appears, with no technical meaning attached to it. If we were to translate it, the heading of the target text (revealing the title of the document) would suffice to fulfil the function of this formula, that is, indicate to the recipients that they are about to read a certain type of text.

In target cultures featuring a conservative stance on language similar to that shared by English-speaking countries, translators should also discard any old-fashioned formulas available in conventionally drafted parallel texts. This strategy should be followed even when a formula with a similar function exists in the target language, which is likely to happen if the relevant legal cultures are close to each other.

Ceremony in legal language, however, is not limited to the use of formulas. Redundant and stiff forms of expression occur everywhere in legal communication. As a final example, I will suggest how redundancy can be avoided in the following sentence from a separation agreement:

Example 3

Each party shall have the right to dispose of the property of such party by last will and testament in such manner as such party may deem proper in the sole discretion of such party, with the same force and effect as if the other party had died.

To start with, redundant coupled synonyms ('last will and testament', and 'force and effect') should be reduced to single words ('will' and 'force'). Next, the repetition of 'such

party', which adds not precision but dullness to the text, could be replaced with appropriate pronouns or phrases equivalent to 'this particular party', depending on its position and the restrictions of the target language. Finally, the reiteration of ideas present in 'in such manner as such party may deem proper in the sole discretion of such party' is far from being technical; in this case, a simple 'as each of them wishes' would do. Once it has been stripped off its redundant features, the source text can be more easily rendered into the target language.

(f) Just focus on the language, do not meddle with the arrangement of lists or paragraphs

Even though the rearrangement of wearisome layouts may be tempting for translators, we should confine our endeavours for clarity to the language we use in the target text. We may find that the source document is poorly organised, but we should also be aware that usually the original piece of writing is already a finished and operational text when we get hold of it. If we divide the paragraphs in the source text into several shorter paragraphs or add new bullet-point lists to rephrase a complex inventory of legal circumstances, the resulting target text will differ in its surface from the original document and, as a result, the client will not accept it as a valid rendering of it. For example, a process of negotiation between several parties handling the source text and a rearranged target text on the same table would be doomed to failure, basically because the participants in the discussion would not be dealing with corresponding documents. When it comes to complex legal drafting, efficient translators should devote themselves to conveying a target text with a clearer language, never to restructuring the poor or confusing layout of the original piece.

(g) Compile information about the technical or redundant nature of words in your glossary

When compiling their bilingual glossaries, translators should pay particular attention to whether an apparently technical word is a real term of art or just an instance of ceremonial expression, both in the source and the target languages. Then, apart from other particulars about how and when the word or phrase in question is used, commentaries about the form and relevance of the word or words in

the entry should be incorporated: does it have a genuine technical meaning? Is it normally used because it is necessary, or only because it is conventional? Can it be replaced with a plain alternative with no loss of meaning?

It is also worth considering any feedback that translators may have received from clients or readers of their translations with respect to the use of plain language. In this regard, they should always defend the plain language choices they make in their translations, for example, by using some of the arguments presented in the literature on plain language. By defending the case for plain language with well-grounded explanations, translators will be contributing to a change in their clients' rigid views on legal language.

3. The view of the translators' potential clients: the lawyers

As far as Spanish lawyers are concerned, the use of plain language is not even a matter of concern. For them, language as it is guarantees professional success, and any call for reform is dismissed as synonymous with legal uncertainty. However, as I have found out in successive surveys, Spanish lawyers think that plain-language translations are more efficient in terms of language, and convey the legal content of source documents more properly than conventionally drafted translations. This is a view that contradicts their routine text production (crammed with overlong sentences and highly unusual expressions whose literal meaning they sometimes ignore), which, in my opinion, is only prone to change if State or professional regulations requiring the use of plain language are imposed.

In any case, whether lawyers are expressly prepared to accept plain language or not, translators should take a step forth and take part in the process of language reform. Like private lawyers and legislative drafters, translators provide the legal system with texts that become part of that system. Their texts (i.e. their translations) influence, and are influenced by, all other texts which, belonging to that system, are in contact with them. When translators write translations in a clear style, they are introducing samples of simpler language into the network of documents that make up the workload of lawyers or judges. This is advantageous in two ways: firstly, in a system with such a high degree of

intertextuality, legal practitioners may follow suit and apply some of the plain language strategies to their own documents; and, secondly, lay clients can understand (at least to a moderate extent) the translations they are paying for.

© V Gonzalez 2012
  vgonzalez@dfm.ulpgc.es

Endnotes

[1] Wydick, R. C. (2005) *Plain English for Lawyers*. 5th ed. Durham, North Carolina: Carolina Academic Press.

Víctor González-Ruiz *is a lecturer in the field of legal translation at the Universidad de Las Palmas de Gran Canaria, Spain, where he obtained his PhD degree in Translation in 2002. For the past 16 years, he has also worked as a part-time traductor-intérprete jurado (an official translator and interpreter in Spain). He is particularly committed to achieving clarity in legal translations, and has made it the focus of his teaching. Plain language is also the subject of a great part of his research, which he has reported in several international conferences and publications.*

The Korean initiative for easy-to-understand laws

Hakkie Jang

General Legislative Affairs Division
Ministry of the Government Legislation, Korea

Background and purpose of initiative

Background

Korea has long used *hanja*, or Chinese characters, in its literary system. In particular, the legal language contains a great deal of Chinese characters. Following modernization of the country, the wide use of *hangeul*, Korea's native alphabet, has made it difficult for the general public to understand laws that are predominantly in Chinese characters.

Hangeul was promulgated by King Sejong, the fourth monarch of the Joseon Dynasty (the dynasty was ruled by the Yi royal family for 519 years from 1392 to 1910), in 1446. Before the invention of Hangeul, the Korean language had been written in logographic Chinese characters, which were difficult for the common people to learn. The phonetic Hangeul symbols were designed so that even a commoner could learn to read and write easily.

Following the nation's liberalization from 36 years of Japanese colonial rule, Korea's modern laws were enacted in large part based on Japanese laws. This resulted in preponderance of Japanese-style legal terminology in Chinese characters and of Japanese-style expressions in Korean laws.

Moreover, it was often the case that new laws were enacted using translated versions of foreign statutes, resulting in ungrammatical terms and wording that contravened the rules of common Korean usage.

In the process of enactment, lawmakers and public officials were more prone to rigid writing, giving no consideration to the norms. This practice led to laws fraught with difficult terminology and expressions, as well as violations of language norms.

To achieve the rule of law, the public must be able to understand the laws easily. However, due to the reasons stated above, Korean laws are extremely difficult to understand, even for those who have completed mandatory education. Given this background, many have suggested that the country must enact laws that are easy for the public to understand.

Purpose

The purpose is to make laws that are easily read and understood by anyone who has completed mandatory education (graduating from middle school or higher).

