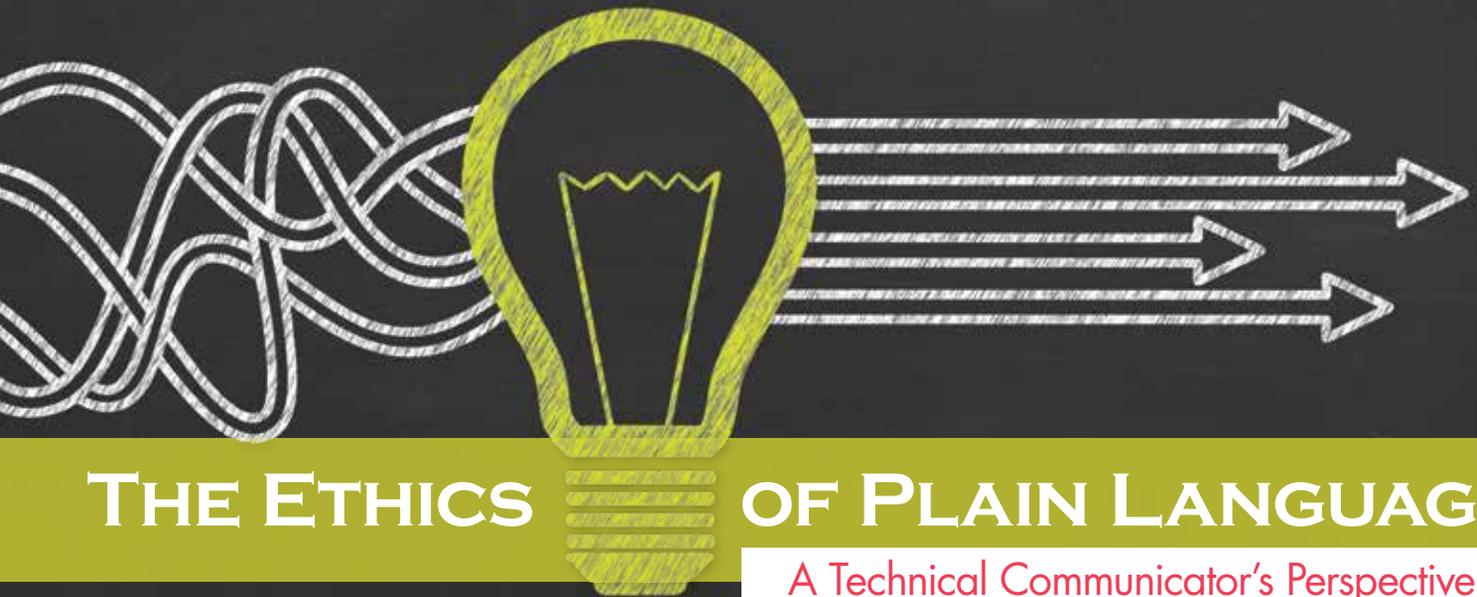**Boise State University**
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The Ethics of Plain Language: A Technical Communicator's Perspective

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The Ethics of Plain Language

A Technical Communicator's Perspective

By Russell Willerton

I appreciate the opportunity to write to lawyers about the ethics of plain language from a technical-communication perspective. I am a professor of technical communication and, formerly, a full-time technical writer. In this article, I'll view the ethics of plain language through the lens of the literature on ethics in the field of technical communication.

But what is technical communication? As a field of both practice and academic study, technical communication is applied communication designed to help audiences perform specific tasks or solve specific problems. Technical documents differ from other forms of writing in their audiences, purposes, styles, and formats.[1] In fact, many legal documents (such as contracts, health forms, and legal guides) are an important—and distinctive—subset of the technical documents people use every day. While several books and dozens of articles have been written about ethics in technical communication,[2] here I'll present some principles that apply most readily and most broadly to plain language in these technical documents.

Utility

The first principle is utility, which involves making choices to bring the most benefits to the most people involved. Utility focuses our attention on consequences. Early proponents of utility include Jeremy Bentham and John Stuart Mill in Victorian England. Bentham advocated making choices to bring the greatest amounts of pleasure and the smallest amounts of pain or discomfort. He advocated a pleasure-focused or hedonistic calculus to determine the utility of each action. Many are likely to agree with author Mike Markel that hedonistic utility is a flawed theory of value: we value many things that do not reduce to pleasure, and a hedonistic calculus is unworkable because most effects are not measurable and they cannot predict the future.[3]

And yet, we frequently employ utility in cost-benefit analyses and quests for operational efficiency. Inefficient organizations are often less likely to succeed than efficient ones. Thus, there is value in Mill's recommendation to seek the greatest good for the greatest number of people. Plain-language advocates often trumpet this utility by demonstrating that documents written in plain language are easier to use than documents that feature jargon, convoluted paragraphs, and crowded visual design.

