

Access to legal information for citizens and new citizens in Italy: using visual elements and adopting legal design methods to make administrative documents clearer and more effective

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Abstract. In the present paper we will verify if and how the institutional guidelines on administrative document drafting of extra-EU countries, include recommendations on the use of visual elements to make the content of the institutional texts more comprehensible and the administrative procedures more accessible. This analysis had the ultimate goal of trying to make additional proposals for the Italian guidelines in order to make them more inclusive through a greater use of visual elements.

Keywords: Administrative communication, Visual Law, Guideline on clear language, Access to legal information, Migrants.

1. Introduction

The comprehensibility of the legal and administrative texts (administrative measures but also informative texts published on institutional web sites) is one of the conditions for concretely fulfilling the principle of substantial equality among citizens. Citizens can be truly aware of their rights and duties and therefore participate actively in public life only if they understand the rules of the society in which they live. In fact, good communication between administrative bodies and the public is “essential for the functioning of national life at all levels” (Nuolijärvi, Stickel 2016, p. 5).

However, in many countries “the language use of public administration and legal authorities has developed grammatical, lexical, and idiomatic characteristics and peculiarities that often make official texts hard to comprehend for many people” (Stickel 2016, p. 23).

The challenges for effective administrative communication are huge in every society but especially great in countries with more than one official language or with vibrant minority languages. (Nuolijärvi, Stickel 2016, p. 5).

Effective access to legal information is even more challenging for particular categories of public, such as migrants. Undoubtedly, as newcomers, they might have a lack of knowledge about language, administrative rules and legal provisions of the host society. They shall be considered in this context as vulnerable people (Rhazzali, 2015, p. 74).

It is also for this reason that many administrative bodies in Europe, in addition to providing public sites with information dedicated to migrants translated into several languages, are also using a simplified institutional language that we can define as “easy to read” (Domeij, Spetz 2016, p. 66). Moreover, a clear and simple institutional language for citizens will also be

effective for digital devices that search keywords and metadata for the semantic web (Vellutino 2018, p. 13).

This is a preliminary condition so that new technologies can also be used to increase citizens' participation in public life and implement in practice the right to information.

Indeed, implementing digital services for citizens without syntactic simplicity, lexical clarity, thematic precision in the language, risks making the digitization efforts made by public administrations useless. (Mason, Zilio 2019, pp. 95-115).

For years, public institutions have provided manuals and guidelines¹ for those in charge of drafting public documents to help them to write clear, effective and citizen-friendly texts.

In Italy, the peculiarities of administrative language make the comprehension by all citizens very complex and especially by those who doesn't have a mastery of Italian language like migrants. Some features of administrative language such as linguistic redundancy, the use of technicalities and archaic lexicon, overlong sentences and paragraphs, represent serious obstacles in understanding law (Carofiglio 2010. pp. 129-130).

The institutional Italian guidelines on clear legal language² focus mainly on lexicon, syntax and text structure and just in a limited way on the visual aspects. Recommendations on visual aids are limited to the typographic and layout elements of the text, while they do not take into account the possibilities offered by visual tools to enhance the effectiveness of institutional communication.

The use of visual elements could instead facilitate the understanding of public texts even for users with Italian as a second language, who have a different cultural background and are now part of the Italian today's multicultural society (Bonetti 2016, p. 582).

A public administration that wants to acquire greater intercultural communication skills should necessarily add visual communication tools to its toolbox (Ducci 2012, p. 40).

In the present paper we will verify if and how the institutional guidelines for drafting of administrative documents of other countries, include indications on the use of visual aids to make the content of the institutional texts more comprehensible and the administrative procedures more accessible.

¹ See infra section 2.

² The main Italian guidelines are listed below in chronological order: *Codice di stile delle comunicazioni scritte ad uso delle amministrazioni pubbliche. Proposta e materiali di studio*, Roma, Presidenza del Consiglio dei Ministri, Dipartimento per la Funzione Pubblica, 1993; *Manuale di stile: strumenti per semplificare il linguaggio delle amministrazioni pubbliche*, Alfredo Fioritto (Ed.), Il Mulino, 1999; 2002 Ministerial Directive on the simplification of the language of administrative texts; *Manuale di scrittura amministrativa*, Fabrizio Franceschini and Sara Gigli (Eds.), Roma, Agenzia delle Entrate, 2003; *Guida per la redazione degli atti amministrativi. Regole e suggerimenti*, ITTIG and Accademia della Crusca (Eds.), 2011; *Guida al linguaggio della Pubblica Amministrazione*, AGID (Ed.), 2018.