By replacing difficult Chinese-character and Japanese-style words and expressions with plain Korean language and improving sentence structures, the ultimate goal is to move away from a culture of law overseen by legal and public-administration professionals toward one where the public can be a key player.

Initiative update

Initiative for easy-to-understand laws

- Initiative for Easy-to-understand Laws Five-Year Plan (2006-2010)

  - Plans are being established and implemented to make about 4,000 existing laws easily understood by the public.

  - Acts: Over the last five years, from 2006 to 2010, about a thousand of 1,100 or so current Acts were re-written and their drafts submitted to the National Assembly for approval

  - Subordinate statutes: From 2006 to 2013, about 2,600 of 2,900 or so current subordinate statutes will also be re-written.

Initiative outcome (as of May 2, 2011)

- Acts
  - From 2006 to 2010, 976 Acts were rewritten and their drafts submitted to the National Assembly.
  - As of April 30, 2011, 697 Acts were passed by the National Assembly, promulgated and have gone into force. At present, 178 drafts, excluding 101 drafts that were abrogated when the National Assembly term ended, are pending at the National Assembly.
- Subordinate statutes
  - From 2006 to 2010, about 1,100 or so subordinate statutes (Presidential Decrees, Prime Minister Decrees, Ministerial ordinances) were re-written.

In a public opinion survey conducted in 2010 to analyze the effects of the initiative, about 70% of respondents found that expressions in post-initiative statutes were easier to understand than those in pre-initiative statutes.

Criteria for re-writing and examples

Criteria for re-writing

In 2006, the "Criteria for Re-writing Easy-to-understand Laws" was established after collecting views of legal professionals and Korean language specialists, and in consultation with the National Assembly.

General Principles

- Plain: Difficult Chinese-character or Japanese-style Chinese-character words, technical terms, and foreign words must be replaced with plain Korean words.
- Clear: Expressions must be clear and logical, and have meaning that can be understood on the first read.
- Correct: Korean spelling rules, standard language regulations, notation of foreign words and other language norms must be faithfully followed.
- Common: Literary styles and translated styles must be re-written in a commonly used, familiar, and fluid style.

Types of re-writing and examples

1) Spelling out Chinese characters in Korean alphabet

- Chinese characters must be spelled out in Korean alphabet.
- If the use of a word in Korean, which is phonetic, renders the meaning ambiguous, then the word's equivalent in Chinese characters must be given inside parentheses for clarity of meaning.

Example 1: Spelling out Chinese characters in Korean alphabet

係屬 ⇒ 계속(係屬)

耐力 ⇒ 내력(耐力)

---

2) Replacing difficult terminology with plain terminology

- Chinese-character or Japanese-style Chinese-character terms that are hard to understand must be replaced with plain, familiar Korean words.
- Equivalents in the Korean language must be actively identified and used. If no equivalent is available, then the meaning must be written out for better understanding.

Example 2: Difficult Chinese-character words

주말(朱抹)하다 ⇒ 붉은 선으로 지우다

The words on the left and right sides above both mean "delete (a text in whole or in part) by crossing a red line through it". However, the Korean expression on the right is much easier to understand than its Chinese-character equivalent on the left.

- A public opinion survey on the above example showed that a majority of respondents found the new version easier to understand, with 59.3% of respondents answering, 'New version is much easier to understand,' and 29.2% answering, 'New version is easier to understand'.

Response on example 2 in percentage

Old version is easier to understand, 1.8

Old version is much easier to understand, 1.7

No difference, 8

New version is easier to understand, 29.2

New version is much easier to understand, 59.3
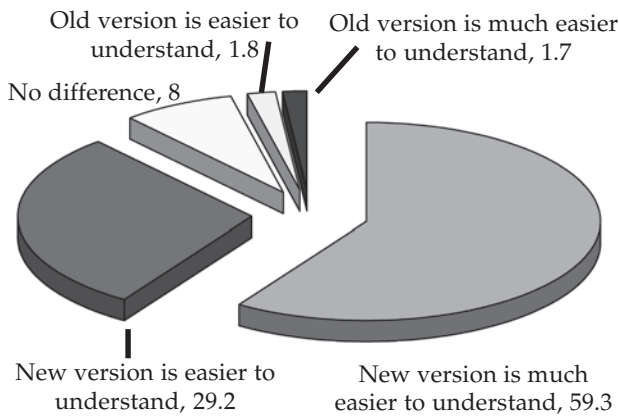
Example 3: Japanese-style words

신립인(申立人) ⇒ 신청인

- The words on the left and right sides above both mean "applicant." However, Korean people find the Korean word on the right to be much more conventional and easy to understand than the Japanese-style word on the left.

- In a public opinion survey on the above example, 96.0% of respondents found the new wording to be easier to understand.

Response on example 3 in percentage

Old version is easier to understand, 1.3

No difference, 2.3

Old version is much easier to understand, 0.3

New version is easier to understand, 21

New version is much easier to understand, 75

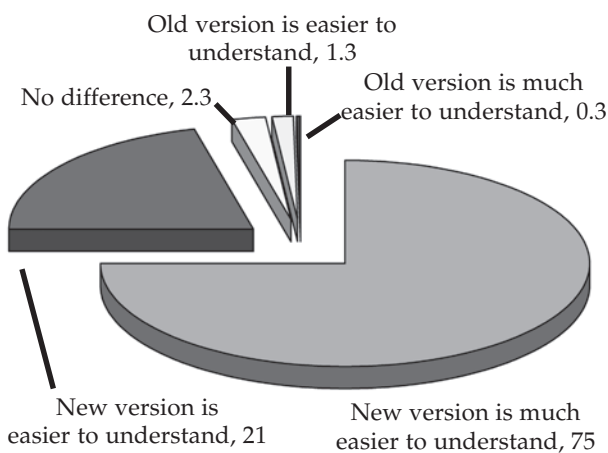*3) Rewriting difficult, complex sentences into clear and easy sentences*

Whenever possible, passive sentences will be changed to active ones. Sentences will be ended with verb predicates rather than with noun predicates. Sentences that are exces-

sively long will be reorganized with umbering for clarity and readability.

Example 4, Easy sentence 1: From passive sentence to active sentence

Before

In case the exclusive possession is jointly owned by several persons, the joint owners shall designate a person to execute voting rights at the assembly of manager groups.

After

In case several persons jointly own the exclusive possession, the joint owners shall designate a person to execute voting rights at the assembly of manager groups.

For example 3 above, in which an awkward passive sentence (before) is changed to an active one (after), 83.8% of respondents said the new version was easier to understand.

