

A SMALL CLAIM TO KNOWLEDGE? THE RHETORIC OF  
PLAIN LANGUAGE.

by

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The goal of this thesis is to understand the social, historical and rhetorical significance of plain language reform, and to place it within the context of theories of literacy and theories of society. The secondary theme of this thesis is to signal rhetoric - in its classical and contemporary form - as an important source of knowledge for understanding language in the public sphere. In particular, the rhetorical distinction between style and genre will be used to contrast the two prevailing approaches to plain language reform.

Within the context of continued and recurring literacy and educational 'crises', the plain language movement should come as a welcome sign of relief, a sign of the acknowledgement by those with symbolic power - lawyers, corporations, bureaucrats - of a communicative ethic. As a 'top-down' literacy campaign, the plain language movement appears to be a much needed reform of legal, financial and bureaucratic language, but I argue that the results will differ depending on the approach taken. Thus, I differentiate quantitative from qualitative approaches to literacy, and style-based from genre-based approaches to plain language reform.

The thesis advanced here is that the plain language movement is, in part, a reaction to the crisis of legitimation within legal, financial and bureaucratic

contexts, and that it can be regarded in terms of a belated socio-cultural equivalent to the socio-economic shift from feudalism to capitalism, a shift from paternal guardianship to individual rights and responsibilities. In short, in order to legitimate symbolically-mediated social power in an "information society," it has become necessary to establish the accessibility more than the authority of the written word.

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## Introduction: Knowledge Claims in an Age of Informational Reproduction

Our working hypothesis is that the status of knowledge is altered as societies enter what is known as the postindustrial age and cultures enter what is known as the postmodern age (3).

-Jean-Francois Lyotard

In The Postmodern Condition: A Report on Knowledge (1984), Jean-Francois Lyotard makes the case that over the past forty years the "leading" sciences and technologies - such as cybernetics and informatics - have had to do with language, while at the same time "it is widely accepted that knowledge has become the principle force of production" (5). The result is a consumer culture concept of knowledge that measures "quantities of information," where knowledge "ceases to be an end in itself," thereby losing its "use-value." Says Lyotard: "The old principle that the acquisition of knowledge is indissociable from the training (Bildung) of minds . . . is becoming obsolete" (4). Instead, knowledge has become an object of exchange. The legitimation requirements of "the decision makers" - who Lyotard maintains are increasingly concentrated in multinational corporations, not in nation states - are based on "optimizing the system's performance - efficiency." The criterion of efficiency is applied to "matters of social justice and of scientific truth alike," which "necessarily entails a certain level of terror"

on the part of individuals. The message to those who are not jacked in to the informational circuitry is clear: "be operational (that is, commensurable) or disappear" (xxiv).

Given the dangers for individuals of informational anonymity, it is increasingly important for those who mediate symbolic power to stress the accessibility - more than the authority - of language in the public sphere. Lyotard argues that the role of the State "as the brain or the mind of society" has become outdated and surpassed by the ideology of communicational transparency, an "opposing principle, according to which society exists and progresses only if the messages within it are rich in information and easy to decode" (5). Communicational transparency ensures that every person is jacked in to the informational circuitry, "located at 'nodal points' of specific communication circuits." Says Lyotard:

one is always located at a post through which various kinds of messages pass. No one, not even the least privileged amongst us, is ever entirely powerless over the messages that traverse and position him [sic] at the post of sender, addressee, or referent (15).

This conception of a new cybernetic public sphere shares affiliations with what has been termed the "information society."

Critics of the so-called "information society" tend to question whether or not a rupture is actually taking place within the social formation, or whether new technology is



being used to deepen and extend existing relationships of domination in capitalist societies. For example, communication theorist Vincent Mosco asserts that communication and information is used "to deepen the commodification and control processes in society." States Mosco:

These areas have not been changed in any fundamental way by the accelerating growth of information and the technologies that process, distribute, and display it. Rather this growth speeds up existing tendencies, many of which originated with the early development of capitalism (29).

For his part, William Leiss comments that an "illicit jump" is made from 'information economy' to 'information society,' and that whereas much of the economy is geared towards information exchange, particularly in the age of mass computerization, there is little evidence that the majority of the people are becoming more "knowledgeable" or that they are increasingly able to improve their capacity for informed judgement (295). In other words, the quantitative impact of the proliferation of data and information in the productive and cultural spheres of our societies does not come with any guarantees of qualitative transformations of knowledge in the public sphere.

Lyotard addresses this problem by arguing that knowledge in an information society can be divided into "payment knowledge" and "investment knowledge," a distinction between the "units of knowledge exchanged in a daily maintenance

framework (the reconstitution of the work force, "survival") versus funds of knowledge dedicated to optimizing the performance of a project" (6). By functioning as a vehicle for "payment knowledge," communicational transparency has similarities to liberalism. Just as liberalism "does not preclude an organization of the flow of money in which some channels are used in decision making while others are only good for the payment of debts," communicational transparency does not preclude "flows of knowledge . . . some of which would be reserved for the 'decision makers', while the others would be used to repay each person's perpetual debt with respect to the social bond" (6). For Lyotard, communicational transparency does not guarantee greater public accessibility to specialized legal, corporate and governmental discourses and contributes little to the democratization of language. In short, the duty to listen is not the same as the right to speak.

One of the home-truths of postmodernism is that knowledge claims are never neutral. The "breakdown of metanarratives" has meant that cultural authority is continually being contested. In this context, the question of 'which' knowledge counts becomes increasingly important. Lyotard states that it is impossible "to know what the state of knowledge is," without "knowing something of the society within which it is situated." For Lyotard, this raises a key issue of research presuppositions:

. . . today more than ever, knowing about that society involves first of all choosing what approach the inquiry will take, and that necessarily means choosing how society can answer.

Lyotard describes "functional" and "critical" approaches to knowledge. Knowledge can only be "functional" if one has already decided, as functionalist social theorists have, "that society is a giant machine." To retain a "critical function" one has to see that society is not an integrated whole, but is "haunted by a principle of opposition" (13).

A broad consensus exists among intellectuals and social theorists of all political stripes that we are crossing a historical divide of immense proportions. Whether the new era is referred to as organized - or late - capitalism, the post-industrial era, the postmodern age, post-Fordism or the information society, there is a broad recognition that the industrial economies of Western societies are undergoing a radical 'retooling' with many attendant social and cultural transformations. Thus, even politicians and social planners are now describing a high-tech future, wherein information and knowledge, not industrial capacity, fuels the economy. This was, for instance, the position taken by the British Columbia Royal Commission on Education (1988), which insisted that measures be taken to prepare youth for a "knowledge based economy." The Sullivan report (as it was called, in reference to the lone commissioner), pointed to three important trends: a decline in employment in export

industries, growth in service industries and industries that require workers with some form of advanced skills, and "volatility within the overall economy itself which suggests the need for a broader range of skills and competencies" (12).

Fredric Jameson describes postmodernism as a "periodizing concept," the function of which is "to correlate the emergence of new formal features in culture with the emergence of a new type of social life and a new economic order" (113). More precisely, Jameson states that postmodernism is linked to a "new moment of late, consumer or multinational capitalism," which emerged in the late 1940s with the postwar boom in the U.S. Because agency and subjectivity play a greater role in the highly differentiated market of consumer capitalism, they find a place in both the economic and cultural orders.

Stuart Hall distinguishes these two spheres, stating that "'postmodernism' is the preferred term which signals the cultural character of the 'new times'" ("Brave New World" 59), while post-Fordism captures more broadly the new social, political and economic configurations of our times. Post-Fordism is a concept which draws its genealogy from Antonio Gramsci's essay "Americanism and Fordism" (Selections from Prison 277-318), and, of course, from a particular mode of industrial mass production associated with Henry Ford's automotive plants and Fredrick Taylor's principles of

scientific management. The "post-Fordists" suggest that there has been a major shift in the mode of production in Western countries involving a centralization of markets and an internationalization of capital. This has resulted in the transfer of the ("Fordist") manufacturing industries to the Third World and the development at home of an 'information society' with an ever growing service sector. Meanwhile, in response to an increasingly nuanced fragmentation of consumer publics - where market expansion proceeds by diversification away from mass production - complex new techniques of "flexible specialization" have been developed to produce "small batches of goods. . . in response to sophisticated calculations of demand" (Socialist Review, 54).

According to Hall, post-Fordism involves a reversal of the old base-superstructure metaphor, "as signalling the constitutive role which social and cultural relations play in relation to any economic system" ("The Meaning of New Times" 119). However, the new respectability enjoyed by culture, language, knowledge and consciousness as determining social factors does not come without a price. There is a lot of ink freely flowing from the pens of critical theorists these days. Postmodernism and poststructuralism clutter the nomenclature of contemporary critical discourse with terms such as "the breakdown of metanarratives," "language games," "simulacra," and "the pleasure of the text" (Lyotard; Baudrillard; Barthes). All of these concepts break from

positivist notions of a transcendent 'truth' which only needs to be discovered, to underscore the role of interpretation in truth claims. Nonetheless, in its most extreme version, as in Baudrillard's world of "simulacra," this privileging of language and representation is symbolic of what Andrew Britton has dubbed "the after-dinner sleep of historical materialism" (17). If, as the poststructuralists would have it, the signified has been loosed from the signifier and there is no longer any material referent - just the act of writing itself - where can history fit in?

Jameson recognizes that that postmodernism reinforces "the logic of consumer capitalism," but he asks "whether there is also a way in which it resists that logic." Postmodernism is to a large extent a theory of consumption and audiences. At a political level, it reflects diverse appropriations of formerly dominant cultural agendas, showing how people respond to and rework cultural artifacts and practices. Seen as such, as a bottom-up appropriation of culture rather than a top-down 'breakdown of metanarratives', postmodernism is an empowering new conception of agency and the 'popular'. At best then, this is the site for the radical reappropriations by minority and "marginal" groups of their own cultural realities. At worst, however, this is nothing more than an eclectic theory of marketing.

## Postmodern Literacy.

Every time the question of language surfaces, in one way or another, it means that a series of problems are coming to the fore: the formation and the enlargement of the governing class, the need to establish more intimate and secure relationships between the governing groups and the national-popular mass, in other words to reorganize the cultural hegemony (Selections from Cultural 183-4).

-Antonio Gramsci

Literacy emerged in the mid-1980s as a watchword of social integration. The recent pronouncements of educational crisis, both in the schools and universities (A Nation at Risk, Hirsch, Bloom, Bennett), and in the society at large (Kozol, Southam Report) have bemoaned the waning of tradition and the resultant loss of social cohesion and sense of purpose. Ira Shor has described 1983, the year that the U.S. National Commission on Excellence in Education published A Nation at Risk: The Imperative for Educational Reform, as "a hinge of history" (105). The alarmist NCEE report, which was given an official launch at the White House, stated that:

If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war... We have even squandered the gains in student achievement made in the wake of the Sputnik challenge... We have, in effect, been committing an act of unthinking, unilateral educational disarmament (in Shor, 105).

While acknowledging the new internationalization of capital and the growing world-oriented marketplace, the NCEE report ignores the impact of the resultant social and economic

transformations to the U.S. In the process, the report points to national literacy levels as not just a cure to social and economic misfortune, but as its cause.

Although change has a relatively respectable image in the economic realm of production, it is less readily accepted in social institutions and cultural traditions. This tension between economic innovation and social stability inevitably erupts into crises from time to time. Thus, for social theorists from Karl Marx to the present, it has become a common conception that capitalist growth is predicated upon occasional crises and their resolution. This is an irony of capitalist systems, which require social and institutional order to regulate the social hierarchy and to ensure an obedient work force, but thrive and grow by virtue of innovation and so-called 'progress'. Science and the marketplace can be radically transformed with impunity, but the social institutions and cultural traditions, which are charged with socializing and managing the moral fabric of a society - the family, the school, the church, the law, literacy and culture - are counted upon to show stability in the wake of economic and social turbulence. Any signs of incapacity in these domains, however tenuously proven or conjectured, can escalate into a social crisis.

The result of the latest round of crisis rhetoric on the public debates on education in the U.S. has been to signal a return to the concept of education as cultural



competence, the notion that the moral fabric and the orderly, productive ethos of society is dependent upon the transmission of a shared cultural content which derives ultimately from the 'great books' of Western tradition. Just as Matthew Arnold strove in the late 19th century - while the Industrial Revolution ruptured social patterns and cultural traditions - to both conserve and disseminate "the best which has been thought and said in the world," contemporary theorists of culture operate in a nostalgia for simpler times. In 1987, Allan Bloom's The Closing of the American Mind and E.D. Hirsch's Cultural Literacy: What Every American Needs to Know soared to the top of the non-fiction best sellers list. Both of these books sounded the alarm at the 'relativism' of the current (postmodern) era, where the cultural authority of the Western tradition has ceded to the emergence of many 'other' ways of seeing the world.

Thus, as factories are closing or 'downsizing' and the indelible mark of homelessness comes to haunt inner cities in the U.S. and Canada, reports of educational crisis seem to be stealing the show. Nonetheless, the radical and ruptural social and economic changes which are occurring are hard to ignore. Even conservative analysts, such as Kevin Phillips, the chief political analyst for Richard Nixon's 1968 presidential campaign, admit to "the collapse of the middle class" in the 1980s (41). In a decade which saw the number of millionaires in the U.S. more than double, and the number

of billionaires multiply by ten, conservative governments in the U.S., Britain and Canada have presided over a dismantlement and 'privatization' of the institutions of the social welfare State. The conservative agenda of the Reagan (now Bush), Thatcher (now Major) and Mulroney (still Mulroney) governments has been to divest themselves both of public enterprises and, at the same time, of social responsibility. An attempt has been made to 'privatize' social responsibility, to pass the buck to the growing 'voluntarist' sector, or to the 'entrepreneurial' survival skills of individuals. Meanwhile, the supposed 'victims' and 'perpetrators' of this social malaise, the under-educated and the 'illiterate', have become the object of great attention. A burden on the public purse and on the productivity of the nation, the 'illiterate' are also, by virtue of their incomprehension, outside the law, literally "outlaws."

It is interesting to note the participation in this fervor by then US Minister of Education (under Ronald Reagan), and now 'drug-czar', William Bennett. In Our Children and Our Country: Improving America's Schools and Affirming the Common Culture (1989), Bennett argues in favor of a Western humanistic "common culture," while asserting the need for a "moral literacy" to combat, among other things, sex, drugs and AIDS. It was during the 1960s and 1970s, says Bennett, that "we simply stopped doing the right things." Bennett's solution is not to "throw money" at

the schools, but to revamp a traditional curriculum and a return to values education, such as respect for authority, family and nation. And for those who fall through the cracks of this push for "excellence" comes the second part of Bennett's long-term youth policy, the "drug war." As Stanley Aronowitz and Henry Giroux point out, "the linch-pin of Bennett's antidrug campaign is the creation of an overwhelming climate of public opinion in favor of strengthening the police, courts and prisons" at the expense of concrete educational programs (4).

The return to a 'law and order' climate of social policy is one of the aspects of what Stuart Hall has called "authoritarian populism" (The Hard Road 138-46). The editors of Socialist Review state that authoritarian populism is a political response to post-Fordism, a form "evocative of the 1980s governing styles of Thatcher and Reagan, in which the techniques of marketing and the formal ritual of representative government are skilfully used to mask a broad reactionary social agenda" (54). In Britain, this has involved a concerted effort upon the part of the political Right to continue to legitimate existing social relationships while dismantling the social welfare state.

The result of authoritarian populism is that people are easily persuaded to vote across class lines, against what Marxists would traditionally consider the interests of the working class. Arguing against an old Left faith in the

adherence of the 'people' to radical causes, Hall shows how the politics of the popular are not an exclusive province of the Left, thus enabling authoritarian populism to hold great persuasive power in contemporary Britain.

The contradictory forces associated with "new times" are now, and have been for some time, firmly in the keeping and under the tutelage of the right. The right has imprinted them with the inevitability of its own political project ("Brave New" 61).

Indeed, there are no transcendent meanings to which the popular classes will organically aspire. Rather, a struggle takes place through which various interest groups attempt to inflect popular meanings in their favor, thereby gaining hegemony.