Facing the issue of clarity of administrative content addressed also to new citizens from third countries, it was considered useful to focus the analysis on the guidelines on clear language of non-European public bodies. The analysis of these texts had the objective to understand what indications they provided on the use of visual elements to facilitate communication between administrations and citizens, so as to understand the approach on this topic of cultures different from the European ones.

This empirical overview had the ultimate goal of trying to make additional proposals for the Italian guidelines in order to make them more inclusive through a greater use of visual communication.

2. Analysis of the extra-UE countries' guidelines

The analysed manuals on clear legal language, obtained through an online search, come from public administrations of the United States, Canada, Australia, Hong Kong, Colombia, Mexico, Brazil and Argentina.

Except for two guides specifically dedicated to legal drafting (the guide of the Australian government and that of the Hong Kong government), the manuals analysed concern the general documents with which the public administration communicates with citizens, mainly using its website.

The manuals are addressed to civil servants in order to support them in creating clear and understandable documents to make written communication between citizens and institutions clearer and more effective. The guides are aimed at directing administrative communication towards a style as close as possible to that of the public.

The analysis, which had the aim of identifying the guidelines on the use of visual elements highlighted the presence of many recommendations in the manuals of all countries, except for the Argentine administration guide³.

2.1 Colombia

In the “Guía de lenguaje claro para servidores público de Colombia”⁴ of the Colombian Government you can find, for example, the recommendation “Use ayudas visuales” (= “Use visual support”). It reminds civil servants that the use of visual elements such as tables, lists, diagrams and images, facilitates the reading of a document, making information search quick and easy. A text with visual aids, in fact, invites the reader to read.

This guideline explains also the different visual tools to be used depending on the type of information they intend to convey. In addition to bulleted and numbered lists, they suggest using “activity tables”, to illustrate sequences of activities that must be carried out as part of a procedure.

To communicate to citizens what they must do in different cases, an “if-

³ http://www.salta.gov.ar/descargas/archivos/ocspdfs/ocs_manual-de_estilo_del_lenguaje_para_la_administracion_publica_provincial.pdf

⁴ <https://colaboracion.dnp.gov.co/CDT/Prensa/Publicaciones/11%20GUIA%20DEL%20LENGUAJE%20CLARO.pdf>

then” table is proposed, while it is suggested to use flowcharts when a visual description is needed to facilitate the understanding of a complex procedure.

Finally, the use of tree diagrams is indicated in the case of information that can be represented hierarchically.

2.2 Australia

The use of graphic elements is also recommended in the “Plain English Manual”, the guide of the Australian Government⁵. This manual contains a recommendation called “Graphics”, that suggests considering the opportunity to use graphics to illustrate complex ideas.

The guideline is accompanied by an example: a diagram on decision for working out whether a transaction is taxable, as shown in figure 1.

Appendix 2 - Examples of planning diagrams

Diagram 1

Decision diagram for working out whether a transaction is taxable

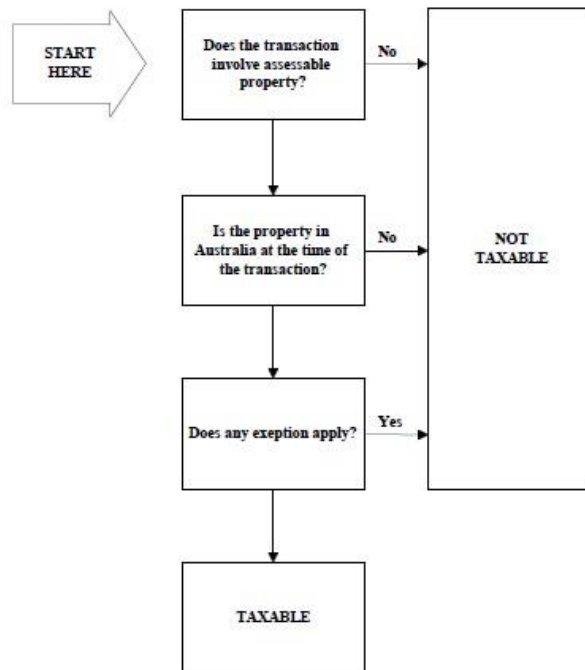


Figure 1. Decision diagram for working out whether a transaction is taxable, taken from the “Plain language manual” of the Australian Government.