Response on example 4, Easy sentence 1 in percentage

Old version is easier to understand, 1.7

Old version is much easier to understand, 0.7

No difference, 13.8

New version is easier to understand, 51.8

New version is much easier to understand, 32
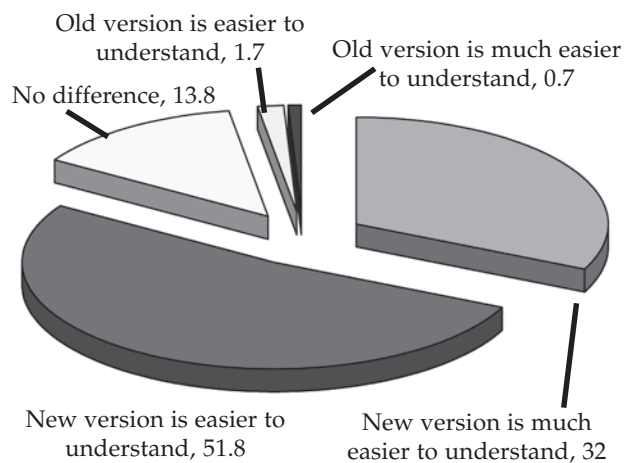
- Reason for choosing the old version:
  - I am familiar with the Chinese characters.
- Reason for choosing the new version:
  - The Chinese-character word that means "several persons" is replaced with a plain Korean word.
  - It is easy to understand.

Example 5, Easy sentence 2: From noun predicate to verb predicate

Before

An object whose ownership or possession is prohibited by law *cannot be asked for return*.

After

An object whose ownership or possession is prohibited by law *may not be returned*.

For the example above, in which a noun predicate ("requires the return") was changed to a verb predicate ("return"), 78.5% of respondents said the new version was easier to understand.
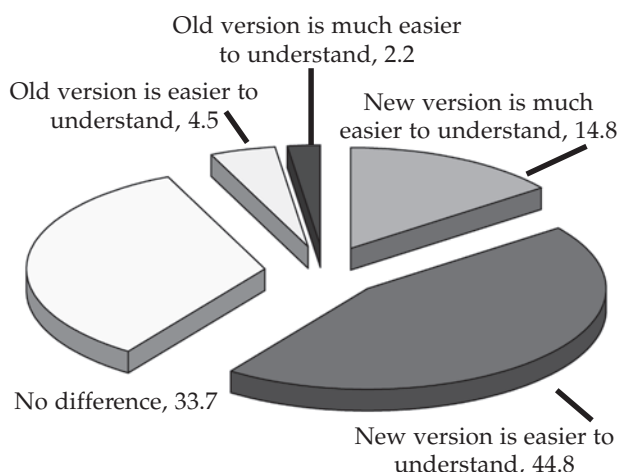
Response on example 5, Easy sentence 2 by percentage

Old version is much easier to understand, 2.2

Old version is easier to understand, 4.5

New version is much easier to understand, 14.8

No difference, 33.7

New version is easier to understand, 44.8

- Reason for choosing the old version:
  - The new version is redundant, and I cannot understand it on the first read.
  - The old version is more in line with what I usually use.
- Reason for choosing the new version:
  - The Chinese-character word is explained in plain language.
  - It is easy to understand.

For the example above, in which a lengthy provision is broken down into items for clarity, 84.3% of respondents said the new version was easier to understand.

Response to example 6, Use of numbering, by percentage

Old version is easier to understand, 6.7

Old version is much easier to understand, 0.7

No difference, 8.3

New version is easier to understand, 49.3

New version is much easier to understand, 35

Limitations and future directions

Limitations

As a result of changes in terms and sentences, the initiative has helped to make legal texts easier and more natural to read. However, its impact is limited because the descriptive structure of legal texts has been retained.

Future directions

Legal texts will be complemented with tables, figures, and formulas for greater clarity and readability.

Example 6: Use of numbering

Monopoly Regulation and Fair Trade Act
Article 2 (Definitions)
   5. The term "executive" means a director, representative director, managing partner with unlimited liability, auditor or person in a similar position, or commercial employer, such as a manager, etc., who is capable of executing general business of the main or branch offices.
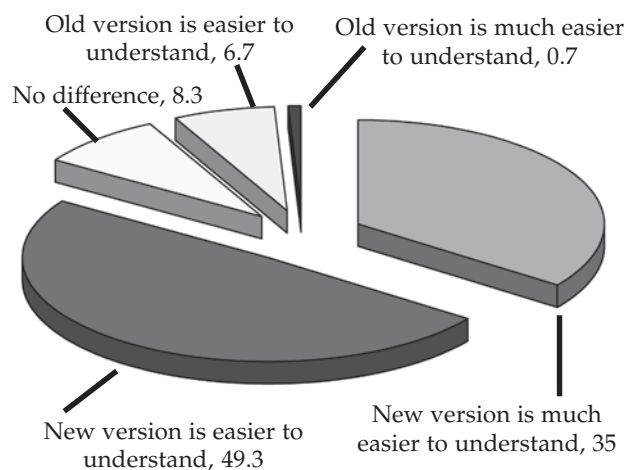
$\Rightarrow$

**Monopoly Regulation and Fair Trade Act
Article 2 (Definitions)**
 5. The term "executive" means a person corresponding to one of the following titles:
  a. Director
  b. Representative director
  c. Managing partner with unlimited liability
  d. Auditor
  e. Person in a position similar to any in items 'a' through 'd' above.
  f. Commercial employer, such as a manager, etc., who is capable of executing general business of the main or branch offices

Example 7: Descriptive sentence shown as a formula

> **Public Officials Pension Act**
> **Article 46 (Retirement Pension or Lump-Sum Retirement Pension)**
> ⑤ The amount of a lump-sum retirement pension as prescribed in paragraph (3) shall be the amount calculated by adding the amount equivalent to 65/10,000 of the amount obtained by multiplying the amount of standard monthly income of the month which includes the day before the retirement day, for every one year of the number of years which deducts five years from the number of years in office, to the amount equivalent to 975/1,000 of the amount obtained by multiplying the amount of standard monthly income of the month which includes the day before the retirement day by the number of years in office. In such cases, the number of years in office shall not exceed 33 years.

⬇

> ⑤ The amount of a lump-sum retirement pension as prescribed in paragraph (3) shall be computed in accordance with the following formula.
>
> Amount of standard monthly income of the month which includes the day before the retirement day
> x Number of years in office
> x [975/1000 + 65/10000 (Number of years in office–5)]

Example 8: Descriptive sentence shown as a formula

> **Inheritance Tax and Gift Tax Act**
> **Article 27 (Premium Taxation Pertaining to Inheritance Across Generations)**
> In case where the successor or testamentary donee is a lineal descendant other than a son or daughter of the person to be succeeded, an amont equivalent to 30 percent of the amount calculated by multiplying the inheritance tax amount calculated under Article 26 by the percentage of the property, amount inherited property (among donated property added to inherited property pursuant to the provisions of Article 13, including the donated property received by the successor or testamentary donee), received or to be received by such sussessor or testamentary donee, shall be added.