V.N. Volosinov describes the "multiaccentuality" of the ideological sign, which must be struggled over in practice. Volosinov argues that the sign is Janus-like, that each sign has two faces, and hence "any current truth must inevitably sound to many people as the greatest lie." Volosinov points out that "class does not coincide with the sign community" and that "various classes will use one and the same language." Thus, "differently oriented accents intersect in every ideological sign," and the "sign becomes an arena of class struggle" (23). For example, the strength of "authoritarian populism" for Margaret Thatcher was to tap popular feelings of resentment towards the stifling, bureaucratic institutions of the State, and to malign liberal and left perspectives with their defense. Hence, while

presiding over the 'downscaling' of the social-welfare State, Thatcher was nonetheless able to enlist the support of the working classes, the very constituency who stood to lose the most in the loss of a traditional safety-net.

Literacy has become a focus of both public and scholarly attention, particularly in the post-war (WW II) period of consensus politics in 'Western' democracies. Coined by the U.S. Army, the term "functional literacy" has come to rule the social imagination as the minimum basic competence required to participate in the public sphere. While the mass attainment and cultivation of literacy is seen as a modern privilege and as a source of both social and individual enlightenment, to lack literacy skills is often taken to mean social irresponsibility and individual depravity. Moreover, mass literacy has come to be identified as 'functional' to the society as a whole, as ideal 'threshold' levels of literacy have been heralded as a panacea for social and economic woes. The adoption of a literacy threshold level decontextualizes literacy skills and abilities from their actual contexts of use.

The Sullivan report on education in B.C. stated that nations and individuals are considered "knowledge rich" or "knowledge poor," based on "their commitment toward developing intellectual and technical expertise." This claim to knowledge as a medium of social and economic success is consistent with recent pronouncements of educational and

literacy crises in the US and Canada, which have sounded the alarms of 'national' emergencies. Increasingly, there has been a return to questions of cultural competence and social responsibility in definitions of literacy. Literacy is seen as not merely a technique, but as a broader set of competencies which enables people to play their part in the nation, while maneuvering the treacherous 'fine-print' world of contracts, forms, instruction books, print media and the like.

Thus, alongside the information explosion associated with post-Fordism have come new ways of regulating the social order which can be seen as strategies of authoritarian populism. The trope of accessibility is a populist measure par excellence, an innovation which does not guarantee anyone increased social power, but rather serves to maintain the existing hegemony. The flip-side of individual accessibility to the networks of power is the efficiency of the system itself. To return to the analogy between liberalism and communicational transparency, social welfare programs allow marginalized individuals to participate in the circulation of money, while not allowing them much agency to determine its flow. Similarly, Lyotard's distinction between payment and investment knowledge distinguishes mere access from control, thus implying that accessibility can also be authoritarian and coercive. The danger for individuals on the margins in this context is captured in Lyotard's dictum: "be

operational . . . or disappear."

## Chapter 1. Plain Language: A Small Claim to Knowledge?

There is clearly a "plain language movement" underway in Canada.

-Canadian Bar Association and  
Canadian Bankers' Association  
Joint Committee on Plain Language (45).

To mark the International Year of Literacy (1990), the Canadian Bar Association and the Canadian Bankers' Association published the final report of their Joint Committee on Plain Language. The CBA report, entitled The Decline and Fall of Gobbledygook: A Report on Plain Language Documentation, hailed the arrival of the "plain language movement" to Canada. This movement, which is concentrated in legal, financial and governmental bureaucracies, claims as its mandate to ensure that "the clients of law firms, the customers of businesses such as banks, and the citizens of government" can read and understand the texts that affect their lives. Writes the CBA Joint Committee:

The objective of the plain language movement is to ensure that these individuals are able, without extraordinary effort, to read the documents that are provided to them by the institutions that affect their lives (45).

In casting its net so widely, both in relation to the scope of the project and the range of "beneficiaries," the plain language movement shares a common agenda with the educators and learners who make up the literacy movement in Canada, which is to enable all Canadians to read and understand the



documents that regulate the opportunities and obligations of everyday life.

Perhaps it is no surprise that in a world of megabytes and fibre optics it is essential that everybody be 'tuned in' and documented. The means and modes of communication have changed over history, and with these changes have come new social relationships, and more importantly, new ways of seeing and new ways of being in the world. Transformations to social discourse related to the development of representative symbol systems, of an abstract alphabet, of the printing press, the telegraph, the photograph, the 'mass' press, satellite television, or of the computer, have all played a part in shaping new relationships in the public sphere. Though the plain language movement is based in bureaucratic contexts - whether financial, juridical or governmental - the implications of this movement resound through the society at large. After all, the role of plain language is to to broaden the readership of commercial, legal and institutional forms and texts. Given current concern over the 'crisis' of literacy in the US and Canada, one way the plain language movement can be interpreted is as a 'top-down' literacy campaign, an attempt to incorporate previously alienated persons into the 'body-politic'.

The need for literacy in order to participate fully in the public sphere has never been greater. Gail Dykstra, the Director of Public Legal Education for the Canadian Law

Information Council (CLIC), describes the emergence of the plain language movement from a context of "enormous increases in government regulation, the amount of paperwork (largely forms) and the infusion of law into every aspect of daily life" ("Plain Language and the Law" 15). The growing importance of literacy to cope with the demands of everyday life has forced many adults back into the classroom, and it has also posed an ethical dilemma for those who create the paperwork which the public must face. Thus, while the focus of the literacy movement is to teach the readers (who are sometimes writers) of public documents, the focus of the plain language movement is to teach the writers (who are sometimes readers) of these same documents.

According to the Law Reform Commission of Victoria (Australia), the plain language movement advocates an approach to writing where "the right of the audience" is central (8). The Victoria Commission states that the audience has "the right to understand any document that confers a benefit or imposes an obligation" (8). Similar claims have also been made in the U.S. by members of the Document Design Center at Carnegie-Mellon University. For example, says Andrew Rose, then Director of the Document Design Project:

There are many documents which, in effect, control what all citizens do, how they do it, and when; the number of such documents, and their influence, are increasing (179).

Rose goes on to say that "many, if not most, of these documents are unclear, inappropriate, or incomprehensible to their intended users" (179). Thus, it is apparent that in Canada, the U.S. and Australia there is a serious discrepancy between the increasing importance of documents and forms to everyday life, and their accessibility to a non-literate or even a literate audience. As a 'top-down' literacy campaign, the plain language movement aims to close that comprehension gap by committing legal, corporate and governmental speech to the common-ground of everyday speech.

The purpose of plain language is not to simplify public language, but to approximate common usage as much as possible. As one the most renowned plain language reformers - Australian English professor Robert Eagleson - has said, the result of plain language reform is not "simple" language in any sense of the term. Rather, says Eagleson:

Plain language . . . makes use of the full resources of the language. It's good, normal language that adults use everyday of the year. It lets the message come through with the greatest of ease ("Case for Plain" 2).

Eagleson points out that plain language varies given the context. Because the text of plain language varies - what is "plain" to an audience of lawyers is very likely to be gobbledygook to an audience of non-lawyers - it is the rhetorical context of plain language which counts. The problem, states Gail Dykstra, is that "all too often legal documents and administrative forms are written from the

perspective of the writer's need to inform, rather than the reader's need to know." Thus, plain language, according to Dykstra, is language where "the readers' need for information always takes precedence" ("Plain Language, Legal" 5).

Where texts are invested with ultimate authority, the writers' need to inform often takes precedence over the readers' need for information. Textual authority is a modern phenomenon, arising in the late Middle Ages but finding its apotheosis in the modern era. Historian Michael Clanchy has done a detailed study of the slow acceptance and eventual consolidation of textual authority for establishing land titles and other issues in late medieval England (Memory). By 1377, the end date of Clanchy's study, it had become common knowledge that the most important transactions would be entrusted to the authority of the text. Social theorist Ivan Illich proposes the term "lay literacy" to describe "a mind-frame defined by a set of certainties which has spread . . . since the late medieval times" ("Plea for Research" 9). Says Illich:

The lay-literate is certain that speech can be frozen, that memories can be stored and retrieved, that secrets can be engraved in conscience, and therefore examined, and that experience can be described (9).

A key aspect of lay literacy is the broad acceptance that texts can confer benefits and impose obligations. Of lesser concern, historically, is whether these same texts are understood by all parties involved.

The conquest and subsequent colonization of America provides an early example of the use of textual authority. Papal bulls were used to legitimate the division of the New World between the Spaniards and the Portuguese. In North America, representatives of the British crown signed treaties with the First Nations to authorize the expropriation of large tracts of land. To bring order to the chaotic task of conquest, in 1514 the Spanish drafted the Requerimiento, an invitation to surrender which would be read to Indian groups before they were to be attacked. Of crucial import was the act of delivering the text - in this case reading it aloud; whether it was understood was of secondary importance. The historian and conquistador Gonzalo Fernandez de Oviedo reports on one such incident:

After they had been put in chains, someone read the Requerimiento without knowing their language and without any interpreters, and without either the reader or the Indians understanding the language they had no opportunity to reply, being immediately carried away prisoners, the Spaniards not failing to use the stick on those who did not go fast enough (in Todorov, 148).

Recognizing the futility of reading the Requerimiento, de Oviedo even goes so far as to council his captain not to read it "until we have one of those Indians in cage, in order that he may read it at his leisure and my Lord Bishop may explain it to him" (148).

The Requerimiento provides a metaphor for textual authority at its worst, where encoding is privileged over

decoding and where the meaning of the text takes precedence over communication. The canon of law continues to share much of the textual authoritarianism of the Requerimiento. As the Law Reform Commission of Victoria points out, the law holds whether one is aware of it or not:

As a community we have successfully excluded ignorance of the law as an excuse, but we have been far less successful in ensuring that all members of the community can understand their legal rights and obligations clearly (1).

The role of plain language, the commission goes on to say, is to right this apparent wrong, to make the law "just" and "fair." Thus, the plain language movement should come as a welcome relief, a sign of an acknowledgement by those with symbolic power - lawyers, corporations, bureaucrats - of a communicative ethic.

### **A Small Claim to Knowledge?**

The then Attorney General of British Columbia, Hon. Bud Smith, announced on May 10, 1989 that a plain language initiative would be undertaken as part of a general Justice Reform process (The Sun). According to the Access to Justice report of the Justice Reform Committee, the people of British Columbia should be "entitled to a justice system that they can understand" (6), and thus, once the plain language initiative is complete, "the justice system will truly belong to the people it aims to serve" (12). This democratization

of the legal code is to take place on the terrain of language, by making accessible the texts and forms of the legal profession. Plain language is not just an add-on to the Justice Reform Committee report, but rather is cast in a lead role. To spearhead the Access to Justice initiative, the first recommendation of the whole report is to "establish a Plain Language Committee to develop a strategy for implementation of plain language in the justice system" (10). This committee has since evolved into the Board of Directors of a temporary Plain Language Institute, created by the Ministry of Attorney General to implement the desired plain language reforms.

Small Claims Court, where many non-lawyers must represent themselves, was chosen as the charter site for these reforms. Unlike the adversarial lawyer relation in higher courts, where the opposing lawyers are responsible for establishing the parameters of the case, Small Claims Court is a court driven process, wherein the judge plays a guide or inquisitor role. Thus, it is up to the litigant to provide the data that the court requires, a process which is initiated by the filling out of a form. Because there are no Small Claims Court Rules, the rules of the Supreme Court have stood in their stead, which creates an acute disadvantage for those lay persons who find themselves contesting a lawyer. Not only would the plain language revisions replace all of the forms and information brochures, but a new set of Small

Claims Court Rules would be drafted using plain language principles.

Two years after Smith's announcement of the plain language initiative, his successor, the Hon. Russ Fraser announced the successful completion of the Small Claims Court plain language revisions (The Sun, March 25, 1991). A full revision of all existing Small Claims Court forms and brochures was undertaken, and the new Rules were drafted following plain language principles. To test the effectiveness of the new materials, the Plain Language Centre of the Canadian Legal Information Centre was contracted by the Ministry to conduct field testing, which was conducted in both Vancouver and Prince George over a one month period (Sept.- Oct., 1990) by the CLIC Plain Language Centre. The intention was to represent the "general public" by minimizing the number of respondents who had court experience, and by drawing on a diversity of educational backgrounds. Of the 61 people tested and interviewed, 19 have at least some university education, while the other 42 have high school or less. According to Jacquelyn Nelson, this represented a "conservative bias" which would ensure that the project reflected the needs of users who would be most likely to have trouble using the materials (Canadian Legal Information Centre, 5).

The respondents of the field tests glowed overwhelmingly with praise for the new documents (BC Ministry of Attorney



General, i). Eighty percent of the respondents said that the new forms were "easier to use" and "much better" than other government forms (12). The general response to the new brochures was that they included "just the right amount" of information. Comments were made such as: "Boy did I learn a lot," or "Can I take these home, I'd like to read them more" (22). One of the respondents even went so far as to say that "I can't believe these were made by the government" (i). His general enthusiasm led the field testers to assert that "we believe that these comments speak very positively about the brochures as tools for information and education about the Small Claims Court process" (22).

While lawyers and employees of financial institutions were excluded from the field testing of the forms and brochures, this professional audience was included in the test of the Rules which would henceforth govern the court. The Rules were tested using a questionnaire which inquired about the clarity of information and preference of format (between a standard format and a brochure format). All together, fifty people were tested, twenty professionals and thirty members of the general public. Of the twenty professionals petitioned, only three returned the questionnaires, hence the researchers undertook to conduct "follow up interviews that lasted approximately five minutes each" (23). Though both groups responded favorably to "the clarity of the drafting" (25), they differed on the question

of format.

Not surprisingly, for the professionals "the format seems to be unimportant," while "for the public the brochure-format makes the Rules more 'approachable,' and easier to use" (25). This is a striking example of how the tacit knowledge of a discourse community, in this case the repertoire of shared forms of legal, financial and governmental bureaucracies, becomes so ingrained that it appears invisible. Predictably, for the outsiders to these discourse communities, formal problems are all too obvious. The members of the general public reported that the standard format was "difficult," "too official" and "too much like government" (24). When the time it takes to find information in the two formats was compared, the group using the standard format took as much as twice as long, and an average of 70% longer (25).

Ironically, one Prince George respondent was excluded from the testing "results because of very low literacy skills" (2), despite the fact that three of the six characteristics which were tested for do not require literacy per se. The excluded respondent had explained that he could not complete the forms and that he would ask someone to fill out the form for him. Despite the existence of a division of literate labor - where people regularly consult experts and friends to help mediate the complexities of literate life - the exclusion of the respondent with "very low literacy

skills" from the Small Claims Court field testing raises some questions as to the type of "conservative bias" to which Nelson refers.

Given the historical context of its emergence, plain language reform is, at worst, a strategy of authoritarian populism. It is important to decide whether plain language is an attempt to make legal, corporate and governmental bureaucracies truly 'user friendly', or if it is simply going to facilitate smooth bureaucratic functioning. In his scathing critique of the plain language movement, B.J. Brown argues that plain language tends to be promoted by "highly literate, socially informed persons." Brown points out that members of the lower social-economic sector have a "comparatively low participation on governmental and legal process," that, for example, the lower classes "generally . . . do not sue" (23). Says Brown:

To the great majority, who do not seriously address themselves to what they sign and consult "the expert" only when an ambulance is essential, the kind of English in which a document is expressed will make little or no difference (22).

Thus, while the "Greater Goal" of the plain language movement might be "to make law and its procedures and its documentation accessible to the general public," it is actively aiming "to mobilize the politically potent middle- and upper-echelons (including lawyers and legislators) of their societies" (23). At the risk of a somewhat patronizing stance, Brown takes the plain language movement sternly to

task.

The division of literate labor, a popular strategy of everyday life, is most notoriously recognized in the annual income tax ritual, where an entire nation is tested for its numeracy and document literacy, but where anyone with a little money or a more literate friend or relative is allowed to cheat on the test. In her comments to the CLIC Plain Language Meeting, Sherry Moran (Revenue Canada) stated that an ever increasing numbers of Canadians need help filling out their tax returns. According to Moran, this is "probably the greatest sign of how complex our income tax legislation has become" (Canadian Legal Information Centre, 1). Revenue Canada has worked systematically since 1987 on simplifying the test, on slowly incorporating plain language principles into its forms, but the proliferation of street side income tax accounting firms attests to the persistence of this division of literate labor.