2.3 United States

Regarding the use of graphic elements to clarify content, the manual of the American Federal Government, “Federal plain language guidelines” highlights, above all, the effectiveness of tables⁶.

The guideline “Use tables to make complex material easy to understand” points out that tables help users to see connections that are often hidden in

⁵ https://www.opc.gov.au/sites/default/files/plain_english_0.pdf

⁶ <https://www.plainlanguage.gov/media/FederalPLGuidelines.pdf>

a dense text. For many readers it is not necessary to know all the information but only the one that applies to their case. Tables allow users to identify the information of their interest, without having to read and understand the entire content.

Among the different types of tables, the guide says that the most useful type of table is the “if-then” table. An “if-then” table organizes the material by a situation (if something is the case) and the consequence (then something else happens).

In the example, represented in the following image, a very dense text is restructured in a “if-then” table.

Dense text from 25 CFR 163.17	
<p>§ 163.17 Deposit with bid.</p> <p>(a)A deposit shall be made with each proposal for the purchase of Indian forest products. Such deposits shall be at least:</p>	
<p>(1) Ten (10) percent if the appraised stumpage value is less than \$100,000 in any event not less than \$1,000 or full value whichever is less.</p>	
<p>(2) Five (5) percent if the appraised stumpage value is \$100,000 to \$250,000 but in any event not less than \$10,000; and</p>	
<p>(3) Three (3) percent if the appraised stumpage value exceeds \$250,000 but it any event not less than \$12,500.</p>	

If-then table		
<p>§ 163.17 Must I make a deposit with my bid?</p> <p>You must include a deposit with your bid to buy Indian forest products, but the amount of the deposit varies.</p>		
If the appraised stumpage value is ...	you must deposit ...	and the minimum amount of the deposit is ...
less than \$100,000	ten percent of the stumpage value	\$1,000
between \$100,000 and \$250,000	five percent of the stumpage value	\$10,000
over \$250,000	three percent of the stumpage value	\$12,500

Figure 2. Example of dense text placed in the form of a “if-then” table. Image taken from the “Federal plain language guidelines” of the Federal government of the United States

Furthermore, the guide of the American federal government, in the guideline “Other aids to clarity”, underlines how the use of an image can often be more useful than a description.

The images, it is said, are very often used in brochures or communication leaflets by public administrations, but almost never in administrative texts or regulations. In these types of texts, instead, the use of an image can be very useful and replace a complex description, as in the example below, concerning the areas of Alaska subject to special restrictions for overflight by the aircraft.

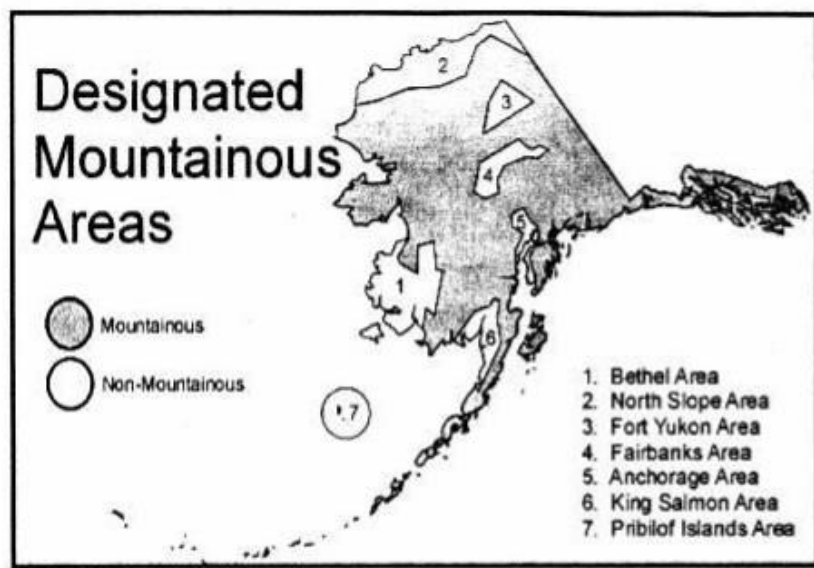


Figure 3. Illustration taken from the “Federal plain language guidelines” of the Federal government of the United States.