⬇

> **Inheritance Tax and Gift Tax Act**
> **Article 27 (Premium Taxation Pertaining to Inheritance Across Generations and computation formula)**
>
> Calculated amount of inheritance tax x $\dfrac{\text{value of property inherited by a lineal descendant other than a son or daughter of the person succeeded}}{\text{value of total inherited property}}$ x $\dfrac{30}{100}$

Example 9: Descriptive sentence organized into a table

Before

Customs ActArticle 154 (Categories of Bonded Areas) Bonded areas shall be categorized into the designated bonded areas, licensed bonded areas and general bonded areas, and the designated bonded area is further categorized into the designated storage place and the customs inspection place while the licensed bonded area is categorized into the bonded warehouse, the bonded factory, the bonded exhibition, the bonded construction work site and the bonded store.

After

Customs Act

Article 154 (Categories of Bonded Areas)

Bonded areas shall be categorized as shown on the table below.

Bonded Areas	Designated bonded areas	Designated storage place
		Customs inspection place
	Licensed bonded areas	Bonded warehouse
		Bonded factory
		Bonded exhibition
		Bonded construction work site
		Bonded store
	General bonded areas	

This article is based on the Korean presentation at the PLAIN 2011 conference in Stockholm, Sweden.

© H Jang 2012
jd15327@korea.kr

Hakkie Jang *studied oceanography of resource at Jeju National University. He has since had many different jobs— miner, sailor, construction worker and pasture employee— before becoming a civil servant in the Ministry of the Government Legislation in 1993. There, he has worked with interpreting and reviewing the legislation and been a part of the plain language work on Korean legislation. He is currently working at the Ministry of Strategy and Finance.*

Language Consultancy Training in need of interaction between universities and practitioners

Asbjørg Westum

*The Department of Language Studies,
Umeå University, Sweden*

This article discusses Swedish language consultancy training from an academic point of view. In doing so, it connects to an article by Helena Englund Hjalmarsson and Karine Nicolay published in Clarity 64, in which the authors address some important issues concerning future language consultancy training (Englund Hjalmarsson & Nicolay 2010).

Since 2006, the Department of Language Studies at Umeå University offers a three-year bachelor programme in language consultancy. Every second year around 15 new Swedish language consultants graduate from the programme, which is substantially similar to the Stockholm programme launched in the 1980's. Both universities describe the language consultant as a general expert in communication and as a combination of an information clerk, researcher, journalist and teacher.

Here follows a brief overview of the Umeå courses:

• Swedish grammar

• Writing courses

• Text linguistics and discourse analysis

• Language technology

• New media and digital texts

• Sociolinguistics

• Language politics and language planning

• Workplace communication

• Oral presentation

• Pedagogy for adults

• Psycholinguistics

• Semantics and terminology

• Translation

• Language politics and language planning

• Professional internship

• English grammar and English non-fiction genres

• Independent essay project

As is obvious from this survey, the Language Consultancy Programme is in many respects a traditional academic linguistic education. However, there are some crucial differences. The Language Consultancy Programme focuses entirely on modern Swedish, and especially on analyzing, rewriting and producing non-fiction texts. Considering the students' future profession, it seems natural that there should be substantial emphasis on the improvement of their writing skills, and this is of course our responsibility as education provider. For this reason we try as far as possible to integrate practical work with theory. Our goal is to teach students to write reader-friendly, clear and concise Plain Swedish. In addition students are trained through professional internship, often in public organizations or public authorities, but also in the private sector.

What if students are overqualified, yet not able to do practical work?

Still, it is not easy to live up to one's goals. Englund Hjalmarsson and Nicolay point out two problems with the two Swedish education programmes: on the one hand, "this education may overqualify" the students; on the other hand, the programmes have "the common academic problem of being too theoretical to prepare students for immediate practice in the workplace" (Englund Hjalmarsson & Nicolay 2010:28).

Englund Hjalmarsson's and Nicolay's criticism is indeed worth taking seriously; it is certainly a problem if our students fail to meet the requirements when it comes to practical skills. Moreover, this is a problem that has

been addressed in student evaluations, and a problem that we are, of course, eager to come to terms with. Consequently, Umeå University is right now looking to engage experienced practitioners. It seems important that students should meet practitioners, not only at conferences and as occasional guest lecturers, but as teachers and supervisors in practical sessions. In this way we hope to improve the situation. But of course we will always have to accept the fact that no one is a full-fledged professional on graduation day.

The alleged risk of over-qualifying the students is more difficult to comprehend, though. I would agree to this if the only target was to teach students how to write Plain Swedish, or clear, well-organized and straight-forward texts for the intended audience. But in my opinion, this is not enough. Since the potential work field of the Swedish Language Consultant is so broad and multi-faceted, as it comprises the private as well as the public sectors, it seems only reasonable that the students' training should be fairly comprehensive. It is momentous that this particular category of students is equipped with a solid knowledge of all relevant aspects of the Swedish language, oral and written communication, including aspects of a multilingual society.

Academia's advantages and disadvantages as provider of professional training

Admittedly, academia has its flaws, not least when it comes to teaching practical skills. Also, academic skills tend to be overemphasized even in professional training classes and seminars. This has proven to be true not only when it comes to language consultancy. As said above, it is crucial for universities as education providers to give experienced practitioners a much more prominent position than has been the case until now. Apart from teaching practical skills, they should always be asked to take an active part in the revision of our curriculum.

Nevertheless, a strong academic foundation is necessary, because there are some important things that only academia can provide:

- critical thinking in relation to language research

- new theories about culture and society

- discussion of recent linguistic research

All these factors are very useful items in the toolbox of a language consultant, since knowledge of them enable people to take part in social debates about language and democracy, language planning, language politics, multilingual society, minority languages, globalization and language, etc. In my view, language consultants should play a very important role, and should be listened to, in these matters. As an example, there are several reasons plain language is a good thing, and a language consultant can easily explain why, using recent psycholinguistic research and theories about society.

From a societal point of view, it is a good thing that most language consultants leave academia after graduation and work within all kinds of practice domains. But there are many reasons there should be a very close contact between academia and language consultants, one of them being that academia is the place where, for instance, future lawyers, economists are technologists are trained. As we all know, these are among the target groups for plain language.

We need some of our language consultants to stay in academia to teach future students, and exert some plain-language influence over our future lawyers, economists and others. Moreover, it is an undisputed fact that we need more research about plain language, about workplace communication and about writing reader-friendly documents. Who could be better suited for this task than examined language consultants?

A call for better interaction between academia and practitioners

As I said above, Englund Hjalmarsson and Nicolay have brought to the fore some challenges concerning the training of language consultants which really need to be addressed. We ought to listen when experienced practitioners claim that "[f]or professionals to be effective, they must move beyond acquiring knowledge and developing skills to demonstrating they can apply that knowledge or skill" (Englund Hjalmarsson & Nicolay 2010:27). For this purpose we have to put some effort into improving interaction and productive working relationship between practitioners and universities. Of course, universities are responsible for this to happen.