### **Time for a Change?**

Of course, the texts of the legal profession - and, by extension, the texts of corporate and governmental sources - have long been recognized for their obtuse language. Language has always been a carefully guarded precinct of the legal profession, serving both to define the terrain of that discourse community and to mark the exclusion of popular

language therefrom. As the Rt. Hon. Lord MacMillan stated, the lawyer can be described as "a trafficker in words"; words are "his [sic] staple, his stock-in-trade" (1). To the legal profession, legal language is functional: it stabilizes a set of principles into convention and, presumably, facilitates communication within that community. However, as the following parody suggests, legal language can be singularly unwieldy:

When a man [sic] gives you an orange, he [sic] simply says: "Have an orange." But when the transaction is entrusted to a lawyer, he adopts this form: "I hereby give and convey to you, all and singular, my estate and interest, right, title, claim and advantages of and in said orange, together with all its rind, juice, pulp and pips and all rights and advantages therein with full power to bite, suck and otherwise to eat the same or give the same away with or without the rind, skin, juice, pulp and pips, anything hereinbefore or hereinafter or in any other means of whatever nature or kind whatsoever to the contrary in any wise notwithstanding" (Justice Reform Committee 6).

Lawyers tend towards linguistic conservatism, preferring usage which has withstood the test of time, usage which will achieve their immediate goal of winning a case. The result is not necessarily advantageous. Richard Wydick, a lawyer and champion of plain language, puts it succinctly:

Seeking to be precise, we become redundant.  
Seeking to be cautious, we become verbose. Our sentences twist on, phrase within clause within clause, glazing the eyes and numbing the minds of our readers (3).

Habit is not justification enough for writing practices which limit, rather than enhance, communication. More importantly,

habits which were once functional may now be ceding to new linguistic requirements. In other words, while the authority of legal language has traditionally not been contested in any systematic way, in the information age legal language must become more broadly accessible.

The problem of obtuse writing practices resonates beyond the legal community, to encompass both governmental and financial bureaucracies where plain language initiatives are presently gathering momentum. A widely recognized benchmark for this new linguistic ferment is U.S. President Jimmy Carter's executive order 12044 tabled in 1978, which mandated that government regulations be "as simple and clear as possible" (Halloran & Whitburn, 58). This recognition from the Oval Office marked the culmination of work within consumer advocacy movements in the 1960s and 70s (Dykstra, "Plain Language and the Law" 15). Advocates argued that consumers had the right to fully understand the terms of any contracts or written agreements to which they were party.

Adding fuel to the fire of the plain language movement has been the growing concern on the part of banks and insurance companies in particular that their consumer contracts would not stand up in a court of law if they are deemed incomprehensible. The Law Reform Commission of Victoria states that "major banks in the United States are now diffident about taking a client to court if there is a possibility that the client can plead incomprehensibility"

(15), a claim which judges are increasingly viewing as valid grounds for non-compliance to a contractual agreement. A New York Chief Justice ruled in 1984 that the standard letters of the U.S. Department of Health and Human Services "defy understanding by the general populace" (16).

More recent and closer to home was the findings of a Manitoba judge that a limitation of liability clause in a courier contract was "legal gobbledygook" which did not protect Gelco Express Ltd. when it lost a parcel belonging to the Aurora TV and Radio Ltd. On May 10, 1990, Judge Oliphant ruled the following:

Notice cannot be said to be reasonable, in my view, when the clause is neither legible nor capable of comprehension (Canadian Bar Association and Canadian Bankers' Association, 18).

Banks that have revised their consumer documents, such as Citibank in the U.S. (1973) and the Bank of Nova Scotia in Canada (1979), have not lost a single legal challenge to their new documents. Thus, it is widely acknowledged that there is money to be saved here, as not only should clients and citizens be less likely to require further assistance to decode what is presented to them, but they are also less likely to contest clear language in court (Dykstra, "Plain Language and the Law" 11; Law Reform Commission of Victoria, 1).

Though cost-savings and increased efficiency are immediate benefits to those bureaucracies which adopt plain

language reform, public relations is yet another persuasive motive. While paying lip-service to the UNESCO International Year of Literacy, the CBA report asserts that the primary benefits of plain language to the banks are "as a marketing tool that will help to attract customers" and "as an element of good corporate citizenship" (26). In sum, the CBA report states that the benefits of plain language will be felt by three groups: For consumers, it is the ability "to understand their rights and duties set out in consumer contracts," for lawyers "an exercise of professional skill and social responsibility" and for businesses "the basis for improved customer relations" (12). Of course, the public relations benefits of plain language are not lost on governments which rely on popular consent and regular electoral endorsements. Thus, while the B.C. Access to Justice report states that plain language will make justice "more relevant, efficient, accessible and less costly," it is also pointed out that it will help "build a positive link between the justice system and the public" (Justice Reform Committee 12).

Of course, an accessible legal system will be more likely to maintain positive public relations, and rightly so. The intention of the literacy movement - and to some extent the plain language movement - is to facilitate the full participation of people in societies where the proliferation of documents that regulate the rights and responsibilities of



everyday life is ever increasing. Plain language asserts the rights of the audience, and as such constitutes a 'top-down' literacy campaign. This attempt to reform the texts which regulate social power represents an historical departure from a textual authoritarianism where the delivery of a text - not its comprehension - has been considered sufficient.

In British Columbia, plain language has emerged as a high priority justice reform initiative. Successive Attorney Generals have hailed the emergence and subsequent completion of plain language reform in Small Claims court as a significant step towards making the legal system accessible. Field testing resulted in enthusiastic endorsement of the project, but those who could not read the forms without help were excluded. This exclusion - along with other announced benefits of plain language, such as cost savings and public relations - begs some very difficult questions as to whether the impact of plain language is as broad as is claimed.

However, while the motives for plain language reform can be short term and opportunistic, the impulse to revise ossified language practices is long overdue. The plain language movement can provide a much needed reform of legal, financial and bureaucratic language, but the results will differ depending on the approach taken. For the purpose of this analysis, I differentiate quantitative from qualitative approaches to literacy, and style-based from genre-based approaches to plain language reform. These distinctions are

analytical - not ontological - and they presuppose a continuum of emphases, rather than a strict dichotomy. Nonetheless, these distinctions are useful tools of analysis for making sense out of current approaches to plain language reform.

## Chapter 2. Literacy: Quantity or Quality?

The lawyers of Europe, Canada and the U.S. should all long to see universal literacy. Using their skills as lawyers and judges, they can help make universal literacy a reality. To do so is in the profession's interest and, we think, to do so is our obligation (13).

-Richard Lynch, Director  
American Bar Association  
Special Committee on Law and Literacy.

The general furor surrounding the literacy question has not passed the legal profession by unnoticed. Addressing a panel on the International Year of Literacy at the Canadian Bar Association Annual Meeting in London, England (!), Sept. 26, 1990, Richard Lynch extolled the virtues of "universal literacy," and called for an increased commitment on the part of the legal profession to this important cause. Lynch introduced the concept of "civic literacy," or "that degree of literacy requisite for men and women . . . to be responsible, productive and fulfilled human beings" (1), as the goal for the 1990s. This goal is urgent due to the "exponential surge in educational and skill requirements" in an increasingly competitive and changing world. Says Lynch:

This is not an evolution. It is a revolution and those nations who fail to respond will be left behind in the world economy (11).

The consequence of failure is damning, both for the affected individuals and the society at large.

In his presentation to the same panel, Richard Dicerni

(Ministry of Justice, Canada) described literacy as "a window" to an increasingly technologically complex world (1), which "is fundamental to democracy and our economic growth" (7). Dicherni argues that the goal of national literacy requires an intervention both at the moment of encoding (plain language) and decoding (literacy). Says Dicherni:

Our laws need to be easily understood in order to have an effective system of justice and preserve an ordered society. The duties of citizenship require an ability to read and use reason (6).

Dicherni describes an evolution of national interest for literacy in Canada through governmental briefs, private surveys and a growing "partnership" of business, labor and the voluntary sector (4), a process which was sparked by the October 1986 Speech from the Throne. Despite some significant advances, Dicherni warns of the immediacy and potential gravity of our literacy problems:

If we do not act now the costs both in human and economic terms will increase as will the divisions between those who are skilled and those who are not (7).

To support his position, Dicherni states that literacy research has shown that a disproportionate number of people "with poor literacy skills are in prisons, live in poverty, are unemployed or have poor employment records" (3).

While neither Lynch nor Dicherni question the literacy hypothesis, the principle that literacy levels affect the economic and social fortunes of an individual or a society,

some "myths" of literacy were explored by the only educator on the panel, Alan Wells (Director, Adult Literacy and Basic Skills Unit, U.K.). Wells asserted that reported illiteracy rates were inaccurate, that in reality there was "hardly anyone in the UK who could be described as illiterate" (2). Moreover, Wells stated that illiteracy was a question of degree, not of kind. Says Wells:

Some can read very little, others can read not too badly although without a great deal of confidence and others can read OK but find writing, particularly spelling, a problem (2).

For Wells, literacy requires a long term commitment that cannot be realized in a "quick fix," nor is it something that lawyers, as a group, are going to solve. Stating that he has "a natural suspicion about commissions" and the like, Wells prevailed upon the Canadian Bar Association not to "set up any similar groups as the result of the International Year of Literacy" (4).

Given the state of literacy research, it comes as no surprise that Wells should ask some questions about the nature of literacy indicators. If there is one thing upon which contemporary scholars of literacy can agree unreservedly, it is that there is no adequate definition of literacy. Within the catchment area of this broadly applied concept lie diverse discussions ranging from the historical effects of the development of literacy to contemporary analyses of the effects of "illiteracy," from "schooled

literacy" to non-schooled literacy "practices" or "events," from functional literacy to critical literacy and empowerment, and from early childhood language acquisition to adult "remedial" literacy. Considering the breadth of these current debates, which show no respect for traditional academic disciplinary boundaries, it is not surprising that many theorists consciously resist defining and circumscribing literacy.

Nonetheless, while theorists continue to belabor the specifics of literacy, the common sense reading of literacy is more often inflected by the sensational results of government commissions and media surveys. These parallel discourses reflect two distinct paradigms of literacy, one quantitative, the other qualitative. Whereas the quantitative paradigm on literacy tends to focus on literacy as a skill or a technique, the dissemination of which is measured in the individual or the society, the qualitative paradigm focuses on what kind of literacy is practiced and in what context. The difference between a quantitative and a qualitative approach to literacy results in a difference of focus. The implication of this theoretical divide for plain language reform is to question whether plain language is simply an intervention at the level of syntax or semantics, or whether it is a communicative act of meaning between historically situated human actors.

If plain language reformers depend on quantitative

theories of literacy alone to establish the parameters of their project, their focus will be on language, because the burden of proof will already lie against the illiterate. Because quantitative theories abstract statistics and costs from the actual contexts of people's everyday literacy activities, the 'problem' appears self-evident and scientifically verified. The conflict inherent in the question of definition is thus neatly side-stepped, and the issue becomes how best to confront the problem. Seen in this light, plain language emerges as a commonsense response to the communicative impasse.

On other hand, if plain language reformers adopt qualitative perspectives on literacy, the focus will have to be on the social transaction involved in particular literacy practices. Plain language has great potential as a levelling mechanism, to both considerably democratize the language of the public sphere and to somewhat demystify the professions which have traditionally hoarded knowledge to their own advantage. However, whether plain language solely functions to promote the efficiency of a post-Fordist social order, largely depends on the ability of the plain language reformers to see the historical specificity of their own practice. In turn, this requires that they consider the changing role of literacy within their societies.

## Quantitative theories of literacy.

[We need] to focus more and more of our attention and resources on the long term investment in people, education, literacy and the upgrading of skills (Dicerni, 6-7).

-Prime Minister Brian Mulroney

Quantitative literacy deals primarily in measurement; it measures either the number of "competencies" mastered by the individual student (Kozol, 183), or the number of individuals in a society who share a particular - usually minimal, 'functional' - level of literacy. Quantitative literacy is both a liberal response to the plight of the supposedly alienated 'illiterate' population and an imperative of dominant social groups who must assure that people can 'read their rights' and follow their responsibilities. Cast in a functionalist mold, a quantitative approach to literacy tends to sacrifice the individual for the betterment of society as a whole. Noting the rationalist, inhumane nature of this model of literacy, Jonathan Kozol remarks on his astonishment at the behaviour of so-called 'experts':

. . . the willingness of many literacy specialists, school administrators, and the blue-ribbon commissions to isolate the smallest and most narrow definition of a "functional" adult and to exalt that definition to the cruel apotheosis of a national ideal (186).

Kozol points to the "ideology of 'neutral skills'" that underpins this point of view and will "lay the groundwork for that fragmentized imagination which will later balkanize our



consciousness" (189). For Kozol, the inability and unwillingness of many people to make connections of a social, historical and moral nature - the supposed 'autonomy' of the individual - arises from this rationalistic approach to literacy.

While concerned academics such as Kozol issue warning signs about the complexity of literacy practices, there is every evidence that the public discussions on literacy are not always informed by the conceptual wealth of scholars' critical enterprises. In particular, literacy does not usually enter into public discussion except when it is perceived (or proclaimed) to be in 'crisis.' Rudolf Flesch's Why Johnny Can't Read (1955) is symbolic of the regular and recurrent rally cry of the past four decades that education and literacy are in crisis. Though Kozol's landmark book Illiterate America (1985), with its famous claim that "one out of three adult Americans cannot read this book," fanned the flames of literacy 'crisis' as much as anyone else, Kozol, with his call to a "fundamental humane literacy," does clearly look for alternatives from the 'functional' norm.

This is more than can be said for the national survey conducted in Canada by 'Southam News' (Broken Words 1987), published over a week-long period in major dailies across the country, which found 24% of Canadians over the age of 18 to be below "a minimum level of functional literacy." In his presentation to the Canadian Bar Association, Richard Dicerri

highlighted the role of the Southam report in "the evolution of literacy on the national agenda." The findings of the report are received conclusively by Dicherni:

With the publication of the . . . [Southam report], Canadians were alerted to the fact that we have a serious literacy problem. The survey revealed that 24% of Canadians lacked the reading, writing and numeracy skills needed in daily living (2).

The impact of this report on educational politics in Canada has been to upstage any meaningful public dialogue on the nature of literacy in a changing society.

The Southam report's definition of functional literacy was the ability to use printed and written information in society, a more challenging criterion than "the traditional definition of just being able to sign a name or read a simple sentence." Hence, the definition of functional literacy involved everyday tasks such as reading road signs, understanding medicine dosage information and figuring out the change from a lunch order. And whereas the success was moderate (67%) to good (87-90%) on these simple tasks, the success rate on an interpretation of the anti-discrimination provisions in the Charter of Rights and Freedoms (Section 15) was a resounding failure (only a 39% success rate). The answers to be chosen from were 'everyone is equal in Canada' and 'the law in Canada cannot favor one person over another' (8), the second of which was deemed correct. This syllogistic quibbling shows a bias towards a type of reasoning more appropriate to college entrance exams (if at

all!), than to everyday transactions. By focussing on semantics to the exclusion of contextual meaning, the Charter example suggests an unacknowledged qualitative bias to the survey's definition of functional literacy.

The Southam report opens with the dramatic assertion that "five million adult Canadians are marching against their will in an army of illiterates" (7). Jon Bradley, a professor of Education at McGill University, synthesized the evidence into this (spectacular) claim:

It's not as life-threatening as AIDS, nor as terrible as mass murder, nor as current as acid rain. But in the long run it could be a far more damaging threat to Canadian society (8).

This kind of "fear and loathing" plays right into the hands of "back to the basics" education proponents, and it also can be inflected with xenophobic overtones. Consider, for example, the typical race and social profile of the contemporary "illiterate." The Southam report implies that there is a net growth of 30,000 illiterates a year due to "a flawed education system and humanitarian immigration policies" (8). This flip aside is not only a direct slap in the face to the many new Canadians who must earnestly struggle to overcome language and cultural barriers, but it is patronizing and it ignores Canada's history of "brain-drain" immigration policies (Bolaria, 307). Also, the unsubstantiated attack on a "flawed educational system" scapegoats teachers and educators for problems which are at

least partially caused by the radical economic and social upheaval associated with post-Fordism. Ultimately, the spectacular generalizations drawn by the Southam report are insufficient to the task of explaining how literacy and illiteracy impact upon individuals and society.

Quantitative literacy often proceeds from measuring individual and societal literacy levels, to rationalizing these levels into yearly outputs of some causal factor (in this case educational quality and immigration), before finally reducing the entire issue to a monetary cost. A follow-up Southam report suggested that this problem was costing Canada \$10.7 billion a year due to "industrial accidents, lost productivity and training costs." To link literacy levels with a monetary cost to society is the ultimate reduction of this complex issue, albeit not surprising in our current social and political climate.