2.4 Hong Kong

In the Hong Kong Government's manual, “A guide to Styles & Practices”, in order to facilitate the understanding of the text, it is suggested to use “Reader's Aids”, tools that can make the text clearer, such as graphics, tables and flowcharts⁷.

In the same guideline it is recommended, however, to rely on these tools with moderation to avoid that their excessive use could distract the reader too much, hindering the understanding of the main concepts of the text.

2.5 Brazil

Moreover, in the guide “Fugindo do burocratês. Como facilitar o acesso do cidadão ao serviço público”⁸ the Brazilian Government recommends the use of illustrations, tables and lists to replace blocks of text.

These visual tools are considered extremely useful for making information easier, as long as they are used in moderation.

2.6 New York

In the “Easy-to-Read” manual of the City of New York, in the guideline “Use Easy-to-Read Design Techniques”, special attention is given to the graphic aspect of the text, which is considered very important given that users would most likely scan the documents before they actually read them⁹.

For this reason, it is suggested to incorporate white space and to add graphics where appropriate. It also recommends not to over-format the document but to keep the emphasis on clear and easy-to-read.

⁷ https://www.doj.gov.hk/eng/public/pdf/2012/Drafting_booke.pdf

⁸ http://www.gespublica.gov.br/sites/default/files/documentos/linguagem_cidada_-_versao_final_web.pdf

⁹ <http://colfax.cortland.edu/nysirrc/articles-handouts/Easy-to-Read-NYC.pdf>

2.7 Canada

In the “Canadian Style manual” of the Canadian Government the guideline called “Layout and design” reminds civil servants that readers, especially members of the public, are more likely to read and use documents that are designed with plain language principles in mind¹⁰.

After providing typographical suggestions, the guide also suggests using visual elements to produce contrast and lead the readers through the document. However – it adds – excessive use of colours and visuals may distract readers’ attention from the main message.

2.8 Mexico

Finally, in the Mexican government's guide, “Manual de Lenguaje claro” the use of visual aids is also suggested¹¹. It says that when readers see a document with overlong paragraphs, they feel trapped in “walls of words”. On the contrary, the use of visual aids such as lists, tables and diagrams, makes the document more attractive. In this way it is easier for the readers to find the information they need quickly.

3. Guidelines analysis results

The analysis of the non-European institutional manuals has shown a greater attention to the use of visual elements in comparison to the Italian ones.

The guides analysed, in fact, in addition to providing typographical suggestions, encourage the use of visual aids such as tables, graphics and images. Furthermore, the recommendations are very detailed, and they explain for what purposes and in what situations the different visual elements should be used.

The guides illustrate the use of different visualization techniques through concrete examples of very complex real administrative texts made simpler and more effective with the use of visual aids. In this way it is possible to make civil servants understand how the visual can improve the comprehension of administrative language and help citizens to find the information they need.

At the same time, the guides advise not to use visual aids too much, because their excessive use could hinder the communication of the main text message or distract the reader too much.

Furthermore, given that visual law cannot do without writing, since it integrates the language with images, it is necessary that the written part is as clear as possible to facilitate communication with the intended users. Writing must therefore follow the rules of plain language, as illustrated in detail in all the guides analysed.

The analysis has also shown that the non-European guides, compared to the

¹⁰ <https://www.btb.termiumplus.gc.ca/tcdnstyl-chap?lang=eng&lettr=chapsect13&info0=13>

¹¹ <https://funcionpublica.gob.mx/web/doctos/temas/programas/ManualLenguajeClaro.pdf>

Italian ones, make it clear to the civil servants that for effective communication it is essential to know the characteristics of their target audience, as well as the aim of the communication. The final product, and therefore also the choice with respect to the use of graphic elements, is the result of a process that involves the users themselves.

The Hong Kong and New York guides emphasize, for example, that their guidelines should not be considered legal obligations or indications to be adopted without discretion or judgment but should be applied in an appropriate manner to the different situations.

The Colombian Government's manual points out that identifying the public is essential to communicate clearly and precisely and it is important to put yourself in the reader's shoes to understand their expectations and needs. Once this has been clarified, it is important to perform a four-step process: organize, write, review and validate, as shown in the following image.



Figure 4. Diagram taken from the “Guía de lenguaje claro Para servidores público de Colombia”, Colombian Government Guide

The manual of the American federal government, in the guideline “Identify and write for your audience”, says that customers come to public authorities’ websites to perform a task. They come because they expect to get self-service and with a specific task in mind. So, in order to write for your users, you need to identify them and their top tasks.