Asbjørg Westum, PhD is senior lecturer in Scandinavian languages. Among other courses, she teaches rhetoric, writing, semantics and terminology. Since 2010 she is programme coordinator for the Swedish Language Consultancy Programme at the Department of Language Studies, Umeå University. Her research interest is primarily in semantics, literacy and narrative studies.

Member news

Traffic communications study

A new article on Plain Language Commission's website examines the language and layout of private parking signs, tickets and enforcement letters in the UK, finding that they are sometimes unclear and misleading. Yet bombastic and legalistic wording is only part of the intriguing story of how private parking companies manage to persuade drivers to part with their money for non-official penalties. 'Phoney fines and dodgy signs take drivers for a ride', by Martin Cutts, is available via the News & Views section of www.clearest.co.uk, and under 'Publications > Articles'. Martin also explains the murky background to signs that catch out millions of drivers on BBC1's investigative show Watchdog—see YouTube at http://www.youtube.com/watch?v=TwFdPYxvJAA

From Peter Butt

In April–May, Peter Butt taught a course on plain language at the University of Cambridge, as part of a Masters of Law degree. In August, he will be teaching a 6-week course in legislative drafting at the University of Sydney, to specially selected African legislative drafters. In September, he will be giving a paper to a conference in Amsterdam on attempts to introduce a uniform, plain-language land registration statute into Australia.

From Joe Kimble

Joe Kimble has finished his new book, *Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law.* It summarizes 50 studies (twice as many as in his 1997 article) showing the benefits of plain language for everyone. The book also summarizes 40 historical highlights in plain language and debunks the 10 biggest myths about plain language. The book should available soon from the publisher, Carolina Academic Press, and from Amazon.com.

From Charles R. Calleros

In August, Professor Charles R. Calleros published CONTRACTS: CASES, TEXT, AND PROBLEMS (Carolina Acad. Press [Digital Book] 2011). The book's Plain English content takes students through the law in the manner in which they would encounter and apply the law in practice: (1) treatise-style background information; (2) specific case law and statutory text; and (3) application to exercises in a problem-method. *See* http://www.cap-press.com/isbn/9781611631425. He also published two articles in recent months: *Introducing Civil Law Students to Common Law Legal Method Through Selected Issues in Contract Law*, 60 J. L. Educ. 641 (2011); *Toward Harmonization and Certainty in Choice-of-Law Rules for International Contracts: Should the U.S. Adopt the Equivalent of Rome I?*, 28 Wis. Int'l L. J. 639 (2011).

From Robert Linskey

In the past year, Robert Linsky became a life fellow of the communications research institute, was asked to be a member of the expert advisory board for IC Clear, was elected to the

board of PLAIN, and was reelected to the board of IDA. Robert hosts an information-design blog at http://informationdesigndoc.blogspot.com.

From Helen Osborne

New Clarity member Helen Osborne's publication *Health Literacy from A to Z, 2nd edition* was selected to receive a 2012 Will Solimene Award for Excellence in Medical Communication from the New England Chapter of the American Medical Writers Association. Helen is eligible to receive the highly competitive Neil Duane Award for Distinction in Biomedical Communication, which will be announced at the AMWA Awards luncheon (scheduled after this issue of *Clarity* goes to print).

From Daphne Perry

A Clarity breakfast was held on 8 February, with the biggest turnout so far. Even this was exceeded by the 100 in-house lawyers—not Clarity members—who accepted the invitation to a repeat presentation in April. Attendees learned more about the Pathclearer approach to contracts. The speaker's documents can be found on Clarity's website. In addition to our regular breakfasts in London, we're planning a joint event for the autumn with the Statute Law Society. And if any UK Clarity member would like to organise an event outside London, that would be great—please ask them to contact me. (daphne.perry@clarifynow.co.uk.)

From Cheryl Stephens

International Plain Language Day will be celebrated for the 2nd year on October 13. Now is the time to start planning your own local events. An online program will be broadcast also. Visit https://www.facebook.com/internationalplainlanguageday to keep up with developments.

From Alan Jones, Euleta Committee Member

The European Legal English Association (Euleta) is a not-for-profit organisation formed in 2006. Its main objects are to promote the understanding of Legal English and improve the quality of its use. It does this by holding workshops and seminars, publishing newsletters and generally furthering discussion among Legal English teachers. The growing membership is mainly based in Europe, but there are many members from all over the world including the USA and several Asian countries. The next Euleta Conference will be held in Osnabruck University in Germany between 31 August and 2 September 2012. Details about the Conference can be found on the website www.euleta.de. Non-members of Euleta and especially Clarity members would be very welcome to attend. As both a Clarity and Euleta member if you would like more information about Euleta please email me at alanjoneslegal@gmail.com.

From Margrethe Kvarenes, The Norwegian Language Council

The project "Plain Language in Norway's Civil Service" held its second big clear-language conference in Oslo, Norway, in February. This five-year project is run by the Language Council of Norway and the Agency for Public Management and e-Government. The conference gathered close to 300 participants and focused mainly on clear language in legal texts. Dr. Neil James was the conference's key speaker, and the Plain Language Award was handed out by the Minister of Government administration and Reform.

From Mark Starford

From Mark Starford, Board Resource Center, about a new collaborative project developed by our group for a large CA nonprofit organization and federally funded agency:

Individuals with varied backgrounds can play a role in shaping their world through participation in governance. The new *Boards for All* online video training series provides an accessible plain language instructional to learn about basic boardsmanship. With straightforward content the video series and booklets are designed to teach functions of effective leadership and governance. *Boards for All*, available in three languages (English, Spanish, and Mandarin) and screen reading access, it includes internet video training, worksheets and resources that guide users to perform effectively as a member of a board, committee or community council. It is believed that expanding access to fuller engagement for some, by providing access to understandable information and support, enriches opportunities for all. Located at www.brcenter.org (May 2012).

IC·Clear
International Consortium for Clear Communication

IC Clear is an EU-funded project to develop an international clear communication course. The project started in October 2011. The pilot is expected in September 2013. The IC Clear partners are higher education institutions and a language institute from Austria, Belgium, Portugal, Canada, and Estonia (www.icclear.net).

With the course IC Clear responds to the increase in demand for clear, easy-to-understand information and the lack of well-trained clear communication professionals. Because the partners want the course to cater for the current and future training needs of practitioners they will survey them and other stakeholders to define the course learning outcomes.

Depending on the outcome of the survey, optional modules might include legal plain language, communicating with special audiences, government communication, document testing, clear communication in European institutes, clear communication in English, project management, teaching clear communication, introducing clear communication to your organization, installing a clear communication policy.

The course will be designed for those employed in a communications industry or in a position where producing clear documents is essential. Thanks to the flexible structure of the course and the use of blended learning techniques, students can have flexible study schedules. This makes the course especially appealing to people who have full-time work and family responsibilities.