Ivan Illich notes that the 'homo economicus', "with whom we emotionally and intellectually identify," has come to define education as learning "when it takes place under the assumption of scarcity in the means which produce it" ("Plea for Research" 12). In other words, like other forms of capital, cultural capital (in this case, literacy) is subject to the laws of the marketplace; social Darwinism will determine differential allocation of this resource and the resultant hierarchy of achievement will be just and deserved. Those 'victims' who end up with the short end of the stick

will constitute a burden on the community. The liberal response to this predicament will be to provide the have-nots their fair share (hence, adult literacy programs and plain language reform), whereas the conservative response will be to blame them for their 'problem' and in the process malign them with broader social ills. The Southam report synthesizes these two positions by blaming illiteracy for a supposed \$10.7 billion loss to Canada per year, while appealing to the bleeding hearts of potential voluntary tutors and financial donors to come together to solve the problem of "Illiterate Canada."

Harvey Graff challenges what he calls the "literacy myth," the idea that qualitative dimensions such as individual development, socioeconomic progress and social order are correlated with increased levels of quantitative literacy. Says Graff:

What research has been done . . . arrives at the common conclusion that qualitative abilities can not be inferred simply or directly from the quantitative levels of literacy's diffusion. Studies of early modern England, 18th and 19th century Sweden, and urban areas in the 19th century, all suggest that there is a significant disparity between high levels of the possession of literacy and the usefulness of those skills . . . Thus, it is possible that with increasing rates of popular literacy did not come ever-rising qualitative abilities (81).

Of course, to pierce the literacy myth is to deny that quantitative literacy is necessary to social and economic amelioration, thus throwing considerable doubt on historical

models of "declining standards," which are often used to substantiate the literacy myth. Suzanne de Castell and Alan Luke have shown the paradigms of school literacy instruction to have changed so radically in the past century - from 'classical,' through 'progressive' and 'technocratic' (to the current melange of elements of all three) - that historical comparisons of literacy requirements are in vain ("Models of Literacy" 87-109). Furthermore, as Richard Coe notes, the demography of school populations has changed dramatically with the increasing percentage of secondary school students who stay past Grade 10. In British Columbia, for example, the numbers rose from 1% in the 1920s, to 50% in the 1950s, to 80% in the 1970s ("Teaching Writing" 277), thus eroding the caste-like hegemony over education on the part of economically privileged WASP males. But while the "literacy myth" fails the test of time, illiteracy nonetheless continues to be viewed as some sort of social malaise, a handicap or burden to society.

It is at best naive to view literacy as a causal, rather than a concomitant factor in social and economic development. Viewed in a critical light, "illiteracy" is but a construct, a supposed deficiency or lack from which a certain portion of society is purported to suffer. In defining literacy as a lack, literacy itself becomes quantified: you have either got it, or you do not. As David Wallace and Paul Kelley point out, the "discourse of skills" which surrounds the

literacy debate, though "seemingly an answer to the anxiety of human inadequacy and insufficiency, actually encourages it" (50). Thus, this quantified notion of literacy skills serves to perpetuate the problem ad infinitum. In the process, the needs that are best served are those of socially dominant groups who require that poverty and powerlessness appear to be just and deserved, while the "illiterate" is taught to internalize those needs as their own (52). The myth of meritocracy - that hard work and intelligence are neutral arbiters of 'success' - underlies this differential allocation of social power. In the process, the so-called illiterate is persuaded to identify the inability to read and write with a particular station in life which is just and deserved, and is thereby encouraged to struggle at all costs to learn the code of the masters.

The term illiteracy, meaning an inability to read and write, is an historically recent phenomenon, and should be treated with a certain amount of critical reserve. Raymond Williams has traced its development from the sixteenth century sense of "poorly read" or "ill educated," the sign of an uncouth gentleman, to its modern meaning which had emerged by the time of the advent of universal, compulsory education in the late nineteenth century (183-8). Illiteracy is thus a condition which is operative in our modern context of institutionalized knowledge and ritualized education, a sign of social failure. According to Henry Giroux, however,

illiteracy is not a random misfortune of a certain portion of the populace, but it is "a cultural marker for naming difference" (3). Hence, as well as serving to blame the victim for their plight, this 'cultural politics of literacy' is the contemporary correlative to the class-biased fear of the masses:

What is important here is that the notion of cultural deprivation serves to designate in the negative sense forms of cultural currency that appear disturbingly unfamiliar and threatening when measured against the dominant culture's ideological standard regarding what is valorized as history, linguistic proficiency, lived experience, and standards of community life (3).

The 'difference' of the illiterate is subjugated to the hegemonic requirements of the socially and economically dominant groups, who have historically used literacy as a socially regulatory mechanism.

In a dialogue with Paulo Freire, Donaldo Macedo comments on his "respect" for the "element of resistance" amongst the illiterate, and Freire responds by applauding the "astuteness of the oppressed classes in this regard" (136-7). To deny the legitimacy of the element of resistance is to engage in intellectual snobbery: What is good for me, must be good for you. Furthermore, as Johan Galtung has expressed, if it is quantitative literacy which we offer, we should not expect qualitative results:

What would happen if the whole world became literate?  
 Answer: Not so very much, for the world is by and large structured in such a way that it is capable of absorbing the impact. But if the world consisted of literate,



autonomous, critical, constructive people, capable of translating ideas into action, individually or collectively-- the world would change (in Graff, 82).

Though Galtung simplifies a complex process with his causal link between 'critical literacy' and social change, literacy does have the potential to facilitate such change. But while literacy has an emancipatory or enlightenment potential, this potential does not issue automatically from the technique of literacy, but rather from the materially and historically situated practices of people and communities.

#### **Qualitative theories of literacy.**

Harvey Graff states that "neither writing nor printing are on their own agents of change" but that "their impacts are determined by the manner in which human agency exploits them . . . in historically specific material and cultural contexts" (64-5). This echoes Karl Marx's famous phrase that "men [sic] make their own history, but they do not make it . . . under circumstances chosen by themselves . . ." (Eighteenth Brumaire 15). Existing modes of communication are part of the received tradition, but human actors enter onto the scene under specific historical circumstances to use or practice them, often transforming them in the process.

For many literacy learners, change is a reality; to demean their efforts and achievements is not my intention. However, it is the further valuation of literacy as a

qualitative state of being, as opposed to (just) a communicative competence, which can sometimes undermine their efforts. By saying that someone 'is' literate, rather than engaging in particular literacy practices, a cultural bias is enacted into a social sorting mechanism. Instead of recognizing the multiple types of communicational competencies - for example, the diverse and historically distinct 'non-standard' languages and literacies - a universal norm is posited.

This is the cultural politics of literacy, the site where culture and language cease to be neutral arbiters of success, but rather become markers of sanctioned forms of "cultural capital." As Pierre Bourdieu points out, cultural capital is not made up of quantifiable, neutral 'competencies', but of class-biased "attitudes and aptitudes" such as a certain "style, taste (and) wit." For Bourdieu, this involves treating a "social gift" as a "natural one," and confusing socially and economically quantifiable indices with qualitative distinctions of value:

By awarding allegedly impartial qualifications (which are also largely accepted as such) for socially conditioned aptitudes which it treats as unequal 'gifts', it transforms... 'economic and social' differences into 'distinctions of quality', and legitimates the transmission of the cultural heritage. In doing so it is performing a confidence trick (115).

Patricia Bizzell has shown how this 'confidence trick' manifests itself in the conflation of literacy in general

with academic literacy in particular. According to Bizzell, attention tends to be drawn away from "the social class basis of academic literacy," to focus instead on some "supposedly transcendent standards" which make a particular 'cultural literacy' appear neutral and universal ("Arguing" 142).

Qualitative theories are not, however, uniform and homogeneous. In particular, it is possible to distinguish between 'textual' and 'contextual' varieties. 'Textual' theories of literacy consecrate the power of the written word to transform popular consciousness. The written Word, as archetypically represented in the Bible, is vested with the power to speak the word of truth (God) and to cause a certain enlightenment and (re)new(ed) action on the part of the reader. The text-bias of these theories operates as a sort of tunnel-vision, directing attention to linear questions of causality: the operative question becomes 'what are the effects'? - not 'how is it used'? In this light, literacy is seen unproblematically as a social 'good'. While separating text from context, this tendency also reifies culturally-specific processes as 'universal', and thus blinds itself to popular communicative practice.

"Textual" theories of literacy share a faith in the transcendent nature of literacy associated with Western 'civilization'. There is a substantial body of material, sometimes referred to as the Great Cognitive Divide hypothesis, that argues that literacy set the stage for

philosophy, science and the "achievements" of Western societies. Theorists such as Eric Havelock, Jack Goody and Walter Ong have all attributed large-scale changes in social organization and knowledge to the dissemination of literacy. In an article written with Ian Watt, Goody argues that because literacy documents the historical past, thus separating past from present, it begets scepticism, both of the historical past and of the universe as a whole. Hence, state Goody and Watt:

From here the next step is to see how to build up and to test alternative explanations; and out of this there arose the kind of logical, specialized, and cumulative intellectual tradition of sixth-century Ionia ("Consequences" 26).

The introduction of writing led to the development of the syllogism and other forms of logical argumentation. According to the great divide theorists this also laid the groundwork for philosophy and science.

An emphatic version of this hypothesis comes in the statement of David Olson that "speech makes us human, but writing makes us civilized" (175). Olson goes so far as to make the claim that the essay form represents the as yet most advanced development of thought and knowledge. Textual theories of literacy retain the 16th century notion of literacy as a state of being well-read and, hence, 'cultured'. As Olson makes evident, this notion of literacy survives well into the present, mostly as a side-effect of a type of schooled literacy. The high school English

curriculum, with its deference to "high culture," reinforces cultural hierarchies and is a social sorting mechanism par excellence. In popular culture, textual theories of literacy rear their heads in movie advertisement bylines which often use the adjective 'literate' to stand in for 'complex' or 'deep'.

In contrast to textual theories, contextual ones are only apparent in 'use' or 'practice'. Contextual theories of literacy are qualitative because they work for people in real contexts to get things done. The concept of 'functional literacy' finds no analog here. Instead, the lowest common denominator of literacy's dissemination in a given society is a generalized consciousness of the power of the written word to regulate social interaction, what Ivan Illich has termed "lay literacy" ("Plea for Research" 9). Illich argues that regardless of levels of quantitative literacy, we, as members of a literate culture, are all "lay literate." For Illich, the ability to read and write is nothing but clerical, or "scribal," literacy, whereas "lay literacy" refers to a qualitative shift in popular consciousness: "a distinct mode of perception in which the book has become the decisive metaphor through which we conceive of the self and its place" (9). This is a significant counterpoint to the literacy myth, as it transcends the mere clerical orientation of quantitative literacy to demonstrate the qualitative impact of the text on society.

Illich argues that, regardless of one's abilities to read and write, the book has been the dominant metaphor by which one forms one's thoughts, a metaphor also for the authority of truth claims in the modern era. It can be argued, on the other hand, that quantitative literacy is a response to the increasing dependence in a post-Fordist society on the computer as the dominant metaphor, a metaphor for the new ('user friendly') accessibility of truth claims. Illich describes the new "great divide":

During the last decade, the computer has been rapidly replacing the book as the prime metaphor used to visualize the self, its activities, and its relatedness to the environment. Words have been reduced to "message units," speech to the "use of language," conversation to something called "oral communication," and the sound symbols of the text to (binary) "bits" (10).

Illich complains that "the computer-as-metaphor is exiling anyone who accepts it from the space of the literate mind" (19), and he rails against "the betrayal of those clerics who dissolve the words of the book into just one communication code" (22).

Illich admits that he feels "threatened" by the invasion of his "island of the alphabet," an island he shares "with many who can neither read nor write but whose mind-set, like [his], is fundamentally literate" (22). Lay literacy has always been inscribed by a hierarchy of literate labor and by preferential allocation of "cultural capital." To deny the potential validity of more accessible prose - such as

plain language - is also a case of intellectual snobbery. If indeed there is a dissolution of a particular epistemic order taking place, then the problem at hand is how to ensure that the resultant order is based on the principle of democracy, not on the exigencies of efficiency.

While the computer metaphor requires that everybody be 'jacked in' to the communication circuit, we must reconsider the notion of a division of literate labour, which would recognize differences between people without scapegoating them for their clerical shortcomings. For example, the product of a lawyer is to a significant extent a particular literacy which requires specialized training. While people may accord a lawyer certain socially ascribed deference and power, it is not seen as a sign of moral and social failure to consult a lawyer for specific and particular information which is not common knowledge. To recognize that we are all lay literate, that clerical skills are but a subset of social abilities, is to see that the present commotion about "illiteracy" is extremely patronizing and condescending.

It was reported by the Southam report that "nearly half of the 4.5 million functional illiterates identified in this survey are 55 years or older, even though this group only accounts for 29% of the population." The almost double over-representation of this social group in the "army of illiterates" begs the question: how did they make it so far? Have they always been dysfunctional to the communicative

order of society, and for that matter, are they so now? This anomalous majority constitutes one of the great ironies of the drive to eradicate "illiteracy." While this group stands as a (mute) testament to the fact that literacy 'crises' tend to coincide with fundamental social and economic changes - in this case, the rupture known variously as post-industrialism, post-fordism, postmodernism or the information society - this group's literacy is nonetheless idealized in the calls for education to go 'back to the basics'.

A contextual theory of literacy would have to consider the complexities of the slippage of historical literacy standards which has left those educated in the first half of this century behind. To keep up with the changing relationships of people to the texts which regulate and enable the transactions of everyday life, literacy practices must always be studied within specific contexts. In the case of plain language reform and the law, several 'literacies' must be identified: the community affirming nature of legal language to lawyers, the community affirming nature of legal language to the general public, and the changed needs of both lawyers and the general public for a more communicative genre of legal writing. A rhetorical approach to literacy would include these contextual concerns.

On the surface, the new-found concern of the legal community for literacy is a positive step towards enabling a participatory society. Whether as advocates for literacy



campaigns or as plain language reformers, lawyers can play an important role in literacy initiatives. However, when even the theorists of literacy have a hard time defining what literacy is, or what a desirable level of literacy would be, then the unreflective acceptance of models of 'functional literacy' is a cause for concern. Thus, it is important that distinctions be drawn between models of literacy, or what I call the quantitative and qualitative paradigms of literacy.

The quantitative paradigm measures the number of literate competencies attained by the individual or the society and, at its most reductive, transforms these figures into a 'cost' to society. The lowest common denominator of this paradigm is 'functional literacy', a goal which guarantees only minimal participation in a society. Proponents of this paradigm measure literacy skills under test conditions and sound the alarm of full-scale literacy crisis at any sign of failure. On the other hand, critics of this paradigm accuse them of propagating a 'literacy myth', asserting instead that literacy cannot be abstracted from its context of use.

The qualitative paradigm makes no necessary assumption of the minimal required literacy skills, instead focussing on the uses that people make of literacy. Proponents of this paradigm do, however, assume a qualitative shift associated with the adoption or consciousness of literacy. The lowest common denominator - 'lay literacy' - assumes a generalized

consciousness of the authority of written language and of the nature of knowledge, which is structured like a book. In this regard, the emergence of the computer threatens the lay literate mentality. A distinction is made between 'textual' and 'contextual' varieties of this paradigm, the former assuming the transcendent nature of literate societies or persons (in comparison to non-literate societies or persons), and the latter suggesting that literacy can only be understood in specific practices or uses.

The distinction between quantitative and qualitative theories of literacy is not absolute, but represents a continuum of emphases. As well as serving - in a broad sense - to distinguish the approaches to literacy taken by journalists and government commissions on the one hand versus academic theorists on the other, this distinction presents an alternative to Brian Street's well known division of autonomous and ideological paradigms of literacy (1984). Street distinguishes between a context independent paradigm of literacy (autonomous), and a context embedded paradigm of literacy (ideological). Street's model is inadequate to the needs of this study, because he lumps together the qualitative, textual theories of Jack Goody and David Olson with what I have termed quantitative theories of literacy.

In the case of plain language reform in Canada, the analytical distinction between quantitative and qualitative theories of literacy is useful to differentiate current plain

language initiatives. It is my contention that the efforts of Canadian banks and financial institutions represent a quantitative approach to literacy, while the program carried out by the B.C. Ministry of Attorney General at least recognizes the qualitative dimension of literacy practices. (See below, pages 88-98). In practice, this difference of emphases results in a difference of approaches to plain language reform, one style-based, the other genre-based.