The Brazilian Government's guide also underlines the importance to know the target audience and what they need to avoid providing over-abundant or unsuitable information, including the use of graphics or images.

Finally, the Canadian Government manual highlights the fact that the starting point of any communication project should be to identify the intended readers, the purpose of the content and the desired impact. It is suggested, in fact, before starting to produce an informative text and to choose the most suitable communication tools, to ask oneself: “who are the intended readers? What do the readers need to know? How will the readers use the information?”

A fundamental part of the content production process and therefore also of the content conveyed through the use of visual techniques, is the user testing.

In the “Easy to Read” guide of the City of New York, for example, it is explained that, to understand if the attempts to make administrative documents simple and clear have produced the desired results, it is necessary to test them with users.

The best tool to test the effectiveness of the content produced, as specified in the same guide, consists in the organization of focus-groups with groups of 6-10 people representing the users. The guide explains in detail how to carry out them and the importance to deal with users not only when the document is finished but also in the intermediate design phases.

The test phase with users is also considered very important for the American federal government manual. This guide shows different techniques for testing different texts with the users.

It is suggested, for example, the use of individual interviews for text or short web pages, while a focus group is considered suitable to understand users' expectations with respect to a certain document and is therefore a more useful tool in the preparation phase.

Finally, the Brazilian Government's guide states that testing with users should be an integral part of the document planning and production process. The easiest way to test material, it is suggested, is to give it to someone who is not familiar with the subject of the document, and then ask them to explain what they have understood. Another option is to carry out a simulation in which a person must complete a procedure only with the information provided in the document.

As shown in the following image, the guide points out that a text can be considered ready only if readers can find what they need, understand what they have found and use what they have found to meet their needs.

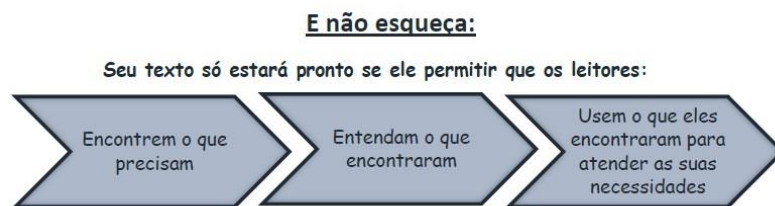


Figure 5. Diagram taken from “Fugindo do “burocratês”. como facilitar o acesso do cidadão ao serviço público”, guide of the Brazilian Government

4. Conclusions

The use of graphic elements to complement a text or to organize it visually is certainly useful for facilitating understanding for citizens who are not experts in administrative language, especially for new citizens from different cultural backgrounds and that do not master the language perfectly.

Visual support, as indicated by communication experts, helps understanding and learning. Reed (2010: 13) underlines how our cognitive abilities to understand, remember, reason, solve problems and make decisions depend on a rich combination of words and images. Therefore, as Brown, (2014, p. 222) remembers, if we naturally have more ways to communicate, it makes no sense to rely on just one.

For this reason, it would be important that also the Italian guidelines, in today multilingual and multicultural society, encourage the use of visual

elements. It could therefore be strategic, as done by the non-European guidelines analysed, to illustrate the different visual tools available, also combining concrete examples of visual redesign of real administrative texts.

It is also good to remember that the use of images in order to clarify or facilitate the comprehension of a text to the citizens must take into consideration the fact that all cultures have a communicative structure of reference, including a system of visual elements, which determines how these are perceived and interpreted in the reference culture (Geertz, 1983, pp. 226-227).

Design elements or signs, such as the selection of colour, typeface, and images, must be combined to form a message that reflects the intended audience's cultural approach to reading or learning (Sauman 2016, p. 308).

To verify the comprehensibility and effectiveness of the texts produced then, as indicated also by the analysed guidelines, a dialogue with the users is fundamental. Testing with the target audience is therefore even more important when using visual elements to ensure that they are well understood by everyone and not misunderstood.

Finally, as also mentioned by the analysed guides, the production of information content cannot be guided only by mechanically applied rules and guidelines. It is necessary to be aware that communication will be effective only if it is included in a process that focuses on the needs of users. For this reason, it is important that the institutional guidelines for clear administrative communication introduce civil servants to the "human-centered design" approach consisting in creating information, services and system, based on citizen needs and abilities (Legal Design Manifesto, 2018¹²).