Students will mainly 'learn by doing' and work on real life assignments, inspired by their daily tasks and activities in their actual work place. Students who don't have this opportunity can work on assignments in different fields.

The complete course awards graduates with an IC Clear certificate in clear communication. Members of the Advisory Board are Christopher Balmford, Deborah Bosley, Frances Gordon, Joe Kimble, Robert Linsky, Karen Schriver, Ginny Redish, Karel Van der Waarde.

With the support of the Life Long Learning Program of the European Union

Education and Culture DG
Lifelong Learning Programme

Conference news

The 2012 Clarity Conference: Washington DC, National Press Club

Clarity's fifth international conference will be held in 2012 from May 21–23 at the National Press Club, a unique venue in Washington DC. Clarity will co-host the conference with the Center for Plain Language (www.centerforplain language.org) and Scribes—The American Society of Legal Writers (http://www.scribes.org/).

Theme and focus

The conference will celebrate the US Plain Writing Act. We will explore the strategies that people everywhere are using to implement plain language. US government agencies that will be there to discuss their programs include the Internal Revenue Service and the Department of Homeland Security. Read about the Act at http://centerforplainlanguage.org/plain-writing-laws/plain-writing-act-of-2010/.

Program

The conference schedule will run as follows:

- Monday May 21—evening welcome reception;
- Tuesday May 22—all day conference sessions;
- Tuesday May 22—evening dinner; and
- Wednesday May 23—all day conference sessions.

The conference program will feature high-profile speakers from both the US and abroad addressing legally-relevant topics including those highlighted here:

The Honorable Lee Rosenthal, USA

Judge Rosenthal is a federal judge on the United States District Court for the Southern District of Texas. She was chair of the Standing Committee of Federal Rules during the restyling of the rules of civil procedure and rules of evidence.

Jodi Daniel

Jodi Daniel has served as Director in the Office of the National Coordinator for Health Information Technology (ONC), Department of Health and Human Services (HHS), since October 2005. She leads ONC's regulatory and legislative activities and is responsible for considering and addressing the policy implications of key health information technology activities. Before joining HHS, Ms. Daniel was a health care associate at Ropes & Gray, where she advised health care providers and payers on transactional, regulatory, and legislative issues.

Eamonn Moran, Hong Kong

Law Draftsman, Department of Justice, Hong Kong. Chief Parliamentary Counsel at Office of the Chief Parliamentary Counsel, Victoria, Australia

Dr Neil James, Australia

Executive Director of the Plain English Foundation. Author of Writing at Work. Chair of the International Plain Language Working Group.

Dr Susan Kleimann, USA

Founder and President of Kleimann Communication Group, focusing on clear and usable communication through consumer-centered qualitative research, plain language, and visual communication. Vice Chair of Center for Plain Language. Past Director of Document Design Center.

Prof Joe Kimble, USA

Former president of Clarity. Editor of The Scribes Journal of Legal Writing. Law professor at Thomas Cooley Law School and author of Lifting the Fog of Legalese. Prof Kimble led the work of redrafting the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

Bryan Garner, USA

Founder of Law Prose. A legal writing trainer throughout the US. Author of many books on:

- legal writing, a highlight being Garner's Dictionary of Legal Usage;
- all writing, a highlight being Garner's Dictionary of American Usage; and

- plain language, a highlight being Legal Writing in Plain English: A Text with Exercises.

Amy Friend, USA

A Director with Promontory, a strategy, risk management, and regulatory consulting firm. Formerly Chief Counsel, U. S. Senate Banking Committee; Assistant Chief Counsel, Office of the Controller of the Currency; and General Counsel, U.S. House Committee on Banking, Finance, and Urban Affairs.

Gail Hillebrand

Gail Hillebrand is the Associate Director of the Consumer Education and Engagement Division of the Consumer Financial Protection Bureau. Ms. Hillebrand previously served as the Financial Services Campaign Manager and a Senior Attorney at the West Coast Office of Consumers Union, nonprofit publisher of Consumer Reports magazine.

Dr Annetta Cheek, USA

Chair of the Center for Plain Language. Dr Cheek worked for the US Federal government from 1980 until 2007, including four years as the chief plain language expert on Vice President Gore's National Partnership for Reinventing Government.

Candice Burt, South Africa

Clarity's President, Plain-language lawyer and co-founder of Simplified, a firm producing plain legal language in South Africa.

Christopher Balmford, Australia

Clarity's immediate past-President. Founder of Cleardocs and Words & Beyond. Christopher has run plain-language cultural-change projects for the UN's International Labour Organization, the European Central Bank, and many major law firms.

- For the complete program, visit https://sites.google.com/site/claritydc2012/program
- For more conference information, visit the conference website at https://sites.google.com/site/claritydc2012/.
- And to register online, either use the links from the conference page, or go directly to the registration page: http://www.natalieshear.com/clarity/

Dinner and ClearMark Awards

The conference dinner will be on the evening of May 22 at the National Press Club at 7 pm. Register at www.centerforplainlanguage.org/events/

Clarity seminar in Stockholm: Language, a tool for the modern lawyer

Date: June 14th

Time: 09.00-13.00, including breakfast and lunch

Place: Sjofartshuset, Skeppsbron 10, Stockholm (http://www.sjofartshuset.se/)

Fee: 1,850 SEK (excl. VAT)

Program

How Plain Language can Enhance Your Organisation's Brand and Reduce the Legal Risk
    Christopher Balmford (BA, LLB Hons)

Linguistic Choices in the Practice of Law
    Jens Lapidus (lawyer and writer)

Registration and information:

helena.englund@sprakkonsulterna.se

Full program (in Swedish):

http://www.clarity-international.net/Sweden/kurser.html

The seminar is in English.

Meet the Clarity committee members

Introducing the Clarity committee

In this issue, we will begin to introduce you to the Clarity committee members. Of course, you can always find their contact information at the beginning of the journal. But this section will introduce you to the *people* behind the names, titles, and email addresses. Here are just a few of our Clarity committee members . . . we hope you enjoy this new feature!

Country representatives

Nicole Fernbach
juricom@juricom.com

Canada

Nicole-Marie Fernbach. Bachelor's degree in Law and Bachelor's degree in English Literature (Université de Bordeaux, France, 1971). Master's degree in Law (Université de Montréal, 1987). Studied for a Master in Political Science (1972), University of Western Ontario, Canada. Formerly, a legal reviser, Translation Bureau, Secretary of State of Canada (1975–1982). A Certified Translator (OTTIAQ), she is also the founder and owner of Juricom and has taught legal translation and legal writing for more than 30 years. Author of articles on clear legal writing and a book entitled "*La lisibilité dans la rédaction juridique au Québec*" (1990). Founder of the Centre International de Lisibilité, Montreal.