### Chapter 3. Symbols and Motives: Rediscovering Rhetoric.

Research communities are known by the languages they speak, and if those of us who study professional communications do not address ethical and political issues, then we marginalize ourselves as mere technicians of the word (63).

-Thomas P. Miller

Thomas Miller argues that the emphasis of classical rhetoric on ethical and political values must be revitalized to counter the objective, technical bias of much so-called technical writing, which tends to isolate writing from its context of use. According to Miller, the goal of "civic humanists" such as Isocrates and Aristotle was to produce citizens with "practical wisdom" (57). States Miller:

For Aristotle (and for civic humanists generally), practical wisdom is based on a broad-based understanding of the shared experiences and traditions of the community that enables us to discover what is best in a particular situation (57-8).

Practical wisdom precludes a theory versus practice dichotomy, and instead requires a conception of praxis, or theoretically-informed practice. Knowledge is thus viewed "as socially constructed, and writing as a process of constructing shared knowledge." Most significantly, however, Miller states that "writers negotiate not only shared knowledge, but also values and power" (59).

For professional writing to be consistent with "civic humanism," particularly in an "information society," it is

essential to contest the view that writing is mere technical know-how and to reintroduce a concept of a public with shared interests. On the one hand, this requires that writing be considered a practice, not a techne or skill. On the other, states Miller: "the community must be based on a real common interest, and its members must have a shared practical understanding of how to advance that interest" (67). This is more important today than ever:

The information explosion has destroyed this shared sense of responsibility by barraging us with messages about the power of technology and other forces that are divorced from the traditions of the community and the needs of individuals (67).

The problem, states Miller, is that if we "think of technology and information only as objective entities, then the problems that the technologies themselves pose cannot generate shared interests or practical understandings of how to protect them" (67). On the other hand, the "practical philosophical perspective of classical rhetoric . . . shows us the importance of combining speculative inquiry, technical expertise and practical awareness into a unified philosophy of writing as social praxis" (60).

### **Dis-Covering Rhetoric**

The objective of classical rhetoric was not to determine truth, but to establish opinion. Indeed, the Greek goddess of persuasion, Peitho, aspired to inducing 'faith' or

'belief'. As Kenneth Burke points out, "the kind of opinion with which rhetoric deals . . . is not opinion as contrasted with truth" (Rhetoric 54). Aristotle devised 'non-scientific proofs' for resolving debates, as well as the 'topoi', or commonplaces, for discovering possible arguments. Reasoning was based on the enthymeme, in which one premise of the logical syllogism is left out and must be filled in by the auditors. These forms of argumentation were devised for persuasive ends, and presumed some measure of freedom of choice for the individual. Thus, they were appropriate to human issues such as ethics, values, and qualitative distinctions. A rhetorical truth is a contextual truth, but a truth nevertheless. To deny the validity of this claim is to throw most humanistic research into doubt.

Burke challenges the notion of a truth which "transcends the limitations of the personal agent who propounds it," and states that "the 'truth' of Christian terminology has found its materialistic counterpart in the terminologies of science" (Rhetoric 76). This theologizing of the scientific motive has had a tremendous effect on the nature of the educational enterprise, let alone on society. In concrete terms, it has set the stage for a proliferation of quantitative social analyses, at the expense of qualitative ones such as rhetoric. States James Raymond:

Rhetoric, applied to the humanities or to any other field, is even less certain than science, but also more useful, because it deals with questions that

science methodologically excludes: questions about values, ethics, esthetics, meaning, politics, justice, causality involving human motives, and causality involving an indeterminate number of variables (781).

One has only to look at the role of the judge, for example, to see that scientific reasoning is wholly insufficient for determining the outcome of a court case. The judge must interpret the statements made in court and make a judgment therefrom. And even if a case has been scientifically proven (fingerprints, etc.), the judge must still make a subjective opinion on the form and scale of the retribution. Where the scientific motive oversteps the rhetorical motive in justice, totalitarianism is likely to be lurking in the shadows.

James Kinneavy states that rhetoric is in "exile," leaving the humanities without its main link to society:

I maintain that for 2,100 years the study and production of persuasion formed the core of the humanities and linked the humanities to the practical life of the everyday citizen. Rhetoric, in other words, made the humanities relevant to the political and religious life of society (20).

Rhetoric integrated what are today considered diverse fields of inquiry. According to Kenneth Burke, Aristotle's "Art of Rhetoric includes much that falls under the separate headings of psychology, ethics, politics, poetics, logic, and history" (Rhetoric 51). For Aristotle, rhetoric was a practical source of knowledge, being both "the faculty of discovering the persuasive means available in a given case," (Burke, Rhetoric 49) and "a faculty that enables human beings to make

proper judgments about what to say in any given circumstance" (Murphy, "Rhetorical" 7).

Rhetoric has long played a role of great significance in classical humanistic (or liberal arts) education. Indeed, these defining terms themselves evolved from Roman rhetorical tracts, though they were certainly preceded by their Greek analogs. The first recorded use of the word 'humanitas' is in the Rhetorica ad Herrenium (90 B.C.), an anonymous text long attributed to Cicero who had introduced the term 'artes liberales' three years before in his De Inventione (87 B.C.). As for the Greeks, the progenitors of this intellectual tradition, the notion of the humanities was subsumed under the term 'paideia', which denoted a broad intellectual training and experience. And while 'paideia' was an ideal, rhetoric was a method to achieve this ideal.

The study of rhetoric, in its classical and contemporary forms, provides the critical heuristic needed to describe a 'contextual' theory of legal literacy practices, which gives full credence to human agency and rhetorical context. Rhetoric is a qualitative approach to knowledge where truth claims must always be established in a context. Thus, rhetoric destabilizes the set of certainties upon which the legal community bases its claims to knowledge. Unlike other paradigms of discourse analysis, such as linguistics and formalist literary criticism, rhetoric studies an utterance and its context simultaneously, that is to say, it studies



the 'situated utterance'. Rhetoric analyzes how symbols and forms are persuasive, how they motivate people to hold certain attitudes and to respond with certain actions or behaviours, often on the basis of group identification.

The reemergence of rhetoric to scholarly attention presages somewhat the favorable intellectual climate out of which plain language has arisen. The Victoria Commission underscores the role which current theoretical movements had on plain language reform:

It would be a pity if we were to see the plain language movement as just part of consumerism. It derives its strength from a wider intellectual environment and, since its emergence, it has been contributing to this environment through research into its characteristics (2-3).

According to the Commission, this wider intellectual context includes research into the process approach to writing, reader reception theory, psycholinguistics and sociolinguistics, all of which share the sensitivity to audience which marks rhetoric.

### **The Rhetoric of Identification.**

The law firm culture has a tremendous impact on young lawyers (22).

-Canadian Bar Association  
and Canadian Bankers' Association  
Joint Committee on Plain Language

The tradition of all the dead generations weighs like a nightmare on the brain of the living (Eighteenth Brumaire 15).

-Karl Marx

The reliance of law on precedent and language usage that has stood the test of time leads in practice to reification and rigid formalism. The legal process is rich in rituals, symbols and texts which stand in for the particular people and actions that occasioned the laws in the first place, and which serve to consolidate and consecrate the legal community itself. Says B. J. Brown:

Reification. . . happens in all walks of life - and in all the occupations. That there is much stronger evidence of it in the legal profession than in, say, shoe-repairing or hairdressing, suggests that lawyers have been less willing, or less able, to sublimate their traditional fictions-dependency (or double-think habit) (5).

One cherished commonplace of the legal community is the assumption that it is the courts at work, not people. And while human agency is formally erased from the court process, another fiction of law is that corporations can be 'persons'.

B.J. Brown argues that while "reification accompanies almost every organized collective activity, . . . some fictions . . . awaken a more empathetic response in the public than others" (1). Brown calls on the authority of Judge Thurman Arnold who recognized, in The Symbols of Government (1935), "the crucial part played by popular legal symbolism . . . in keeping 'The Law' afloat" (2). Says Brown:

. . . they have demotic appeal, they embody elements of shared understanding and, importantly, they help maintain an empathetic link between "law" and the mass of private persons we call people (3).

Joseph Vining points out that texts in particular, play a key role in maintaining the authority of law. By virtue of "that most signal feature of legal discourse, that writers of legal texts do not speak for themselves," these texts seem to speak "for the law or for an entity . . . that in turn speaks for the law" (6).

As the "symbol-using animals," humans have much of their Weltanschauung determined by their symbolic environment. Burke asks if our "reality" for today is anything but a "clutter of symbols about the past combined with whatever things we know mainly through maps, magazines, and the like about the present" (Language 5). Says Burke: "Man [sic], qua man, is a symbol user. In this respect, every aspect of his [sic] "reality" is likely to be seen through a fog of symbols" (Rhetoric 136). This fog of symbols, or "symbolic veil," shapes our perceptions and determines our associations. The symbolic veil is socially molded and is motivated by one's "discourse community" (Bizzell, "Cognition"). Members of a discourse community share codes and concepts (and, at the most basic level, a common language) which enhance internal communication, and which lead them to see things in the same light.

In this sense, members of a discourse community are consubstantial, which means roughly: "to stand on the same ground with." In his definition of rhetoric, Kenneth Burke emphasizes the role of communication and cooperation:

[Rhetoric] is rooted in an essential function of language itself, . . . the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols (Rhetoric 43).

While Burke subscribes to Aristotle's definition of rhetoric as "the art of persuasion, or a study of the means of persuasion available for any given situation," he draws a broader conception of rhetorical context with his notion of "consubstantiality." States Richard Coe:

To stand together with others is to be consubstantial with them: stance = stand; hence substance = that upon which one's stance is based, grounded; con = with; hence consubstantial = to stand on the same ground with ("Defining" 47).

Applied to rhetoric, this concept shows the dialectic of persuasion which occurs when the speaker and hearer have shared commonplaces. An utterance can have a literal and contextual meaning, but at a higher level of generalization, it can persuade in the realm of identification (and division). This process is demonstrated in Socrates' dictum, quoted by Aristotle (and Burke), that "it is not hard to persuade Athenians among Athenians" (Rhetoric 55). Burke points out that even the most unemotional scientific language can persuade people to view the world in one way or another. This 'identification' works at the covert level of the issue, the 'substance' of a problem which is often not debated.

Though Burke did not coin the term 'discourse community', he did describe how the language and concepts of one's cultural group function to constitute one's way of

interpreting the world:

We discern situational patterns by means of the particular vocabulary of the cultural group into which we are born. Our minds, as linguistic products, are composed of concepts (verbally molded) which select certain relationships as meaningful. Other groups may select other relationships as meaningful. These relationships are not realities, they are interpretations of reality - hence different frameworks of interpretation will lead to different conclusions as to what reality is (Permanence 35).

Although Burke limits himself in this passage to communities of birth right, the concept of discourse community is far more useful if it is extended to include all of the communities to which one may belong through association, membership or profession. This insight is often associated with the contributions to reader-response criticism of Stanley Fish, who uses the term "interpretive community" to describe how readers (and writers) can not operate autonomously, but rather always bring shared assumptions and strategies to how they read (and write). Of course, discourse communities are not monolithic or seamless. In the case of the legal profession, for example, one could belong to a variety of discourse communities at the level of specialization (commercial law), profession (the Bar), class (upper middle class?) and nation. And this does not even begin to describe diverse discourse communities at the level of gender or race identification, movements of regionalism, etc.

Thomas Kuhn uses the term "paradigm" to describe a

group's shared assumptions and strategies. In The Structure of Scientific Revolutions, Kuhn describes a paradigm as the group commitments and shared examples of a particular community of knowers, or "the entire constellation of beliefs, values, techniques, and so on shared by the members of a given community." In practical use, this paradigm is reduced to, or derived from, "one sort of element in that constellation, the concrete puzzle-solutions which, employed as models or examples, can replace explicit rules" (175). In science, says Kuhn, works such as Aristotle's Physica, Newton's Principia and Franklin's Electricity "served for a time implicitly to define the legitimate problems and methods of a research field for succeeding generations of practitioners." The result was a research paradigm which was able "to attract an enduring group of adherents away from competing modes of scientific activity," while being "sufficiently open-ended to leave all sorts of problems for the redefined group of practitioners to resolve" (10). According to Kuhn, change to scientific paradigms does not occur in an evolutionary, but a revolutionary, way. A fundamental shift must occur in the way people see the world. It is of vital importance to realize that this does not involve denying or revealing the 'facts', but looking at them in new way.

A discourse community's paradigm will be made up of certain shared terms and forms which serve two purposes, one

functional and the other identificatory. In other words, the shared terms and forms which help to constitute a community perform a specific functional role within that community, but they also help to police the boundaries of the community by distinguishing who is in the know, and who is not.

Ironically, because the use of conventional terms and forms becomes 'second nature' to the members of the discourse community, it is often less apparent to insiders than outsiders that these terms and forms are exclusive. This extra-linguistic function of terms and forms is an example of how 'motives' are inscribed directly into language.

### **Symbolic and Formal Motives**

Language, being "the loom of law" (supposedly working for people as well as for lawyers), it becomes necessary, and ultimately revealing, to inquire how and for what reasons that law-language is used for purposes other than its most publicized and manifest one - namely to guide society (as opposed, say, to that of "comforting" society) (2).

-B.J. Brown

Kenneth Burke uses the term "symbolic action" to describe how language both communicates 'meanings' and motivates actions. For Burke, the difference between action and motion distinguishes the action of "all typically symbol-using animals (that is, humans)" from geological and biological "motion." Action, in short, is always 'peopled' with intentions. And it is language which has emerged as

"what we might call a 'mechanism' for the steps from nonsymbolic motion to symbolic action" ("(Nonsymbolic)" 811). As the principal symbolic medium, language motivates people into action (or non-action) by affecting their attitudes, which are "incipient actions" (816).

The "inducement to action" implicit in this definition of rhetoric is most clearly apparent in Cicero's Orator (46 B.C.), and in St. Augustine's De Doctrina christiana (426 A.D.) which Burke calls the "first great Christian rhetoric." By distinguishing functional styles which can alternately instruct, delight and move an audience, both Cicero and St. Augustine try to search out a more subtle notion of the goal of persuasion. Says Burke:

in Cicero and Augustine there is a shift between the words "move" (movere) and "bend" (flectere) to name the ultimate function of rhetoric. This shift corresponds to a distinction between act and attitude (attitude being an incipient act, a leaning or inclination) (Rhetoric 50).

Persuading people to adopt certain attitudes which will inform their actions was certainly a goal of the Christian tradition. As Burke points out, 'faith' and 'belief', the aspirations of the Greek goddess 'peitho', "came to designate the highest order of Christian knowledge . . . as contrasted with reason" (52). Unfortunately, due to its rigid textual bias - where the book is the law - the Christian tradition does not provide a salutary counterexample to the exile of rhetoric in secular humanism.



Key-terms  
root met

Burke points out that the act of naming is significant to how something will be both understood and acted upon. Because entitlement, the reduction of some process or "thing" into a term, directs our attention in certain ways, this "terministic screen" can motivate particular ways of seeing. Says Burke:

Even if any given terminology is a **reflection** of reality, by its very nature as a terminology it must be a **selection** of reality; and to this extent it must function also as a **deflection** of reality (Language 45).

I.A. Richards states that this process of selection and deflection is an active process which he calls "sorting":

A perception is never of an 'it'; perception takes everything it perceives as a thing of a certain sort. All thinking from the lowest to the highest - whatever else it may be - is sorting (Philosophy 30).

Richards argues that "the simplest-seeming concrete object" appears concrete precisely because it is brought "simultaneously into a number of sorts." Says Richards: "The sorts grow together in it [the object] to form that meaning" (35).

One of the principal ways which a discourse community constitutes itself in language is through key terms and root metaphors. Key terms, while functional and perhaps unique to the discourse community, can be learned by outsiders. Key terms are established, or inherited, by a discourse community to ensure and facilitate fullness and complexity of address. Specialized terms and specialized senses of existing terms

evolve to facilitate and deepen communication and understanding within the community. While these specialized terms serve communicative purposes, when they are introduced to a broader public they often serve only to obscure and obfuscate. In the career of a word, this represents the transition from 'key term' to 'jargon', or from communication to doublespeak.