It is consequently essential to be focused on the process of visualization rather than only on the use of images. (Berger-Walliser, Barton, Haapio 2017, p. 2). In the sense that, the decision on the use of graphic elements must take place within the design process of the document. To be effective, this process should be "human centered" (Norman, Draper, 1986).

The choice relative to the visual elements, in parallel to the other choices regarding the production of a document, must therefore be subordinated to the typical phases of this approach, namely the analysis of the users (their characteristics, their needs and the usage scenarios) and the tests on prototypes, that will lead to understand if the graphic elements used are effective or need modifications or improvements.

For the specific domain of administrative communication, the approach that applies human-centered design to prevent or solve legal problems that prioritizes the point of view of 'users' of the law, citizen included is called Legal Design.

The main aspect of Legal Design is that it uses design methods and tools for legal purpose (Berger-Walliser, Barton, Haapio 2017, p. 2). Even if it includes the use of graphics communication tools, it is no limited to document design or visualization. The use of visual elements represents, however, in this approach an essential starting point as indicated in the

¹²See the Manifesto in The Legal Design Alliance website
<https://www.legaldesignalliance.org/>

“Visual-First” point of the Legal Design Manifesto: use visual thinking and communication to secure shared understanding, rather than just relying on words.

To conclude, we therefore believe that the whole document design process should be well described and highlighted in the institutional guidelines, so as to stimulate the critical thinking of the civil servants who in following directions and suggestions should always consider their specific context of action.

References

- Berger-Walliser, G. Barton, T.D., Haapio, H. (2017), *From Visualization to Legal Design: A Collaborative and Creative Process*, American Business Law Journal, Vol. 54, No. 2, pp. 347-392.
- Bonetti, P. (Ed) (2016), *L'uso della lingua negli atti e nella comunicazione di poteri pubblici italiani*, Giappichelli, Turin.
- Brown, S. (2014), *The Doodle Revolution: Unlock the Power to Think Differently*, Portfolio/Penguin, New York.
- Carofiglio, G. (2010), *La manomissione delle parole*, Rizzoli, Milan.
- Domeij R., Spetz J. (2016), *Can official websites be accessible to all? A Swedish language policy perspective*, in Nuolijärvi P., Stickel G. (Eds.), “Language use in public administration Theory and practice in the European states”, Contributions to the EFNIL Conference 2015 Helsinki, Research Institute for Linguistics Hungarian Academy of Sciences, Budapest.
- Ducci, G. (2012), *La comunicazione pubblica e la sfida dell'interculturalità. Lo "sguardo" dei mediatori culturali nella Regione Marche*, Franco Angeli, Milan
- Francario, F. (2012), *Pubblica amministrazione e multiculturalismo*, Il corriere del merito, No. 7, pp. 643-647.
- Geertz, C. (1983), *Local Knowledge. Further Essays in Interpretative Anthropology*, Basic Books, New York.
- Losana, M. (2016), «Stranieri» e principio costituzionale di uguaglianza, Rivista AIC, No. 1, pp. 1-24.
- Mason, G., Zilio, P. (2019), *La comunicazione digitale per la PA. Scrivere testi efficaci in siti, app e social network della pubblica amministrazione*, Maggioli, Santarcangelo di Romagna.
- Nuolijärvi, P., Stickel, G. (2016), *Preface*, in Nuolijärvi P., Stickel G. (Eds.), “Language use in public administration Theory and practice in the European states”, Contributions to the EFNIL Conference 2015 Helsinki, Research Institute for Linguistics Hungarian Academy of Sciences, Budapest.
- Rhazzali, M. K. (2015), *Comunicazione interculturale e sfera pubblica. Diversità e mediazione nelle istituzioni*, Carocci, Rome.
- Reed, S. K. (2010), *Thinking Visually*, Psychology Press, New York.
- Samau, C. (2016), *Design Factors Affect User Experience for Different Cultural Populations* in Journal of Educational Issues, Vol. 2, No. 2.
- Stickel, G. (2016), *Opening and introduction to the conference theme*, in Nuolijärvi P., Stickel G. (Eds.), “Language use in public administration Theory and practice in the European states”, Contributions to the EFNIL Conference 2015 Helsinki, Research Institute for Linguistics Hungarian Academy of Sciences, Budapest.

Vellutino, D. (2018), *L'italiano istituzionale per la comunicazione pubblica*, il Mulino, Bologna.