Christopher Balmford
christopher.balmford@cleardocs.com

Australia

Christopher Balmford —a former lawyer, from Melbourne, Australia—is the:

• founder and Managing Director

of the plain-language training, rewriting, and cultural-change consultancy Words and Beyond Pty Ltd, launched in 1999. Clients include: major law firms, public companies, government agencies, the United Nations, and the European Central Bank; and

- founder and former Managing Director of online legal document provider Cleardocs Pty Ltd, launched in 2002, acquired by Thomson Reuters in June 2011, see www.cleardocs.com. Christopher now consults to Cleardocs.

Christopher is the immediate-past President of Clarity.

Heikki Mattila
heikki.mattila@ulapland.fi

Finland

Heikki E. S. Mattila is professor emeritus of legal linguistics (University of Lapland) and has a lawyer's background. Earlier specializing in comparative law, he today cooperates closely with linguists and works with the problems of legal language. He mostly conducts research of a comparative nature on different languages of law. Recently, he has published a general treatise which examines the foundations of legal linguistics; the basic functions, characteristics and terminology of legal language; and the lingua francas of law. A second English edition of this treatise, "Comparative Legal Linguistics: Language of Law, Latin, Modern Lingua Francas", will appear in 2012 (Ashgate), as well as a French version of the book.

Jenny Gracie
jenny@partnersforlaw.eu

France

I am a clear writing enthusiast—inspired by Mark Adler's work and the Clarity conference in Boulogne (2005). In 2008, Candice Burt's firm trained me to be a clear writing trainer. Born in the UK, I now live in France. I help the French and English to communicate through English lessons, translations and re-writing complex documents into plain language. I am a solicitor (England and Wales) and registered European lawyer. I lecture at Lyon III University on English law and commercial writing. I offer a legal English and clear legal writing course to French lawyers (approved by their national representative body, the Conseil National des Barreaux).

Siegfried Breiter
s.breiter@t-online.de

Germany

Siegfried Breiter was born in 1957 and lives Tübingen, Germany. Since 2007, he has been a self-employed teacher for German as a Foreign Language, as well as a copywriter. Since 2002, Siegried has served as chief editor of *Deutsch-Finnische Rundschau*—the German-Finish Society's member magazine. He has also served as a copywriter and language consultant, drafting easy-to-read mailings and other texts, and conducting in-house trainings on reader-focussed writing. He has attended German language trainings in Germany, England, Finland and Estonia, and is a 1990 Graduate in Adult Education.

Eamonn Moran
eamonnmoran@doj.gov.hk

Hong Kong

My name is Eamonn Moran. I have spent most of my professional life working as a legislative drafter. For the last 4 years or so I have been Law Draftsman in Hong Kong. Before that I spent many years in law drafting in Australia. I'm originally from Ireland and still cling to a (sort of) Irish accent. I was "lucky" enough to be working in Melbourne in the mid-1980s when the Law Reform Commission of Victoria was doing its trail-blazing work on Plain English and the Law. I am still fanning the flames of the fire that was then lit.

Myla Kaplan
mylak@law.haifa.ac.il

Israel

Myla Kaplan is a corporate attorney licensed in Israel and the US. She works as a legal advisor for a medical device company, drafting numerous contracts and policies in plain English. She also teaches legal writing workshops at the University of Haifa Faculty of Law and the Israel Bar Continuing Legal Education Institute, stressing the importance of plain language in every course.

Lynda Harris
lynda@write.co.nz

New Zealand

Lynda is founder and director of Write Limited (formerly Write Group Limited), New Zealand's leading plain English business-writing company. Write has a broad client base of public and private sector clients, including some of the country's largest law firms.

Lynda also established the WriteMark, New Zealand's document quality mark, is the founder of New Zealand's annual plain English awards, and is a member of the International Plain Language Working Group.

Ing. Ján Rendek
jan.rendek@gmail.com

Slovak Republic

I studied economics, majored in actuarial science, and I've been an IT power user since 13, so my natural career choice was . . . you guessed it . . . legal translation! When I later realised the gravity of my predicament, I searched for insight and found it in Clarity. I also love traveling, great wine, raw milk, common sense, spontaneous decisions, Austria and commuting to work via Carpathians by bike. If you ever want to visit this part of Central Europe (east of Austria including Vienna, west of Slovakia) and taste some amazing wine, let me know.

Helena Englund Hjalmarsson
helena.englund@sprakkonsulterna.se

Sweden

The reference work Plain Language on the web and more than 12 years of professional experience in the field of Plain Language Consultancy, has made Helena Englund a leading authority in web writing. She has a solid theoretical background; with the combination of a Bachelor degree in Swedish Language Consultancy and studies in the department of education, Helena has indeed the competence to promote and teach Plain Language. As partner and CEO at the Plain Language agency Språkkonsulterna, she has gained extensive experience in team leading, marketing and administration. Helena has a large network within the Swedish circle of language cultivation and language consulting.

Daphne Perry
daphne.perry@clarifynow.co.uk

UK

I've been a plain English enthusiast since about 1993, when another member introduced me to CLARITY and to Mark Adler's book, Clarity for Lawyers. At first, I used it to become more persuasive, in my practice as a commercial barrister. Then, when I moved into writing and training, I found it helped me write for the web and save time for my readers, who were all busy lawyers. I became plain language co-ordinator for an international law firm and started arranging Clarity events in London, to meet like-minded people and learn more. If you would like to help promote CLARITY in the UK, email me now on daphne.perry@clarifynow.co.uk.

...
Prof Joseph Kimble
kimblej@cooley.edu

USA

Joseph Kimble has taught legal research and drafting for more than 25 years at Thomas Cooley Law School. He has written a book called *Lifting the Fog of Legalese: Essays on Plain Language*, published many articles on legal writing, and lectured throughout the United States and abroad. His forthcoming book, *Writing for Dollars, Writing to Please*, will collect empirical evidence about the benefits of plain language in business, government, and law. He is the editor in chief of *The Scribes Journal of Legal Writing*, the longtime editor of the "Plain Language" column in the *Michigan Bar Journal*, a past president of Clarity, and a founding director of the Center for Plain Language. Since 1999, he has been the drafting consultant on all federal court rules, and he led the work of redrafting the Federal Rules of Civil Procedure and the Federal Rules of Evidence. He has received several national and international awards, including a 2007 and 2011 Burton Award for Reform in Law for his work on the federal rules, and a 2007 award from the Plain Language Association International for his leadership in the field.

Joe also collects blues and rock art and has a deadly 3-point shot in basketball.