Root metaphors, on the other hand, operate more subtly to inform the presuppositions, or worldview, of a discourse community. Stephen Pepper proposes the term root metaphor as "an area of empirical observation which is the point of origin for a world hypothesis" (3). Thus, a root metaphor functions like a trigger, setting off a metonymic chain of associations. A root metaphor, as the metaphor suggests, underlies a terminology, and carries with it many shared identifications. In Metaphors We Live By, George Lakoff and Mark Johnson describe this as a "conceptual metaphor":

Our concepts structure what we perceive, how we get around in the world, and how we relate to other people. Our conceptual system thus plays a central role in defining our everyday realities. If we are right in suggesting that our conceptual system is largely metaphorical, then the way we think, what we experience, and what we do every day is very much a matter of metaphor (23).

Because they are often used unconsciously, root metaphors play a particularly important role in making the members of a discourse community consubstantial.

A significant root metaphor of post-Fordist public

discourse is the term 'consumer', or 'customer'. David Edgar describes how this term rose to a new prominence in the 1980s (in Britain) - replacing "P-words" such as patient, passenger, pupils, etc. - and he points to the political agenda behind this shift. Says Edgar: "Pupils, patients and party-members protest and petition; customers complain" (28). This root metaphor undergirds many plain language initiatives; in fact, it might be argued that this root metaphor lies at the base of the entire movement. The CBA report, for example, stated that Plain Language would provide benefits for "consumers, businesses, and lawyers" (Decline 12). By focussing on 'consumers' rather than 'citizens', the CBA report reflects the purportedly 'user-friendly' system of individual responsibility associated with post-Fordism. This corresponds with the shift from authority to accessibility as the legitimating principle of text-mediated social relationships.

Of course, rhetorical identification does not take place only at the level of word and concept, but also at the level of form. In other words, while a discourse community such as the legal profession will share a number of key terms and root metaphors, it will also share formal conventions such as genres and styles. In fact, in the case of plain language, language reformers have identified the key issue as syntactic (and semantic), not as lexical. As Gail Dykstra points out, "plain language is not a vocabulary exercise," as specialized

vocabulary can be learned by those who feel a need to do so. Instead, says Dykstra: "it is the style of legal writing more than terms of art that confuse and intimidate" ("Plain Language, Legal" 5). These assertions are substantiated by the Law Reform Commission of Victoria (Australia) which also found that "plain language is concerned with matters of sentence and paragraph structure, with organization and design, where so many of the hindrances to clear expression originate" (3). Thus, the primary issue for plain language reformers is not one of jargon, but of obscure prose. \*

It follows, then, that plain language reformers must consider 'formal motives' - how form motivates the 'functions' and 'identifications' of legal, corporate and bureaucratic discourse communities. Says Kenneth Burke:

Form . . . is an arousing and fulfillment of desires. A work has form in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence (Counter 24).

Rhetoric is useful in this context because it focuses on how language performs as utterance, not as abstract system. If the limit of grammar is the construction of coherent sentences and passages, rhetoric takes off from here to analyze the whole of an utterance, whether it be a one word salute or a multi-volume treatise. Rhetoric links the form of an utterance with its content; thus, to change the form of language is to tamper with its content. And it is for this reason that plain language reform implies more than simply

the substitution of one set of terms for another. The plain language revisions are not purely a matter of 'style', but involve shifts of 'genre', in this case from one which privileges the 'authority' of legal language to one which asserts its 'accessibility'.

This transition between genres is not apparent in the texts of plain language alone, but rather derives from the broader context of plain language reform. Following the advice of Thomas Miller, it is imperative for professional writers not to "marginalize ourselves as mere technicians of the word," but to unite ethical and political concerns with plain language reform. Rhetoric enables this project in three ways: First, rhetoric destabilizes positivist truth claims, showing the contingency and context-bound nature of language practices. This dynamic view of language necessitates an awareness of audience and of the continually shifting terrain of common-sense language uses. Second, by underscoring the role of identification and discourse community in communication, rhetoric demonstrates how language functions to help groups to demarcate boundaries and to help get things done. By identifying the communities of language users, rhetoric adds an important caveat to any claim that language could be 'plain' to speakers of distinct backgrounds. Finally, by emphasizing the motives that are inscribed into language, rhetoric enables us to begin to ask difficult questions of seemingly benign practices like plain

language. With recourse to concrete textual features and actual writing processes, rhetoric allows us to raise important ethical and political questions.

#### Chapter 4. Plain Language Re-Form: Style or Genre?

Because the goal of the plain language movement is to re-form the public documents of legal, financial and governmental bureaucracies, it is important to ascertain what sort of a formal approach is being undertaken. According to Gail Dykstra, the Director of Public Legal Education at the Canadian Law Information Council, "plain language marries content and format to create documents that can be understood by anybody" ("Plain Language and the Law" 3). The dichotomy between content and form asserted by Dykstra reproduces an old language myth, that language is a dress that thoughts put on (cf. Richards, 12). This contention suggests that meaning will be clear, providing that sufficiently transparent language is chosen, so as not to obscure the inner, linguistic truth. Furthermore, Dykstra's assertion that plain language creates documents "that can be understood by anybody" begs the literacy crisis question. To whom is Dykstra addressing herself? Who is she excluding? Obviously, if there are people who cannot read, then no document can be entirely transparent.

This notion of the transparency of language seems to lie at the heart of much plain language reform, thereby implying that the ensuing changes will be purely stylistic. For many plain language reformers, this fallacy might emerge from too dependent a reading of style guide books such as Strunk and

White's The Elements of Style (1959), or legal drafting manuals such as David Mellinkoff's Legal Writing: Sense and Nonsense (1982). In both of these cases, lists of easy-to-follow rules are provided which are purported to ensure the clarity of one's written prose. Thus, in practical terms, the style approach to plain language limits its intervention to the moment of writing. It focuses on the text as the site for intervention, and ranges from rather didactic formula solutions to more sophisticated rhetorical considerations of audience. The question of whether to just revise existing documents or to start anew - from the ground up - is integral to this approach. Whenever this particular debate arises, the apparent division at the level of process is sublated into an agreement at a higher level. That is, both of these positions presuppose a style based approach to plain language reform.

While the practice of revising documents by implementing certain drafting rules focuses the task exclusively on the writer and her (or his) text, the rhetorical context approach to writing opens up at least to imagine an audience. Thus, the rhetorical context approach skirts the boundaries between style and genre. In theory, it should belong to a genre based conception of language reform, because it considers the full complexity of the communicative moment - purpose, audience, occasion and genre. However, in practice, the rhetorical context approach is often a stance taken by the



writer which remains limited by the parameters of the writer's imagination. Of course, rhetoricians of classical Greece and Rome had a live audience to keep them in check. Modern writers, on the other hand, typically write in seclusion; for them the audience is always a fiction. This is one of the limits of rhetoric, the site where the rhetorician turns crowd psychologist.

The issue of plain language has a long history which goes back to the texts of Greek and Roman rhetoric. In classical rhetoric, the issue of style (elocutio) was contentious, because 'what' was said was seen to be very much bound up in 'how' it was said. The texts of Roman orator Cicero deal most explicitly with the issue of plain style, but throughout classical rhetoric the issue was also articulated around the axis of eloquence versus wisdom. The charge of "mere eloquence" (or 'sophistry') was levelled not only at the practice of stylistic embellishment, but also at rhetoric itself. The question seemed to be: is rhetoric (just) style, or is style (part of) rhetoric?

In a most scathing early attack on rhetoric, Plato refers to it in the Gorgias as a type of flattery which is "the counterpart of cookery in the soul, acting here as that does on the body." Plato distinguishes true learning from belief and associates rhetoric with the latter. This skepticism about the legitimacy of rhetoric turns on the notion that rhetoric is just style. "As self adornment is to

gymnastic, so is rhetoric to justice," says Plato. Of course, Plato is reacting to the teaching of eloquence, associated with the Sophist teacher Gorgias, and unfairly maligns the whole of rhetoric with his statement.

Nonetheless, he does find the grounds for a noble rhetoric in the Phaedrus. And just as Plato is more than only a critic of rhetoric, the Sophists are more than just teachers of eloquence.

The majority of Aristotle's Rhetoric deals with invention (inventio), "the facts themselves as a source of persuasion." It can be argued that the portions of the book on the speaker's presentation of ethos and the concern for the audience's pathos portray style and genre based concerns. Both involve identification, as the speaker's cause must be seen as good and noble and the audience must be brought to experience the problem emotionally. The identification with the speaker's persona, and the emotional consubstantiality which members share, facilitates persuasion. Much of this identification takes place at the level of genre and style, because the language resonates with local and particular features.

Cicero presents a sophisticated theory of style with his officia oratoris. He describes the plain, middle and grandeloquent styles which are used alternately to instruct, to delight and to move the auditors. Both he and later St. Augustine develop strategies for how most appropriately to

manipulate the three styles. The plain style instructs the audience on the issue at hand, the middle style holds their attention and the grandeloquent style persuades them. The three styles work symphonically in any rhetorical context, the emphasis of one over the others depending on different functions and purposes.

Cicero's approach underscores the naivete of isolating a plain style. The boundary lines between style and genre can be fuzzy, but, as Mikhail Bakhtin asserts, style is subsumed by genre. Bakhtin states that there are an immense diversity of speech genres, from "the single-word everyday rejoinder and the multivolume novel, to the military command that is standardized even in its intonation and the profoundly individual lyrical work, and so on" (61). Bakhtin distinguishes language, or functional, styles, which are genre specific typical styles. A particular function will imply a specific style, a specific relation between speaker and hearer, etc. As Veda Charrow and M. Erhardt point out, "legal language, like the rest of the English language, has various functions - to explain, elicit information, and persuade, among other things" (8). In other words, the adoption of a particular genre does not preclude some play in the purpose of an utterance.

Genres, according to Bakhtin, form organically; they constitute "relatively stable types" of utterances. Says Bakhtin:

Genres correspond to typical situations of speech communication, typical themes, and, consequently, also to certain contacts between the meanings of words and actual concrete reality under certain typical circumstances (87).

There are both primary and secondary speech genres, the latter of which "absorb and digest" the former. Hence, through individual speech acts, or "utterances," certain patterns emerge, which constitute "primary speech genres." In "more complex and comparatively highly developed and organized cultural communication," secondary speech genres arise. Thus, states Bakhtin, "speech genres are the drive belts from the history of society to the history of language" (65).

Recent work in Australia on the genre approach to writing instruction has provided a site for further formulations of the distinction between style and genre. A genre, as defined by J.R. Martin, is a staged, goal oriented social process. It is a social process because it arises from the interaction of members of a culture, it is goal oriented for it has evolved to get things done, and it is staged in that it usually involves more than one step (59). Genres make meaning; they are not containers to put meaning into. Unfortunately, Martin et al. lament, this is not the common sense view of our culture which "prefers to dualise meaning and form" (64). For Martin et al., genres both provide stability to a culture and are flexible enough to participate in social change.

In reality we all manipulate a number of speech genres which serve both to perform specific functions and to demarcate the parameters of the discourse communities we inhabit. Genres involve reification-in-action, that is, a genre is a reified practice which functions contingently to help a community communicate. However, Anne Freedman<sup>a</sup> stresses the play which characterizes genres; that is, unlike recipes, which are rule-bound, genres involve a certain level of unpredictability and negotiation. Using tennis as a metaphor for text interpretation, Freedman points out that neither structuralist 'meaning in the text' models, nor reception theory 'meaning in the reader' models adequately describe the communicative moment. Instead of privileging either the moment of encoding or decoding, Freedman asserts that shots are delivered back and forth across the net of meaning. Thus, says Freedman: "we are no longer talking about a game and its rules; we are talking about the playing of a game" (95). And like a game, a genre is not a genre until it comes into "some sort of dialogical relation" (97), because "it is practically impossible to find a text that mobilizes only one language" (96). Playin' genre thus requires an interaction, where, as in a game, the outcome depends on events, not rules.

A distinction between style and genre based approaches to language underlies the two dominant models of plain language reform: drafting and field testing. Briefly, these

2 models of  
plain language  
reform

two models can be distinguished by virtue of where they locate meaning. The drafting model locates meaning in language or the 'text', whereas the field testing model locates meaning in the interaction between texts and people. In short, the drafting model centers on the moment of 'encoding', whereas the field testing model validates the moment of 'decoding' as the primary locus of meaning. In rhetorical terms, this distinction parallels the difference between a style or a genre based approach, though exceptions will occur; some writers will be sensitive to audience, and some field tests will be narrow and predetermined.

### Banking on Style.

1990 is the International Year of Literacy. It is appropriate in this year that a major Canadian professional association and a major Canadian industry association should join together to consider the state of literacy in their fields of activity (Decline Foreword).

-Canadian Bar Association and  
Canadian Bankers' Association  
Joint Committee on Plain Language.

In the Canadian corporate sector, banks have been at the forefront of plain language reform. The CBA report represented an articulation of the plain language initiatives underway in the legal and governmental spheres with that of the banks. The report stated that, for the most part, Canadian banks are not interested in "market testing" their

plain language forms. Instead, banks are settling for the "drafting committee approach" where different interests within the bank's organizational structure are represented. Under this model, the actual drafting and revising of the document is entrusted to "a lawyer with plain language drafting skills" (29). While banks cite administrative benefits from improved internal communications, the banks surveyed in this report (representing 90% of all Canadian bank branches) all cited public relations motives as underlying their efforts. Plain language documents would be "easier for their customers to understand," "a marketing tool that will help to attract customers" and "an element of good corporate citizenship" (26).

The focus on language in the title of the CBA report implied by the term 'gobbledygook' underscores the style-based approach to plain language reform undertaken by the banks. Like 'boilerplate', 'bureaucratese' and 'legalese', 'gobbledygook' is a term commonly used to describe the seemingly nonsensical language practices characteristic of many text oriented professions. According to the CBA report, gobbledygook is not limited to the legal profession and the banking industry because writers in general "are not trained to write clearly with the needs of the reader in mind" (3). The CBA report describes the three features of plain language which can combat obtuse language: good grammar, familiar words, and simple sentence structure. While it takes this

stylistic approach to plain language reform, the report does nonetheless state that plain language drafters should adopt a "process" approach to writing.

An exclusive focus on incommunicative language characterized much early plain language reform. For example, a most famous early plain language reformer was Sir Ernest Gowers, a top civil servant in Britain whose Plain Words was published in 1948. For Gowers, the key issue was lexical, not syntactic or grammatical. Thus, Gowers distinguishes 'jargon' from obscure prose:

The proper meaning of 'jargon' is writing that employs technical words not commonly intelligible. 'Catachresis', for instance, is grammarians' jargon for using a word in a wrong sense. When grammarians call writing jargon merely because it is verbose, circumlocutory and flabby, they themselves commit the sin of catachresis that they denounce in others (8).

Gowers offers advice on choosing familiar, yet precise, words which conform to his motto: "Be simple. Be short. Be human" (v).

A more recent attempt to reform incommunicative language has been the work since the early 1970s by the National Committee of Teachers of English (U.S.) on the subject of 'Doublespeak'. The NCTE coined 'doublespeak' from George Orwell's use of the terms 'doublethink' and 'newspeak' in 1984 to describe slogans such as "war is peace." William Lutz, the long-standing editor of the Quarterly Review of Doublespeak, states that there are four principal types of



doublespeak: euphemism, jargon, gobbledegook and inflated language (10-11). A euphemism is "a word or phrase that is designed to avoid a harsh or distasteful reality," which can both be used out of sensitivity or to mislead and deceive. This Janus-face nature of the euphemism characterizes doublespeak in general; the key is in the motive behind the use of the language, whether conscious or not.

Thus, in the case of jargon - "the specialized language of a trade, profession, or similar group" - it can serve a useful function to facilitate communication within a discourse community, but when it is used outside of this context it can become doublespeak. The irony that this presents for plain language reform is that if "within a group, jargon allows members . . . to communicate with each other clearly, efficiently, and quickly," then even jargon constitutes plain usage in its appropriate context. Gobbledegook and inflated language, on the other hand, are less open to interpretation; the former, according to Lutz, "is simply a matter of piling on words, of overwhelming the audience with words - the bigger the better," and the latter is "designed to make everyday things seem impressive." The study and analysis of doublespeak now has a Canadian base as well. The Canadian Council of Teachers of English gives out annual awards to draw the attention of the media to doublespeak; one award is given for language abuse, the other for language reform.