In fact, organizations such as Plain Language Association InterNational, Clarity International, and the Plain Language Action and Information Network (keepers of www.plainlanguage.gov) promote plain language because it provides many benefits to many people. Moreover, the title of Joseph Kimble's most recent book reflects the utilitarian benefits of plain language: *Writing for Dollars, Writing to Please*.[4] Utility is an important perspective on ethics, and it aligns well with legal

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ethics, but it is not the only principle. If we think only about utility, we risk equating ethical decision-making with numbers on a balance sheet.

Kant's categorical imperative

A second principle is Immanuel Kant's categorical imperative. Kant, an eighteenth-century German philosopher, has influenced ethics discussions for more than two centuries. In *The Foundations of the Metaphysics of Morals*,[5] Kant describes his reason-based *categorical-imperative* approach to ethical behavior in three formulations. The first formulation is to act as though the maxim of your action was to become through your will a universal law of nature. According to this formulation, our actions should be appropriate and consistent in all settings, universally. For example, telling the truth in all circumstances is a categorical imperative that (generally) makes sense as a universal law of nature. But in practice, Kantian imperatives like telling only the truth become tricky. Yet this imperative underpins many ethical rules in law and other professions.

Kant's second formulation emphasizes each individual's rights: act so that you treat humanity—yours or someone else's—always as an end and never as a means. Markel comments that if we are to treat others as ends and not

FAST FACTS

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Plain language provides measurable benefits that support utilitarian goals, but it also provides other benefits that are harder to measure yet are no less valuable to society as a whole.

means, we must accord them their full dignity and write and speak truthfully.[6] For many, this second formulation resembles the Golden Rule: Do to others as you would have them do to you.[7] But Kant did not simply repeat the Golden Rule; Kant's second formulation does not mention any reciprocity. In a footnote,[8] Kant implies that he sees in the Golden Rule the possibility of quid pro quo behavior, acting a certain way out of one's own interest in order to get something.

Kant's third formulation of the categorical imperative, like the first, focuses on individuals identifying universally appropriate behavior. In the third formulation, Kant says an individual's will that stands under laws can be bound to the law by an interest. But to be a legislator of universal laws, an individual's will cannot possibly be swayed by any interest.[9] In essence, this third formulation summarizes the first two and describes a universal realm where people live by "self-created rules derived from reason."[10] As lawyers, you may relate well to this—since laws, at least in a democracy, are self-created laws derived from a reasoned debate.

The technical-communication field provides two complementary ways of understanding Kant's categorical imperative. While Paul Dombrowski[11] describes Kant's categorical imperative in terms of obligations, Markel describes it in terms of rights. Thus, in Kant's approach, the rights of one person define the obligations of another. Respect for individual rights resonates well with the plain-language movement because many believe people have a right to clear information. While some practitioners believe this right is inherent, others question

whether audiences have this right at all.[12] Kant's second formulation—to treat humanity as an end but never as a means to an end—includes a respect for people that carries through Martin Buber's dialogic ethics (discussed later).

Care and feminist approaches

In recent decades, feminist approaches to psychology and ethics have acknowledged the impacts of human relationships that are missing from principles like utility and Kant's categorical imperative. Scholars have acknowledged that men and women often perceive moral questions differently. Women tend to emphasize creating and maintaining relationships, focus on specific details in ethical situations, and de-emphasize abstract principles; men tend to view the details from a more impersonal, distant stance and more greatly value abstract principles that apply broadly.[13] Care has great potential to "redress the imbalance of foundational ethical approaches, which place too little value on personal and familial relationships."[14]

Nel Noddings[15] describes caring as a feminine view of ethics that emphasizes receptivity, relatedness, and responsiveness. These ethical judgments of care arise within particular relationships (such as the lawyer-client relationship) and need not be universal like Kantian maxims. Feminist ethics also examines the morality of specific distributions and exercises of power.[16] In my research with plain-language practitioners around the world, several practitioners made points about the social value of plain language that reflect feminist points of view. For example, several employees at Healthwise, Inc., told me that plain language can help address the imbalance of power between physicians, who are experts, and their novice patients.[17] All in all, a greater respect for interpersonal relationships when creating technical documents could lead people toward better, more genuine interactions.