Walter Ngonidzaishe Zure
wzure@cbz.co.zw

Zimbabwe

Walter has over fifteen years banking experience, with expertise in corporate governance, compliance and enterprise-wide risk management. He has worked for various organizations, including the Reserve Bank of Zimbabwe. He is currently the Group Executive—Governance and Compliance for CBZ Holdings Limited. Walter sits on the Steering Committee of the National Code on Corporate Governance. He is a Certified Associate Member of the Institute of Bankers in South Africa, an Associate Member of the Institute of Bankers in Zimbabwe and a Certified Compliance Professional Member of both the Australasian Compliance Institute and the Compliance Institute of South Africa. He holds a Bachelor of Commerce Degree Honours in Banking from the University of Pretoria, a Master of Business Administration Degree from the University of Zimbabwe, a Master of Science Degree in Strategic Planning from Edinburgh Business School-Herriot Watt University, Scotland, an Advanced Credit Diploma from the Institute of Bankers in South Africa and a Post Graduate Diploma in Law (majoring in Compliance) from the University of Johannesburg. He is currently studying for a Doctor of Business Administration Degree (Strategic Planning) with Edinburgh Business School-Herriot Watt University in Scotland.

Committee members

Simon Adamyk

Simon Adamyk is a barrister at New Square Chambers in England, specialising in commercial and chancery litigation and advisory work. He read law at Downing College, Cambridge, and went on to obtain a Master's degree from Harvard Law School. He is ranked as a leading individual in a number of professional guides. He is based in Lincoln's Inn in London but his practice is international. He has been called to the Bar of the Eastern Caribbean in the British Virgin Islands and he has attended court in the British Virgin Islands, the Bahamas, the Isle of Man and the Privy Council, as well as advising on cases and travelling to a number of other jurisdictions both within Europe and further afield as part of his practice.

Richard Castle

Richard Castle is an English solicitor. He qualified as a lawyer in the mid-1960s and has been in sole private practice as well as employed in government service. For some years he has concentrated on property work and is particularly interested in the style and presentation of leases. Richard was a founder-member of CLARITY.

He has written a number of books and articles, and lives in Cambridge UK with his kiwi wife. With Peter Butt, Richard is co-author of *Modern Legal Drafting* (CUP); and is the author of *Drafting Guide for Private Legal Documents*, available via Amazon.

Message from the President

Clarity is abuzz with activity. We have our biennial conference coming up next month, the constitutional sub-committee is hard at work on a draft constitution, there is an online laws project on the go and several new members have joined our committee with the intention to promote Clarity. This message gives an update about each of these.

Clarity Conference, Washington, D.C., 21–23 May 2012

Clarity's fifth international conference is upon us. I do hope you have booked your place for what promises to be an outstanding event. Apart from the many exceptional high-profile speakers, it is a wonderful opportunity to meet or catch up with other plain language practitioners and learn about the work that people are doing around the world.

You can see the program on the conference website at https://sites.google.com/site/claritydc2012/.

There are still opportunities to sponsor the conference with different packages to suit all budgets. Please contact Christopher Balmford

at christopher.balmford@cleardocs.com to find out more about sponsorships.

If you cannot make it to the conference, you will be able to keep up with the events on Twitter (#clarity2012).

A big thank you to Clarity committee members, Joe Kimble, Annetta Cheek and Christopher Balmford who have been working extremely hard to make the conference a success.

Annetta also organised a visit to the White House for 25 lucky Clarity members. Congratulations to the ones whose names were picked in the draw. We look forward to hearing about your experience by email, on the Clarity website forum or on the Clarity Facebook page.

Clarity committee meeting 2012

We would like to hold a committee meeting in Washington. We will prepare an agenda for distribution and comment. Included on the agenda will be issues such as membership numbers and recruitment, finances, the journal, the social media activities, the website, incorporation, and the 2014 conference.

The date, time, venue and agenda will be circulated as soon as possible.

Constitutional sub-committee

The chair of the Constitutional sub-committee, Eamonn Moran, reports that a first draft of the proposed constitution is being circulated among the sub-committee members. Francesca Quint very kindly volunteered to prepare the first draft. For those of you who do not know Francesca, she is barrister practising from Radcliffe Chambers, Lincoln's Inn. She specialises in the law relating to charities and similar institutions. She has long experience in drafting and interpreting constitutions and prepared the model governing documents for the Charity Law Association, now in their 3rd edition.

Francesca has been a member of Clarity and of the Statute Law Society for many years.

Thank you, Francesca. We appreciate all the work you put into the draft Constitution.

Online summary of laws requiring plain language

For some time, Clarity (at the suggestion of Annetta Cheek), has been keen to prepare an

online summary of laws that require plain language. The aim is to cover:

• all laws, whether plain language specific (as in the Swedish and US Acts) or more general (for example, Australian corporations law requires prospectuses to be "clear, concise and effective"); and

• in all languages.

I am happy to report that Tialda Sikkema (The Netherlands) and Ben Piper (Australia) have kindly agreed to co-lead the project and to report on it at Clarity 2012 in Washington DC.

If there are any laws in your jurisdiction that should be included in the summary, please either contact Ben and Tialda or suggest that someone else in your jurisdiction does so.

Ben and Tialde are looking for references to any laws or provisions in any laws that require the use of plain language and how effective these laws or provision are.

You can email Ben at bpiper@ntc.gov.au and Tialde at tialda.sikkema@hu.nl.

Country representatives

We are delighted that two new country representatives were appointed to the committee in early 2012. We welcomed Olivier Beaujean from Belgium and Jenny Gracie from France. There are now 30 countries represented on the Clarity committee.

Country representatives: we want to know about you. Please tell us what you are doing in your country to promote Clarity and to recruit new members. You can do this by email, posting on the Clarity website forum or on the Clarity Facebook page.

A face we will all be sorely missing at Washington is the country representative of Portugal, Sandra Fisher-Martins.

Sandra and her husband, James, are looking forward to welcoming a newbie to the Fisher-Martin clan. The baby is due on 22 May, right in the middle of the conference—a true Clarity baby! We wish Sandra and James all the best and look forward to seeing pictures on the Clarity Facebook page soon.

Clarity presence

We can be seen and heard in many channels. We have our website at http://www.clarity-international.net/ for news, views and plain language resources. There is the facebook page and the Twitter account.

It is possible for everyone to add their views or start conversations by any of these channels.

Other Clarity activities

We welcomed Prof. Gerald Delabre from France as a new committee member earlier this year.

Joh Kirby has taken over from James Fisher as our social media guru. Joh has been posting news about the upcoming Washington conference on the Clarity Facebook page. Please visit the page and show us your support with a few deserving "Likes".

Daphne Perry, Eamonn Moran and Helena Englund Hjalmarsson continue to run regular Clarity breakfast meetings in London, Hong Kong and Stockholm respectively. We urge other country representatives to do the same.

Julie Clement has been editing and producing our journals for many years. We know this is a mammoth task so we are grateful that Julie for giving up so much of her time freely (and always with a smile) for Clarity.

If anyone has been left out, please accept my apologies. Let me know about it and I will include your information in the next message.

Warm regards

Candice Burt
President of Clarity