The CBA report proposes more than merely word substitution, showing some sensitivity to rhetorical context and rhetorical form. On the one hand, the CBA report lists an appendix of words and expressions to avoid, such as the famous "freight trains" like 'authorize and direct', 'full and complete' or 'true and correct'. Some examples of suggested revision words are: 'if' for 'in the event that', 'tell' for 'inform' and 'immediately' for 'forthwith'. On the other hand, the "Ten Commandments" for plain language drafting belie a (muted) 'rhetorical context' approach to style:

1. Consider your reader and write with that reader's viewpoint in mind.
2. Write short sentences.
3. Say what you have to say, and no more.
4. Use the active voice.
5. Use simple, "everyday" words.
6. Use words consistently.
7. Avoid strings of synonyms.
8. Avoid unnecessary formality.
9. Organize your text in a logical sequence, with informative headings, and with a table of contents for long documents.
10. Make the document attractive and designed for easy reading (Decline 6).

Ultimately, these commandments, or "guidelines" offer little more than Sir Ernest Gower's 'short, simple and human' approach, the 'rhetorical context' in this case depending primarily on the imagination of the writer.

It is significant, nonetheless, that the CBA report recommends "that plain language drafting be viewed as a dynamic process rather than simply the mechanical application

of static rules" (11). This represents a public recognition of a rhetorical process approach to writing. Unfortunately, the emphasis falls on the creative process of the writer, and not the communicative process of the rhetorical context; "bad habits" must be unlearned and an "extraordinary effort" must be made. The object of this process is "good writing," which is both cohesive and well organized. The report stresses the importance of revision to the writing process, but this too is a solitary activity. While the CBA report is full of recommendations to broaden the mandate of plain language drafting, there is not a single recommendation in favor of field testing.

In the final analysis, a drafting model does not preclude a congruity between the genres drawn upon by the writer and the reader. Nonetheless, it is fairly safe to say that lawyers, financial executives and government bureaucrats who are interested in plain language reform are unlikely to know the genres of their audience(s), unless they are willing to venture out into the world to find out. These lawyers manipulate a number of genres; that is not under dispute. However, when lawyers reach for their copies of Strunk & White or Mellinkoff to write a sanctioned form of plain style, they are adopting a style based approach to plain language. A field testing model, on the other hand, cannot be guaranteed to be responsive to the needs of diverse communities, because testing scenarios and methodologies help

determine the results to some extent, and the results themselves - limited by the size of a test group - are only suggestive, not conclusive.

### **A Small Claim to Genre?**

Plain language cannot be done at your desk  
(Canadian Legal Information Centre, 5).

-Jacquelyn Nelson  
B.C. Ministry of Attorney General.

The British Columbia Small Claims Court plain language initiative did involve field testing, which attests at least to some consideration of writing as a social process. At the Plain Language Meeting of the Canadian Legal Information Centre, January 21-23, 1991, the B.C. Small Claims Court initiative was presented as a case study of "Community Input Through Field Testing," by Mark Vale (Plain Language Centre, CLIC), Jacquelyn Nelson (B.C. Ministry of Attorney General) and Philip Knight (Plain Language Institute of B.C.). According to Nelson, plain language initiatives must involve field testing the materials in simulated, but realistic, conditions. Nelson argued that the first step is to identify the target population and to write to the level of those who are likely to have the greatest difficulty in understanding the material (the rhetorical context approach), and to follow this up with field testing (a small claim to genre).

Mark Vale heralded the B.C. Small Claims court

initiative as exemplary for its proper sampling procedures and test methodologies (6). The Small Claims Court forms, brochures, and rules were field tested in both Vancouver and Prince George over a one month period (Sept.- Oct., 1990) by the CLIC Plain Language Centre. A series of Small Claims Court documents - forms, brochures and Rules - were field tested and rated on a scale of 1-5 for the following characteristics: easy to read; easy to find information; colour; artwork/design; organization; overall helpfulness. Care was taken to choose the roughly sixty respondents (depending on activity) equally among women and men, rural and urban participants and those with high school graduation or less versus those with some university or college.

The forms were scenario tested with follow-up interviews, while the brochures were both scenario tested and focus group tested. The difference between these two methods was outlined by Mark Vale in a meeting with the Vancouver Plain Language Discussion Group. Scenario testing, the method of choice for Vale, involves simulating the actual context (or scene) of filling out a form and observing it, whether in person or by video. Focus group testing requires, on the other hand, that a group of people of varying demographic criteria be brought together to answer questions about the forms. Unlike a literacy test, there are no wrong answers, because it is the terms, not the people, which are being tested ("Presentation to Plain").

Vale pointed out that community input is important because there are many different groups with "interests" in government documents and forms, and that a key challenge in any plain language initiative is to match the needs of the users and the writer. Thus, Vale asserts that testing should be done at all stages of the plain language process, a full claim to genre, to which the B.C. initiative cannot quite lay claim. While not naming them as such, Vale described the different features of style and genre approaches to plain language in a presentation to the Board of Directors of the British Columbia Plain Language Institute. While the style approach locates meanings in words, the genre approach locates meanings in people. The principles of this latter approach are as follows:

1. Meanings are not transmittable, only symbols can be transferred.
2. The major responsibility for success lies with the source in his or her encoding process.
3. Feedback systems are essential.
4. If error occurs, the major reason for it is the source.
5. There is only a tentative expectation of success for a given message.
6. Message construction varies in relation to the receivers.
7. Time and energy should be divided among the initial message, evaluation of feedback and encoding additional messages ("Presentation to the Board" 1).

Vale focuses the site of analysis on the rhetorical context - the 'situated utterance' - and thus signals writing as a social process.

Clearly, Vale is playing genre in his approach. He

*Radical Approach*

treats writing as a social process which involves giving the primary communicative responsibility to the writer, but which involves some unpredictability and 'play' in its transmission. In other words, though it is incumbent upon the writer to search out and address her/his audience, the writer is not in control of the situation. Neither authorial intention, textual characteristics, nor the vicissitudes of audience reception will adequately explain the communicative moment. Rather, a weighted tension is maintained among these three sites of the communicative process. This tension is 'weighted', because writing is also a social process which requires that the relationships among the sites be recognized as structured by power imbalances. In this case, to propose a genre approach is to intervene directly in the power imbalance by trying to reflect the diversity of community interests in any given document.

When field testing is a mere add-on to drafting, however, it fails to move far beyond the style approach. Thus, the genre approach can be a mere gesture, a Machiavellian ploy to institutional and social legitimation. To truly fulfill the spirit of the genre approach to plain language reform, the intended audience(s) must be brought in prior to the drafting process, in order to inform the direction that the document will take. In other words, the resultant document must reflect the diverse 'interests' of the individuals and social groups for whom it is to serve.

For plain language reform to have any significant democratizing effect, it must be responsive to the needs of the community, not to bureaucratic-administrative efficiency, nor to populist political expediency.

Clearly, the impetus to reform public language towards greater accessibility cannot proceed without some reflection on the nature of language itself. The distinction between viewing language as a transparent medium which conveys meaning versus language as inseparable from meaning is a difference that makes a difference. In practice, a distinction can be drawn between style-based and genre-based approaches to plain language, the former of which claims a legacy as far back as the texts of classical rhetoric, and the latter of which derives principally from the work of Mikhail Bakhtin and recent work done in Australia. As a handy heuristic - rather than an essential dichotomy - these two approaches can be seen to undergird drafting and field testing models of plain language reform.

A style-based approach to plain language assumes that existing language can be replaced by simpler versions, usually as derived from style books. This approach assumes that by following a set of rules for revision, a trained writer can create fully accessible documents, the problem being one of incommunicative prose - or gobbledygook - which must be transformed. The only distinction to be drawn here is between text-centered approaches to writing and rhetorical



context approaches, the latter of which acknowledge the role of the audience in the communicative act. Canadian banks, which are at the forefront of plain language reform in the corporate sector, often follow this latter approach.

A genre-based approach to plain language presupposes that a change in language usage is a change in language meaning, and that what constitutes an accessible genre at any given moment is not reducible to language rules because genres are constantly changing. Nonetheless, a genre-based approach does not forsake formal aspects of language practices, but insists that these must be understood in practice. Genres are relatively stable types of utterances which form a staged, goal oriented process. To create a more communicative genre of legal language, it is necessary to do more than just manipulate texts, but to actually speak to people for whom this language may be foreign. This was the stance taken by the B.C. Small Claims initiative, which only fell short of a full claim to knowledge by not consulting a broader audience prior to, and during, the actual revisions. A broad consultation is necessary at all stages of the process to ensure that the interests served are those of the community, and not just the bureaucracy.

The value of a genre approach is that it grounds these political and ethical concerns into a concrete practice. For the Australian educators, it offers a coherent model for the teaching of writing which sublates the rhetorical process

approach to writing by introducing concrete models of writing practices to those students for whom the discourse community of the school is foreign (cf. Martin et al.). Recognizing that writing is a communicative process is a step in the right direction, but for those students who already feel estranged from the school, concrete models of writing are essential survival skills. Similarly, the adoption of a process approach to writing is a salutary step towards plain language reform, but it stops short of actually connecting to concrete communicative practices outside of the legal community. On the other hand, the process of identifying current genres of common speech can help plain language reformers to propose models of public discourse which are responsive to the needs of broad communities.

## Conclusion: Literacy Crisis or Legitimation Crisis?

Small claims court is now efficient, affordable and accessible to all British Columbians (The Sun March 25, 1991).

-Hon. Russ Fraser  
B.C. Attorney General.

Whether plain language will democratize the legal system of B.C., or whether it will just streamline the service over government counters remains to be seen. By all accounts, plain language is more than just a response to dysfunctional bureaucratic forms and documents, but takes part in a broader social context. Robert Post describes the role of legal language as fulfilling "the boundary question," "the legitimacy question" and "the political question." The first concerns "the internal mechanisms by which the boundaries of legal discourse are maintained," the second "the functioning of legal discourse within the general culture" and the third "the practical implications of conceptualizing a world in which meaning has been dissolved into faceless and impersonal systems of discourse" (viii). The emergence of plain language implies a shift from the traditional primacy of the boundary question (specialized legal language), to the legitimacy question (increased accessibility), all in the context of the political question (the information age).

Much of the material written by plain language reformers in justification of their vaunted project is cast in a

"functionalist" mould. The functionalist view of society, the heir-apparent of positivism in sociology, considers the smooth functioning of a society to be of paramount importance. Individual institutions, as well as the key texts which constitute them, and the people who operate them, are to the society as individual organs are to the functioning of the body (Abercrombie et al., 101). Thus, it is imperative that each organ/institution play its part to ensure the survival of the body/society. Seen in this light, plain language reform is the bran that will clear the (communicative) passages of the ailing social body.

The problem with functionalist viewpoints is that they are typically ahistorical, concerning themselves entirely with a synchronic analysis of society, at the expense of any diachronic considerations. Thus, functionalism is also teleological; "it explains the existence of a social activity by its consequences or effects" (101), rather than by how it is lived and experienced by real people in concrete historical circumstances. In sociological terms, functionalism privileges structure at the expense of agency. Functionalism also claims a liberal dose of systems theory to bolster its case for the interdependence of social functions. In practice, this tends to lead to a conservative vision of social change, because it is always the existing status quo of institutions and social practices which constitute the debate. Though crises may emerge at one or more points of

the social network, the specific and local nature of any particular rupture will always be subsumed into the broader social logic.

For plain language reform to have any significant democratizing effect, the power relations which usually remain implicit in public documents will have to be brought to the surface. In other words, it is important to recognize the diversity of interests which exist in a society and to not pitch public language to a 'golden mean' of language usage. On the other hand, plain language initiatives have to stop somewhere, so what is required is a greater modesty as to the supposed accessibility of plain language texts. It is a worthwhile project to revise texts which are full of redundancies and archaisms, and it is likely that plain language texts will appeal to their audiences. However, as an alternative to concrete educational initiatives, plain language will not suffice. \*

Jurgen Habermas provides a useful critique of the functionalist view of society and social change. While sharing a systems theory approach with functionalism, Habermas does not share its ahistoricism. In particular, Habermas asks if there are new contradictions associated with the shift from classical, competitive, market-driven capitalism to "late" or "organized" capitalism (31). Late capitalism, for Habermas, involves the concentration of economic enterprises in national and multinational

conglomerates, and the intervention of state agencies to fill the growing gaps in the functioning of the market. According to Habermas, the expansion of state activities has the side effect of an increased need for legitimation. To avoid a legitimation crisis, the state must keep the administrative system independent of the legitimizing will of its population. In this context, public opinion becomes important for its function of deflecting attention away from the state's increased role in private economic interests.

While the state moves to facilitate private economic interests, there is a growing tendency - at least in Canada, Britain and the U.S. - to dismantle the public welfare apparatus of the liberal democratic state, all supposedly in the interests of the people it is meant to serve. This authoritarian populism individualizes social responsibility and increases the efficiency of the state's capacity to serve private interests. An example of this tendency is the proposed North American Free Trade Agreement which will make production and distribution of market goods more efficient for multi-national corporations. This post-Fordist strategy will gut the industrial apparatus of Canada and the U.S., leaving in its wake an information economy accompanied by a large-scale 'service' ghetto.

In order to legitimate this state of affairs - short of the 'Pinochet solution' - literacy and life-long learning must be accepted by people as feasible coping mechanisms in

the period of transition. In this context, plain language appears to be a responsible campaign on the part of those who have traditionally guarded symbolic power to enable broad participation in the public sphere. With Lyotard, however, it is important to ask whether the new epistemic order enables the use of knowledge, or whether it merely facilitates its exchange.

The purpose of this study has been to raise some difficult questions about what appears on the surface to be a very benign practice. My own affective response to the texts of plain language is on the whole very positive. These language reforms are long overdue considering the importance of legal - not to mention financial and governmental - texts to many people's everyday lives. Nonetheless, given their emergence it is important to ask: why? - and why now?

Drawing on the work of Jean-Francois Lyotard, Stuart Hall and others, I have questioned whether plain language is a system imperative for communicative efficiency, all under the pretense of providing greater accessibility to the texts which regulate the rights and responsibilities of everyday life in post-Fordist societies. Focussing on the B.C. Small Claims court initiative, I have explored the implications of seeing this less as a case of dysfunctional legal language, but as a broader case of legitimation crisis which has emerged as the authority of written texts becomes less taken for granted in an information age. In short, as the demand

for universal 'functional literacy' increases, people are less likely to accept the authority of the written word.

Plain language can go a long way towards facilitating people's access to symbolically mediated power relationships, but its usefulness will vary depending on the approach taken. To distinguish between approaches to plain language, I have proposed two sets of terms: quantitative and qualitative approaches to literacy, and style-based versus genre-based approaches to plain language reform. These binary pairs have been presented not to draw a neat picture, but to make some qualitative distinctions of value for the purpose of this analysis. I have also drawn on the tradition of rhetoric to raise some critical questions about how language works to constitute communities and to facilitate communication within and between communities. To conclude this discussion, I would like to restate my own contentions about plain language and its emergence.

As one of the most bizarre of current literacy drives, legal, governmental and financial bureaucracies are falling over one another in the rush to increase their readership, to be the most "just," the most "accessible" and perhaps the most manipulative. Whereas the ostensible issue at stake here is the democratization of language, the plain language initiatives are at worst nothing more than a public relations ploy, a ruse to deflect attention away from questions of power and social hierarchy. These initiatives are, after



all, the natural correlative to a decline in the authority of "lay literacy" and its subsequent replacement by the cybernetic imagination of the information age. People are less likely to buy in to dominant hegemony solely on the authority of the text, so they must be brought in by the accessibility of the text. To draw an extended analogy, this may be the belated socio-cultural equivalent of the socio-economic shift from feudalism to capitalism, a shift from paternal guardianship to individual rights and responsibility.

## Works Cited

- Abercrombie, Nicholas, Stephen Hill & Bryan S. Turner. The Penguin Dictionary of Sociology. London: Penguin Books, 1984.
- Aristotle. The Rhetoric of Aristotle. Ed. and trans. Lane Cooper. London: Prentice Hall, 1932.
- Aronowitz, Stanley & Henry Giroux. Postmodern Education: Politics, Culture and Social Criticism. Minneapolis: U. of Minnesota Press, 1991.
- Bakhtin, Mikhail M. Speech Genres and Other Essays. Trans. Vern W. McVee. Minneapolis: U. of Minnesota Press, 1984.
- Barthes, Roland. Mythologies. Trans. Annette Lavers. New York: Hill & Wang, 1972.
- \_\_\_\_\_. The Pleasure of the Text. Trans. Richard Miller. New York: The Noonday Press, 1975.
- Baudrillard, Jean. "The Ecstasy of Communication." Trans. John Johnston. In Hal Foster (ed.) The Anti-Aesthetic: Essays on Postmodern Culture. Port Townsend, WA, 1983.
- BC Ministry of Attorney General. "A Field Test of British Columbia Small Claims Court Forms." Oct. 30, 1990. ✓
- BC Royal Commission on Education. A Legacy for Learners: Summary of Findings. Victoria, B.C.: Queen's Printer for British Columbia, 1988.
- Bennett, William. Our Children and Our Country: Improving American Schools and Affirming the Common Culture. New York: Touchstone, 1989.
- Bizzell, Patricia. "Cognition, Convention, and Certainty: What We Need to Know About Writing." PRE/TEXT 3 (1982): 213-43.
- \_\_\_\_\_. "Arguing about Literacy." College English 50 (1988): 141-153.
- Bloom, Allan. The Closing of the American Mind. New York: Touchstone, 1987.