Martin Buber's dialogic ethics

Over the past two decades, a fourth principle has arisen based on the dialogic ethics of Martin Buber,[18] which focuses on the ethical relationships between writers and their audiences. Buber was an Austrian-born, Jewish philosopher whose work appeals to a variety of audiences, secular and religious. Proponents of the dialogic view of ethics often cite Buber's

I and Thou,[19] first published in the 1920s. Buber wrote about dialogic ethics in many of his works, and he sought to apply them in his life. Buber wrote and taught in Germany in the early twentieth century; he moved to Jerusalem after the Nazis rose to power. In the latter part of his life, he lived among the *kibbutzim* social-collective communities in Israel. He lived out dialogic ethics in advocating for the presence of both Arabs and Jews in Israel.

In *I and Thou*, Buber describes two relationships one can have with others. In I-It relationships, one person speaks down to the other in technical dialogue; there is no true relationship between them. In I-You relationships (sometimes translated I-Thou), each stands in relation to the other; the relationship is reciprocal. I and You act on each other, and each reifies the other. While not every relationship is I-You, and relationships will not always stay in the I-You state, the I-You relationship is ideal.

Buber's depiction of the *narrow ridge* frequently appears in discussions of dialogic ethics. Two parties may separate because of significant differences, whether ideological, religious, or philosophical. They may separate because of what Buber called existential mistrust. Think about insurance companies on one side and their customers on the other; consider agencies who collect taxes on one side and citizens who pay taxes on the other. I call situations like these BUROC situations: from a constituent's point of view, these are *bureaucratic*, *unfamiliar*, *rights-oriented* opportunities to make decisions, which are of *critical* importance.[20]

In BUROC situations, an organization's constituents often feel like they must face off against the bureaucracy. Feelings of separation and distance from decision-makers often coincide with physical separations between the groups. The narrow ridge, however, is a place between two sides of an argument where the parties can meet and speak in genuine dialogue if they regard each other as Thou and not It. Lawyers and plain-language communicators have the opportunity to create a narrow ridge between an organization and its audience by using the audience's language, respecting the audience's levels of literacy and understanding, and testing documents with members of the audience.[21]

Summary

Effective communication, which plain-language communicators strive to provide, reflects these ethical principles. By doing so, lawyers and other technical writers can create documents that benefit and empower many. In law, then, writing in plain language should help increase understanding (and access to justice) for those facing BUROC situations, who frequently lack power and agency. ∎

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ENDNOTES

1. Lay et al, *Technical Communication* (New York: McGraw-Hill, 2d ed, 2000), p 10.
2. See Willerton, *Plain Language and Ethical Action: A Dialogic Approach to Technical Content in the Twenty-First Century* (New York: Routledge, 2015). (See chapter 2 for a review of these works.)
3. Markel, *Ethics in Technical Communication: A Critique and Synthesis* (Westport: Ablex, 2001), pp 60–62.
4. Kimble, *Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law* (Durham: Carolina Academic Press, 2012).
5. See Kant, *Foundations of the Metaphysics of Morals: Text and Critical Essays* (Indianapolis: Bobbs-Merrill, [1785] 1969).
6. See *Ethics in Technical Communication*, pp 51–52.
7. Matthew 7:12.
8. See *Foundations of the Metaphysics of Morals*, p 430.
9. *Id.* at 432.
10. See *Ethics in Technical Communication*, p 54.
11. Dombrowski, *Ethics in Technical Communication* (New York: Pearson, 2000).
12. See *Plain Language and Ethical Action*, ch 3.
13. See, e.g., Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982).
14. See *Ethics in Technical Communication*, p 109.
15. Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 2d ed, 2003).
16. DesAutels & Waugh, *Feminists Doing Ethics* (New York: Rowman & Littlefield, 2001), p 4.
17. See *Plain Language and Ethical Action*, chs 3–4.
18. *Id.* at ch 2 (for a discussion of Salvo, Katz and Rhodes, and Dragga).
19. Buber, *I and Thou* (New York: Touchstone, 1970).
20. See *Plain Language and Ethical Action*, ch 3.
21. *Id.*