- Bolaria, B. Singh. "The Brain Drain to Canada." Ed. Terry Wotherspoon, The Political Economy of Canadian Schooling. Toronto: Methuen (1987): 301-322.
- Bottomore, Tom, Laurence Harris, V.G. Kiernan & Ralph Miliband Eds. A Dictionary of Marxist Thought. Cambridge, MA: Harvard University Press, 1983.
- Bourdieu, Pierre. "The School as a Conservative Force: Scholastic and Cultural Inequalities." Eds. Roger Dale et al. London: Routledge & Kegan Paul (1976): 110-118.
- Britton, Andrew. "The Myth of Postmodernism: The Bourgeois Intelligentsia in the Age of Reagan." Cineaction 13/14 (1988): 3-17.
- Brown, B.J. Shibboleths of Law: Reification, Plain-English and Popular Legal Symbolism. Auckland, New Zealand: Legal Research Foundation Inc. No. 27, 1987.
- Burke, Kenneth. Counter-Statement. Berkeley: U. of California Press, 1931.
- \_\_\_\_\_ Permanence and Change. Berkeley: U. of California Press, 1935.
- \_\_\_\_\_ A Rhetoric of Motives. Berkeley: U. of California Press, 1950.
- \_\_\_\_\_ Language as Symbolic Action. Berkeley: U. of California Press, 1966.
- \_\_\_\_\_ "(Nonsymbolic) Motion/ (Symbolic) Action." Critical Inquiry 4 (1978): 809-838.
- Calamai, Peter. Broken Words. Ottawa: Southam Publications, 1988.
- Canadian Bar Association and Canadian Bankers' Association Joint Committee on Plain Language. The Decline and Fall of Gobbledygook: A Report on Plain Language Documentation. Ottawa: Canadian Bar Association, 1990. ✓
- Canadian Legal Information Centre. "Edited Notes: Case Study Sessions." Ottawa National Conference on Plain Language, January 21-23, 1991.
- Charrow, Veda & M. Erhardt. Clear and Effective Legal Writing. Boston: Little, Brown and Co., 1986.

- Cicero. De Oratore. Trans. E.W. Sutton & H. Rackham. Eds. T.W. Benson & M.H. Prosser. Bloomington: Indiana University Press (1972): 91-107; 171-179; 251-255.
- \_\_\_\_\_ De Inventione. Trans. H.M. Hubbell. Eds. Benson & Prosser. (1972): 196-205.
- \_\_\_\_\_ Orator. Trans. H.M. Hubbell. Eds. Benson & Prosser. (1972): 232-239.
- Clanchy, M.T. From Memory to Written Record. London: Edward Arnold, 1979.
- Coe, Richard M. Form & Substance, 1st ed. New York & Toronto: Wiley Press, 1981.
- \_\_\_\_\_ "Teaching Writing: The Process Approach, Humanism, and the Context of Crisis." Literacy, Society, and Schooling: A Reader. Eds. S. de Castell, A. Luke, and K. Egan. Cambridge: Cambridge University Press. (1986): 270-312.
- \_\_\_\_\_ "An Apology for Form; or, Who Took the Form Out of the Process?" College English 49 (1987): 13-28.
- \_\_\_\_\_ "Defining Rhetoric-- And Us." The Journal of Advanced Composition. 10 (1990): 39-52.
- Cutts, Martin and Chrissie Maher. Writing Plain English. Stockport, UK: Plain English Campaign, 1984.
- de Castell, S. & Luke, A. "Literacy Instruction: Technology and Technique." Language, Authority & Criticism: Readings on the School Textbook. Eds. S. de Castell, A. Luke, and C. Luke. London: Falmer Press. (1989): 77-95.
- \_\_\_\_\_ "Models of Literacy in North American Schools." In eds. S. de Castell, A. Luke, and K. Egan, Literacy, Society, and Schooling. New York: Cambridge University Press, (1986): 87-109.
- Dicerni, Richard. "Literacy - A Canadian Perspective." Presented to Canadian Bar Association, Sept. 26, 1990.
- Diehl, William A. & Larry Mikulecky. "The Nature of Reading at Work." Journal of Reading 24 (1980): 221-28.
- Dykstra, Gail. "Plain Language and the Law: A Discussion Paper Prepared for the Canadian Law Information Council." Presented to CLIC A.G.M., May 30, 1986.

---

"Plain Language, Legal Documents and Forms: Background Information." Presented to Canadian Institute for the Administration of Justice Seminar on Legislative Drafting and Interpretation, Aug. 21, 1987.

Eagleson, Robert D. "Plain English and Government Communications: The Case for Plain English." Seminar Paper, Information Co-ordination Branch, Dept. of Special Minister of State, Canberra, Aus., June 14, 1983.

---

"Plain English in Government Communications: The Reform of Documents within Government Departments in the United Kingdom." Canberra: Information Co-ordination Branch, Dept. of the Special Minister of State, Nov., 1983.

---

"The Case for Plain Language." Address at Osgoode Hall, Toronto, Ontario, July 15, 1988.

Eagleton, Terry. Literary Theory: An Introduction. Minneapolis: University of Minnesota Press, 1983.

Edgar, David. "Are You Being Served?" Marxism Today (May, 1991): 28.

Felsenfeld, Carl. "The Plain Language Movement in the United States." Canadian Business Law Journal 6 (1981-1982): 408-452.

Freed, Richard C. and Glenn J. Broadhead. "Discourse Communities, Sacred Texts and Institutional Norms." College Composition and Communication 38 (1987): 154-165.

Freedman, Anne. "Anyone for Tennis?" In Ed. Ian Reid The Place of Genre in Learning: Current Debates. N.p.: Deakin University (1987): 91-124.

Freire, Paulo & Donaldo Macedo. Literacy: Reading the Word and the World. South Hadley, MA: Bergin and Garvey, 1987.

Giroux, Henry. "Introduction." Freire & Macedo. Literacy: Reading the Word and the World. South Hadley, MA: Bergin and Garvey, 1985.

Goody, Jack. The Logic of Writing and the Organisation of Society. Cambridge: Cambridge U. Press, 1986.

- \_\_\_\_\_. The Domestication of the Savage Mind.  
Cambridge: Cambridge U. Press, 1977.
- \_\_\_\_\_. & Ian Watt. "The Consequences of Literacy." Ed.  
J. Goody, Literacy in Traditional Societies.  
Cambridge: Cambridge U. Press, 1968.
- Gowers, Sir Ernest. The Complete Plain Words. London: Her  
Majesty's Stationary Office, 1954.
- Graff, Harvey. "The Legacies of Literacy: Continuities and  
Contradictions in Western Society and Culture."  
In de Castell et al., (1986): 61-86.
- Gramsci, Antonio. Selections from the Prison Notebooks.  
Eds. & Trans. Quintin Hoare and Geoffery Nowell-Smith.  
New York: International Publishers, 1971.
- \_\_\_\_\_. Selections from Cultural Writings. Eds.  
David Forgacs & G. Nowell-Smith. Trans. W. Boelhower.  
Cambridge MA: Harvard U. Press, 1985.
- Gruneau, Richard. "Introduction: Notes on Popular Culture  
and Political Practice." Ed. Richard Gruneau, Popular  
Culture and Political Practices. Toronto: Garamond  
Press, 1988.
- Habermas, Jurgen. Legitimation Crisis. Trans. T. McCarthy.  
Boston: Beacon Press, 1975.
- Hall, Stuart. The Hard Road to Renewal. London: Verso, 1988.
- \_\_\_\_\_. "The Meaning of New Times." In Eds. Stuart Hall  
and Martin Jacques, New Times: The Changing Face of  
Politics in the 1990s. London: Lawrence & Wishart,  
(1989): 116-34.
- \_\_\_\_\_. "The Emergence of Cultural Studies and the  
Crisis of the Humanities." October 53 (1990):  
11-23.
- \_\_\_\_\_. "Brave New World." Socialist Review 1 (1991):  
57-64.
- Hall, Stuart, Chas Crichter, Tony Jefferson, John Clarke and  
Brian Roberts. Policing the Crisis. New York: Holmes &  
Meier, 1978.

- Halloran, Michael S. and Whitburn, Merrill D. "Ciceronian Rhetoric and the Rise of Science: The Plain Style Reconsidered." The Rhetorical Tradition and Modern Writing. Ed. James J. Murphy. New York: Modern Language Association of America, (1982): 58-72.
- Havelock, Eric. "The Coming of Literate Communication to Western Culture." The Journal of Communication 30, (1980): 90-98.
- Hirsch, E.D. Cultural Literacy. New York: Vintage Books, 1988.
- Illich, Ivan. "A Plea for Research on Lay Literacy." Interchange 18 (1987): 9-22.
- \_\_\_\_\_ & Barry Sanders. ABC: The Alphabetization of the Popular Mind. New York: Vintage Books, 1988.
- Jameson, Fredric. "Postmodernism; or, the Cultural Logic of Late Capitalism." New Left Review 146 (1984): 53-92.
- Justice Reform Committee. Access to Justice. Victoria, B.C.: Queen's Printers, 1989.
- Kinneavy, James. "Restoring the Humanities: The Return of Rhetoric from Exile," In Ed. Murphy (1982): 19-30.
- Kintgen, Eugene, Barry Kroll, & Mike Rose. Eds. Perspectives on Literacy. Carbondale & Edwardsville: Southern Illinois University Press, 1988.
- Kozol, J. Illiterate America. New York: New American Library, 1985.
- Kuhn, Thomas. The Structure of Scientific Revolutions. Chicago: U. of Chicago Press, 1962.
- Lakoff, George & Mark Johnson. Metaphors We Live By. Chicago: U. of Chicago Press, 1980.
- Law Reform Commission of Victoria. "Legislation, Legal Rights and Plain English." Discussion Paper No. 1, Law Reform Commission of Victoria (Australia), August 1986.
- Leiss, William. "The Myth of the Information Society." Eds. Ian Angus and Sut Jhally, Cultural Politics in Contemporary America. New York: Routledge (1989): 282-98.

- Lutz, William. "Notes Towards a Description of Doublespeak (Revised)." Quarterly Review of Doublespeak 8 (1987): 10-12.
- Lynch, Richard P. "The International Year of Literacy (1990): Legal Literacy in Europe, Canada and the United States." Presented at Canadian Bar Association Annual Meeting, London, England. Sept. 26, 1990.
- Lyotard, Jean-Francois. The Postmodern Condition: A Report on Knowledge. Trans. Geoff Bennington & Brian Massumi. Minneapolis: University of Minnesota Press, 1984.
- MacMillan, the Rt. Hon. Lord LL.D. Law and Language. Presidential Address to the Holdsworth Club. Birmingham, May 15, 1931.
- Martin, J.R., Frances Christie & Joan Rothery. "Social Processes in Education: A Reply to Sawyer and Watson (and others)." In Ed. Ian Reid (1987): 58-82.
- Marx, Karl. The Eighteenth Brumaire of Louis Bonaparte. New York: International, 1963.
- Marx, Karl & Friedrich Engels. The German Ideology. London: Lawrence & Wishart, 1970.
- Mellinkoff, David. Legal Writing: Sense & Nonsense. St. Paul, Minn.: West Publishing Co., 1982.
- Miller, Thomas. "Teaching Professional Writing as Social Praxis." JAC 11 (1991): 57-72.
- Mosco, Vincent. The Pay-Per Society. Toronto: Garamond Press, 1989.
- Murphy, James J. "Rhetorical History as a Guide to the Salvation of American Reading and Writing: A Plea for Curricular Courage." Ed. Murphy (1982): 3-12.
- 
- A Synoptic History of Classical Rhetoric.  
Davis, CA: Hermagoras Press, 1983.
- Olson, David R. "From Utterance to Text: The Bias of Language in Speech and Writing." Harvard Educational Review 47 (1977): 257-81.
- Ong, Walter. Orality and Literacy. New York: Methuen, 1982.



- Pepper, Stephen. Concept and Quality: A World Hypothesis. La Salle, IL: Open Court, 1980.
- Phillips, Kevin. "The Collapse of the Middle Class." New Perspective Quarterly 7 (1990): 41-43.
- Plato. Gorgias. Trans. W.R.M. Lamb. Eds. Benson & Prosser, (1972): 3-21.
- Plato. Phaedrus. Trans. H.N. Fowler. Eds. Benson & Prosser, (1972): 22-42.
- Post, Robert. Ed. Law and the Order of Culture. Berkeley: University of California Press, 1991.
- Quintilian. Institutio Oratoria. Trans. H.E. Butler. Eds. Benson and Prosser, (1972): 116-132; 143-148; 206-214; 217-231.
- Raymond, James C. "Rhetoric: The Methodology of the Humanities." College English 44 (1982): 778-783.
- Reid, Ian. Ed. The Place of Genre in Learning: Current Debates. N.p.: Deakin University (Centre for Studies in Literary Education), 1987.
- Rhetorica Ad Herennium. Trans. Harry Caplan. Eds. Benson & Prosser, (1972): 193-195; 289-299.
- Richards, I.A. The Philosophy of Rhetoric. London: Oxford U. Press, 1936.
- Rose, Andrew M. "Problems in Public Documents." Information Design Journal 3/4 (1981): 179-196.
- Shor, Ira. Culture Wars: School and Society in the Conservative Restoration. London: Routledge & Kegan Paul, 1986.
- Simon, Roger. Gramsci's Political Thought. London: Lawrence & Wishart, 1982.
- Socialist Review Editors. "Post-Fordism: Flexible Politics in the Age of Just-In-Time Production." Socialist Review 21 (1991): 53-6.
- St. Augustine. On Christian Doctrine. Trans. D.W. Robertson, Jr. Eds. Benson & Prosser. 1972: 133-140; 180-188; 273-286.

- St. John Hunter, Carmen & D. Harman. "Who Are the Adult Illiterates?" Eds. Kintgen et al. Perspectives on Literacy. Carbondale and Edwardsville: Southern Illinois U. Press, (1988): 378-390.
- Street, Brian. Literacy in Theory and Practice. Cambridge: Cambridge U. Press, 1984.
- Strachan, W. & Hoechsmann, M. "Some Comments on Literacy Theory and Practice." Educational Studies 21 (1990): 377-385.
- Strunk, William Jr. & E.B. White. The Elements of Style. New York: MacMillan, 1959.
- The Sun. Vancouver, B.C. May 10, 1989.
- The Sun. Vancouver, B.C. March 25, 1991.
- Todorov, Tzvetan. The Conquest of America. Trans. R. Howard. New York: Harper & Row, 1984.
- Vale, Mark. "Presentation to Plain Language Discussion Group." At People's Law School, Vancouver, B.C., Feb. 21, 1990.
- \_\_\_\_\_ "Presentation to the Board of Directors." B.C. Plain Language Institute, Oct. 1990.
- Vining, Joseph. "Generalization in Interpretive Theory." In Post Ed. (1991): 1-12
- Volosinov, V.N. Marxism and the Philosophy of Language. Trans. Ladislav Matejka & I.R. Titunik. Cambridge, MA: Harvard University Press, 1973.
- Wallace, David & Paul Kelley. "A Technology of the Intellect? Reflections on Literacy and Ideology." Issues in Education and Culture (1985): 49-52.
- Weis, Lois. Working Class Without Work: High School Students in a De-industrializing Economy. New York: Routledge, 1990.
- Wells, Alan. "Literacy: Myths and Realities." Presented to Canadian Bar Association, Sept. 26, 1990.
- Williams, Joseph M. Style: Ten Lessons in Clarity and Grace. Glenview, IL: Scott, Foresman and Company, 1981.

Williams, Raymond. Keywords. New York: Oxford U. Press, 1983.

Wydick, Richard. Plain English for Lawyers. Durham NC: Carolina, Academic Press, 1985.